

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY,

DURING THE SESSION

OF

1862,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN FIVE VOLUMES.
VOL. V.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.
SESSION 1862.

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(Arranged as the Papers should be bound.)

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

FIELD OF MARS COMMON;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 3s.]

117—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 5. TUESDAY, 3 JUNE, 1862.

6. Field of Mars Common :—Mr. Shepherd moved, pursuant to notice,—
- (1.) That a Select Committee be appointed, with a view of resuming the inquiry into the subject matter of various Petitions and other matters relating to the Field of Mars and Eastern Farms Common, together with bridging over the Parramatta River and Iron Cove Bay; and that the Committee be empowered to send for persons and papers, and to inspect the Common if considered desirable.
 - (2.) That the Evidence taken before, and the Progress Report made by, the Select Committee of last Session, be referred to such Committee.
 - (3.) That such Committee consist of the following Members :—Dr. Lang, Mr. Cowper, Mr. Piddington, Mr. Smart, Mr. Laycock, Mr. Lackey, Mr. Sutherland, Mr. Stewart, Mr. Lucas, and the Mover.
- Question put and passed.

VOTES, No. 72. FRIDAY, 26 SEPTEMBER, 1862.

2. Field of Mars Common :—Mr. Shepherd, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 3rd June last, with a view of resuming the inquiry into the subject matter of various Petitions, and other matters relating to the Field of Mars and Eastern Farms Common, together with bridging over the Parramatta River and Iron Cove Bay.
- Ordered to be printed.

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1862.

FIELD OF MARS COMMON.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 3rd June last, "*with a view of resuming the inquiry into the subject matter of various Petitions and other matters relating to the Field of Mars and Eastern Farms Common, together with bridging over the Parramatta River and Iron Cove Bay; and empowered to send for persons and papers, and to inspect the Common if considered desirable;*" and to whom were referred at the same time, "*the Evidence taken before, and the Progress Report made by, the Select Committee of last Session,*"—beg to report to your Honorable House,—

That they have carefully considered the matters referred to them, and have examined the witnesses named in the margin, whose evidence will be found appended hereto.

Your Committee have ascertained that the Field of Mars Common was granted by the Crown to certain Trustees, by a Deed of Grant, bearing date the 10th November, 1849, issued in conformity with the Act of Council, 11 Victoria, No. 31, 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 the evidence adduced does not prove that the Trustees have applied the land to uses foreign to those authorized under the Act of Council.

The project of the resumption and sale of the Common by the Government, for the purpose of meeting the expense of bridging the Parramatta River and Iron Cove Bay, which appears to have originated with one section of the Commoners, has been strongly opposed by another.

The evidence given as to the capabilities and probable value of the Common, together with whatever benefit might accrue from the proposed bridges, varies so much, that your Committee abstain from giving an opinion on the subject.

Mr. J. S. Farnell,
Mr. W. Tunks,
Mr. G. de Milhau,
Mr. J. Ross,
Mr. J. Folkhard,
Mr. J. K. Heydon,
Mr. C. Abercrombie,
Mr. W. Forster, M.P.,
Mr. C. Langley,
Mr. R. Wicks,
Dr. F. Campbell,
Mr. E. Drinkwater,
Mr. W. Small,
Mr. E. G. Ellis,
Mr. H. Small,
Mr. J. Small,
Mr. J. Bellemy,
Mr. I. Shepherd, M.P.,
Mr. G. Oakes,
Mr. G. Spurway,
Mr. J. Stephenson,
Mr. T. K. Bowden,
Mr. T. W. Bowden,
Mr. G. M. Pope,
Mr. J. Pye,
Mr. Harvey,
Mr. J. Byrnes,
Mr. E. O. Moriarty,
Mr. F. W. Birmingham.

The

The Engineer for Harbours and Rivers, in his evidence, estimates the cost of constructing two bridges, one over the Parramatta River, and the other over Iron Cove Bay, at £65,000, independently of the cost of making roads and cuttings, which, in all probability, would amount to about £15,000, making a total of £80,000.

There is nothing in the evidence to justify your Committee in recommending the expenditure of so large a sum of money out of the public revenue. They are of opinion that the Common, if resumed, would prove greatly insufficient to cover the necessary outlay, and such resumption being strongly opposed by a large section of the Commoners, your Committee do not feel at liberty to recommend it; but recommend, in the hope of settling this question, that the Common be subdivided, in proportion to the rights of the Commoners residing at Hunter's Hill, at the Field of Mars, and at Pennant Hills.

ISAAC SHEPHERD,

Chairman.

*Legislative Assembly Chamber,
Sydney, 26 September, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 10 JUNE, 1862.

MEMBERS PRESENT :—

Dr. Lang,	|	Mr. Piddington,
Mr. Shepherd,	|	Mr. Sutherland,

Mr. Shepherd called to the Chair.

Order of the House appointing the Committee,—*read*.

The following Papers on the Table :—

Progress Report from the Select Committee of last Session, on the "Field of Mars Common ;"

Return to Address in reference to the Field of Mars Common, laid upon the Table of the House on 29th October, 1861 ; together with the various Petitions, for and against the resumption and sale of the Common, received by the House during the last Session.

The Chairman laid before the Committee,—

(1.) A letter he had received from the Rev. George E. Turner, dated Ryde Parsonage, June 7th, 1862, declining to accept an invitation to give evidence in the matter of the Common, on the ground of his holding no landed property in the District, and from the fact that his neighbours are much divided on the subject.

(2.) Letter from Dr. F. Campbell to Isaac Shepherd, dated Lunatic Asylum, 9 June, 1862, in answer to a note inviting him to give evidence relating to the resumption of the Common, &c., stating that if it be left to his own option, he has no desire to attend, but if required by the Committee he will be at their service as early after their summons as possible.

Committee deliberated.

Mr. Farnell (on motion of Mr. Piddington) called in and examined.

Mr. W. Tunks and Mr. G. de Milhau then examined.

Strangers having withdrawn,—

Committee deliberated, and

The Chairman was requested to move in the House,—

That there be laid upon the Table a return of the probable cost of the bridges and road across the Parramatta River and Long Cove, as laid down in Mr. Langley's plan, the same to be estimated by the Engineer for Docks and Harbours ;

Also, the following Resolution, viz. :—

That the recommendation contained in the Report of the Acting Surveyor General, dated 23 March, 1861, having reference to the appointment of Messrs. Gorman and Wrench as valuers of the Field of Mars Common, ought to be adopted by the Government.

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

TUESDAY, 17 JUNE, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Dr. Lang,	|	Mr. Piddington.
-----------	--	-----------------

Mr. John Ross called in and examined.

And, in the course of examination, notice being taken that there was not a Quorum of Members present—

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

THURSDAY, 19 JUNE, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Dr. Lang,	|	Mr. Piddington,
Mr. Smart,	|	Mr. Lucas,
	|	Mr. Sutherland.

The Chairman stated that, in accordance with the request of the Committee at their first meeting, he had moved in the House for "a Return of the probable cost of bridges and road across the Parramatta River and Long Cove, as laid down in Mr. Langley's plan, the same to be estimated by the Engineer for Docks and Harbours;"—that the motion

motion had been rejected, and that he had, in consequence, withdrawn the second motion, with reference to the appointment of Messrs. Gorman and Wrench as valuers of the Field of Mars Common.

Committee deliberated.

Mr. John Folkard called in and examined.

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

WEDNESDAY, 25 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Shepherd in the Chair.

Mr. Piddington,	|	Mr. Smart,
Mr. Lackey,	|	Dr. Lang,
Mr. Lucas,	|	Mr. Sutherland,

Mr. J. K. Heydon examined.

Witness handed in—

Abstract of the Estimates of bridging Parramatta River and Iron Cove; also, Copy of a letter, dated 58 Pall Mall, London, 10th July, 1861, from the "Iron Bridge Association" to the Secretary to the Parramatta River Roads and Bridges. (*Vide List of Appendix.*)

Witness withdrew.

Mr. C. Abercrombie examined.

Witness withdrew.

Committee deliberated.

[Adjourned to Wednesday next, at *half-past Ten o'clock.*]

WEDNESDAY, 2 JULY, 1862.

MEMBERS PRESENT:—

Mr. Shepherd in the Chair.

Mr. Sutherland,	|	Dr. Lang,
Mr. Piddington,	|	Mr. Smart.

The Chairman, at the instance of the Clerk, having drawn the attention of the Committee to the circumstance of Mr. Heydon having, on revision of his evidence, appended a long statement expressive of his views on the subject of the Field of Mars Common,—

Committee deliberated upon the expediency of printing the same.

To be further considered.

Mr. W. Forster, M.P., and Mr. C. Langley, examined.

Strangers withdrew, and

Committee further deliberated.

Motion made (*Mr. Sutherland*) and *Question*,—That it is not expedient that the addendum to Mr. Heydon's evidence be printed,—*agreed to.*

Mr. R. Wicks called in and examined.

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

TUESDAY, 8 JULY, 1862.

MEMBERS PRESENT:—

Mr. Shepherd in the Chair.

Mr. Lucas,	|	Mr. Piddington,
	|	Dr. Lang.

Dr. F. Campbell, *Superintendent, Lunatic Asylum, Tarban*, called in and examined.

Witness withdrew.

Mr. E. Drinkwater called in and examined.

Witness *produced* a copy of Deed of Grant to "Trustees of Field of Mars Common" and By-Laws.

Certain papers handed in by witness. (*Vide List of Appendix.*)

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

FRIDAY, 11 JULY, 1862.

MEMBERS PRESENT:—

Mr. Shepherd in the Chair.

Mr. Piddington,	|	Mr. Sutherland,
Mr. Stewart,	|	Dr. Lang,
Mr. Lackey,	|	Mr. Cowper.

Mr. W. Small and Mr. E. G. Ellis examined.

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

TUESDAY,

TUESDAY, 15 JULY, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Lackey,	|	Mr. Lucas,
Dr. Lang,	|	Mr. Stewart.

Committee deliberated, and decided that it is expedient to employ professional witnesses.

Mr. Henry Small and Mr. John Small called in and examined.

Last witness handed in a list of names of parties obtaining wood from the Lane Cove side of Parramatta River. (*Vide List of Appendix*)

Mr. James Bellemy examined.

In the course of examination the Chairman produced the original Deed of Grant.

And the Committee being desirous to take evidence thereon,—

Chair vacated by Mr. Shepherd, and taken by Dr. Lang.

Mr. Isaac Shepherd, M.P., a Member of the Committee, examined in his place.

Witness handed in copy of the original Deed of Grant, also copy of the By-laws under which the Common is now regulated. (*Vide List of Appendix*)

Chair resumed by Mr. Shepherd.

Examination of Mr. J. Bellemy concluded.

Committee deliberated, and

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

FRIDAY, 18 JULY, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Cowper,	|	Mr. Lackey,
Dr. Lang,	|	Mr. Piddington,
	|	Mr. Lucas.

Mr. George Oakes examined.

Witness handed in a protest of certain Commoners against the surrender of the the Common. (*Vide List of Appendix*.)

Mr. George Spurway and Mr. John Stephenson examined.

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

WEDNESDAY, 23 JULY, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Piddington,	|	Mr. Smart,
	|	Dr. Lang.

Mr. T. K. Bowden, Mr. T. W. Bowden, and Mr. G. M. Pope, examined.
Committee deliberated, and

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

WEDNESDAY, 30 JULY, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Piddington,	|	Mr. Lackey,
Mr. Lucas,	|	Dr. Lang,
Mr. Sutherland,	|	Mr. Smart.

The Chairman having stated that Mr. James Devlin, senior, had, without his cognizance, been served with a summons to attend as a witness, this day, before the Committee,—
Committee deliberated.

And the Clerk, being called upon, explained the circumstances under which the summons was issued.

Whereupon, objection being taken to receiving the evidence of Mr. Devlin this day,—

Motion made (*Mr. Piddington*) and *Question*,—That Mr. J. Devlin, senior, be summoned to attend and give evidence at the next meeting of the Committee,—*agreed to*.

The Chairman then brought under the consideration of the Committee the propriety of employing professional auctioneers and surveyors, to survey and report upon the value of the Common land and the cost of erecting the proposed bridges.

Committee

Committee deliberated.

Motion made (*Mr. Lucas*) and *Question put*,—That a professional engineer be obtained to give an opinion as to the probable cost of the proposed Bridges, and that Messrs. Richardson and Gorman be employed to estimate the value of the Common land. Committee divided.

Ayes, 3.

Mr. Lucas,
Mr. Lackey,
Dr. Lang.

No, 1.

Mr. Piddington.

Motion then made (*Mr. Piddington*), and *Question*,—That the Engineer for Harbours and Rivers (*Mr. Moriarty*) be requested to examine the sites of the proposed bridges and to favour the Committee with the estimates of the cost of an iron girder bridge over the Parramatta River, and a wooden pile bridge over Iron Cove Bay; and, in the event of his not being able to comply with the wish of the Committee, that the Chairman submit the names of two or three other Civil Engineers to the Committee,—*agreed to*.

Mr. J. Pye and Mr. H. Harvey called in and severally examined.

Witnesses requested to withdraw.

Committee deliberated, and decided upon not taking any further evidence this day.

Witnesses recalled, and having been informed accordingly, again withdrew.

Committee deliberated, and decided that it is desirable to obtain an approximate estimate of the expense to be incurred in carrying out the Resolutions this day agreed to.

Chairman requested to make the necessary inquiry, and report to the Committee.

[Adjourned to Tuesday next, at *half-past Ten o'clock*.]

TUESDAY, 5 AUGUST, 1862.

MEMBERS PRESENT :—

None.

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

FRIDAY, 5 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Piddington,
Dr. Lang,
Mr. Lackey,

Mr. Lucas,
Mr. Stewart,
Mr. Sutherland,

Mr. Cowper.

Committee met pursuant to summons.

The Chairman stated to the Committee that, in accordance with the Resolution of last meeting, he communicated with Messrs. Richardson and Gorman, and had received the following letter in reply.

Letter, by direction of the Chairman, read by the Clerk, as follows :—

“ 142, *Pitt-street*,
“ *Sydney*, 30 July, 1862.

“ DEAR SIR,

“ Mr. Gorman and myself will inspect and value the Field of Mars Common, for the sum of 60 guineas, if our time is not taken up in inspection for more than two days; if it should take another day, we should require 100 guineas. Horses and expenses to be allowed us.

“ We consider two days will enable us to inspect the whole of the land thoroughly.

“ Yours, faithfully,

“ R. P. RICHARDSON.”

“ J. SHEPHERD, Esq.”

Committee deliberated.

And the proceedings of the Committee at their former meeting having by direction of the Chairman been read at length by the Clerk,—

It was Resolved,—

That in consequence of the great expense that would necessarily be incurred in obtaining a valuation of the Field of Mars Common, the Committee do not feel justified in accepting the terms offered by Messrs. Richardson and Gorman.

Messrs. Richardson and Gorman to be informed accordingly.

Mr. James Byrnes, Mr. E. O. Moriarty, and Mr. F. W. Birmingham, severally examined.

Mr. James Byrnes further examined.

Room cleared.

Committee

Committee deliberated, and decided that sufficient evidence has now been taken for the purpose of their inquiry.

Ordered,—

- (1.) That the map or sketch, prepared by the Surveyor General in accordance with the request of the Committee of last Session, shewing the boundaries of the Districts of Eastern Farms and Field of Mars, and the Field of Mars Common, Parishes of Hunter's Hill and Field of Mars, be appended to the Report.
- (2.) That the Chairman prepare a Draft Report, and that printed copies be circulated amongst the Members prior to their next meeting.

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

[Adjourned.]

THURSDAY, 25 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Shepherd in the Chair.

Mr. Piddington,	Mr. Lucas,
Mr. Smart,	Dr. Lang,
Mr. Lackey,	Mr. Stewart,
Mr. Sutherland.	

The Committee met pursuant to summons.
 Printed copies of Draft Report *circulated* prior to meeting.
 Copies of printed Evidence (complete)—before the Committee.
 Draft Report read 1^o.
 The same then read 2^o, paragraph by paragraph.
 Paragraph 1 read, amended, and agreed to.
 Paragraph 2 read and agreed to.
 Paragraph 3 read.
 Committee deliberated.
Question put,—That the paragraph, as read, stand part of the proposed Report.
 Committee divided.

Ayes, 6.	No, 1.
Mr. Lackey,	Mr. Piddington.
Mr. Smart,	
Dr. Lang,	
Mr. Sutherland,	
Mr. Lucas,	
Mr. Stewart.	

Paragraph 4 read, considered, and amended.
Question put,—That the paragraph, as amended, stand part of the proposed Report.
 Committee divided.

Ayes, 6.	No, 1.
Mr. Lackey,	Mr. Piddington.
Mr. Smart,	
Dr. Lang,	
Mr. Sutherland,	
Mr. Lucas,	
Mr. Stewart.	

Paragraph 5 read, considered, and amended.
Question put,—That the paragraph, as amended, stand part of the proposed Report.
 Committee divided.

Ayes, 6.	No, 1.
Mr. Lackey,	Mr. Piddington.
Mr. Smart,	
Dr. Lang,	
Mr. Sutherland,	
Mr. Lucas,	
Mr. Stewart.	

Paragraph 6 read, viz.,—

6. Your Committee obtained the opinion of the Engineer for Harbours and Rivers as to the cost of constructing two bridges, one over the Parramatta River, the other over Long Cove Bay, and he estimated the cost of construction at the sum of £65,000, independent of the cost of making roads and cuttings, which, in all probability, would amount to about £15,000, making a total of £80,000.

Motion made (*Mr. Smart*) and *Question put*,—That the paragraph be amended so as to read as follows :—

“The Engineer for Harbours and Rivers, in his evidence, estimates the cost of constructing two bridges, one over the Parramatta River, and the other over Iron Cove Bay, at £65,000, independently of the cost of making roads
 117—b “ and

" and cuttings, which, in all probability, would amount to about £15,000,
" making a total of £80,000."

Committee divided.

Ayes, 6.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas,
Mr. Stewart.

No, 1.
Mr. Piddington.

Question then,—That the paragraph, as amended, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 6.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas,
Mr. Stewart.

No, 1.
Mr. Piddington.

Paragraph 7 read, viz. :—

7. There is nothing in the evidence to justify your Committee in recommending the expenditure of so large a sum of money out of the public revenue. They are of opinion that the Common, if resumed, would prove greatly insufficient to cover the necessary outlay, and such resumption being strongly opposed by a large section of the Commoners, your Committee do not feel at liberty to recommend " any " Legislative interference with existing rights.

Committee deliberated.

Motion made (*Mr. Smart*) and *Question proposed*,—That all the words from " any," in the last line but one, to the end of the paragraph, be omitted, with the view of adding the following words :—" it ; but recommend, in the hope of settling this question, that the " Common be subdivided in proportion to the rights of the Commoners residing at Hunter's " Hill, at the Field of Mars, and at Pennant Hills."

Committee deliberated.

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

Committee divided.

Aye, 1.
Mr. Piddington.

Noes, 5.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas.

Words omitted.

Question,—That the words proposed to be added be so added,—*put*.
Committee divided.

Ayes, 5.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas.

No, 1.
Mr. Piddington.

Question then,—That the paragraph, as amended, stand part of the proposed Report,—*put*.

Committee divided.

Ayes, 5.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas.

No, 1.
Mr. Piddington.

Paragraph 8 read and *negatived*.

Motion made and *Question*,—That the Report, as amended, be the Report of this Committee,—*put*.

Committee divided.

Ayes, 5.
Mr. Lackey,
Mr. Smart,
Dr. Lang,
Mr. Sutherland,
Mr. Lucas.

No, 1.
Mr. Piddington.

Chairman to report.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

FIELD OF MARS COMMON.

TUESDAY, 10 JUNE, 1862.

Present:—

DR. LANG,
MR. PIDDINGTON,

MR. SHEPHERD,
MR. SUTHERLAND.

ISAAC SHEPHERD, Esq., IN THE CHAIR.

J. S. Farnell, Esq., called in and examined:—

1. *By Mr. Piddington:* What amount of revenue is derived from the Common? The J. S. Farnell, Esq. revenue is very trifling.
2. Do you know the amount? Yes, I know the amount, from the report of the Auditors who were appointed to audit the accounts of the Trustees, and from those accounts it appears that from the 1st January, 1858, to 31st December, 1861, the Trustees have received the sum of £188 10s. 10 June, 1862.
3. That is four years, is it not? Yes. They, during that period, paid away £114 4s. 10d., leaving a balance in the hands of the Trustees of £74 5s. 2d.; but I believe there are liabilities now against the Common amounting to some £120 for law expenses, the cost of an equity suit, so that the Common would be in debt to the amount of £45 14s. 10d. Previous to these dates I believe there was little or no revenue raised from the Common. During the old Trustees' time I believe some fifty shillings was the only amount received.
4. Then I understand from you that the revenue actually derived from the Common is really nothing? Nothing.
5. Or next to nothing? Next to nothing. When we consider that so large a quantity of land (6,235 acres) in four years yielded a revenue of only £188 10s., I think it may be said to be next to nothing. And at the same time, this very revenue that is raised out of the Common is raised to the injury of the commoners generally, that is, by the issue of licenses to cut timber and of leases to persons who choose either to cultivate or to cut wood upon it.
6. Then that revenue, small as it may be, derived from this Common, is obtained from persons who cut the timber that is to be found there? From those who cut the timber and who lease the land.
7. Are these parties in the habit of cutting nearly all the timber they find? Those persons who lease the land cut all the timber that is of any value for firewood, &c., on the portions they lease, and also cut that upon the Common adjacent to the portions they lease.*
8. Then if there be any timber of any value whatever upon the Common, the parties who lease the Common are in the habit of removing it? Yes; if there is any valuable timber on the part they lease they cut the timber off. There is also this objection to the present state of things—the leases these persons hold are only for a term of seven years, and the lessees would not be repaid within so short a period for any outlay or permanent improvement they might make upon the land, consequently it is not improved. From what I have seen, I can state that many persons who have leased the land have cut off the timber, and done nothing more upon it. In some instances they have not even put up fencing.

9.

* *Added (on revision):*—In some instances they have held licenses to cut, and in others not.

J. S. Farnell, 9. Do the lessees of these portions of the Common derive their profit from cultivating the land, or from selling the timber? Those persons who have occupied the Common for a long period, perhaps for the last forty years, have improved it by the planting of orchards, but the portions of the Common recently leased have been leased to parties who have got their living by cutting wood.

Esq.
10 June, 1862.

10. For what purpose—for ship-building? No, for firewood. I may remark that there is now on the Common none fit for ship-building; in fact, there is none fit for fencing or sawn-stuff, excepting at the north-western portion, and that is of no advantage to the people at the eastern end, as it would be cheaper to import from Sydney than to bring it down from the north-western portions of the Common.

11. Then as they cut the timber for firewood they sweep away everything in the shape of timber from the Common? Yes.

12. Are the commoners liable to be assessed for the maintenance of the Common? They are, under the 5th clause of the Trustees' By-laws, which provides that a meeting of the commoners shall be called, and that not less than five commoners shall constitute a meeting in conjunction with the Trustees, and shall have power to assess a rate on all the commoners, whether present or not.

13. *By the Chairman:* Have you the Act? This is the 5th clause of the By-laws I refer to. (*The witness read the clause.*)

14. Is that the By-law? This is a copy of the By-laws.

15. Who is it signed by? This is not signed by anybody; it is an exact copy of the By-laws now before the Committee. That clause empowers the Trustees to assess a rate; and there is a provision that five commoners shall constitute a meeting, and that any assessment they may fix shall be binding on the rest of the commoners.

16. *By Mr. Piddington:* Do you know whether that rule has been carried out? No, it has not.

17. Are you aware of any reason why it has not been carried out? No, I am not. I heard one of the Trustees, at the last annual meeting, say that there was a sufficient revenue for paying the expenses of the Common, and that therefore it was not necessary to assess a rate at present.

18. As far then as that information goes, it is because the Trustees have plenty of money there is no reason to assess a rate? Yes.

19. You have stated in your former examination, that the Common if sold would realize a large amount? Yes.

20. Is that an opinion founded upon the fertility of the land within the limits of the Common? Not exactly upon the fertility, but on its proximity to a large population—namely, the City of Sydney. Portions of the land, although perhaps not very well fitted for agricultural purposes, is, from its proximity to Sydney, of greater value than land more suitable for agricultural purposes. I will illustrate my meaning in this way:—The City of Sydney, if it were agricultural land, would be of no greater value for building upon than it is at present, perhaps not so great.

21. Agricultural land of the best description is generally found in levels or flats, is it not? There is an exception to that rule in this Colony. Hills in this Colony are generally the best forest lands. We have an example of this in Prospect Hill, which is the best land in the Colony. About Ryde the hilly land is good; but as you come to the low land, about Lane Cove for instance, it is rocky.

22. Does the Common contain much inferior soil? There is a good deal of inferior soil.

23. Is there any land in the district of a similar character to the land to be found in the Common, and yet under cultivation? Yes, there are portions of land in the district under cultivation equally inferior with some of the worst land on the Common; in fact, it is of the same description as the sterile land of the Common.

24. Have you any knowledge with regard to the practice in England as to Commons and Enclosures—do you know whether there is any general law by which Commons are enclosed in England? Yes; I stated when I was examined upon the previous occasion, that there were a great many Enclosure Acts passed in a certain period. Since then I have procured reliable information, and I find that in England there have been upwards of 3,700 Enclosure Acts passed up to the year 1845; and in the year 1845 the British Parliament passed a general law for enclosing Commons, 8 and 9 Victoria, chapter 118. That Act contains 169 clauses, and it gives the Government general powers for enclosing all the Commons in England and Wales, with this exception, that within fifteen miles of the City of London, and within a certain distance of several towns, if the Government should wish to enclose Commons coming within these exceptions, a special Act must be passed for that purpose.

25. According to your description that was a kind of enabling Act, the object of which was to enable the parties authorized to enclose Commons without coming to Parliament for special authority, except in particular cases? Yes; before the passing of this Act it was necessary to bring in Bills, in the same way as the Bill now before the Committee has been introduced, and to refer it to a Select Committee; but at the time to which I refer, the matter was referred to a Select Committee of the House of Commons, who reported that there should be a Bill brought in for the general purpose of authorizing the enclosing of Commons, and in accordance with the recommendation of that Committee, the Act 8 and 9 Victoria was passed.

26. The Act you refer to is one of a general nature? Yes, with the exceptions I have mentioned. In those cases the Government would have to bring in a special Bill.

27. Do you yourself derive any advantage from the Field of Mars Common? I do not, and never did. I believe on one occasion I got some little fencing stuff off it, but it was very trifling.

28. Are you aware whether the commoners generally derive any great advantage from the Common? As far as my experience goes I believe they do not. The instances are very rare in which they derive any advantage from the Common. I know that all those persons who live to the eastward of the Common, such as those at Hunter's Hill and those who are situated upon the banks of the river, are not at an accessible distance from it for the purpose of turning their stock upon it. Those only are benefited who live near, and turn out an odd horse or cow, or cut timber.

J. S. Farnell,
Esq.
10 June, 1862.

29. To leave out of consideration the proposed project of building bridges, do you think it would be beneficial to the district if the Common were sold? Yes, I believe it would be a great advantage to the district, because a large block of waste land, situated as that is in that district, is injurious to the progress of the neighbourhood. All political economists have come to the conclusion that large blocks of waste land are an injury to the neighbourhood in which they are situated.

30. How many acres are there in the Parish of Hunter's Hill, exclusive of the Common? 7,140.

31. How many acres are there in the Common? 6,235.

32. Then the Common contains nearly as much land as the Parish? Yes, nearly as much; but I might mention, for the information of the Committee, that this Common is so peculiarly circumstanced that it is more injurious than it would be if it were in a more central position. It runs nearly parallel with the Parramatta River, and at the eastern end is about three-quarters of a mile from the nearest source of that river, and at the western end of the district is about two and a quarter miles from the Parramatta River, so that the alienated or occupied lands in the district are laterally compressed, between the Parramatta River on the south, and the Common on the north.

33. How many head of stock would the Common maintain throughout the year? I do not suppose it would more than keep the life and soul in about fifty head throughout the year.

34. Do you think the grasses are of such a nature as to be suitable for fattening bullocks? No, I am sure it would not fatten them, it might keep the life and soul in them, but it would not fatten fifty. The grass would grow on the land if the timber were not constantly cut down, or if the land was properly cleared.

35. That is a very low estimate of the capability of 6,000 acres of land, is it not? Yes; I account for it in this way—The original timber having been cut away entirely, a kind of scrub or underwood has sprung up with the saplings, the saplings have been cut down, the scrub has become denser, and the pasturage has been destroyed.

36. Is the land on this Common equal in fertility to the land on the south side of the Parramatta River? It is equal, and superior in many instances; in fact, generally speaking, it is superior.

37. Has the population in the district you allude to increased in the same proportion as the population on the other side of the river? It has not.

38. Are you aware of any petition having been presented to the Assembly against the alienation of the Common? Yes.

39. Do you know of your own knowledge whether the petitioners who have signed it had in all cases any common right? I looked over the petition, and among the names I can detect a large number who are not entitled to Common rights; in fact, I believe not one, perhaps, out of every five, are entitled to Common rights according to my idea of the boundaries of the district of the Field of Mars, that is, within the parish of the Field of Mars. I have always contended that many of the parties who have opposed the alienation are not entitled to commonage rights.

40. *By the Chairman:* Are you aware whether there are any petitions besides those from parties opposed to the alienation of the Common? I know there are a great many, some for and some against.

41. Do you know whether those parties who have signed the petition in favour of the resumption of the Common have commonage rights? I believe that in the majority of cases they have commonage rights. In fact, having taken a great interest in the matter, I can speak somewhat positively, as I was very particular upon that point. In the first instance, in conjunction with others, we ascertained who were entitled to the use of the Common by the construction of law, and having ascertained that, we knew all the persons who resided within the Parish of Hunter's Hill.

42. Are you speaking from facts, or from mere supposition on your part? That is not supposition; that is fact.

43. Perhaps you will give us these facts? In which way?

44. You say you have examined the papers, and have ascertained who were the persons entitled to commonage—where is the list? I have no list here now; it is at home. It is precisely similar to those that were before the Committee last Session.

45. There has been no list of commoners before the Committee? No list of commoners, but of those who signed the petitions.

46. I am asking you about those who have a commonage right? I could not tell from memory.

47. *By Mr. Sutherland:* Can you send a list of those who have commonage right; you say you know them? I could tell from the printed list of names of those who signed the petition whether they were commoners; to ascertain the names of all the commoners I should have to go all round the districts and take the names of those who reside there. I could in the majority of cases tell whether the names of those who signed the petition were those of commoners.

48. *By the Chairman:* Do you wish to infer that all those persons having commonage right have signed either the petition for or that against? No, I do not believe all the commoners have signed either petition.

- J. S. Farnell, Esq.
10 June, 1862.
49. Then are we to understand that you are speaking from mere surmise, or have you something definite to go upon as to who are commoners and who are not? The only definite mode would be to go round Kissing Point, the Field of Mars, and Eastern Farms districts, and take down the names of all who reside there.
50. Have no persons commonage rights but those who reside there? Yes, those persons who reside in the district of the Field of Mars.
51. I suppose all landholders, whether residents or not, have commonage rights? Yes, "landholders, residents, and cultivators."
52. Can you give us any definite account of the commoners? I cannot from memory, but if I had the lists before me I could point out many persons who I believe are not within the districts, and who are therefore not entitled to commonage rights.
53. You have no list? I have, at home.
54. A list of all those entitled to the use of the Common? I have not.
55. *By Mr. Piddington*: Is there any official list published by the Trustees, of persons who are entitled to Common rights? There is not, that I am aware of. I was once doubtful whether widows in possession of land had any right to commonage, but I find they have.
56. *By the Chairman*: What you have stated is mere opinion; you do not derive it from any positive source; there is no list of persons who are entitled to commonage? I have seen the petitions.
57. I am not speaking of petitions —? There is no list, but there are certain persons who have signed petitions with reference to this matter. I have seen their names, and there are many among them of persons who do not live in the district, or hold land, and who have no commonage rights.
58. I am speaking of those who positively have a Common right? I am aware that many are persons who have, but there may be some who reside in the neighbourhood, and who presume they are commoners. I might ascertain that by going over the district.
59. So that, in point of fact, it is mere presumption all you have said? No, it is no presumption.
60. You told us in the first part of your evidence, that there were no funds derived from the Common before 1858? I believe there were not; fifty shillings, I believe, was all.
61. In giving this statement, have you any document to confirm you? I have no document, but we appointed Auditors to audit the accounts, and that was the report they gave us; of course, every one could not have the original documents.
62. Previously to 1858, no revenue was derived from the Common? Very trifling in the former Trustees' time,—some fifty shillings. I believe that was found on the books.
63. What has been the annual income; has it increased or decreased? That I cannot say, for the Auditors, in their report to us, stated that they could not make head or tail of the books.
64. How did they arrive at the amount, if they could not make head or tail of the books? They arrived at it in the gross, and they found that the whole amount received was £188 10s.
65. I wish to ascertain from you, as you pretend to know these things, whether the revenue from the Common is increasing or decreasing? I am not aware whether it is increasing or decreasing. I should surmise —
66. Oh! surmise. I would suggest that you should not give, as an answer to the question, your surmises? It appears to me very probable that the revenue of the Common is decreasing, as the commoners I believe have decided that no more land should be leased; therefore, if the land is not leased, and no licenses are issued for cutting timber, where is the revenue to be derived from? It must, therefore, be decreasing.
67. These leases that have already been given, do they expire? They will expire.
68. I want to know how the revenue can be decreasing if these leases still exist? During the existence of these leases it will not decrease.
69. Then it will not decrease? It will decrease if the Trustees carry out the policy of issuing no more leases, and of granting no more licenses to cut timber.
70. When will it decrease? When the leases expire there will be a decrease in the revenue derivable from leases as they expire, and from the time the Trustees cease to issue licenses for cutting timber the revenue derivable from that source will cease.*
71. What amount of revenue is derived from licenses to cut wood? I cannot give the Committee that information, for I have not had access to the books of the Trustees.
72. What portion of the revenue is derived from the leases? I do not know the exact amount; it is not likely that I could be acquainted with these things; in fact, I do not know how I could get the information, as the Trustees would not allow me to see the books.
73. Then what you say about the decrease of the revenue is mere surmise? I do not know that it is decreasing, except from the fact that the revenue is derived from certain sources, those sources being the leases and licenses, and if the Trustees do not issue these leases and licenses the revenue must decrease.
74. Have they ceased to issue licenses? I have been told so.
75. When do their leases terminate? I do not know; I have not seen any of the leases, but I believe those which were issued some three or four years ago were for seven years.
76. So that they have several years to run? Three or four, some of them.
77. Do you know upon what conditions they are let? Yes, I believe —
78. Believe! Do you know it? Well, I do not know exactly, but I have been informed, and I suppose the leases are made in accordance with the law, that the land is to be in an improved state when the lessees give it up.

* *Added (on revision)*:—And the revenue will be decreased by that amount.

- 79. Have you the law? Yes, this (*referring to a printed paper*) is the Act of Parliament by which Commons are regulated in this Colony. J. S. Farnell, Esq.
- 80. Then the Trustees have acted according to law? I believe they have. The Trustees have the power, under the law, to lease this land with the consent of the commoners. 10 June, 1862.
- 81. Do you know to whom the Trustees have leased portions of the Common, whether to parties previously in occupation, or to others? In some instances, to those previously in occupation; some who have been there for forty years, cultivated the land, and made improvements; in other instances, to other persons who have applied for it. For instance, I know a lease was given to a person who occupied the land adjoining mine.
- 82. Does he still hold it? He abandoned it long ago; he ran away.
- 83. Did he ever have a lease of it? I believe so; he occupied it a considerable time.
- 84. Then you cannot tell the amount of revenue derived from the leases, or from the licenses for the cutting of timber? No; I do not know how I could give the information, unless the Trustees would give me access to the books.
- 85. And you cannot tell how many persons are entitled to the use of the Common? I could, but I should not like to undertake the task of going all over the district to collect the names, unless the Committee particularly desired it.
- 86. *By Mr. Sutherland*: Could you, at any future day, lay before us a list of the commoners? I could do it, but it would be an expensive affair for me; I should have to go over the district, and to visit every resident. If the labours of the Committee would not be closed very soon, I would be willing to undertake the task. If the map ordered by the Committee were prepared, it would enable me to go over the whole district of the Field of Mars; for I am certain, from an old map in the possession of Mr. Tunks, and from the evidence of the Surveyor General, that the opinion I formed, that many of the persons now claiming a Common right have no right, as those only who are within the district of the Field of Mars and the Parish of Hunter's Hill have that right.
- 87. *By Dr. Lang*: You have mentioned that a very large number of particular Acts, as well as a general Act of Parliament, have been passed for the purpose of enclosing Commons, or discommoning, as it is called, existing Commons in England? Yes.
- 88. Do you infer from such Acts that the policy of establishing Commons is now obsolete, or going out of date, in England? Yes, and that the principle of granting Commons is wrong.
- 89. Are you still of opinion that about two-thirds of the land forming the Common is capable of improvement? Yes. I believe that two-thirds of the land, either from its proximity to Sydney, or from its quality, is valuable. I do not mean that two-thirds of the land is fit for agriculture, for in the whole of the district the land is not equal to that on the Hunter or the Hawkesbury; but there is a great deal of the Common land which, though it would not perhaps grow a crop without manure, might, in consequence of its proximity to Sydney, be made productive.
- 90. *By Mr. Sutherland*: Can you, on a future day, by having a list of names placed before you, point out the parties having a right and those having no right? I can, with the assistance of a map of the parish and the map ordered by the Committee, point out nearly every person who has a commoner's right, from the names on the petitions.

Mr. William Tunks called in and examined:—

- 91. *By the Chairman*: Are you aware of the object of the present Committee? Yes. Mr. W. Tunks.
- 92. What is the object? To report upon a Bill to enable the Government to sell the Field of Mars and Eastern Farms Common, with a view to make roads and bridges, in order to facilitate the means of communication between the north side of the Parramatta River and the City of Sydney. I believe that is, shortly, the object of the Committee. 10 June, 1862.
- 93. The object of the present Committee is to "inquire into the subject matter of various petitions and other matters relating to the Field of Mars and Eastern Farms Common, together with bridging over the Parramatta Rivers and Iron Cove Bay." That was the object of the first Committee, and the object of the present is the same? That is what I intend by what I have said.
- 94. *By Dr. Lang*: Are you a commoner? I believe I am; however, it is a disputable matter with me.
- 95. Where do you reside? At present at St. Leonards, North Shore.
- 96. Have you property within the district? I think I have; that is to say, the district is not exactly defined now-a-day; but I have some property, which I think constitutes me a commoner.
- 97. Are you aware of the general character of the land that forms the Common? Yes, although I have not been all over it.
- 98. Do you think the existence of that Common beneficial to the inhabitants of the district? I think it is not beneficial; but, upon the contrary, I think it an incubus upon the district.
- 99. Do you think it would be desirable to divert the Common from the purpose to which it has originally been applied to that proposed for the construction of roads and bridges? Yes, I do; I am decidedly of opinion that it would be most advantageous, not only to the district but to this part of the country generally.
- 100. Have you any idea how the available portion of the land could be disposed of, supposing the Government were to resume it? Yes; I apprehend it would be the policy of Government, if they were to resume it, to make a roadway to the land, and afterwards to alienate it in small portions, to industrious families, with a view to opening up the land. By that process it would attain a greater value than it now possesses.

- Mr. W. Tunks. 101. Are there portions of it that would be eligible for villas for persons residing in the city? A large portion of it would be eligible for that purpose, and for horticultural pursuits, especially as the southern and eastern sides of Sydney are locked in by a large landed proprietary—I may mention, without offence, Sir Daniel Cooper and other possessors of land to a large extent to the eastward and southward of Sydney. This would make an opening for persons desirous of obtaining country residences, and the locality would be very suitable for those who are in a state of health which renders them unable to stand the cold air near the sea coast. I am satisfied that the district would have a great impetus given to it if there were a good road to it.
102. Is there a road from the western portion of the Common to Hunter's Hill at present? There is a series of roads; they are hardly to be called roads—they are mere tracks; but there is a way of getting from the western part to Kissing Point, and thence to Hunter's Hill. The Great North Road runs through that part of the country, but it is not frequently traversed, I believe.
103. Would a road from the western extremity of the Common, along the north bank of the river as far as Hunter's Hill, be a great benefit to that part of the country? Not to Hunter's Hill—that is, if I understand what is Hunter's Hill. Hunter's Hill is said to be the parish of Hunter's Hill; Hunter's Hill, the district, is on the other side of Lane Cove River. I suppose you mean the parish, occupied by the little municipality there. It would not be an advantage to come so far as Hunter's Hill; it would be an advantage to come by the road, the nearest route to Sydney, by the Lunatic Asylum. There was a project that if there were a road made to Woolwich Point, opposite Cockatoo Island, a steamer could run from it to Miller's Point half-hourly. It was thought that would be an advantage to the public; but that would be an uncertain benefit.
104. You think it would be a great benefit to the inhabitants of that part of the country and to those of Sydney, to have such an approach to Sydney as that proposed by bridges across Parramatta River? I do not think there can be two opinions about that; and if I were not travelling out of the line of examination of the Committee, I would say this—that I have been for many years connected with that district, and have lately, up to the end of last year, been living there; I have a large number of relatives there, and I believe I was the largest employer of labour there; therefore, I think I know something of the district, and I put the case in this way:—There are a number of men struggling for a living, who individually produce, say twenty boxes of fruit at a time, for Sydney or Melbourne market. Taking Kissing Point Church as the centre, a number of these live at a maximum distance of four miles from that point. These people have to come down to the boat at the wharf, and in doing so lose half a day; then there is the damage sustained by the knocking about of the boxes on board the steamer or other boat, the landing of these things at the Sydney wharf, and again carting to market; the selling them by an agent; and then again there is another half day lost in going for, and returning with, the empties. So that, besides the cost of carriage and commission, &c., which is one shilling per box, and the loss of two half days, more time is lost by such a man than would be lost by him if he had the means of going by the route proposed, as the distance would be but nine miles. Besides, he would be able to get a load of manure at the Abattoir;* and in the winter, when clearing his land, he could take a load of timber into Sydney, whereas now he has to burn it to get rid of it. There were in these districts poor people, before the gold diggings were discovered, that were next to savages, from the want of intercourse with the towns and a market. They were unable to do the best with their produce, and therefore their land was left, to a large extent, uncultivated,† while the large landowners did nothing, and hundreds of acres were lying waste. I conclude, therefore, that a great advantage would be given to those small farmers who choose to labour, while those who hold eligible villa sites, unfit for producing fruit or vegetables, would be enabled to turn them to profitable account. With regard to producing fruit or vegetables, at present these people cannot bring vegetables to Sydney, for I have seen cabbages which in Sydney would be worth a shilling each, and these, when put into a bag, thrown into a boat, and perhaps lain down upon by the men in the boat, have not brought more in the market than a shilling a dozen.
105. Do you think the existence of the Common a public advantage to the district? No, it is not an advantage, unless in this way, that we may be enabled to get a road to the district by getting rid of it. It is so far fortunate that the Common still remains. The land was at first alienated in order to induce population, but although it is one of the oldest districts in the Colony, it is one that has made the least progress; and I find many young fellows who were reared on it, are forced to go to other districts to seek a livelihood.
106. Have you derived any personal benefit from it, as a proprietor in the district? No, I have never received any benefit.
107. What class of the population does derive any benefit from it? There are a few persons either on it, or residing in the near neighbourhood, who, it is probable, do derive benefit from running a few cows or taking wood off it, or soil to improve their lands.
108. *By Mr. Sutherland:* Taking soil off it? Yes, I have not seen it, but I have heard that it is a common thing.
109. *By Dr. Lang:* Is there any valuable timber remaining on the Common? No, I have seen none. There is a great deal of scrub or underwood, from the repeated cutting of the saplings, and this prevents the grass from growing.
110. Does this repeated cutting of the wood benefit the Common, or the reverse? In my opinion it has injured the Common. Many of the leaseholders have injured the Common; they

* *Inserted (on revision):*—And have saved 20s., the amount paid for boating and commission.

† *Inserted (on revision):*—And the country thereabouts presented a poverty-stricken appearance, and was, I believe, as poor as it looked.

they have taken leases for no other purpose than to have the run of the Common, and then they have abandoned the place. They give no securities, as I understand, and they then abandon the place and go off to the diggings when it suits them.

Mr. W. Tunks.

10 June, 1862.

111. Does the existence of the Common render the cost of fuel less to the humbler classes? When I was living at Kissing Point it did not reduce the cost to me. My brother in Parramatta supplied public establishments with firewood at four-pence a hundredweight, and I could not get it supplied to me at Kissing Point at that rate.

112. *By the Chairman*: You say you live at the North Shore? Yes.

113. Do you know the Common of your own knowledge? A large portion I do.

114. You have not been through the Common? I have not been the whole circuit.

115. You have been round it? No, I say I have not been. I have been in various directions over the Common. I may say that for some months I went once a week in various directions, but I never made it my business to go the whole circuit—I have been to "Buffalo" once or twice.

116. What means of communication is there now between Sydney and the Common? The first means is by the steamer, for which we have to pay a shilling more —

117. I am not speaking about the price? One of the sore places is the steamer. We have to pay a shilling more for return ticket than to go from Sydney to Parramatta, which is double the distance. The next way is by passage boats. We have no public wharf, and it is said by the steamer people we have to get permission from Mr. Small to land, and that he is paid sixpence—that is to justify the shilling extra. Then the other way is to go by Bedlam—some people call it Gladesville—by the punt; that is a distance of some miles further than the way we propose.*

118. Are there many passage boats—sailing boats—on the river? There are Bateman, Woodcock, and Nick Martin. I do not mean the stone boats, they do not come into competition with the business. These are the only three owners of boats from Mr. Heydon's wharf to Sydney that I remember.

119. Are you aware whether the Common extends beyond Mr. Heydon's wharf? Do you mean in a westerly direction?

120. Up the river? I could not say. I think if I were to go up Pennant Hills Wharf Road, and cut across by Mr. Forster's, I should reach the Common.

121. Are you aware whether the commoners' right extends to land beyond Mr. Heydon's wharf? The commoners' right is very difficult to decide; there might be rights of minors, and rights of persons like myself, that are not so easily got at; but I am under this impression, that a number of persons who have no right have signed the petition, thinking they had a right. But it is difficult to say who has a right of commonage, for if a freeholder has a right, and he lets it to a tenant who also has a right, it must go on for ever —

122. Excuse me, but I was only asking you the question whether the commoners' right extended beyond Pennant Hills? I am not prepared to say who are commoners.

123. You are quite satisfied that you are a commoner? I claim the right; but it might be disputed.

124. Is there a large population in the neighbourhood? Large and small are relative terms—not so large as Sydney.

125. I ask you if there is a large population in the neighbourhood? In the neighbourhood of what?

126. In the neighbourhood of Hunter's Hill? I do not think, in proportion to the land occupied, there is. There are 2,300 people in the district, I am told, if you call that large.

127. How do you propose to give them facility of transit? By making a bridge across the river.

128. How many bridges do you propose to make? One would hardly be called a bridge, for it will be over a mere bay, and there will be no traffic under it. Of course it would be a bridge; but anything above high water mark would answer the purpose. There would be two principal bridges.

129. Have you made out an estimate of the probable expense? No, for if a thing is not properly defined, an estimate cannot be made. I am a contractor, and should like to see the plans and specifications before I gave an estimate.

130. How do you propose to defray the necessary expenses? In the first instance, I think the people of that part of the country have as good a right to Government assistance in building a bridge or bridges as any similar number in any other part of the country; but I am aware that the parties in power say, "We have no land to sell, or not much, in that district, and it is useless for you to apply for so large a sum as £20,000 or £30,000 for that purpose," and we say it would be well for us to surrender the Common to raise the funds, and that should there be any deficiency, the Government should make it good; that it would be a public benefit to bring that part of the country, which as the crow flies is but three miles from Sydney, into more direct communication with the city.

131. As you have not made any estimate of the probable cost, I presume you have not made any estimate as to the probable value of the Common? No; I am not so intimately acquainted with it as to give an estimate, but I may mention, that not long since I purchased a small piece of land adjoining the Common at £20 an acre.

132. I would like to know your opinion definitely, as to how you propose to meet the cost of the erection of these bridges in the first instance? In the first instance, I would refer to the plan, in which I concurred, proposed by Mr. D. N. Joubert. We proposed that the Government should resume the Common and issue so many debentures, say for £20,000

or

* *Added (on revision)*:—And the punt is dangerous, and the approaches to it difficult to horses drawing carts loaded.

Mr. W. Tunks. or £30,000, what would be the precise cost would depend upon the plans, to be matured by the engineer; but I suppose that, in the rough, it would cost about £40,000. In order to sell the Common, it would be necessary to make a road to it, and it might then be brought into the market in small farms of twenty or thirty acres, to encourage population, for I hold that the district is valuable only in proportion to its population; without population it is useless.

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133. You propose that the whole expense of making these bridges should be borne by Government? I do not propose so; what I say is, that in the first instance I would relinquish the interest in the Common, and then, if after the sale of the land there were any deficiency, we should have a fair claim upon the Government, inasmuch as there is a population of two or three thousand, who have an equal claim with any similar number in any other part of the country for Government aid.

134. I understood you to say, that you proposed to make these bridges, and then to cut up the land and sell it? Yes, for I think it would realize a much larger amount if the bridges were first erected and the roads made. I do not say that if the land were put up in one block it would bring that sum, but if it were husbanded, in the same way as it would be by you or I, it would bring a good sum of money.

135. What is the traffic from this district to town—can you form any idea? I am not able to say what the traffic is in a beneficial point of view, but I know there are three boats plying from Kissing Point as lighters. The steamers do not seem to answer to any great extent, inasmuch as conveyance is dear, and the steamer people are not very obliging. For instance, if a number of people put fruit upon the steamer for shipment, although the Melbourne steamer may be only thirty or forty yards from the wharf, they will not back the steamer to tranship the cargo, and the result is, that the shipper has to land his goods, cart them, and re-ship them, which involves a cost of 4s. a load, and additional damage by bruising the fruit.

136. My object is, to ascertain from you the probable traffic, if you would limit your replies to my questions, and make them as short as possible? I have no data to go upon.

137. You cannot form an idea? I cannot form any correct idea. There are now two or three thousand people there, and I contemplate a large additional population if this plan be carried out.

138. *By Mr. Sutherland:* You say you gave £20 an acre for land adjoining the Common? Yes, within these six months.

139. Would the Common land be worth anything like that amount? Some portions of it; it would not be worth that amount as a whole.

140. What do you think the Common would bring, per acre, if sold as you suggest? I could only give an opinion.

141. Do you think the district is healthy? Yes.

142. *By Dr. Lang:* Your estimate of the probable value of the Common is founded upon the previous postulate of the construction of bridges and roads? Yes, largely on that, for what is the use of land unless you can get to it; besides, it is an annoying thing to have to pay a shilling more for a passage than you would have to pay to another place double the distance.

143. Do you think the Government would supply any deficiency in the way you propose, if a bridge were constructed and the Common were made over to them? I think they ought; that they would be only doing their duty to the public to encourage the making of roads to land which is now lying waste within five miles of Sydney.

144. Is there any Government land beyond the Common? I believe there is a large portion between that and Wiseman's Ferry.

145. Which would be rendered comparatively valuable by the road proposed? Yes, if a road were opened it would open a large extent of country to the Hawkesbury, Maitland, and the Macdonald. Not long ago I started from Wiseman's Ferry in a dog-cart, and two other persons in it, and as much iron as would equal the weight of another person, at nine o'clock in the morning, and we arrived at Parramatta in time for the four o'clock train; so that the road is not so bad as people imagine. There is a fertile track of country, called Dural and Castlehill, and North and South Colah, that would be opened up if there were a road by which the people could come without going to Parramatta.

146. *By the Chairman:* Are you aware whether these people from Pennant Hills and Dural convey their produce to Sydney from Parramatta by railway? Yes, a large number.

147. That is the means of transit? Yes.

148. How many times do the steamers ply up and down the Parramatta River? Is there one, or are there two boats plying?

149. I ask you the question; of course, if you do not know, you cannot answer it? I have not been up lately.

150. *By Dr. Lang:* Was it the insufficient means of communication that induced you to leave the district of Kissing Point? Yes, one of the principal reasons. While the people of Parramatta were paying 30s. a month for conveyance to Sydney, we were paying 30s. for half the distance, and I have often had to walk into Sydney because I have lost the boat, or to hire a boat to Hunter's Hill; and in the winter have had regularly to walk through the bush in the wet, from Hunter's Hill to Kissing Point. If I came up to town to give an order to the grocer, and for a small package, I had to pay a shilling for registering, or else to take the risk of the transit. I could not have even a loaf of bread sent to me without the payment of a shilling for entering in the wharf office book.

151. *By the Chairman:* Then it is not the insufficiency of the transit, but the expense of travelling you object to? And general incivility—

152. Not the insufficiency? Not the number of times the boats go up and down.

153. Then there was sufficient means of transit? If I had a dog-cart and a good road I might have brought the steamers' price down to a proper rate; and if they had not come to my terms I could have been independent of the steamers.*

Mr.W. Tunks.
10 June, 1862.

154. *By Dr. Lang:* Suppose there were such a road and bridge as you contemplate, would the people of Dural and Pennant Hills be likely to avail themselves of it? Yes; as a landholder at Castle Hill, I should like to see the road made.

155. Would it be cheaper for the inhabitants of those districts—Dural, Castle Hill, and Pennant Hills—to bring their produce direct to Sydney by such a road as you propose, than to bring it to Parramatta to be forwarded by the rail? It would be a great gain to the people in these districts, because there is generally a day lost to take things to the train; then they have either to leave their horses at Parramatta or to send them back by a second person, while the people go on to Sydney; and then again there is as much time lost in going backward and forward for their empties. If there were a road to Sydney they might go on with their goods direct in the same time, and have this further advantage, that they could sell them and purchase their supplies in the best market, viz., Sydney. I have known a man to send his fruit down by a boat; on arriving at Sydney, the boatman, after haggling a little with a dealer, has let him have the whole of the fruit in his boat at so much a basket all round, so that the man who has sent down good fruit has had to take the same price for it as one who had the veriest rubbish. It thus becomes an obstacle in the way of competing for the production of good fruit.

156. *By Mr. Sutherland:* From your answer I infer that a man loses as much time in coming to Parramatta and forwarding his fruit by the railway to Sydney, as he would do if he had a good road and went direct to Sydney, besides losing the advantage of being able to sell it himself? Yes.

157. And it is much more expensive for him? Yes.

158. Do you think there would be more fruit grown in the district if there were means of bringing it to Sydney? Yes; large quantities are now destroyed for want of the means of cheap carriage. Grapes are largely grown in the district; now if a man could in the summer gather his grapes early in the morning while the bloom is on them, and convey them in that state direct to Sydney, he would get more for a hundred-weight than he can now for a cart-load, when they are thrown into a boat and brought into market comparatively stale looking, in many instances only fit for food for pigs. The same remark will also apply to vegetables, as well as what is called summer fruit. Then, again, with respect to hay, this is not grown in the district, because there is no market for it; it cannot be taken across the punt without danger of going over into the river, and it would be, say twenty miles on an average round to take it by Parramatta. It is owing to this that oranges are so largely grown in the district, because they may remain on the trees three or four months, and may be packed when they are a little green. If there were a good road to a market, many descriptions of produce might be grown which are now neglected.

159. *By Dr. Lang:* Do the people of Kissing Point avail themselves of the punt in bringing their fruit to market? Very few. It is a very dangerous place to get at; and I have been at the point bawling for an hour to the man who, if it is a blowing night, is particularly deaf; you may bawl till you are hoarse and then have to go round by Parramatta. Some time ago Mr. Moore, Botanical Gardens, and his wife, were going over in their dog-cart, when, by some mismanagement at the punt, they got into the river. Mr. Moore managed somehow to get his wife and himself on shore, but the horse and dog-cart were no more seen.

160. *By the Chairman:* The general mode of transit is by water? I do not know which way the balance is—a good deal goes by water and a good deal goes by land.

161. It goes by punt? It is of no use trying to catch me—you need not try to pick me up before I am down—and I am not down yet.

The Chairman appealed to the Committee whether the witness had given a proper answer. The witness withdrew the expression, and said he had previously answered the question.

162. *By Mr. Sutherland:* You believe the whole of the produce of the district would come by the road, in preference to the steamer, if the road proposed were formed and the bridges were erected? Yes. I would beg to add that it would be a great advantage to have a direct communication by road with the Lunatic Asylum, in order that the unfortunate people who are taken there might be conveyed in a van. There are now often painful scenes on board the steamers, as, without charging those who have to convey them with unnecessary violence, it is necessary to use force to restrain them on board.

Gabriel de Milhau, Esq., called in and examined:—

163. *By the Chairman:* You reside at Hunter's Hill? Yes.

164. You are a landholder? Yes, I am.

G. de Milhau,
Esq.
10 June, 1862.

165. You are aware that a number of persons are anxious to have certain bridges erected, so as to connect that side of the country with Sydney? Yes.

166. What would be the cost of those bridges? I never made an exact calculation, but I think about £60,000 would pay for the bridges.

167. How do you propose that the money should be raised? I think the best way would be to put up first the bridges, then raise money by debentures, and sell the land by degrees.

168.

* *Revised:*—Could have visited Sydney independent of the steamers, and not been tied to time and competition by 'bus or other conveyance.

- G. de Milhau, Esq.
10 June, 1862.
168. Do you know the Common? I know a great part of it; I have been often over it.
169. Can you form any opinion as to the probable value of the Common? I do not know exactly now what would be the value of one acre of land upon the Common, but I hear very often of land having been sold just adjoining the Common at £25 an acre.
170. Supposing any large quantity of the land of the Common were placed in the market, what, in your opinion, would it realize? I think good villa sites ought to bring from £25 to £40 an acre.
171. Supposing these bridges were to be erected, would it tend to increase the value of that portion of the district at Hunter's Hill? Yes, I have no doubt it would.
172. Very considerably? Yes.
173. Are you aware whether there are sufficient churches and chapels for the requirements of the place? At Hunter's Hill, where I reside, there is a church belonging to the Church of England, but I hear it is too small for the population.
174. I suppose you have roads from Hunter's Hill to the district of Ryde? We have a Municipality who are making roads.
175. You have a road then? Yes, from Hunter's Hill to the Great North Road there will be a road, but it is not yet finished.
176. *By Dr. Lang*: Does the road you have spoken of lead to Sydney? We applied lately to the Government to be allowed to go on the Asylum Reserve, and this new road will go to the bridges when they will be formed, and to the Great North Road.
177. Are there many sites on the Common that would be eligible for building villas? Yes, there are a good many splendid villa sites.
178. Particularly, I presume, along Lane Cove? Along the Lane Cove River.
179. How do you come to Sydney? I am obliged to come by steamer, and I lose a great deal of time in waiting for them, as they are never very exact. I would prefer to go by land, but at present the only way is by the punt, and that is nine miles round, and we are obliged sometimes to wait an hour for the punt.
180. The distance by the proposed bridge is how much? About four miles.
181. *By the Chairman*: Is the land of good quality on the banks of the Lane Cove River? Not on the banks of the river; it is generally bad there, but when you go back on the Common some of it is pretty good soil.
182. You are not aware what proportion of it is of good quality? Near Kissing Point some is of good quality, but I cannot say what is the quantity.

TUESDAY, 17 JUNE, 1862.

Present:—

DR. LANG, | MR. PIDDINGTON.
ISAAC SHEPHERD, ESQ., IN THE CHAIR.

Mr. John Ross called in and examined:—

- Mr. J. Ross.
17 June, 1862.
183. *By the Chairman*: You reside at Kissing Point? Yes.
184. You are a landholder? Yes.
185. You are an advocate for bridging the Parramatta River and Iron Cove? Yes.
186. How do you propose to do it? By selling the Common we would get the means of doing it. We want some way of getting to Sydney conveniently. As we are situated now the communication is very difficult. If I have to send a load of hay to Sydney I must send it round by Parramatta. The Common is quite useless to me, and I do not think there is a single one in the district has so much money invested in the district as I have.
187. Are you aware what the expense of the bridges would be? I was not informed what the expense would come to.
188. You propose to sell the Common, and so raise the necessary funds to build these bridges? Yes, that is what I should vote for.
189. But you have no idea what the cost of the bridges would be? No, I have neither any idea of the cost of the bridges nor of the exact value of the Common, but I know that I have got land adjoining it that I paid £30 an acre for. The Common is useless to me, and in fact, it is a nuisance, because there are people who have a lot of cattle running there, which, having nothing to live on there, are continually breaking through my fences and coming on my corn.
190. Are there a great number of cattle running on the Common? Yes; I cannot tell you the number.
191. And they trespass on you? Yes.
192. What is your mode of transit now from Ryde to Sydney—by what means do you come to and from Sydney? Sometimes I go by Parramatta, and take the train, sometimes by Kissing Point by the steamer.
193. The steamer plies regularly? Yes. Some other times I may send a horse and cart to Sydney by crossing with the punt at the ferry, but it is dangerous, and it takes two days to go and come; whereas if we had a bridge we could do it in four or five hours each way—in one day instead of two.
194. Are there sailing boats that convey produce to and fro? Yes; but my horse and cart have four or five miles to go to get to a sailing boat; and if there was a bridge, three or four miles farther would do the whole distance, and we could go and come as we liked.

195. You can give us no idea as to the probable cost of these bridges? No; but I should like to receive that information from such as the Chairman. Mr. J. Ross.
196. *By Dr. Lang*: Is your property situated near the Common? Some of it is just joining the Common. 17 June, 1862.
197. Did you say you had leased any portion of the Common? I have leased twenty-five acres of it. About twelve acres of it had been cultivated. It was a piece that had been taken up by a party who improved it, thinking it was his own property, but instead of that it was found to belong to the Common. There are about ninety fruit trees on the part of it that I have got.
198. It is partly improved? Yes, twelve or thirteen acres of the part I have got.
199. It was originally an encroachment on the Common? Yes.
200. That accounts for its being improved? Yes.
201. What is the term of lease that you have for that portion? I believe it is seven years; there are three or four years to run.
202. What rent do you pay? Five shillings an acre—£5 a year.
203. Do persons who lease the Common in its wild state improve it, or merely cut the timber off? They just cut the timber off, and do a little. It is not to be supposed that people who have only got a lease for seven years will make much improvement. They only just put up a shelter for themselves, and they neither improve the property nor do much good for themselves. They only just manage to live in their miserable places. If it was their own of course there would be a difference.
204. Have you any idea of the value of the Common, per acre? I have mentioned already that I could not say. I have paid as high as £50 an acre for some land adjoining it.* There are some parts of it, no doubt, worth a great deal more than others.
205. Is there any considerable part of it fit for agriculture? I have not been above four years in this part, and I cannot tell what there is of it, because I do not know the boundaries of it, only just where it is joining myself. I know there is very good land adjoining me.
206. Do you conceive that the Common is of any advantage to you? Not the least advantage. It would be far better if it was sold, and there were some people occupying the Common who would improve it. Any land not improved is valueless.
207. Is it not valuable to you for grazing purposes? No, there is no grass to speak of, on it; it is grown over with underwood; the timber was cut off, and now it is so overgrown with brushwood that no grass or anything else can grow on it.
208. You think that cutting down the original timber has deteriorated the grass run? Yes. I do not see that it is much good for grazing purposes; and the cattle on it are continually trying to get through the neighbours' fences, and breaking in. They are more of a nuisance than anything else.
209. You think it would be an advantage to the district to have the Common sold? Yes, I believe it would be an advantage to the district, because if the Common were sold, and the bridges built, we could send a load of hay or any other produce in to Sydney, without having to go round by Parramatta. I have I suppose about twenty miles to go to get to Sydney, and it is the same with everybody else.
210. What would the distance be, supposing these bridges were erected, from your place to Sydney? It is about five miles and a half from the town of Ryde to Sydney, and I am just about three miles further away from Ryde; that would be about eight and a half miles between my place and Sydney.
211. And round by Parramatta what is the distance? I am five miles from Parramatta, and from Parramatta to Sydney is about fifteen miles—nearly twenty altogether.
212. Do you make use of the Bedlam Ferry punt? No; there is the chance of getting the horses drowned or lost, and it is not a regular thing you can depend upon to get across.
213. Does that punt afford a convenience to the district? I conceive it is no convenience at all; going and coming costs three shillings; that is a good deal, and would pay all the tolls and other expenses.
214. Is the cost of conveying produce to market under the present system considerable? Yes, because if we send by a sailing boat we have to go three or four miles to the boat, and if we send fruit we have to send again for the cases. If we had a bridge we could start off and everything could go direct to market, and the horses could come back the same way. I consider we have a claim to get something, whether the Common is sold or not, because other people get railways which are of no use to us—Windsor, and Maitland, and other places—and here we are just close to Sydney, and have to go such a distance round. I have spent about £10,000 on my property since I have been there.
215. *By Mr. Piddington*: Would any persons in the district be injured by the construction of the bridges? I cannot see who would be injured.
216. Is the land that you say you have paid £50 an acre for, in the neighbourhood of the Common, very superior to other land in the vicinity—is there any land on the Common nearly equal in value to the land that you have paid £50 an acre for? Some I have got myself, with the improvements on it, is equally good with that I paid £50 an acre for.
217. *By the Chairman*: Is the land you speak of as having paid £50 an acre for, the land that was purchased from Dr. Sherwin, highly improved? It is not so highly improved as the twelve acres on the Common that I have on lease.
218. Was it built upon? Yes.
219. When you say you paid £50 an acre for it, you mean that the land cost you at the rate of £50 an acre, including improvements? Yes, altogether it cost me more.

THURSDAY,

* NOTE (on revision):—There were improvements on this land, but the average price of land in the neighbourhood is from £5 to £10 per acre.

THURSDAY, 19 JUNE, 1862.

Present:—

Dr. LANG,		Mr. PIDDINGTON,
Mr. LUCAS,	|	Mr. SMART,
	Mr. SUTHERLAND.	

ISAAC SHEPHERD, Esq., IN THE CHAIR.

Mr. John Folkard called in and examined:—

- Mr. J. Folkard.
19 June, 1862.
220. *By the Chairman*: You reside at Kissing Point, or rather at Bedlam Point? On the Bedlam Road.
221. You are a tenant of Mr. Farnell's? Yes.
222. And a landholder in that neighbourhood? Yes, I have land of my own.
223. You are one of those who advocate the bridging of Parramatta River? Yes, I think it would be a great benefit to the neighbourhood.
224. You, as a landholder, have a title to the Common? Yes.
225. You propose to surrender that as a consideration for these bridges? Yes.
226. What do you suppose these bridges will cost? I am not aware; it is not in my line to know anything about them.
227. What do you suppose the Common would realize, if sold? That would depend upon the communication we had with Sydney; if we had better communication the Common would be valuable, now it is valueless. There is valuable land upon the Common.
228. In point of fact, it would realize nothing now? I do not think that; as a Common, I say it is valueless to the commoners.
229. My question to you is, what do you suppose the Common to be worth in its present state? I am not a valuer of land; but I know what I paid for mine in the same neighbourhood, and I can find more land on the Common as good as that.
230. *By Mr. Lucas*: You say you have purchased land in the neighbourhood? Yes.
231. What did you pay for it? Rough as it was, I paid £230 for twenty-four acres, to Mr. George Allen.
232. Is it in the same locality as the Common? Yes.
233. How far from the Common? One corner of mine is within thirty rods of the Common.
234. Does it lie between the Common and Parramatta River? No, part of the Common runs between my land and the Parramatta River.
235. Do you consider your land equal to the average of the Common land? There is some of the Common not so good as that; but some is a great deal better.
236. Do you think that if the Common were to be sold—I do not speak of selling it in the market at once, but if it were sold within the next five years—it would average £10 an acre? I do not know whether it would, if it were sold in so short a time; there is a good deal of land to bring into the market.
237. There is 6,000 acres? I think about that. I think in time it would realize £10 an acre. There is a good deal I have seen that I think would fetch more, and there is a great deal I have not seen. I have not seen some of the best.
238. How do you get to Sydney now? By punt.
239. With horse and cart, what does it cost? Is. 6d. each way.
240. Do you know what the punt lets for? I think it is sold for £30 a year, at present.
241. Are there steamers passing there regularly? Yes.
242. How often? I think three times up and three times down.
243. What is the fare by steamer from Bedlam Point? Is. 6d. steerage, and 2s., I think, cabin.
244. Is. 6d. up and Is. 6d. down? Yes.
245. Then if you left Bedlam Point for Sydney and returned by steamer it would cost you 3s.? Yes.
246. What do they charge for goods? I generally sell mine on the ground, for it is so precarious to get to Sydney. The last time I sent, my wife had her leg broken, and was lamed for life.
247. You do not know what they charge per ton for goods by the steamer? No.
248. At what times during the day do they run? Eight and ten, twelve and one, and four and six o'clock, I think.
249. How far is it by water from Bedlam Point to the steamer's wharf in Sydney? I was told by Mr. Isaacs that it was called six miles.
250. How far from the river do you live? About a mile and a half.
251. *By Mr. Smart*: In what year was it that you purchased the land for which you gave £10 an acre? 1855.
252. Do you think land of the same quality would fetch the same price within the next year or two? I think it would.
253. What quantity of land on the Common do you think is equal to yours? That I cannot say, for I have not been a great way about the Common.
254. A great portion of the Common you have not seen? Yes; in fact it has not been surveyed till within the last few years, and we did not know where the boundaries were.
255. You cannot inform the Committee what quantity of good land there is on the Common? No; I think close by where I live we have all the worst of it, or nearly so.
256. *By Dr. Lang*: Do you imagine the construction of the proposed bridges, and the formation of a road direct to Sydney, across the river, by Iron Cove, would be a great convenience to the public on the north side of the river generally? Certainly, there can be no doubt of that.

257. It would greatly facilitate your means of conveyance? Yes, and would add greatly to the value of land in the neighbourhood, and of property generally.
258. Supposing there were such an improvement effected, do you think persons residing in Sydney would be likely to purchase villa allotments on the Common? I think so.
259. You do not suppose there is any inducement to do so now? There is not any convenience to get there.
260. Do not the steamers afford the requisite convenience? Yes, to a small extent, for passengers, and when you land you must foot it. If there were a road and bridges a person could go in and out of Sydney by horse and gig; but there is no inducement to anyone to come to Kissing Point as it is.
261. Are you sufficiently acquainted with the physical character of the Common to know that along Lane Cove there are various localities that would be in great request as sites for villa residences? Yes, there cannot be a more pleasant part of the Country than many of the localities near Kissing Point to settle on; but I am almost tired of stopping there, from the way I am hemmed in by the Common.
262. *By Mr. Piddington:* What is the cabin fare from Ryde to Sydney? I think it is 2s.; I always go the cheapest way myself.
263. Do you know Eastwood, where Mr. Ross resides? Yes.
264. Do you recollect the sale of some property at the back of Mr. Ross's, called Summer-vale? Yes, there was a sale some time ago.
265. Do you recollect the price that that land which was uncleared brought? I did not attend the sale, and I cannot say now what it did fetch, but I believe it went pretty high.
266. Do you think the land I speak of is superior in quality to the Common? No, I do not think it is; I think plenty on the Common is superior to that. I have been there two or three times where Mr. Ford's ground was.
267. Mr. Ford's ground I speak of—if that were sold for £9 an acre, do you think the Common would be likely to bring as much if sold? I think a great deal in that neighbourhood would bring more.
268. How long have you resided at Kissing Point? Twenty-one years.
269. Have you kept many cattle since you have resided there? A good many. I had a contract for the supply of milk to the Lunatic Asylum, and I had a good many cows, and had to replace those which went dry.
270. Can you tell the Committee whether the Common was of much advantage to you for the grazing of stock? Very little.
271. Are cattle safe when you turn them out on the Common? I have not found it so. I have lost eleven head in fourteen years.
272. Then, as a means of grazing to parties who have an interest in it, the Common is not a safe place for persons to turn their cattle upon? It is not. I rent a paddock of twenty acres, for which I pay £10 a year, because I will not turn my cows on the Common. About two years ago I lost a couple of calves, and my boys some time after found them branded by another person.
273. Do you think you are the only person who has suffered losses from turning cattle on the Common? No, I know several. Mr. Kearn, who is living on Mr. Byrne's farm on the Parramatta Road, has lost a number of horses and cattle on the Common.
274. Do you think the Common is capable of sustaining a large number of cattle? No, there is too much brush and scrub upon it; the grass cannot grow.
275. How many cattle do you think are usually to be found grazing upon it? I cannot form an idea.
276. Cannot you give an opinion as to whether there are 50 or 500? There are a good many; but I should say not so many as 500.*
277. As far as your observation goes, do the cattle generally appear to be in good condition? Not lately.
278. Is there any good timber upon the Common? I believe there is, from what I hear. I do not know of my own knowledge, for in our part the timber is cleared off; but I see people fetching timber for fencing. Near where I live there is no timber worth anything—it has all been cut down and carried away by wood-cutters. That is the reason that the scrub and brush are so thick, and that there is no grass.
279. Then the Common has been plundered, by the people who live in the neighbourhood, of the wood upon it? It has been carried away.
280. Have you ever observed, during your long residence in the neighbourhood, the character of the persons who have squatted or resided on the Common? Yes.
281. Are they desirable neighbours—good neighbours? I have had some very undesirable ones close to me—they have been a great nuisance.
282. Is not the Common a kind of refuge to bad characters? It always has been since I knew it. There is a place called Buffalo, where there are a number of wood-cutters who bring down women from Sydney, and there is great rioting and debauchery carried on there.
283. Is that a desirable state of things to be carried on within five or six miles of Sydney? I think not.
284. If the Common were sold, do you think it likely that it would continue to be the refuge of this undesirable class of people? I think they have removed now; I think the Trustees interfered.
285. Is there any security, while the Common is unsold, that they will remain away? That will remain with the Trustees.
286. If the Trustees do their duty they have the means of removing them? I think so.

Mr. J.
Folkard.

19 June, 1862.

287.

* On revision:—A fourth of that number.

Mr. J.
Folkard.

19 June, 1862.

287. The question all depends upon whether the Trustees discharge their duty or not? If the Trustees relax they will come back again.
288. If the land were absolutely sold to private persons—? They would be ejected. I have known, on a Sunday, a number of boys, and men with them, have assembled on the wharf to inquire where the women were. Mr. Drinkwater, one of the Trustees, came to me and complained. I said it was the case, and that I had sent my boys back.
289. I suppose the cause of the facility for the congregating of these bad characters is, that this is a large tract of land owned by no person in particular? Yes; there are a large number of wood-cutters who settle on this land, and bring down these women with them.
290. Do you think the Common a great advantage to the commoners, generally speaking? I know, for my own part, that it is no advantage to me; I would freely give up my share.
291. Taking a more general view, apart from your own advantage, do you think the commoners derive much advantage from it? I do not think they do.
292. Have you any conception of the value of the Common? No, for I have not been over it.
293. So far as you have observed, do you think the Common is suited for horticulture? A great part of it is—a part will never be of any use for horticulture; it abounds with rock near the creeks.
294. How do the inhabitants of the Common transmit their produce to market at the present time? By boats, and some by the punt.
295. Are some obliged to go round by Parramatta? Some in the farthest part of the district go that way.
296. If these projected bridges were constructed, would it not shorten the distance to Sydney? Yes.
297. Do you not think the expense of transmitting produce to market, if these bridges were constructed, would be lessened? Yes, even if we had to pay the same toll for crossing the bridges that we now have to pay for the punt, because we could then go to Sydney and return the same day; now we have to go to Sydney one day and return the next, or else start in the middle of the night, and go over a bad road in the dark, in order to get in to market in the morning, which was the case when my wife met with her accident.
298. Then I understand you to attribute this unfortunate accident to your wife to the unsafe character of the road? Yes, by having to cross the punt by night.
299. Can very heavy loads be taken by way of the punt at Bedlam Ferry? No.
300. Could a load of hay? No; it would require a good many horses to take a load of hay by way of the punt, and you could not work them; in fact, hay would not pay the cost of transport. Supposing you could get any fair price for it at market, you could not get enough to pay you for taking it by way of the punt.
301. Do you think the commoners are in general in favour of the alienation of the Common, and of spending the money in the construction of roads and bridges? I think the greater part of them are, but I have heard some object.
302. Where do those commoners reside who you think are not in favour of it? I think some of those nearest Parramatta are opposed to it.
303. The objectors are a small minority of the commoners who live in that part of the district near Parramatta? Yes.
304. And who are, therefore, comparatively speaking, not interested in the construction of these bridges? I think they would be benefited by the bridges, for it would bring them nearer to Sydney than the present road round by Parramatta.
305. Their interest is evidently not so great as that of those who live nearer Sydney? I think they are interested also.
306. You think all the commoners, whether they live near Sydney or at the remotest part of the Common, are interested in the bridges? Yes, and the people a great deal beyond the Common.
307. To a considerable extent the inhabitants of the district beyond the Common would be benefited? Yes.
308. Are you of opinion that a considerable portion of land, not sold by the Government, would be benefited if bridges were constructed? If Government have land at the back it would enhance the value of that.
309. *By Mr. Lucas:* Do you know the situation of the Government lands there? No.
310. You do not know whether it is fit for agricultural purposes? No; I have been told there is good land at the back, but I do not know of my own knowledge.
311. I understood you to say that hay grown in your neighbourhood would scarcely pay to bring to market? They could not bring enough to pay them.
312. Do you mean they could not grow enough? They could not convey enough over the punt at one time.
313. You spoke about getting early to market; is it not the fact that the whole of the market gardeners, whether they live a few miles from Sydney or at a greater distance from it, are up all night engaged in bringing their produce to market? I do not know.
314. I presume you visit the market occasionally? I have not done so of late years—I generally sell my produce on the ground.
315. I understood you to say you had lost eleven head of cattle—in how many years? Twelve or fourteen years.
316. How many head of cattle have you in that neighbourhood? I have only three now.
317. How many have you had during the last fourteen years? I have bought, sold, and lost a good many.
318. Could you say within twenty, thirty, or forty? I do not know that I could without making a calculation; two years ago I sold thirty in one lot.

319. Did you lose them by their being stolen? I believe so; when I turned them on the Common I could not find them again.
320. Did you give any information to the police about your loss? No; from time to time they went away, and I never saw them again.
321. Did you advertise them? No.
322. It may be that they are in the back land now? I think not; I think I should have found them if they had been upon the Common.
323. How much of the Common have you been over? I cannot say how much; I have been to the back of Mr. William Forster's, at the back of Mr. Devlin's, and at Lane Cove.
324. Have you been over a third of it? I have been to the head of Lane Cove and crossed from thence to Parramatta.
325. You say bad characters collect there occasionally—lots of boys? Not of boys; but boys used to frequent there because of the women who were brought up.
326. Have you ever visited Balmain or other suburbs of the city of Sydney on Sunday—if you have, you must have found plenty of bad boys collected together? I am not speaking of boys, but of men.
327. You would have found plenty of characters as bad as those you say collect on the Field of Mars Common? These boys used to go on Sunday afternoon to secluded places after the women.
328. How much would it shorten the distance from your place to Sydney if these bridges were constructed? I should think half the distance.
329. What would that be? It is, I think, about ten miles now.
330. It would bring it within five miles? About that.
331. The Honorable Member for the Hawkesbury, Mr. Piddington, asked you about some land that was sold—Mr. Ford's—is that near the Common? Yes, I believe it adjoins the Common.
332. What part—the further or nearer end of the Common? Near Ryde.
333. Do you know the land—is it good land? I have been on it, and I think it is pretty good land.
334. Is it of similar quality to the average of the land you have been over? I have not been on it for some time now.
335. *By Mr. Smart:* You stated just now, that if the bridges were constructed it would benefit very much the residents beyond the Common? I think it would.
336. What residents are there beyond the Common—are there any? I have heard that there are a great many at the back—I do not know of my own knowledge.
337. You do not know the number? No.
338. You do not know as a fact whether there are any there or not? No.
339. You do not know of your own knowledge whether there is Government land at the back of the Common, which would be increased in value by these roads and bridges? No, I do not, but I have heard so. If there is any land fit for cultivation it must be benefited.
340. The persons you have spoken of who were at Buffalo Corner—had they leases, or houses, or were they trespassers? They had not leases—they lived under the rocks.
341. On the beach—on the margin of the river? A little way from the head of the creek. It is a secluded place in a blind creek that runs up the bush.
342. What steps could the Trustees take to keep these people off the Common? I heard Mr. Drinkwater say that he ordered them to leave the place, and pulled down the house.
343. Then there was a house? There was a place under the rock which was patched up in front.
344. They had no lease from the Trustees for any portion of the land? No; one of them applied to me to sign a petition to the Trustees to grant him a lease. I said no, I would not, as I had never been in his company before.
345. *By Mr. Piddington:* If the Common were sold to private individuals, would the same facility exist for the assemblage of these bad characters as does now? Not unless they took leases from the purchasers.
346. You say you have known bad characters to assemble on the Common—do you think those bad characters assemble there because the Common is unsold? The reason they assemble there is that the persons who cut wood take it to Sydney for sale, and bring these women down with them.
347. They were trespassers on the Common? Yes.
348. If the Common were sold would there be trespassers? No.
349. If there were no trespassers, would there be the same facility for the congregation of bad characters as at present? There is not at present—I believe the Trustees have removed them.
350. *By Mr. Lucas:* Would there not be greater facility for persons going over there if the bridges were built? Yes.
351. Could not these bad characters get there with more ease if these bridges were built? Yes, but they could be sent away more easily. I do not think they would be allowed to stop.
352. *By the Chairman:* If I understand you rightly, you say that these bad characters you complain of have been removed; if so, there are no bad characters there? They are in the neighbourhood, not far away; I have seen them going down the river.
353. *By Mr. Lucas:* Are they on the Common? Somewhere in the neighbourhood, whether on the Common or not I do not know.
354. You do not know that they are not on land that has been sold? I do not know where they reside.
355. *By the Chairman:* Have you heard of bad characters being about the church door? I do not know.

Mr. J.
Folkard.

19 June, 1862.

- Mr. J. Folkard.
19 June, 1862.
356. *By Mr. Fiddington*: Do you think the church door is the most likely place at which to find bad characters? No.
357. Do you not think the Common a more likely place to find them than at the church door? Yes.
358. *By the Chairman*: Are you aware whether the Trustees use means to disperse these bad characters on the Common? I have understood so.
359. Are you aware whether those persons who take their produce by Parramatta go from the eastern or western extremity of the Common? From the western, nearer Parramatta.
360. Then, in point of fact, those who come from the eastern extremity cross the water by the punt? I do not think many come by that way.
361. Then they come by water? At the western end they go by Parramatta; at the eastern end, some by water and others by the punt.
362. *By Mr. Lucas*: The producers? Yes.
363. Is the district of Ryde an agricultural district? It might be if the people had any encouragement.
364. Do you grow hay and agricultural produce for sale? It is of no use; we cannot get it to market. I grow what I want for my own consumption, but not for sale.
365. Do you import hay from Sydney for the consumption of the district? Sometimes I buy a few bales of lucerne hay, when I am short.
366. Are you aware whether it is the practice of the inhabitants to take hay and other produce, for the consumption of the district? Some do.
367. Are you not aware that it is very generally done? I am.
368. What is the reason of that, if the land will produce it? It would produce it.
369. How then do you account for the large importation? I do not think there is a large importation. I think Mr. Devlin is the largest importer.
370. How do you account for the small importation? Many people have not land, or do not cultivate their land except for orchards, and if they have horses they must have hay and corn.
371. Then they do not require facilities for conveying their produce to Sydney? Yes, they do.
372. Not when they do not produce anything? They have the produce of their orchards to send to market.
373. How do they convey that to market? Some take it by the punt; some send it by boatmen. I have known many cases where people have sent their fruit by the boat, and have had to pay a shilling for each case; the fruit has been sold for nine-pence a case, and they have been brought three-pence in debt. Two or three years ago I took some fruit down to the wharf, and sold it for £3. The next market day I sent down a similar quantity to the market, and was five shillings in debt.
374. Then it does not pay to grow fruit and produce? Not that way.
375. You spoke of that portion of the Common adjoining Lane Cove River—do you consider that adapted for agriculture? No.
376. Is it for horticulture? It might do for building.
377. What would be the inducement to persons to build there—is the situation so good? Some of it is.
378. For building purposes? Yes, I think it is.
379. *By Mr. Sutherland*: You have stated that you sent down fruit for which you had to pay a shilling a box carriage, and that you received only nine-pence for it? I know parties who did.
380. Do you think that would be the case if the producers could go to market and sell the fruit themselves? No, I do not. I think a man can always make more of his produce by selling it himself than he can by employing another person to sell it for him.
381. Do you think there would be hay enough grown in the district to sell, if there were a road to bring it to market? There would be enough grown for all the requirements of the district, and also for sale.
382. The district is now principally occupied by orchards? Yes; if there were roads I would not allow my land to lie idle, as it does at present.

WEDNESDAY, 25 JUNE, 1862.

Present:—

DR. LANG,	MR. PIDDINGTON,
MR. LACKEY,	MR. SHEPHERD,
MR. LUCAS,	MR. SMART,
MR. SUTHERLAND.	

ISAAC SHEPHERD, Esq., IN THE CHAIR.

J. K. Heydon, Esq., called in and examined:—

- J. K. Heydon, Esq.
25 June, 1862.
383. *By the Chairman*: I presume you are aware of the object of this Committee? Yes.
384. You reside on the Parramatta River? Yes, close to the Pennant Hills Wharf*.
385. What is the usual means of access to the wharf? From Sydney and Parramatta?
386. Yes? By the steamer.
387. What is the fare of the steamer? The fare from my place to Sydney is, in the cabin, half-a-crown.

388.

* Added (on revision):—I am the owner of 180 acres of land at Ermington.

388. Does the steamer ply regularly? Yes, every day.
389. How many times in the day? Three times up, and three times down.
390. Do you know if there are many sailing boats plying on the river? I do not know what may be called "many"; there are stone boats employed in carrying down the metal for the repair of the Sydney streets, from Pennant Hills Wharf, and there are some boats that go up to Parramatta with supplies to the storekeepers.
391. There are many plying to the immediate neighbourhood of Kissing Point Wharf? I forgot to mention that there are also fruit boats, from both Kissing Point and Pennant Hills Wharf; they are employed in carrying fruit to market, and in bringing back the empty packages.
392. Are there many of these boats? I know of about half a dozen; I think half a dozen would be the outside.
393. You do not grow grain yourself? Not for sale; I have grown hay.
394. I believe you are one of those who advocate the bridging over Iron Cove Bay and Parramatta River, and the forming of a road by the Abattoir, and over Pymont to Sydney? I am; I joined that movement from the first.
395. How far north do you propose to carry the road? My idea is, that the road should be carried into the North Road and left to take its regular course.
396. What they call —? What they used to call the Great North Road, upon which, in olden time, there was a great traffic; it branches from Parramatta Road to the punt, across the river, and then goes up by the Lunatic Asylum, away to the north. How far it goes in that direction I do not know.
397. Are you aware whether it is practicable? I am not aware myself, but I have talked with persons who have come from distant parts of the district, and they tell me it is practicable.
398. You do not know it of your own knowledge? No.
399. Do you know what the cost of these bridges and roads would be? I have an approximate estimate, in consequence of inquiries made —
400. *By Mr. Smart*: Have you a plan of the bridges? I have a proposed plan. When the first movement was made in this matter, several persons interested met together, and the first thing they thought necessary to be done was, to obtain some tangible information; they therefore instructed the Secretary to write to a trading association in England, called the Iron Bridge Association, of 58, Pall Mall, London. The Secretary did as he was bid, and sent sections, shewing the width and depth of the river, copied from Mr. Langley's plan for the Government, and all the other information they thought necessary for the guidance of the Company. The result was, that they sent us back the plan I now produce, accompanied by a letter. (*The witness produced a plan.*)
401. *By Mr. Piddington*: Are the piers shewn on this plan the number you believe to be necessary to carry out this plan? It is only what the engineer or man of business of the Company proposed, from the information we sent him. We do not look upon it as a perfect thing, but simply as an approximation,—as something that may guide us in pursuing further inquiries.
402. Supposing an iron bridge of this description were decided upon as the most convenient to be constructed, how many piers do you think would be necessary from one side of Parramatta River to the other? I am not an engineer, and do not consider myself sufficiently well informed to give an opinion, but the plan proposes ten piers.
403. According to this plan, with so many as ten piers, what is the estimated cost of this bridge? I should correct myself as to the ten piers; the ten piers apply to the two bridges. I have here an abstract of the estimates for bridging Parramatta River and Long Cove. (*The witness read the same. Vide Appendix A.*) I may state, that in this estimate every item is put down at as high a rate as we conceive it could possibly cost under any circumstances; thus the freight of the iron-work is put down at 60s. per ton, although we believe it could be brought out as dead weight at a much lower rate. I may also add, that the gentleman who furnished the information as to the cost of erecting the piers and abutments is the contractor who built the Pymont Bridge;* and we believe that, under good management, in private hands, a saving of one-third of the estimated cost might be made.
404. In what particular portion of the estimate? For instance, in the putting up of the bridges, we are led to believe, from an engineer residing here, that if men were brought out from the establishment at Home, with the materials, the expense would be reduced fully one-half.
405. That is from ten thousand to five thousand pounds? Yes. The casual expenses are also put down very liberally, and we think might be materially reduced; and the gentleman who furnished the estimate for the piers has since told us, he thinks it might be done for considerably less. It has also been suggested by a contractor in Sydney, that the bridge across Long Cove should be a pile bridge, like that from Glebe Island to Pymont, which again would reduce the estimate. He thinks such a bridge might be built across Long Cove for £10,000, while the iron material alone would cost in England £14,598. Then again, in thinking it best to have a suspension bridge across the river, we have, of course, concluded that the navigation should be preserved quite perfect, and that there should be no obstruction in the way of the steamers and other boats passing up and down the river; but if the Parliament in its wisdom should think it desirable to have a less expensive bridge,—a bridge with a swing opening, or some other contrivance to allow of the passage of vessels at certain times, might be constructed at a less expense. It is thought by persons conversant with these matters, that the cost of the whole could be reduced to £32,000.

406.

* *Inserted (on revision)*:—He thinks that the masonry may be done for much less.

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406. That is, by substituting a wooden bridge for the iron suspension bridge, and making allowance for a reasonable deduction of expenses on the other estimates? Yes, and still preserving an iron suspension bridge across Parramatta River.
407. *By the Chairman*: I think the paper you just read was your own calculation or note? Yes, my own abstract of the contents of this letter, with local information added. (*The witness read a letter. Vide Appendix B.*)
408. *By Mr. Piddington*: Have you any reason to doubt the ability of this particular Bridge Company to carry out their proposal? We were recommended to them as the persons most likely to carry out the matter cheaply and efficiently.
409. You have no doubt of their ability to carry out this proposal? No, I have no reason to doubt.
410. *By the Chairman*: When you sent Home this application, did you send any plan of the intended bridges? No; we sent them a plan of the ground only.
411. Leaving it with the parties in England——? To suggest what they thought best and cheapest.
412. *By Mr. Smart*: You sent a plan of the river, shewing the width at each place; showing also the soundings at various parts? Yes; we made a copy of Mr. Langley's report to the Government upon the proposed crossing-places.
413. *By the Chairman*: How do you propose to raise the necessary means to carry out the work? Ultimately, by selling the Common; in the meantime, I should think the Government might lend their assistance in forwarding the object, although I imagine the Common would amply repay them for advancing the funds.
414. Do you mean that you would apply to the Government for funds at the first onset? I would apply to the Government to carry out the work altogether; I would tender to them the Common, and ask them to give us bridges and roads in lieu; and we think we offer them what is at least of equal value to the work to be done.
415. When you say "we," whom do you mean? The commoners—the inhabitants of the district.
416. Are you aware who the commoners are? Do you mean, do I know personally all of them?
417. I ask you, when you say the commoners propose to surrender the Common as an equivalent, if you know who the commoners are? Yes, I may say, speaking generally, I know the commoners, having met a number of them at various meetings connected with the Common, and having also met them in going up and down in the steamers.
418. And they consent to the surrender of the Common? I have met with only two dissentients since this matter was first mooted.
419. How many persons are there entitled to the use of this Common? I cannot say. The grant devotes the Common to the use of "settlers, cultivators, and other inhabitants" of the two districts mentioned; and I take it, from the language of the grant, that all persons resident in the district are commoners.
420. You consider that they are commoners, and that you have got their consent? Yes; all I have met with, with the exception of two, have been in favour of the project.
421. But you have no idea of how many commoners there are? I have some idea, but I could not speak with precision.
422. Then you cannot say whether all the commoners are in favour of surrendering the Common? I know that two are not, and I dare say there are more whom I have not met.
423. How many you do not know? As far as I have met them, I think I may say I have met hundreds of them at meetings and elsewhere, and they are all in favour of it, with the exceptions I mention.
424. Have you attended any meetings in the Field of Mars having reference to the Common? I think I have attended four—three or four.
425. Four in the Field of Mars? Well, I cannot say exactly where the Field of Mars district touches upon that of Eastern Farms; but speaking of the two districts as one whole, I have attended four meetings—some at one end of the district, some at the other.
426. Have you attended any at the western end? Yes, one in particular.
427. Were the commoners there all in favour of surrendering the Common? There was a motion put to the meeting and carried in favour of this project, at that end, which is looked upon as the adverse end.
428. By a large majority? By a large majority it was carried. I think, now you remind me of that meeting, that there were more than two dissentients at it; but when I spoke of two, I referred to those whom I had met and conversed with on the steamer.
429. I suppose your means of information is principally on board the steamers? No; because I have made a point of attending all the meetings I conveniently could, and I have met a great many more commoners at these meetings than I have on board the steamer.
430. Then, if I understand you, the Government should advance the necessary funds to build these bridges? Yes, and then resume the Common and sell the land.
431. Do what they please with the land? I would make it a condition that the land be sold; for I think the sale of the land is almost of greater importance to the inhabitants than the building of bridges, if it be possible to draw a line of comparison between the two objects. The Common, as a Common, is an incubus upon the district; it prevents its going ahead. We want population, and there is no land to sell but the Common; without land we cannot attract a population, and without population the district cannot progress at all.
432. Is the Common land adapted for the settlement of a population? I do not know much of the Common, excepting by hearsay; I question whether I have ever seen it; for living on the banks of the river, and my business lying in Sydney, it does not take me to the Common.
433. Then supposing the Common is not adapted for the settlement of a population, your views would not apply? Certainly not; but from all I hear it is admirably adapted for population.

population. I have conversed with persons living in all parts of the district, and from all I gather, I think the land on the Common would sell as readily as any of the alienated land.

434. You have been led to believe that the Common lands are equal to those lands already alienated? I have been led to believe that the lands of the Common consist of good and bad, as do also the lands in the two districts; and I think, as a whole, the lands of the Common are as good as those already alienated.

435. Who do you consider would be benefited by these improvements? Everybody living on the north shore of the Parramatta River, from Lane Cove up to Parramatta, and whatever people may be living towards Dural and towards Wiseman's Ferry. The proprietors of land especially would be benefited; I think it would increase the value of land in the neighbourhood materially.

436. Do you consider that those on the south side of the river would be benefited? Yes, I think the benefit would extend wherever the road went. Any road used by people confers a benefit upon the neighbouring lands. I even think the Sydney people would be benefited, for I think if there were easy communication with our district there would be produce grown there which is absolutely wanted in Sydney. I know there are some things grown in that district which cannot be so well grown anywhere else in the neighbourhood of Sydney; for instance, there are Kissing Point turnips, which have quite a name for their excellence, but people do not now grow them to any extent, because, being a bulky article, they cannot easily be taken to market.

437. They have boats? Some people have boats, but the farmers do not keep boats, they have to hire boatmen, and if they use a cart and horse they cannot get across the river with a heavy load, because the road to the punt is so steep; besides, they have to pay three shillings for going across, which, as they say, takes the gilt off the gingerbread.*

438. You think this project would confer a benefit upon the people of Sydney, and upon those who reside on the south side of Parramatta River? I do.

439. Do you not think all those who derive a benefit from them should bear a share of the expense in carrying out these improvements? Well, speaking of public matters generally, that should be the rule; but here is an easy case, as we have a means of paying for the improvement without hurting anybody, and benefiting everybody.

440. Supposing the parties who have the means are not willing to surrender them, should not all these persons who will derive benefit contribute an equal portion of the expense? I do not exactly understand your question—do you mean those on the south side of the river?

441. Yes? I should not object to receive contributions if I were in the position of the Government, but I think the Government should not ask more than a return of the money they lay out, and if we commoners are willing to give up the Common —

442. I am speaking on the supposition that the commoners are not willing? That would be a pure supposition; but supposing they were not willing, every person who would be benefited should pay a proportion towards the expense. But I take it these bridges will not be built unless the Common be sold to raise the money, because £30,000 is a good sum of money, and I dare say the Government would hesitate about laying it out unless they could hope to see some of it back again.

443. But your proposition, so far as I understand it, is that the Government should advance the money on the first onset? Yes, and that simultaneously they should resume the Common, with a view to its sale, and then set about building the bridges. Already there has been —

444. When would you propose that the sale of the Common should take place? I was going on to say that already there has been an offer made by a private Company to give £30,000 for the Common, and to undertake to build these bridges as a speculation. I know some of these gentlemen. They proposed in the first place to build the bridges, and afterwards to sell the ground, simply for the reason that they would make more money in that way. I presume the Government would follow the same line of policy if they were to resume the Common.

445. I presume you are aware, or that these persons who made the offer were aware, that their offer could not be accepted at the time they made it? I do not know how you could presume it.

446. Are you not aware that this Common is held under a grant? Yes, the offer was made contingently. If the Government would allow these bridges to be made, this offer was made to smooth the way.

447. This offer might have been made with a view to induce the Government to acquiesce, and not as a *bonâ fide* offer? Perhaps so, but I have reason to believe that it was *bonâ fide*.

448. You must be aware that the Government was not in a position to accept such an offer? I am aware that they could not without the consent of Parliament.

449. Then the offer was a nullity? It was not a nullity, for the Government could have come to Parliament to ask for an Act to enable them to accept the offer.

450. *By Mr. Smart:* Do you think there would be any difficulty in getting up a Joint Stock Company to carry out this work, in the event of Government agreeing to give up this Common? I think there would be no difficulty at all.

451. Do you not think that would be a readier plan of carrying out the work than that to which you have referred? I myself was not one who moved in the project for the formation of

* NOTE (on revision):—I wish to add here, that the great objection to sending produce to market in boats is, that the producers have first to bring it from their farms in their own carts to the boats; then, when the boats reach Sydney, they have to re-load it into drays hired at Sydney prices, to take it to the market-place; whereas, if they had some means of going by land, they could take their own carts all the way, and bring back manure. And they would also save their own fare as passengers by the steamer, when they follow their produce to sell it.

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of a Company; I only know the gentlemen who did so. The most prominent was Mr. Huntley of the Gas Works, who is well up in that sort of thing, and understands the formation of Companies—it was his and Dr. Brereton's proposition. For my part, so long as the bridge is built and the Common sold, I do not care how it is done, whether by the Government or by a private Company.

452. *By Dr. Lang*: Do you not think that it would be safer for the public that it should be in the hands of the Government than in those of a private Company? I do, for a Company would naturally make the most both of the bridges and of the land.

453. A Company, perhaps, would not be very anxious as to the sufficiency of the construction of the bridges? There are always differences between public methods of carrying out undertakings of this sort and those of commercial speculators. I think it would be the safest for the public to have to do with the Government.

454. *By the Chairman*: Supposing the Common were to be surrendered, and these bridges were to be constructed, would those persons now entitled to the use of the Common be at liberty to pass over the bridges toll free? My own idea of the matter is, that the Common will sell for so much more than it will cost to build the bridges, that Government ought never to impose a toll upon passengers at all; I think the bridges should be free. I believe a sufficient fund will be left, after paying the cost of erecting the bridges, to pay for all repairs for many years to come, and if good roads are once constructed on each side of the river, the whole of the land from Hunter's Hill to Parramatta will, shortly after the erection of the bridges, be divided into Corporations, whose care it would be to keep them in repair; but we dare not venture upon Municipalities now, because there is so small a population, and as is always the case in small communities, there are parties always at variance, and every man looks after his own interest. A Municipality will not work without a population large enough to create a public opinion.

455. Is any portion of the district incorporated? Yes, Hunter's Hill.

456. What is the population there? I have heard the numbers, but they have escaped my memory. The number is small, but it is a small district that is incorporated.

457. How is your theory borne out with reference to that? I do not see that my theory is affected at all by it. My theory applies to the concentration of population, but certainly without a large number of people you could not expect to work a Corporation; that is my notion of the matter. I may be wrong, but I think it is a correct notion.

458. *By Mr. Piddington*: Are you of opinion that the Field of Mars Common would yield a larger sum, if it were sold by auction, than the cost of the construction of these two bridges? Yes, decidedly; but I would advise under any circumstances, whether sold by auction or otherwise, that it should be sold after the bridges are built.

459. What do you think would be the cost of a wooden pile bridge at Iron Cove, and of an iron suspension bridge, according to the plan you have produced, over Parramatta River, and of all the works necessary to build those two bridges? Answering from information I have obtained, £32,000.

460. If the Government advance the money on the security of the proposed equivalent, they could raise the £32,000 in the ordinary way, upon debentures at five per cent.? I should imagine so. I think there would be no difficulty in issuing debentures upon the security of the Common, without giving the security of the general Revenue.

461. But supposing the Government were to accept the proposition you put forward, they could raise the money by simply pledging the credit of the country? Yes.

462. At an interest of five per cent.? Yes.

463. That upon £32,000 would amount to how much? £1,600 a year.

464. Then, according to your opinion, all the liability the Government would incur would be to the extent of £1,600 a year for interest? Certainly it could be no greater.

465. What do you think the Common would realize, if sold gradually, after the construction of these bridges? I believe myself, if the bridges be constructed and the Common be sold, that the prices that will be realized in many cases will astonish us. I believe it would readily be bought up at £20 an acre on the average, and I speak from my own knowledge of the price at which land is sold for now, without these bridges, in the neighbourhood of the Common.

466. Do I understand you to say that you are of opinion that if the land were sold gradually, it would bring an average of £20 an acre? I believe it would.

467. There are 6,000 acres, are there not? Yes, and I believe if it were sold gradually, that is within a period of ten years, I am quite safe in saying it would average £20 an acre.

468. Which I presume would be a total of £120,000? Yes.

469. Then I take it you are of opinion that the Common would afford a commercial guarantee to the Government of nearly four times the cost of the two bridges? I think so.

470. Then there could be no risk whatever to the Government in accepting such a valuable consideration as the Common would afford? On the contrary, I think they would make a good bargain, and have a large amount after paying for the bridges.

471. You are of opinion that there would be a large balance to the credit of the Common after these bridges were erected? Yes.

472. A balance sufficiently large to defray all future expenses in connection with the maintenance of these bridges in repair? I would with permission suggest, that on the passing of the Act for carrying out this project, in justice to the commoners (and the Chairman has alluded to the same idea, that the commoners are giving up a great deal more than they are getting), any balance that might be left after the building of the bridges ought to be divided among the Municipalities of the district; for though there is but one at this time, I confidently anticipate that there will be others within a short period from the completion of these bridges.

473. If your calculation of the value of this Common at all approaches accuracy, there would be no reason to charge a toll to the public upon passing over these bridges? None. J. K. Heydon,
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474. Are you of opinion that the exchange of the Common for the construction of these bridges would be an unmixed advantage to the landholders and the residents in the district of the Field of Mars? I believe it would benefit every resident: it would increase the value of property; it would enlarge the field of labour for those residents in the district who depend upon their labour for their support; it would enable us to have Schools of Arts and similar institutions; in fact, it would altogether brighten us up. We have gone to sleep. Although we are so close to Sydney we are absolutely lost for want of communication with the metropolis. If we grow anything we have the greatest difficulty to sell it. I grew some hay myself last year, and loaded two teams to send it to Sydney; after the carts were loaded the man told me he could not go across the punt, and he had to go round by way of Parramatta. The result was, that after paying all expenses, I received only about £2 for a ton and a half of hay. 25 June, 1862.

475. Are you a proprietor of land in the district of the Field of Mars? I am, close to the river, at the Pennant Hills Road.

476. Would your property be much increased in value by the construction of the proposed bridges? My property is so situated that it is quite away from the road. I look upon it that all the property in the district would be benefited, but I think mine would be as little benefited as any. I am still farther away than Mr. Shepherd, and he does not think his will be benefited.

477. Your property is on the border of the Parramatta River? Yes.

478. The line of road does not come near your property; your property is at the extreme end of the district that would be benefited by these bridges? I think my property is as far beyond where these bridges will cross as the bridges themselves will be from Sydney.

479. Is the Common of any use to you? Not any.

480. Or to anyone in your neighbourhood? Nor to anyone in my neighbourhood.

481. It has been stated that the Common is a nuisance: have you any knowledge or experience as to the correctness of that statement? I do not live near the Common, and therefore, in the sense in which the word nuisance has been used, I could not say that it has been so to me. I have heard persons speak of bad characters living there; but though not in the grossest sense of the word a nuisance to me, it is so in other ways. I am liable to assessment for a property in which I have no interest; I see things going on wrong, and am called upon to attend meetings ostensibly for the improvement of the Common, and when I attend them I find there is not the slightest attempt to improve it. Then, again, we have no means of causing the Trustees to carry out our wishes in reference to the management: the Trustees leave the land as they please; and at the election of Trustees, the Trustees themselves have the power of saying who have and who have not the right of voting, and when once elected the Trustees are elected for life. In that way I say the Common is a nuisance to me; and I see there is a tendency to the same state of things which has so often existed at Home with reference to Commons—an abuse of trust, and jobbery.

482. Is it a usual thing to leave to Trustees to say who have and who have not the right of voting at their elections? I never heard of such a thing before.

483. You are not aware of any precedent for the exercise by them of such an extraordinary power? No; it is utterly repugnant to my notions of British liberty.

484. Do you think if the Trustees were more frequently elected, and made responsible, some means might be discovered of improving the Common? To improve the Common means, I take it, to clear and stump it. I arrive at that conclusion from the terms of the grant. The grant gives the power "to lease portions of the Common, for the improvement of the same"; and it is generally understood that the improvement of land for Common purposes is to clear and stump it, and so make pasture land of it; but that has not been the practice. Leases have been granted for very short periods, and people have taken leases for the purpose of cutting and selling the timber, and have left the stumps in the ground. This of course only deteriorates the Common, and I do not see how any fresh election of Trustees can alter the matter.* In fact, I can see no way out of the difficulty but by getting rid of the Common.

485. Supposing steam punts were fixed at the places proposed for bridges, do you think it would be a cheaper mode of effecting the object of bringing the people of the district into communication with Sydney? Steam punts would have only this advantage over the present punt, that they would go across the river more quickly; but the objection to the punt, besides that it is slow, is that we cannot get our loaded carts down to the river, and this objection would not be removed by steam punts. Again—another object with persons who live up there at villa residences is, that they are principally people who have business in town, and their object is to have communication with Sydney at all hours. Steam punts, I take it, would hardly keep the steam up all night, and therefore would be open to the present objection that the people cannot get up and down when they want. The particular class I refer to desire the means to go to or from Sydney at any hour, in order that they may attend concerts, the theatre, or public meetings. Now, when we go to Sydney we are obliged to leave at 5 o'clock, or to remain all night.

486. You think the inhabitants of the district would not be satisfied with steam punts? No. Besides, they would be a constant expense, whereas I believe the present punt does let for a trifle.

* *Inserted (on revision):*—To stump the land money is required, and that money could only be raised by assessment; and if that were done, the land even then would not, for "Common" purposes be worth the expense. It would only pay an individual proprietor to go to so much expense.

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487. Are you aware whether the people of Parramatta, or of the Ponds, have any right to the use of the Common? The people of Parramatta certainly have not. The Common is granted to persons only residing in the Field of Mars and Eastern Farms districts. I cannot speak positively. In fact, we cannot get the information from the Trustees; but I believe the Trustees have allotted rights as commoners to persons who live in the Ponds district. The Ponds district is a district extending from Parramatta towards the Field of Mars; in fact, it eats into the district in shape. I think the people of the Ponds are the people who are making the most opposition to the project, and yet they really have no interest in the Common.
488. Then the people of the Ponds are, in your opinion, beyond the limits of the district for which the Common was granted? They are decidedly beyond, for the terms of the grant are express.
489. You are aware that some petitions were presented in favour of the construction of these bridges? Yes, I heard of them and saw them, but I do not notice them in the list of petitions for the purposes of this Committee, and I believe they have been left out in some way.
490. Do you know who presented these petitions to the House? Mr. Cowper.
491. Those petitions have not been printed? No, they are not before the Committee in this printed paper.
492. *By the Chairman*: Have you on any occasion received any advantage from the Common—have you applied to the Trustees for any privileges? I applied to the Trustees on one occasion, for the exercise of my right to cut timber, when I wanted some fencing done. Of course it was granted me, and I got some of the fencing stuff from the Common, but I may say I would not do so again, for I found it cost me more to get the timber from the Common than it would to have brought it from Sydney. According to the report of my man he could only get timber from out-of-the-way places, whence people would not bring it in former times; he could only get it from gullies, where it was next to impossible to draw it out.
493. As a landholder are you entitled to run cattle on the Common? I presume so.
494. Have you ever sought that privilege? Never.
495. You did not require it? I should be afraid to put my cattle on the Common.
496. You did not require it? I should be glad to put my dry cattle there instead of keeping them at home, if I could do so safely.
497. You never attempted to do so? I never attempted to do so, because I was led to believe that I should very likely not see them again if I did.
498. You would not think of sending them without a man to look after them? It would be cheaper to pay for their agistment. I could not send anyone to mind them at a less cost than 15s. a week.
499. You say that on the portion of the Common under lease improvements have not been carried out—is there an instance where a lease has expired? When I made that answer I made it generally. The object is to improve the Common, and to improve it in the way I have said, for Common purposes; not to grant leases for ninety-nine years, in order that the lessee may plant an orchard on it. No doubt in such a case the land would be improved, but it would then be better that the land should be the man's freehold, because the trifling rent derived from it is trifled away, and does none of the commoners any good.
500. In speaking of orchards, are you aware, of your own knowledge, that the conditions of the leases have been infringed upon? No, not of my own knowledge.
501. Then, in point of fact, you cannot say that they have not been carried out? If everything I say here is to be understood as spoken entirely of my own knowledge, I could say very little, but I am certain of the truth of the statements I make, because I hear them from everybody's mouth in talking over these matters with my neighbours.
502. I am induced to ask you this question because you say the conditions on which leases of the Common are granted are that the land should be cleared and stumped? You misunderstand me—I say the legitimate object in leasing the ground is to make the Common more useful for Common purposes; but I do not say that the leases granted by the Trustees have stipulated for that. They may have granted leases—as I have heard they have done—contrary to the intention of the grant.
503. Have you seen any of the leases? No.
504. You say that the banks of the Parramatta River, where the road leads to the punt, are so steep that it is impossible for carts to go over? Yes.
505. Have you travelled that way? I have been over on foot.
506. The banks are so precipitous, you say, that a cart and horse cannot cross? I should be sorry that horses of mine should go there with any thing like loads. I believe Mr. Moore, of the Botanic Gardens, some time ago, lost his horse and gig, and that he has been unable to fish his gig up since, the place is so steep.
507. *By Mr. Piddington*: He lost both horse and gig? Yes.
508. *By Mr. Smart*: Was that in consequence of the steep descent to, or ascent from, the river? Yes; I do not mean that it was in crossing the punt.
509. Was it not in consequence of the punt not being at its proper place on the side of the river? No; I believe the accident occurred in this way—that he went into the river to wash his horse's feet, and was not aware that the river deepened so suddenly; but the banks there are very steep.
510. *By Mr. Lackey*: The punt has been used by horses and carts for many years? Yes, but many will not go by it.
511. *By Mr. Smart*: You say these two bridges—the iron suspension bridge, and a wooden bridge similar to that erected from Glebe Island to Pyrmont—would cost £32,000? Yes.
512. How are you justified in making that statement, when from the estimate you have read it appears that one of those bridges by itself would cost £31,000. The larger one would be across Parramatta River, I take it? No, the other one is the larger. If you refer to the items you will see that £13,500 is put down for the iron-work for the one across the river.

513. The two bridges come altogether to £59,000? But you must remember that we have J. K. Heydon, Esq. taken the outside calculations; for instance, in the item of freight, you, as a merchant, must know that 60s. a ton is an extreme rate.

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514. But these are the estimates you have given the Committee, by which we must be guided in our determination, and if these bridges are to cost so much—one of them alone would cost £29,000, or, taking off £2,000, that would be £27,000? The plan I would adopt would be this—to take the £59,000, and deduct from it the difference between the cost of constructing a wooden and iron bridge.

515. You have never been on the Common, and do not know the character of the land? No, except from report, I know nothing of it; I may have been upon it.

516. Do you know whether a large or a small portion of it is alluvial land? I am told there is a good bit of very good land there.

517. What proportion of the 6,000 acres? I have been told by persons on whom I can rely that, comparing the land of the Common with that of the alienated district, the one is as good as the other.

518. Cannot you inform the Committee what proportion of good land there is in this 6,000 acres? As I could only guess, my evidence would be valueless.

519. I suppose the alluvial land would fetch a higher price than the bush or scrubby land? Of course, when people who buy a bit of land for agricultural purposes—and this land, I presume, will be sold in bits—they will give more for good land than for bad; but people who want residences not far from the metropolis do not look at the agricultural qualities of the soil as persons do who purchase farms. I take it that the Common will be sold to gentlemen who have made or who are making their fortunes, and who want to make their homes in suburban residences.

520. You think the greater part of the Common will be sold for suburban residences for the citizens of Sydney? Yes.

521. Then you think you are justified in saying that the land, if sold, would average £20 an acre? Yes.

522. Do you know of any sales of land similar to the Common land within the last few years? I attended the sale of some land belonging to the Marsden family—Mrs. Bobart's. There were a hundred acres sold, and it was very poor land, on the opposite side of the Pennant Hills Road to my estate; some of it goes into the river; indeed it is not land at all, for it is covered by the tide, and even it was sold; that land realized from £25 to £40 an acre.

523. How long ago was that—within the last two years? I think about three years ago.

524. Were those the general or exceptional prices—do you know the average? The average was over £30.

525. Was that land, upon the whole, inferior to the Common, or was it of a better character? I believe, from what I have heard of the Common, that it is of a patchy character, either stony or sandy, like Hunter's Hill, or pretty good in spots. The land to which I have referred was poor stuff; you could not do anything with it without manure. From what I hear of the Common I believe there is a great deal of it much better land than that.

526. As you do not know the position of the Common, you cannot speak of the back country? I know it from a map.

527. But not from your own knowledge, or from information received from a number of the residents? There are very few residents there, for though the land is alienated they are mostly unoccupied. I believe if the Common were populated, these lands would also become so. There are some beautiful places up Lane Cove, which are at present unimproved and useless, in the hands of the proprietors, because of the difficulty of access.

528. Can you inform the Committee what is the population in the immediate neighbourhood of those places where the bridges are proposed to be built? I think there is about the densest population there; there is the Asylum in the neighbourhood; the village of Ryde is about a mile and a half distant; before you get to that there is the Catholic Church, and a small collection of houses, and the Hunter's Hill Municipality. It is, I think, the part of the river most densely populated.

529. You cannot speak of the numbers from your own knowledge? No; but it is the most densely-populated part of that side of the river.

530. By the Chairman: In speaking of the alienated land on the Lane Cove side of the river, are you not aware that the people resident there have access to Sydney by the way of the North Shore—St. Leonard's? Yes, in the same way as the people of Dural have by the North Road, that is to say, there is a road, but so little used and never cared for, that it is almost like going through the bush.

531. Have you ever travelled by that road? No, not myself.

532. Then you do not know? I know from the statements of others.

533. By Dr. Lang: Does your estimate of £20 an acre refer to the whole of the Common, or to portions of it that are of better character than the rest? I said that I thought it would average £20 an acre, if sold gradually; it was in that way the question was put to me, and I firmly believe it will. Speaking as a business man, and as one who observes what is going on in the neighbourhood, I believe that immediately the bridge is built there is land in the vicinity that will realize £100 an acre. There is a piece of land of thirty acres—the Asylum reserve—which is just being served as the Common has been, by vagabonds who come to cut the timber, nobody hindering them—and that land, I think, would fetch £100 an acre, if put into the hands of a person who knows how to sell it. I know that land similarly situated to the Asylum reserve is held, and will not be sold for £50 an acre.

534. By the Chairman: You are speaking of Bland's property? Yes.

J. K. Heydon, Esq. 535. *By Mr. Lackey*: Do you not think the high prices these lands have brought have been caused by their situation, they being close to the river—the lands you have spoken of as having been sold at from £30 to £40 an acre? I could not say, of course, what entered into the minds of people when they bought them, but I can speak of facts that have occurred since. I find that many persons bought five acres of land—very poor people—and are growing garden produce for Sydney, and that others were mere speculators who hold the land over, but who are, at the same time, speculators who know what they are about. I may mention Mr. Harvey, of Parramatta, as one of the purchasers; also Mr. Spurway, a man who has made his money by orchards and farming in the district. These bought largely. Another was the surveyor who surveyed the land; he bought the corner allotment, at over £40 an acre.

25 June, 1862.

536. I think you said some of this land abutted on the banks of the river, consequently it has an increased value from its water frontage? It derives no advantage from the water frontage, because the water is so shallow. The portion of the land which comes down to the river is at the elbow near the Pennant Hills wharf.

537. Still it is on the banks of the Parramatta River? Yes, but only the smaller end of the property faced the river; it was a narrow piece of land extending in length inland.

538. I suppose none of it extends back more than three-quarters of a mile? One mile exactly.

539. How far in a direct route, as a crow flies, is the Common from the Parramatta River? From this property?

540. Yes? I should think about a mile and a half, judging from the map.

541. Do you know how far the extreme part of the Common is from Sydney—the north-western portion? Do you mean as the crow flies?

542. Yes? I should think twelve or thirteen miles.

543. Do you think that, if sold judiciously, would fetch £20 an acre? Yes, I do. I noticed in the *Herald* a letter inserted by an opponent of this project—if the letter be genuine—and he complains that he had given a high price for land at that end of the Common—I think he said £25 an acre—but stated that he did so in consequence of having Common rights, and therefore was averse to have them taken away.

544. He bought the land which was in the vicinity of the Common? Yes.

545. That will shew there is a right in the Common? Yes, no doubt there is such a thing as a Common right—the question is, is it of any value? But I would like to take the opportunity of stating this before the Committee:—There are two ways, it appears to me, in which the people think of Common rights. The one view is that which the Trustees have adopted of reckoning Common rights in proportion to the holdings; the other is the popular notion on the matter—that which would seem to be borne out in some way by the words of the grant—that “every settler, cultivator, or other inhabitant,” is entitled to the use of the Common. Now if the Common is to be held for the use of the commoners, in proportion to their holdings, then the Common would really belong to a very small number of persons in the district, but they will be large proprietors. On the other hand, if every one has an equal right—a sort of universal suffrage—then everybody has *only* an equal right. Now I wish to put before the Committee how this would operate; if it belongs to the proprietors according to their holdings poor people are very little benefited; and I call attention to the fact that it is the large proprietors who want to dispose of the Common, and who complained of it as a nuisance. Again, if it be shared out to each individual—one man to have no more than another—the right dwindles down to something so small for each as to be scarcely appreciable; it would not feed a sheep or a goat for each.

546. Various persons about the Common use it for turning cattle upon, do they not? Yes, I believe some do.

547. For instance, orchard growers? I do not know one person in my district who uses the Common for that purpose.

548. You were speaking just now of some persons at Parramatta exercising an influence in the disposal of the Common, and stated that they had no right to do so; I presume these persons have property there? Then I do not speak of them as Parramatta people. Then again, there are three different people who claim a Common right out of the same piece of ground, the landlord, the tenant, and the people working for both.

549. The tenant for the time exercises the landlord's rights? Yes, but the landlords are moving in the matter, and claiming rights equal with the tenants.

550. *By the Chairman*: You say Mr. Harvey purchased a piece of land at a high price? Yes.

551. Is he a proprietor of land adjoining the land of Marsden that was sold at a high price? I do not know whether he is the owner of Peyton's orchard, but I am told he is.

552. Are you aware whether Mr. Spurway is owner of the land adjoining this which he purchased at a high price? He is the owner of land in the neighbourhood, but I do not know that either of these gentlemen have land immediately adjoining.

553. You do not know of your own knowledge whether they have or not? I know they have not bought these lands to extend previous holdings.

554. You know they are holders of land in the neighbourhood? Yes.

555. *By Mr. Sutherland*: The land lately purchased by them does not abut on any portion of the land they had previously? No.

556. *By the Chairman*: You are sure of that? Yes.

557. Mr. Harvie's, for instance? Mr. Williams is between him and Peyton's.

APPENDIX.

J. K. Heydon,
Esq.

25 June, 1862.

A.

The following is an Abstract of the Estimates for bridging Parramatta River and Long Cove:—

Tender received from the London Suspension Bridge Association	£14,598
Freight, 2,500 tons, at 60s.	13,435
10 piers, averaged by a Sydney contractor at £500 each	7,500
4 abutments, &c.	5,000
Casual expenses	2,000
Expenses of putting up bridges, and making roads to and from them ..	6,000
	10,000
	£58,533

JULES JOUBERT,

Hon. Sec.

June 23, 1862.

A suggestion made by a contractor in Sydney, that the bridge across Long Cove should be built like that from Pyrmont to Glebe Island, at a cost of £10,000, thereby saving £14,000, as far as the bridge across Parramatta River is concerned. The suspension principle is adopted on account of the navigation of the river, and to enable steamboats and other craft to pass under it. Should, however, a wooden bridge be erected, with a flap similar to the Glebe Island, or a swing like Pyrmont Bridge, the cost of the whole would be reduced to £32,000. The offer made by Messrs. H. J. & Co., of £30,000 for the Field of Mars Common, would therefore nearly cover expenses.

June 23, 1863.

J. J.

B.

Jules Joubert, Esq.,
Secretary to the Parramatta River, Roads, and Bridges.The Iron Bridge Association,
58, Pall Mall, London, S. W.,
10 July, 1861.

Sir,

We have to acknowledge the receipt of your letter bearing date 15 March, 1861, and in reply we now forward you a design for the proposed bridges, in accordance with the two sections sent. The two elevations are shown in the same sheet, and the construction is similar in both cases.

We had not time enough to prepare the designs and send them by last mail. We have been unable to assign any depth for the foundations of the piers, as you have not informed us what the strata is in the two sections; we have therefore left this for you to fill in.

Section No. 1, Elevation No. 1, represents a radiating tension bridge—(which we consider stronger and a better principle than the "Taper Chain Bridge," and we have therefore made the design accordingly)—and consists of five spans, of 195 feet each between the piers. There are two cast-iron towers to each pier, which are connected together at their tops by means of a transverse girder, as shown in transverse section. Each tower consists of four hollow cylindrical columns of cast-iron, their bases being held down by holding-down bolts, connected to holding-down plates built into the masonry of piers. The columns are strengthened diagonally with wrought-iron ties, and at certain intervals in their height by cast-iron girders. The upper portion of column is formed with a strong bed-plate or saddle of cast-iron, upon which the curved links rest to connect the front and back tension bars.

The tension bars radiate, in pairs, from each tower to different points of the longitudinal beams, and are connected therewith by means of tension pins passing under the longitudinal beams. These tension pins work in wrought-iron boxes, rivetted to the lower tables of the longitudinal beams, having two square ends. The ends of the tension rods are formed with screw threads at their ends, which pass through holes in the square ends of the tension pins, and are fixed by means of strong nuts. By these means the tension rods can be adjusted at any time. The longitudinal and transverse girders are of wrought-iron. The back tension bars are carried back to the anchoring points, and there anchored, behind solid blocks of masonry.

All the front and back tension bars are connected together at their joints by vertical bars, capable of adjustment by right and left-handed screws. The bridge is calculated to bear $1\frac{1}{2}$ cwt. per square foot of roadway (including its own weight), and with this weight to be strained to 6 tons per square inch of section. We should be willing to deliver the iron-work for bridge, Elevation No. 1, or five spans of 195 feet each, free on board at London, Liverpool, or Hull, for the sum of fourteen thousand one hundred and thirty-seven pounds ten shillings,—say £14,137 10s.

And for Elevation No. 2, or five spans of 200 feet and two spans of 75 feet, each, for the sum of fifteen thousand three hundred pounds,—say £15,300.

The above sums are exclusive of freight, insurance, or timber.

Payment to be made by a merchant or banker in London, on whom we may draw during the progress, and on the shipment of the iron-work, as may be arranged.

Pro the Iron Bridge Association,

I am, &c.,

ROBERT KING.

269, George-street, Sydney,
New South Wales.

P.S.—In going more closely into the matter, we find we have made an error in the cost of the iron-work. The following, therefore, will be the cost of the two bridges:—

Elevation No. 1, five spans of 195 feet each, the cost of the iron-work, free on board at London, Liverpool, or Hull (exclusive of freight, insurance, timber, erection, or masonry), fourteen thousand five hundred and ninety-eight pounds,—say £14,598.

Elevation No. 2, five spans of 200 feet and two spans of 75 feet each, thirteen thousand four hundred and thirty-five pounds ten shillings,—say £13,435 10s.

Charles Abercrombie, Esq., called in and examined:—

- Charles Abercrombie, Esq.
 25 June, 1862.
558. *By the Chairman:* You reside on the south side of the Parramatta River, on part of the Five Dock Estate? Yes.
559. And are a proprietor of land in that neighbourhood? Yes.
560. Do you advocate the bridging over of Iron Cove Bay, and forming a road by the Abattoirs and over Pyrmont Bridge? Yes.
561. Do you advocate the bridging over the Parramatta River at Five Dock? I do.
562. Has the proposed line of road been surveyed and the site of the bridges fixed? Yes, by Mr. Langley, principally under my own direction, as far as the bridges at Iron Cove and Five Dock were concerned.
563. Who employed him? The Government.
564. Have you any estimate of the cost of the bridges and of the road? I have no estimate, but I have spoken to Mr. ———, who constructed the bridge between Pyrmont and Glebe Island, and on telling him the depth of the water across Iron Cove, he stated that he would build a bridge similar to that which goes across from Pyrmont to Glebe Island, but with a swing, that is, a wooden bridge of the same construction, but without copping the piles, for the sum of £10,000; the piles to be charred and covered with coal tar. The bridge to be three feet wider, and the foot-path sufficiently wide to allow a lady and gentleman to walk together, which they cannot do on the foot-path at the Glebe Island Bridge.
565. In your opinion, would a similar bridge be adapted for crossing the Parramatta River? I would not recommend it for crossing Parramatta River, because the depth of water there is thirty-four feet, and the depth at Iron Cove is only eight feet, on the Balmain side, up to twenty-four feet on the Five Dock side.
566. Have you Mr. Langley's plan—are you speaking correctly? I am speaking correctly, you will see that by reference to Mr. Langley's plan.
567. I think it is forty-four feet? No, but I have seen it eighty feet at Bedlam Ferry.
568. I am now speaking of Mr. Langley's plan? I was with Mr. Langley when he sounded, and I think the depth was thirty-four feet; it runs into twelve feet on the north side of the river. (*Referring to the plan.*)
569. I see it is forty feet? That makes it thirty-four feet, allowing six feet for the rise of the tide.
570. How far north of the Parramatta River do you propose to carry the intended road? Shall I begin to describe the road ———
571. Have the goodness to answer the question as concisely as possible? Do you mean this road surveyed by Mr. Langley?
572. You pray for the erection of bridges and the formation of roads, so as to connect the northern country with Sydney; now, I wish to know, in estimating your expenses, how far north you propose to carry the road? Do you mean when we have crossed the Parramatta River?
573. Yes? To the line of road a little beyond the Lunatic Asylum.
574. Then, in fact, you would not make a road to the Common? No, certainly not, we never thought of making a road to the Common; we construct it to the present road to Kissing Point, and that road takes you on to the Common. There is no other road, as you have to head gullies, and the road is already made to it when you get that length.
575. Would the building of these bridges and making these roads add materially to the value of the property on Five Dock Estate? No doubt, particularly one part of it; for the part where the road would run through the Five Dock Estate is farthest from Sydney, and therefore it would be brought nearer. For instance, my house is nine miles and a-half from the Post Office by the present road, and by the proposed road I should be within two miles and a half; and when I say mine of course I include my neighbours, Mr. Wright and others. Half of my neighbours would be benefited to the extent of six miles, and the other half to the extent of five miles.
576. How do you propose that this work should be paid for? The proposition is that the Government should resume the Field of Mars Common and do these works, and pay for them by issuing debentures for twenty years. There would be no necessity for them to force the sale of the Common, but I have no doubt they could sell so much as would pay the interest, and thus the Government need not advance a single penny of cash to carry out the work.
577. If I understand you rightly, you propose that the Government should advance the money at the first onset? Simply by the issue of debentures; they would not pay any cash.
578. Would you issue these debentures upon the Territorial Revenue or upon the Common? No doubt the Government would issue the debentures upon the Consolidated Revenue, but if you refer to the letter from Mr. Secretary Robertson ———
579. I see no letter from Mr. Robertson? It is before you—there is a letter from Mr. Secretary Robertson ———
580. Do you not think that all those who are benefited should bear some portion of the cost? I do not think all should, because I think the public ought to go free. The Common is for the public good, and if it is resumed by the Government, I think the Government ought to make these roads and bridges free to every one. If your question applied to myself individually, I would say my quota is given. I have given permission to the Government to make a road through my land without any charge.
581. Are you a landholder on the north side of the Parramatta River? Yes.
582. In the district of the Field of Mars and Eastern Farms? I have land facing the Field of Mars on Lane Cove.
583. On the north side of Lane Cove River? I have some fronting the head of Lane Cove River, and I believe fronting the Common; but not knowing the boundaries of the Common exactly,

exactly, I cannot say positively that it is within them; I believe it is close to the Common, but I cannot speak exactly, for I do not know the boundaries, and I never saw any one who could tell me.

Charles
Abercrombie,
Esq.

25 June, 1862.

584. Am I to understand that you are the proprietor of land in the neighbourhood which gives you a commonage right? I am a proprietor of land, but as to its giving me a commonage right, that is a question which you Trustees may dispute—I consider that I am entitled to commonage, but I do not say I am—perhaps you may say I am not.

585. Do you not consider that those parties who will derive so large a proportion of the benefit from the increase in the value of their land, should bear a portion of the expense of these improvements? Not if the Common be given up to the Government, as I am satisfied the sale of the land would produce more than the improvements would cost.

586. Do you think it would be just on the part of the Government to take forcibly the Common from those parties who object to surrender their interest? I do not suppose the Government will take it forcibly, but if the majority of those interested ask the Government to do so, the minority must give way. The majority can give up the Common by petition.

587. Is that in accordance with the Common Grant? I do not know what the Common Grant is here; but it is in accordance with English law, and I presume we have pretty much the same laws here as in England.

588. Do you consider the residents of Pymont, Balmain, and Five Dock, would all be benefited by the building of these bridges? Yes, and I consider also that the town of Sydney would be benefited to a very great extent; for if the bridges were erected the good land at Kissing Point and about the Common would be the means of raising a great deal of produce, fruit and vegetables, and the vegetables and fruit so raised would be sent in to Balmain and Sydney. The increased supply would of course tend to cheapen the prices, and thus the people of those places would be benefited. Even as a fashionable drive for the people of Sydney it would be a great advantage. At present there is but one outlet, that towards Waverley and South Head. If these bridges were erected there would be such a drive as I believe could hardly be equalled in the whole world, within six miles of Sydney. There would be four bridges, and the drive by the road and over them would command the most splendid views; and I believe that, during the fruit season, tens of thousands of people would flock from Sydney to the orchards on the north bank of Parramatta River by this road.

589. Do you not think that it would be equally just for the Government to resume Sydney Common, or a portion of it, in order to carry out this scheme? Certainly not; for there are few enough reserves in the neighbourhood of Sydney, and the Sydney Common is required as a safety valve; but the Field of Mars Common is a nuisance, being a place for the congregation of riff raff and disorderly people.

590. You do not reside there, I presume? Not on the Common, thank God.

591. Nor in the neighbourhood of the Common? I live on this side of the river; but I know something of the bad practices carried on there.

592. How are you aware of the disreputable practices and pursuits carried on there? I could give you one instance, if this gentleman (*referring to the Short-hand Writer*) will not put it down.

593. I wish to know on what ground you make these assertions? I did not wish to have it taken down, because it relates to a family matter. Mrs. Abercrombie was robbed, and the people who robbed her remained carousing in the house from ten o'clock at night until three o'clock in the morning. The people who were engaged in the robbery all resided on the Common; two were convicted and sentenced to fifteen years imprisonment, three or four others were never touched, and are still residing on the Common; among them is a celebrated character—Black Charlie.

594. When did this robbery occur? About fifteen years ago.

595. And these parties who committed the robbery —? Were resident on the Common, and some are there to this day.

596. Do you know that of your own knowledge? Yes.

597. Have you seen them there? Many a time, and you may see them there every day.

598. *By Mr. Sutherland*: Do you believe it would enhance the value of the Government land on the other side of the Common if these bridges and this road were made? I do, because the roads would be made in a direct line as near as possible. It would be a great advantage to the people at Lane Cove, as for instance, Mr. Hill, who has an orchard there, which was in the market the other day. There is an extent of some 2,000 acres of good land there, which belonged to Sheriff Young, which might be brought into direct communication with Sydney if a small bridge were made across the head of Lane Cove, where the fresh water joins the salt; and this would be a great advantage to the people there, who are, many of them, fruit growers, as it is necessary, in order to get to market, that they should leave home either late at night or early in the morning, and now when they come down to the North Shore they cannot get across because the steamer is not plying. I am persuaded that a bridge might be erected there for about £200, and that fruit would thus be brought into Sydney market which is now wasted, because of the expense and delay of coming by the North Shore ferry.

599. Then this would shorten the distance from those places? The distance would be no greater from Mr. Hill's orchard into Sydney Market, if the bridges were built, than it is now by St. Leonard's.

600. At what do you value the Common per acre? I suppose my value of the land would not be entitled to much consideration, as I do not know the Common altogether; I have been across only a part of it—that part which lies between Kissing Point and the head of Lane Cove; I have ridden over very often, but at that time I did not know the boundaries;

Charles
Abercrombie,
Esq.
25 June, 1862.

I believe that is the worst part of it, the best is towards Pennant Hills; I could value it only prospectively upon the erection of the bridges, and I should say it would be worth from £10 to £20 an acre, if it were not forced into the market. I think the amount that might be realized from it, if it were laid out in small farms and small allotments, and sold by degrees, would be near £100,000.

601. *By Mr. Smart*: What do you think is its present value? I should doubt very much whether it could be sold at the present moment; I dare say the good land would not be worth more than £15 or £20 an acre.

602. What would the inferior land be worth? It would fetch nothing, unless it were good building allotments, and a good price would be obtained for them.

603. You do not think buyers will be found till the bridges are erected? I do not think they would, unless bridges were built, or it was known that they would be built.

604. Do you know whether the Government have any land beyond the Common unsold? Yes; I have seen some of it.

605. Any quantity? They have a considerable quantity.

606. Do you know the quality of it? No, but I have been told at the Survey Office that there are some 200,000 acres unsold, between that and the Hawkesbury River. I have seen good land about Dural, and a little beyond that I was told was unsold, but there is no road to it, and the Lane Cove Road has always been in bad order.

607. *By Dr. Lang*: You think the construction of these roads and bridges would be a general benefit to the inhabitants of the northern side of the Parramatta River? I think it would be a general benefit both to those on the north and to those on the south side of the river.

608. And to the public of Sydney generally, as an outlet? Yes, and as being the means of bringing a great deal more produce into the market, for people would purchase the land for the purpose of growing something upon it; the land would not lie waste as it does at present.

609. Are you aware whether the Common at present is any material benefit to the different commoners? I should think, from what I have heard, that it is no earthly benefit to any commoner.

610. Is it in any way a nuisance to the public? I know it is so far that no improvements can be made, no roads can be made, so that any person having land adjoining it, northerly, can get nothing from it while the Common remains as it is.

611. Are you aware whether there is any valuable timber on the Common? I am not; I have seen no timber of any value on the part I have been over.

612. Has the removal of the timber that originally stood upon the Common improved or deteriorated the quality of the land? I should say it has deteriorated the value of the land, because the stumps are left in and the scrub grows up; where there is heavy timber there is sometimes good grass for cattle.

613. *By the Chairman*: Do you know whether the Common land is adapted for agricultural purposes? I have seen both good and bad land; I have seen a good deal adapted, and a good deal not adapted.

614. Which is the larger portion? Of the land I have travelled over, I should say it is about equally divided, but I have seen only a portion.

615. You do not speak of your own knowledge? Yes, I do; I speak of what I have seen.

616. As regards the nuisance, you do not speak of your own knowledge? I have spoken of a circumstance within my own knowledge.

617. That was fifteen years ago? Yes, but I was there ten or twelve months ago, and I found a number of people engaged in a drunken row and fighting.

618. Did you give information, or interfere? I did not go near them; I was in my boat; if I had interfered I should most likely have got my head broken; there were fifteen or twenty of them fighting.

WEDNESDAY, 2 JULY, 1862.

Present:—

DR. LANG,
MR. PIDDINGTON,

MR. SMART,
MR. SUTHERLAND.

ISAAC SHEPHERD, Esq., IN THE CHAIR.

William Forster, Esq., M.P., examined:—

Wm. Forster,
Esq., M.P.
2 July, 1862.

619. *By the Chairman*: You have been requested to appear here to give any information you can, in reference to the promoters of bridging over the Parramatta River: I believe you are a landowner in the district of the Field of Mars? Perhaps I may be allowed to observe that I thought I was summoned to give information about the Common; I understood so from the notice I received.

620. The present inquiry is instituted in consequence of a Resolution of the House, "That a Select Committee be appointed with a view of resuming the inquiry into the subject-matter of various petitions and other matters relating to the Field of Mars and Eastern Farms Common, together with bridging over the Parramatta River and Iron Cove Bay; and that the Committee be empowered to send for persons and papers, and to inspect the Common if considered desirable?" Then am I to understand that I am to be examined with regard to these petitions?

Wm. Forster,
Esq., M.P.

2 July, 1862.

621. You are to be questioned in reference to any subject upon which the Committee may think proper to examine you? Certainly; your first remark seemed to imply that I was to give evidence about bridges; now I know very little about bridges.

622. I believe you are a landholder in the district of the Field of Mars? I am; I am in possession of land, and I have a remainder in the land I hold—about 500 acres.

623. Are you a promoter of bridging over the Parramatta River and Iron Cove Bay? I can hardly understand the meaning of that question—how I can be a promoter of bridging over the Parramatta River —

624. Do you conceive it to be desirable that Parramatta River and Iron Cove Bay should be bridged over? I should be very glad as a landholder, and as having an interest in common with the whole Colony, to have bridges over every river, so that they did not interfere with the interests of those who navigated the rivers; and therefore, of course, having a more direct interest in the river to which you make reference, I should be glad to see Parramatta River bridged over with as many bridges as practicable, if they did not interfere with other rights.

625. With reference to these two bridges in which you are more immediately interested, how do you propose to raise the means? Will you state what bridges you refer to in which I am more immediately interested? I should like to know at what point the bridges you refer to cross the river, for I do not for myself wish to advocate particular bridges, or any particular spot as a place where a bridge shall be erected. Any bridge that will connect our district with Sydney I should be glad to see carried out if practicable, if the money is to be got, and it does not interfere with other rights.

626. Here is a plan (referring to a plan appended to a Return laid upon the Table of the House in 1861)? I have been looking at that plan, but it simply shows certain points.

627. One is at Five Dock? Five Dock, I know very well where the bridge would cross. If you mean would a bridge built over the river at Five Dock —

628. My question refers to that bridge? May I ask what opinion you wish from me on that subject?

629. I ask you if you are a promoter of the construction of a bridge across the Parramatta River? I cannot say that I am a promoter in any other sense than that I should be glad to see bridges across the river. It does not come within my province to promote the construction of bridges in any way.

630. Then I shall go back to my question—As you would like to see these bridges carried out, how would you propose to raise the necessary money to build them? That is not a question that has ever come within my province to determine; I have never seen the project to which you refer in such a state as would impel me to consider the question of funds.

631. You have not considered the question of funds? Not in such a way as to entitle me to give an opinion to the Committee.

632. You cannot form any estimate as to the cost to be incurred? My opinion on that point would be worth very little. It strikes me it would cost a great deal of money, I might say in a rough way £100,000, but I do not think my opinion is worth anything; nor is it possible for any one to express more than an opinion without the necessary survey and calculations.

633. Perhaps I may say that all the evidence we have heard has been merely matter of opinion, and you as a resident are as capable of forming an opinion as another? I do not of course wish to undervalue my opinion, but I consider my opinion upon that point as worth nothing; it is not even an opinion—it is mere guess. I have not engineering knowledge, I do not know the sort of bridge that would be required, and it seems to me that none but an engineer can give an opinion upon that point.

634. Are you opposed to the existence of Commons? I do not quite understand that question, what you mean by "opposed to the existence of Commons."

635. Are you opposed to Commons in general? Do you mean am I opposed to persons possessing Commons anywhere?

636. I mean to say, are you opposed upon principle to the setting apart of portions of land as Commons? With the permission of the Committee, I will explain my views a little at length. I think there are times in the early stages of the settlement of a country when Commons may be desirable, but I think it follows as a matter of course, that a time arrives when the existence of Commons to any large extent is prejudicial to the settlement of a country. That is the general opinion I hold as to Commons, and I think that in this Colony, where freehold settlement is so easy, and where there is a disposition to extend the facility of freehold settlement, the granting of Common rights is less desirable than in any other part of the world. I can understand that, in countries where there is a feudal tenure and a landed aristocracy, the object of giving people who are not landholders something out of the large property which has been in a manner "usurped" by such an aristocracy; but here, where we do not recognize a feudal aristocracy, where there is a disposition to increase the settlement of freeholds, and where the freeholds are likely to be small properties, I see less reason for the granting of Common rights. Still, I think that in the early period of settlement Commons may be beneficial to people who are settled in small numbers in a place; but as settlement increases, the time comes when Commons are not required, but are prejudicial even to the people they had previously benefited. I think the Common respecting which I am asked to give an opinion is a good example in support of the remarks I make.

637. Where Common land is held under an absolute grant, would you, if you took away a Common, compensate those people who object to surrender their commonage right? This is a question which does not appear to me to be a matter of much consequence. In general, I would say that, where a private right is proved, I am disposed to respect it, and to give compensation where it is awarded; but then, of course, the compensation must be measured by

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by the amount of injury—the amount of benefit taken away. It seems to me a matter between the individual and the Government. If it be shown that a Common, or anything else, is prejudicial to the public generally, the public have the right to take it away; and where, as in the case of land taken away for railway purposes, individual rights are injured, the Government is bound to compensate to the amount of the injury done, and I should never set myself against that principle in any way.

638. Do you not consider it an advantage to persons who are large landholders to have the opportunity of turning out cattle on a Common, and also of cutting firewood or timber for fencing? Your question takes a very general shape, but I would answer it by this general remark, that if you give any landholder an additional piece of land it is a benefit to him; if you give him a sum of money it is a benefit to him; anything added to his property is a benefit in a general way; but if you allude to the Field of Mars Common, I have no hesitation in saying that I am an instance among many others of a landholder holding a very considerable portion of land for whose benefit the Common was originally intended, and, as far as my judgment goes, the Common has never been any advantage to me, or to my father, who held the land before me, but an absolute injury; and I believe it is so in the case of almost every landholder in the neighbourhood who is a possessor of land above a small amount, or who lives at any distance from the Common. It may be a benefit to some few who are close to its borders, in a certain sense, but it is counterbalanced by the general injury done, and to these very proprietors themselves, if they could only see their own interests. In all these cases there must be a balance of evils; it might be shown that although the Common has been an evil to me it might be a benefit, because I might sell it. If I could sell it, it would benefit me by putting so much money in my pocket, but if it has been an injury to me and to almost every proprietor in the neighbourhood, as I could show if I were allowed to go into detail —

639. In what way do you consider it an injury to proprietors? I will endeavour to explain myself more in detail; I must first point out the way in which this Common has been managed hitherto. I am not meaning any reflection upon the Trustees, but I refer to the way in which it has been inevitably managed. This Common was intended as a benefit to landholders; it is therefore perfectly clear that it was not intended there should be a mere individual benefit, that is, that the landholder of an acre should have the same benefit from the Common as the landholder of 500 or of 1,000 acres. If the Common was given as a benefit to landholders it was intended that it should be proportionate; I do not say whether that was right or wrong, but clearly the intention in granting the Common to landholders was that there should be a proportionate benefit. Now the fact is, that a small landholder close to the Common, having no timber on his own land, may be benefited to a certain extent by having a place from which he can get wood, and also from being able to run his cattle upon it; but to the large landholder, who is at some distance, the wood is of no consequence. I would let people take wood off my land if they would not cut down my trees. But the direct benefit to the small landholder is counterbalanced in some other way—in this way—all the landholders, if it could be proportioned among them, have a certain right; but as it is, the Common is taken up by wrongful possessors, and these men who were originally wrongful possessors have benefited more from the Common than the landholders themselves to whom the Common was granted.

640. *By Mr. Piddington:* Are you speaking of leaseholders? They were squatters on the land originally, and the Legislature—whether it was from contemplating the difficulty of turning these men off, or whether it was assumed that they had some right, or that it was better to encourage a rightful than a wrongful occupation of the land—the Legislature passed an Act to give the Trustees power to lease a portion of this land. Now I say this Act of the Legislature was *pro tanto* in defeasance of the right of proprietors of land to the Common; it might be a public advantage, but it was a defeasance of our right. In consequence of the passing of this Act, these wrongful people are becoming the actual possessors of the Common; the Common has actually passed out of the possession of the landed proprietors into the possession of these people altogether; so much so, that it is utterly useless to any one to turn cattle upon it. The grazing right is utterly useless, except to those people who live close by and can look after their cows, and even to them it is of very little use, for it is overrun by cattle, so that nothing is to be got by that. The right of taking wood still remains to the small proprietors in the neighbourhood, but these leaseholders get the best of that, as they are on the spot, and get the pick. Of course all my remarks are open to some exception, but as a general rule, I say the Common has passed out of the possession of the landholders, for whom it was intended, into the possession of a number of leaseholders, who originally were wrongfully possessed, some other people who have come in since the Act was passed, and the few landholders who live close by. It is for their advantage, and for that of no one else; it does not benefit the district generally, still less the landholders in the district as a general rule, and certainly not in proportion to property; if you look at the proportion to property the advantage is worth nothing. There is also this direct injury done—many of these small proprietors, many of whom were originally wrongfully possessed, and who have now a certain undefined interest, an interest not equal to freehold, holding by an uncertain tenure, have no interest in improving the roads, and therefore we cannot get them to join with us in any common object for the benefit of the district. In many instances, where the formation of roads would be a great benefit to a particular neighbourhood, the landed proprietors, by subscribing money, are enabled to employ a number of men upon them; and it is a well-known fact, that it is useless to apply to any of these small proprietors, as they will not join in any thing of the kind, and they often have greater use of our roads than any other people in the district, owing to their particular business being to cart wood to the wharf to send to Sydney; a few have also a little fruit, which they send to market. These people cut
up

up the roads more than any of the landed proprietors in the neighbourhood, and at the same time do nothing to improve them. I say therefore that the Common, as at present managed, is a direct injury to the landed proprietors in general. But besides those I have mentioned, there are other evils. From the large extent of ground, to which no person in particular has any absolute right, the settlement upon it of people who are not a benefit to the district, people who are of bad character, is encouraged. I do not wish to say much about that, but I have heard it said that such people do settle, and it is natural that it should be so, as so large an extent of country so circumstanced cannot be looked after in any way. If you add to this also the general principle, which I am sure the Members of the Committee will accede to, that freehold occupation must be superior in benefit to the community to any other occupation, and if you consider that this large tract of country is shut out from freehold occupation, from those principles of free selection which are applied to other parts of the country—all these things taken together, the special grievances and the general rule as to freehold occupation being so much superior to other occupation—I think I have made out a case that the Common is no benefit to the neighbourhood, but absolutely an injury.

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641. Are you aware that the Trustees have made by-laws regulating the rights of commonage? I am told the Trustees have passed laws, which I am told are illegal. For instance, the Trustees are in the habit of exacting a rent for the land they lease; now, as I read the fifth clause of the Act to which I have referred, they have no power to exact a rent. Whether they have the power to enforce it, the tenant having accepted a lease, I cannot determine, but I am clear that from the clause it is an illegal exaction.

642. If I understand you rightly, you state that the Legislature have passed a law enabling the Trustees to convert the Common to purposes contrary to the intention for which it was originally granted? I did not say contrary to the original intention, at least I did not intend to say that there was any expressed intention. I say it is so far in defeasance of the Common right. If the land was granted as a Common, that is clearly inconsistent with granting leases; because the leases are given to a number of individuals who had no right originally, and who now have almost an exclusive right.

643. *By Mr. Piddington*: They would have an exclusive right as against the commoners? No doubt, in regard to the portion leased, and it is perfectly clear that by their settlement on the Common, by their being on the spot—as I believe it is capable of being maintained—they have also a Common right with the proprietors. It is clear that being upon the spot, whatever use they have of the Common is more beneficial to them, than ours is to us.

644. *By the Chairman*: Is there any limitation in the Commonage Act to the amount of land that may be leased? Yes, I believe they cannot lease more than a fourth.

645. In the aggregate? In the aggregate.

646. Supposing that permission given under the Commonage Act were taken away, would not that be a violation of our rights as commoners? The Legislature have a paramount right to deal with these lands for the public benefit, but —

647. I am not speaking of that; I ask whether it would not be a violation of the principle upon which the Common was granted? Unquestionably. I say the argument against the defeasance of the Common right which is set up by the opponents to the alienation of the Common is *pro tanto* taken away by the Legislature having taken away a fourth of our Common, and for which none of us ever got any compensation.

648. *By Mr. Smart*: Was that right reserved under the original grant? I do not think so; my impression is that it was not; that is a question to be decided by inspection of the grant, and by the interpretation of lawyers. I have no copy of the grant, and it is difficult to get a copy, but my impression is that there was no reservation.

649. *By the Chairman*: Are you aware whether the deed was issued previously or subsequently to the passing of the Act you speak of? I am not sufficiently informed upon that question to give evidence; very likely it was issued afterwards. Whether it was the case or not does not much touch the question.

650. Are you aware whether the deed was issued in accordance with that Act? That may be the case; I am not prepared to say, but it does not much touch the question, for there was an original deed intended to convey certain rights, which for some reason or other was resumed, and another deed was then issued with the intention of carrying out the original deed, and it did not do so. Therefore, if you want to know the rights conferred on the commoners in the first instance, you must look at the original deed that was granted before the Common Act was passed.

651. Are you aware whether the Common is held under the original deed or the actual deed? I am in doubt whether there was any power to grant the actual deed, although I know that that is the impression, because I am not quite sure that the resumption of the original deed was a legal one.

652. You are not aware whether the original deed was annulled or not? I am not aware whether it was legally annulled; I believe the general presumption is that it was annulled; I believe that is matter of law.

653. Then, according to your view, it is not the Trustees who have made the misconversion, but the Legislature? I throw no blame on the Trustees; I think they take a wrong view of the interests they manage or look after, but I have no wish to say anything to their discredit; I dare say they all act honestly; but it is clear they have a personal interest in keeping up the present state of things. I do not say they are consciously biassed by personal motives, but we often act from motives of which we are not conscious, and I think the gentlemen who are the Trustees have an interest in keeping up the present state of things; for this power of granting leases gives them a little authority, it creates a small circle of dependents upon them, and so far they have a personal interest in maintaining it; at the same time I give them credit for being honest men, and for thinking that what they do is the best for the district.

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654. Do you know how many persons at present occupy the Common as leaseholders? No; I know it is utterly useless to landholders who are not close to it; it is taken up in all directions—all the land that will grow grass.
655. Perhaps, as you say it is taken up in all directions, you have some idea of the probable number? No, I have not, but I know a great many of the cattle do not belong to any proprietor or leaseholder; wild cattle get there from different parts.
656. You do not know that of your own knowledge? Yes, I do, because I have seen them.
657. Do you know the number of acres held by persons under lease? No.
658. Are you aware whether any person having a lease of a portion of the Common has obtained that lease subsequently to the present Trustees coming into power? I cannot say; I have heard there has been a good deal of litigation—that the Trustees cannot maintain their authority; I have heard that said, but I do not know much about it. I do not trouble myself about the Common, as for a long time past it has been not of much use, but a nuisance; and I know that any interference of mine would be of no benefit. I want to see the Common alienated, and indeed I would have no objection whatever to see it given away in small farms to people in the neighbourhood, provided it were open to freehold occupation. My principal object is to get rid of the Common as a Common, and that has been the object of all the movements I have made in the matter.
659. Supposing it were given as free grants? I do not say that would be the best way of disposing of it, but I say that any mode of opening this Common to freehold occupation would be better than to allow it to remain as it is. Still I could imagine many ways of doing it, some of which would be far better than others I could suggest. If the Common were sold and the proceeds devoted to any beneficial purpose for the district generally, that I think would be the most equitable way of dealing with the matter.
660. You have stated that the Trustees have come into collision with parties in carrying out their trust? I have heard so; I do not know much of the matter.
661. Then they must have some difficulty in carrying out the trusts? Very possibly; I suppose no man can do his duty without some difficulty.
662. Then you think they have done their duty? I am not prepared to say that; I only say I should be sorry to say anything which might seem to imply any reflection against their motives, which I believe are honest.
663. In shutting up Commons, and diverting the land from its original purpose, in thickly populated countries, is not the object generally to supply the population with land for improvement? I think population acts and re-acts upon itself; I have already said, that there is a time when there is no harm done, and when there may be a benefit to a district by applying a commonage right, but I believe it to be inevitable at a certain stage in the settlement of a country, that population will require every encouragement to settle upon the land, and the time always comes when the existence of a large Common is a bar to the settlement of a country; the population gets checked more or less at a certain point.
664. Upon that principle you would do away with the Common? I would wish it, both for public and private reasons: in my private capacity it is a direct injury to me, and on public grounds I object to its existence because it operates very largely as a check to the advancement of the district. On both grounds I would take every means in my power to have the land alienated—I do not say all at once; but rather than allow it to remain as at present, I would give it away.
665. I should like to hear more definitely what direct injury you have sustained? I have already stated my opinions in detail.
666. Cutting up the roads? I say the right is taken away from me altogether. My property is within half a mile of the Common: surely it was intended I should get some benefit from it, and I tell the Committee I get no benefit—that it is an injury to me. I dare not turn out a cow upon it; if I did I should never see her again. Then, again (and that is a matter of my own), the cattle of the settlers on the Common having no grass on the Common, are constantly on my land. The fences not being very good, the cattle of these commoners and of others are perpetually on my land.
667. *By Mr. Smart*: The cattle of the occupiers of the Common under lease? Principally of people who originally had no right.
668. What right have they now? They are now under lease: once they were squatters in wrongful occupation. I wish they had been acknowledged freeholders from the beginning; we should then have had the Common improved.
669. *By the Chairman*: Have you ever sought to obtain any benefit from the Common by depasturing cattle? I am sure no benefit is derivable from depasturing cattle upon the Common.
670. Have you ever sought it? People do not seek things which they know are unattainable.
671. Have you ever sent in your claim as a commoner? No; for I am quite satisfied upon that point.
672. Have you ever demanded commonage right? What is the use of demanding a right which is no benefit to me?
673. In fact, you have not required to exercise the right of common? Whether I required it or not, it would have been of no use.
674. You have not required it? No; the only benefit I would have derived would have been in getting wood, and I have already stated that the small settlers derive the chief benefit from that source.
675. You have sufficient wood on your own land, and therefore have no necessity to go on the Common for it? I have sufficient wood on my own land. I may mention that there is a little timber left on the Common fit for fencing and splitting; but it will not last long, therefore it is not an element in the question.
- 676.

676. You have sufficient land of your own without turning your cattle on the Common? Wm. Forster, Esq., M.P. I have, but that question barely states the case, for I say if I had only a single acre I should not derive benefit from the Common.

677. My question was whether you had ever sought to exercise the commonage right? I 2 July, 1862. have not sought it.

678. You have not done so because you have sufficient land for firewood? There is one right I have exercised very frequently, that of walking about the Common, and I am not a trespasser—that is the only right I have ever exercised.

679. *By Mr. Sutherland*: You say there will not long be timber for anyone? In a very short time that will all be gone, therefore I think that is scarcely worth taking into consideration.

680. That, you say, is one of the main benefits of the Common? No, I say small settlers who have not much land may benefit by getting wood off it; but that is a small benefit, for anyone in the neighbourhood almost will allow wood to be taken off his land if the people do not cut the timber. I admit, however, that to the small settler it is something, but I say that the Common was not originally intended only for the benefit of the small settler.

681. *By the Chairman*: Are you aware whether persons residing in the village of Ryde do not obtain their wood from the Common? They obtain it from the people who split it, but they pay for the labour—not for the mere right of getting it.

682. Am I to understand that these people residing at Ryde buy their wood from the Trustees? Not that they buy their wood from the Trustees.

683. Or that they pay for the cartage? I take it that the greater part of the wood that comes into Ryde is bought by the people who sell it to those who buy in the village, and that they pay for the labour. The men who get it off the Common have very little advantage, because they could get it from other land close by; it is the labour that makes it valuable.

684. Are you aware that the residents of the village of Ryde have applied to the Trustees for permission to cut wood on the Common? No, that is not my business.

685. Then the wood you refer to may have been procured by permission of the Trustees? It may have been, and I dare say that wood comes from the Common to Sydney by the steamer.

686. You do not know that of your own knowledge? I do not.

687. *By Mr. Smart*: Are you aware what quantity of land on the Common is fit for agricultural purposes? I would speak with great diffidence upon that point. I have been over the Common a good deal, but I do not exactly know the boundaries. As a general rule, I am satisfied of this, that the quantity of good and bad land averages much about what the rest of the district does.

688. Do you think the residents in the upper or north-western portion of the Common would be willing to give up their rights of commonage, on condition that these bridges and roads were made to the district? I do not think they are so willing as the people in other parts of the district; in fact, I am aware that the opposition is chiefly with them.

689. Do you think the majority of the residents are in favour of the alienation of the Common? I am of opinion that the majority are in favour, but I do not wish to imply that I am a good authority. It is a difficult question to settle, for it is hard to say who are commoners, and I think that is a reason for the alienation proposed; for the terms on which the right in the Common is maintained are so doubtful, that it is difficult to say who within an immense area around are not commoners; and if it is to be divided among all these, the right is worth nothing.

690. Are you of opinion that the formation of bridges would be a benefit to the whole district? Yes, to everyone.

691. To the people of the Field of Mars district, and to those beyond? The benefit to myself would be very small in a direct point of view; at the same time I would join those who wish bridges to be erected over the river. I think it would be a very proper way of expending the funds derived from the alienation of the Common, because it would be a benefit to the whole district, although the direct benefit to myself would not be great, because I am as near Parramatta as I should be to any bridge that would be made over the river; I should be eight or nine miles away by the nearest and most direct road to Sydney; so that the advantage to myself is not such as to induce me to move in the matter, except from public motives.

692. Can you speak as to the value of the Common? I should say the land is worth from £5 to £10 an acre, without improvements. I look upon the land on my farm as worth some £10 an acre, and I am about half a mile from the Common. Perhaps my land on the average is better than the land of the Common, though there is some very good land there.

693. Do you know the character of the land near Buffalo Creek? I do not know much about it; but it strikes me that it is all bad land; because, as a general rule, the land upon large watercourses is rocky and sandy, and as you get into the interior you come to where the influence of the trap dykes that run through the whole district is felt upon the soil. There is a slight mixture of the volcanic detritus with the sandstone detritus, and that forms generally upon the ridges and hills a better character of soil than is found generally close to the edges of the water. I know some parts of the Common where the land is as good as any in the neighbourhood.

694. Which is it, the upper portion of the Common—the western and north-western? Some of the best is near the Old Camp.

695. *By the Chairman*: It is very limited? That is limited, but there is tolerably good land towards Dural.

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696. As regards improvements—you are referring to Small's? At the back of Eastwood. I believe there is some very good land towards Dural; in fact, all the Dural and Castle Hill country is a hilly country, formed of the sort of soil I spoke of before.

697. *By Mr. Piddington*: Do you recollect the sale of any land within the last few years in the neighbourhood of the Common—do you recollect a sale of land that took place two or three years ago at the back of Eastwood? Yes, Mr. Ford's; I do not recollect enough to speak to the price the land brought.

698. Have you any knowledge of the sale of Eastwood to the present owner? Yes, I know the circumstances of that sale pretty well.

699. Do you know the price per acre given for that land? There are scarcely a hundred acres of land; the land is tolerably well improved; it has been greatly improved since the present owner has had it; but at that time there were some improvements, and it sold for £5,000.

700. That was at the rate of £50 an acre? Yes.

701. Was the whole of the land good land? No, I do not think there is any land in the district good land, in the sense in which I should call land good land in the interior; for instance, there is none like the land on the Clarence, or Darling Downs.

702. From your knowledge of this particular farm known as Eastwood, you are of opinion that it is superior, on the average, to an equal quantity of land to be found on the Field of Mars Common? I should say it is superior rather.

703. Not very much superior? Not very much.

704. Are you aware whether there were any improvements besides a cottage upon this farm at Eastwood? There is a cottage and an orchard. The orchard consisted of orange trees, which were doing well, but they have all died since.

705. Do you recollect the extent of the orchard? Two acres, with vineyard and orchard.

706. Have you any knowledge of the extent of land under cultivation? There was no land properly under cultivation.

707. Then, as I understand you, the improvements consisted of a cottage, two acres employed in the produce of vines and oranges, and scarcely more than that? A few paddocks.

708. Grass paddocks? Only grass paddocks. At that time there was no cultivation worth speaking of.

709. For this farm, as you have described it, the sum of £50 an acre was paid? Yes.

710. Is this farm close to the Common? It is quite close to it.

711. *By Mr. Smart*: Do you know the property Dr. Brereton bought a short time ago, at Hunter's Hill? No; I know very little of the Hunter's Hill country, as a general rule.

712. It was formerly Isaacs'? Yes, I know that.

713. Do you know the extent of that? No. I should say that the Common generally is superior in quality to the general run of the land about Gladesville or Hunter's Hill; it is not so much a rocky and barren country.

714. *By the Chairman*: I should like to ask, with reference to the Eastwood property, are you aware what the improvements cost the original proprietor? I am not.

715. Are you not aware that a very large sum of money was expended upon it? A great deal upon the house and premises, not much else; there was some trenching done in the vineyard.

716. Was it not all enclosed? There is a fence all round the land.

717. And paddocks too? Yes; but at the time it was sold it could not be called well enclosed land; it had been enclosed, but the fences were in a state of disrepair.

718. A considerable portion of it was cleared? I think not quite half.

719. Has any been cleared since? No, I think not.

720. The land now cleared was cleared at the time of the sale? I think there has been very little change.

721. *By Dr. Lang*: In the event of bridges being constructed over Parramatta River and Iron Cove Bay, do you think the outlet would be taken advantage of by people in Sydney to purchase villa sites—small allotments for houses? I am quite sure it would enhance the value of land in the neighbourhood, and would enhance the value of the Common, particularly if the Common itself were open to alienation. I am quite sure the two things together would increase the value of the land, and at the same time would induce people in Sydney, who are expending their purchases in different directions, but who are stopped by the river, to buy.

722. Do you think such an improvement would afford an important additional outlet to the people of Sydney? I think it would be a great benefit to the people of Sydney, in many respects.

723. Are you aware of the character of the land beyond the Common, towards the Hawkesbury River, as to whether it is available or not? I have ridden across in former days along the road to Wiseman's Ferry, but it is generally a very barren country along that road; I do not know much of the country to the right of the road; at the head of the streams that run into Middle Harbour and Pittwater it may be better.

724. *By the Chairman*: It may be worse? It may be worse, though it cannot be much worse than some parts of the land on the Parramatta River, between the Common and the river.

725. *By Dr. Lang*: Have you any idea of the proportion of the land on the Common available for agriculture or horticulture? I think it is quite equal to the proportion of the land in the district generally. I say it with some diffidence, but I think there would be about half available, that is about the case in the district generally; in using that word I mean immediately available without any great expense, for we have an instance of what may be done in the case of a gentleman on the other side of the river, Mr. Wright, who has bought a piece of rock and made it available.

726. *By the Chairman*: He is trying to do it? He is showing what money can do, and no doubt in that way almost any land may be made available, but I refer to land immediately available without any large outlay.
727. *By Dr. Lang*: You think if the Common were resumed by Government, for the purpose of progressive sale, its value would be much enhanced? I am certain it would, particularly in connection with the project of a bridge.
728. *By the Chairman*: When you mention the circumstance of coupling it with the erection of bridges, how would you propose these bridges to be erected? I have not considered that question; I am not an engineer.
729. As a Member of the Assembly, would you, with your present views, consent to a vote for the erection of these bridges? I do not consider that I am here to give an account of myself as a Member of Parliament.
730. As a matter of opinion? I never make up my mind to anything till I come to vote, or very seldom.

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Esq., M.P.

2 July, 1862.

Charles Langley, Esq., called in and examined:—

731. *By the Chairman*: You are a surveyor, I believe? I am.
732. Were you empowered by the Government to survey and mark out a road with bridges crossing Iron Cove Bay and Parramatta River to Five Dock? I was to pick out the best site for roads, and where bridges ought to be placed.
733. And you decided upon the line of road as marked out on a plan appended to a return printed by order of the House last Session? Yes.
734. Is that the plan of the road and bridges marked out by you (*handing the plan referred to to the witness*)? That is a copy of it, I believe.
735. Were you instructed also to survey the Field of Mars Common, and to determine the relative extent, generally, of three qualities of land,—first and second qualities, and inferior land? I was, I believe. If you have my report you will see.
736. To give a valuation of the three qualities, at the then market rates of land similar in character and situation? No.
737. You say you were not appointed to do that? I cannot exactly remember the tenor of my instructions, but if you read the letter of Captain McLean you will see.
738. I will read the letter, dated 5th April, 1861. (*The Chairman read the letter, No. 8.*) "You will supply a valuation of each of the three qualities, at the present market rates of "lands similar in character and situation"? I forgot that.
739. I believe those are the instructions you received? Yes, a copy of them. If you read my answer, you will see what I said in reply.
740. I merely asked the question;—you did not then make a survey of the land according to your directions? I did not; I traversed the Common backwards and forwards, in every place, all over it. (*The Chairman read the report signed Chas. E. Langley, dated May, 1861, "Sub-enclosure in No. 9," in the return above referred to.*)
741. I believe that is your report? Yes.
742. I would now ask you, what you consider the present value of the land without improvement? It is impossible to say—there are some parts worth nothing, and other parts of it that some persons who have orchards say they would willingly give £25 or £30 an acre for. There are other parts that are good for agriculture, and some suitable for vineyards, and at rocky places, by Lane Cove, there are many magnificent building sites. It is impossible to give any idea of the value while there is no communication; you cannot get out of it.
743. Am I to understand that you can put no value upon the land—that it is worth nothing? Quite the contrary; there is land in the neighbourhood of Lane Cove that has been sold at from £5 to £7, or £10 an acre.
744. My question to you is, as you have given your opinion of the value of the land in the event of these improvements being carried out, what you consider the land worth in its present state? I consider that the land on the Common, or any other land in the Colony, under similar circumstances, would not fetch more than £2 or £3 an acre.
745. Can you form no opinion of its value? I would value it at £3 an acre.
746. These improvements would increase its value only £1 an acre? £2. I say the land would be worth from £4 to £5 an acre.
747. *By Mr. Smart*: What was the date of the valuation you allude to? May, 1861, when property was at its very lowest ebb.
748. *By the Chairman*: Have you made any estimate or any calculation of the cost of laying out the Common according to your view? I did make a rough estimate for Captain McLean, I think.
749. And also for making a road? No, I made no estimate of the cost of making a road.
750. Have you made any estimate of the cost of constructing the bridges? No, but I have spoken to some parties about the cost of building the bridges.
751. You can give no information of your own knowledge? I can give this information.
752. Have you made any calculations? I have made calculations as to both bridges. I calculate a pile bridge across Long Cove would cost £15,000.
753. What do you calculate would be the cost of the bridge across Parramatta River? I calculate the bridge across the Parramatta River, with abutments, from a plan I saw in Sydney, would cost from £18,000 to £20,000, complete. It would have to be built at the flood line, so that steamers could pass without lowering their funnels.

C. Langley,
Esq.

2 July, 1862.

- C. Langley, Esq.
2 July, 1862.
754. *By Mr. Smart*: Do you know the depth of the water where you propose to build the bridge? Yes, the deepest part is 40 feet, or 34 feet at low water.
755. The plan you allude to, is it a plan obtained from London, from the Iron Bridge Company? Yes, I believe so.
756. *By the Chairman*: Do you consider that the construction of these bridges, one across the Parramatta River, and the other across Iron Cove Bay, and the formation of the proposed road, would considerably enhance the value of property on the south side of Parramatta River? Most undoubtedly it would. Bourke Town, Battersea, and the various places around, would be enhanced in various ways.
757. Would it more especially enhance the value of the land abutting on or contiguous to the line of road? No doubt of that, and for miles back. The value of any place must be enhanced by having access to a road or bridge.
758. Do you not consider that where there is a great benefit conferred, all those who are benefited should bear a share of the cost incurred in carrying out the proposed benefit? I think if the people give their property it is as much as can be expected, in order to carry out any public work.
759. Do you not consider that the circumstance of enhancing the value of their property would be of more importance to them than the relinquishment of a portion of their property for the formation of a road through it? I think it would be very unfair to them to call upon them to contribute anything farther, because other persons, whose property was not directly on the road, might be nearly as much benefited as those through whose land the line passed. I think it would be unfair that they should have to pay for benefiting others, unless you taxed the whole country to do it.
760. May you not say the same with respect to those on the other side of the river,—if they gave up certain property, that it would be unjust to call upon them to give it up for the benefit of others? It would. But if they gave up their property for the sake of a road it would benefit others as well as themselves.
761. You consider that the giving of land for the road to pass through is a sufficient sacrifice for them to make, in consideration of the enhancement of the value of their property? Quite sufficient.
762. Supposing these bridges you contemplate were erected over the river, do you consider it desirable that a toll should be placed on them? No, I do not think there ought to be a toll.
763. Why? I will explain. These proposed works will occupy ten years, perhaps, in their construction and carrying out; in the next ten years property in that neighbourhood and the circumstances of the Colony will be very different from what they are now—at least it may be expected that they will be better. There will be a greater stream of immigration, population will have increased, and I contemplate that the Field of Mars Common, which it is intended to give up for the construction of these bridges and roads, will fetch £100,000 within that period.
764. That is your opinion? That is my opinion.
765. *By Mr. Smart*: I thought you said just now, that in the event of these bridges being erected and these roads formed, not more than £2 or £3 an acre additional value would be given to the land? Not at that time, looking to the prices at which land was then selling.
766. I understood you to say that you estimate the present value of the land at £2 or £3 an acre? Yes.
767. And that if these bridges were formed, it would not add more than £2 or £3 an acre to their value? If sold at once.
768. In the event of these bridges being erected and roads formed, what do you suppose the land would realize, if sold judiciously and at proper periods? In ten years' time?
769. Upon the completion of the roads and bridges, whatever time they may take? It would add at least £10 an acre.
770. You think the erection of these bridges and the formation of these roads would give an additional value to the land of £10 an acre? Yes; that would make £15 an acre all round, bad and good; for there is some there which though it looks bad, is really good, and could be applied to vineyards and purposes of that kind.
771. What is the length of the proposed road from Sydney to Tarban Creek? About three miles and a half.
772. What is the present distance by land to Tarban Creek, through Five Dock? About nine miles.
773. It would shorten the distance to Sydney four miles? From four to five miles.
774. *By the Chairman*: How do you reconcile the assertions you have now made with the report you gave to the Acting Surveyor General;—you say, “should the Common be judiciously laid out with roads giving means of access to various points on the Kissing Point and North Roads, and the property subdivided so as to combine good and bad land together, it would realize a very considerable sum.” Then you go on:—“Should the new line of road proposed to be opened from Gladesville through the Asylum Reserve, across the Parramatta River, through the Five Dock Estate, over Iron Cove and the Balmain Estate, in connection with the Pyrmont Bridges be carried out, it will enhance the value of this property to a very great extent. I have no hesitation in giving it as my opinion, that taking the property altogether, if judiciously laid out in connection with the line of road above mentioned, it will sell on an average from £4 to £5 per acre, the great desideratum being the opening of lines of communication so as to render the whole property available”;—are we to understand, that in giving your opinion you did not base it upon these things being carried out? It was upon the supposition that the road and bridges were then completed, looking to the prices at that time.

775. But you say they could not be carried out in less than ten years? Yes, but I say in ^{C. Langley,} ten years the land will be worth £15 an acre. _{Esq.}
776. I ask you how you can reconcile the assertion you now make with the report you made to the Acting Surveyor General? I made the report upon his directing me to give the value of the land at that time, and I said if these things were carried out at that time the land would fetch that sum—I was not looking into futurity. ^{2 July, 1862.}
777. Then you based your report upon what you knew was an impossibility—you knew the roads were not then formed, that the bridges were not carried out? I said if they were carried out the land would fetch that amount.
778. Had you any idea that they could be carried out at that time? No, but the Acting Surveyor General asked me to give a valuation, at the present market rates of lands similar in character and situation. (*The witness read the letter No. 8 in printed return.*)
779. *By Mr. Sutherland:* What is the length of the road through Balmain from Glebe Island Road to Long Cove, and what are the general features of the land? The length of the road from the Abattoir road is two or three chains less than a mile, and about half of it is at present used as a road. People come that road in preference to going by the Government road. It is in use now, and has been cleared and made by the people themselves. The breadth of the road is a chain—sixty-six feet.
780. What would be the expense of making that road ready for metalling, without the metal? It would not cost more than £200 or £250 a mile there, for there are no engineering difficulties in the way at all. I would put it down at £250, clearing, stumping, and forming. It is a kind of ironstone gravel there, so that the cost of forming would be very little.
781. What sort of bridge do you propose to put across Long Cove? A pile bridge—the same as at Glebe Island.
782. What do you estimate would be the expense of the bridge complete? If the piles were not coppered, but merely charred and tarred over—which I think would be sufficient—I think it could be done at from £12,000 to £15,000 at the outside; that is, supposing there were not an expensive swing bridge like that to Glebe Island, which alone cost £4,000.
783. What sort of bridge would you propose in lieu of a swing bridge? Not a swing at all; I would make it a slide, which should open and be pulled back on rollers.
784. *By Dr. Lang:* Is there any navigation there which requires a swing bridge? I never saw any in my life, except it may be a wood boat or two.
785. Would such a boat not be able to make its way under the bridge in ordinary circumstances? It would, except at very high water.
786. There is not sufficient navigation on Long Cove to require accommodation for the passage of vessels? Not at all.
787. *By Mr. Sutherland:* Does that sum include the slide bridge you refer to? Yes.
788. Will you state the length of the road that will be required from that bridge across Five Dock to the Parramatta River? About a mile and a quarter.
789. What would be the expense of making that road ready for metal? There is some cutting there and another small bridge to be built—that would cost £1,000.
790. The mile and a quarter complete for metalling? Yes.
791. What sort of bridge do you propose to put across the Parramatta River? I propose a suspension bridge.
792. What would be the expense of such a bridge? It is impossible to give an idea of the expense; I would not venture to give it. From the plans I saw that were sent out here of specimen bridges, I should say that the expense of a bridge that would fit this would be about £14,000, and then there would be the expense of freight and of building piers.
793. Can you, within a short time, in order that it may be appended to your evidence, give an estimate of such a bridge as you propose? I will do so. (*Vide Appendix.*)
794. What is the length and general character of the road from the north side of the bridge to the North Road at Gladesville? About three-quarters of a mile.
795. What would be the expense of putting that road into a fit state for the reception of metal? It would cost £500, at a rough guess—I should say it could be done for that.
796. *By Dr. Lang:* From what you saw of the Common, do you think it is likely to be a great advantage to the commoners in its present state? No, I should think not. If they turn their cattle on it they cannot find them again without great difficulty.
797. Is there much grass upon it in its present state? In some parts there is.
798. Is there much valuable timber on it? Not at this end; there is at the further end.
799. On the whole, you do not consider the existence of the Common, in its present state, a general benefit to the district? It is not; in fact, it is the very reverse. From what I saw of the characters on it, I should not like to travel through it at night if I had anything worth losing.
800. *By Mr. Sutherland:* Did you see many of the people who are settled on the Common? Yes.
801. What was their general character? They were going to put me in the creek; they thought I was come to turn them off.
802. Had you any conversation with any of these people who were settled on the Common, as to what they would give for any portion of it if it were sold? Yes, one party told me she would be willing to give £25 or £30 an acre for what she held if she could get a freehold of it. There is some excellent land in the bays of Lane Cove, and some that is frightfully rough. Perhaps, if these roads and bridges were formed, this would become more valuable than agricultural land, for building sites, as there are beautiful views from some of these places.

- C. Langley, Esq.
2 July, 1862.
803. *By the Chairman*: May I ask the name of the party you refer to as having stated she would give £25 or £30 an acre for the land she occupied? I do not know; she is a widow, and has an orchard of twelve or thirteen acres.
804. The land you refer to was highly improved? It was improved.
805. And had a house on it? A hut.
806. It had an orchard on it? Yes. The woman had been living there five or six years.
807. Not more? That is what she told me; I never saw her before, nor have I seen her since.

APPENDIX.

MEMO. :—

Sydney, 15 July, 1862.

In compliance with the wish of the Committee, I beg to state that, on an examination of the plan for an Iron Suspension Bridge across the Parramatta River, produced by Mr. Joubert, I find its estimated cost, free on board ship in England, is £13,500

The freight on 1,250 tons, at 40s. 2,500

Abutments, four stone piers, and cost of erection, I estimate at 10,000

Total cost £26,000

But I think an Iron Bridge, with *cast-iron cylinders for piers* in place of *stone-work*, would be more suitable.

Its cost in England, free on board ship, would be £19,000

Freight of 1,500 tons, at 40s. 3,000

Cost of erection 5,000

Total cost £27,000

CHA. E. LANGLEY, C.E. & Surveyor.

Mr. Robert Wicks called in and examined :—

- Mr. Robert Wicks.
2 July, 1862.
808. *By the Chairman*: Are you a promoter of bridging over the Iron Cove Bay and Parramatta River? Yes.
809. Do you know what the cost would be? No.
810. Have you any idea of it? No.
811. How would you propose that these bridges should be constructed? I have no way of proposing them; I am no great judge of the like.
812. *By Mr. Smart*: Are you a commoner? Yes.
813. At what part of the Common do you reside? I reside at the Village of Ryde, not upon the Common.
814. And have a right to the use of the Common? Yes.
815. Are you willing to surrender that right to the Government, upon condition that the proposed roads and bridges are constructed? Yes.
816. Do you think it would be a benefit to the neighbourhood generally to have these roads and bridges constructed? I am sure it would, as far as my opinion goes, and I am an old resident in the district.
817. How many years have you resided in the district? I was born in the district, and I am 42 years of age.
818. Have you derived any benefit from the Common since you resided there? I cannot say that I have not; but I think I have been more injured through the Common than benefited by it. When I commenced butchering I turned my cattle there, and lost several head; and I have never seen them since.
819. Then, in your opinion, the Common is no benefit to the residents in the neighbourhood? I do not think it is.
820. You think the construction of these bridges and the promotion of these roads would be a great benefit to the district? Yes.
821. *By the Chairman*: In speaking of the loss of these cattle, do you wish the Committee to infer that they were stolen, or that they strayed? I cannot say. I know I lost them, and that I have never seen them since.
822. You turned them out, and have not seen them since;—you could not say whether they were stolen or not? No.
823. Supposing the Common were sold, where would the people of Ryde obtain their firewood? I think they can get it cheaper off private land than they can get it off the Common, at the present time.
824. Supposing the Common were disposed of, would it not enhance the value of timber on private land? I do not think it would.
825. Where would you get your fencing stuff from? I think we should have to get it where we mostly get it from now, from Sydney, or from private land.
826. Are you aware that people get it off the Common now, in many instances? Very few.
827. You are aware that some get it? Yes, such as it is.
828. You have been a producer of fruit in the neighbourhood? Yes.
829. How have you sent it to market? Mostly by water. Last season I sent it all by way of the Bedlam Ferry.
830. What is the general mode by which people in that neighbourhood convey their produce to Sydney? I think more comes across the ferry than is sent by water.
831. How is the crossing at the ferry? Very bad.

832. On which side of the river? On both sides.
833. Do you mean that it is very bad immediately contiguous to the water—that the approaches are bad? Yes.
834. On both sides of the water? On both sides of the water the approaches are very steep.
835. Is the land in the district suitable for cultivation? Yes, for many things. It is good land, except as you go into the interior, to the low lands.
836. Do you consider the Common fit for cultivation? A great part of it.
837. *By Dr. Lang*: What portion of the Common do you think would be fit for cultivation, speaking generally? I think better than half would be good for cultivation, but there are some parts of the Common, though not fit for cultivation, which is of more value than those portions that are.
838. You mean as building sites? Yes, adjoining Mr. Joubert's, near Lane Cove.
839. Do you think if the bridges were constructed, and the Common were resumed and sold progressively in small farms, that its value would be much enhanced? Yes, I am quite aware it would.
840. Do you think many people from Sydney would be disposed to purchase allotments for building purposes? It is quite likely.
841. Would that improve the circumstances of the actual population of the different villages, such as Kissing Point? Yes, we want some way of getting out; we are fast; we are on an island.
842. You do not consider the present mode of communication a desirable one, either by water or by the ferry? No.
843. The construction of these roads would bring you nearer Sydney? Yes.
844. And give you corresponding advantages? Yes, we should consider ourselves adjoining.
845. *By the Chairman*: When you say you are fast, you have no way of getting out, have you not a steamer plying on Parramatta River? Yes, which we have to pay for.
846. Do you know how many times a day she passes? I could not say for certain—three or four times.
847. Are there not also sailing boats plying up and down the river? Yes.
848. Is it not by sailing boats that the produce is generally carried to Sydney? Yes, partly by boats and partly by way of the ferry.
849. Is there not a ferry across Parramatta River? Yes.
850. You say that has been your mode of transit the last twelve months? Yes.
851. How do you reconcile that with your statement that you have no outlet? You cannot take half a ton across the ferry; it would be a good horse that would take half a ton up the approaches to the ferry.
852. *By Dr. Lang*: Do you consider the present modes of conveyance expensive? Yes.
853. More than they ought to be? Yes.
854. Than they would be if you had a road? More than they are from Parramatta, which is double the distance.

Mr. Robert
Wicks.
2 July, 1862.

TUESDAY, 8 JULY, 1862.

Present:—

DR. LANG, | MR. LUCAS,
MR. PIDDINGTON,

ISAAC SHEPHERD, ESQ., IN THE CHAIR.

Francis Campbell, Esq., M.D., called in and examined:—

855. *By the Chairman*: You are placed over the Lunatic Asylum at Tarban Creek? Yes, as Superintendent.
856. You are a landholder in the district? Yes.
857. Are you aware that the question of bridging over the Parramatta River and Iron Cove has been agitated? I am.
858. Can you give the Committee any reliable information as to the practicability of doing so? I will answer any question the Committee may put to me, but I cannot enter into a dissertation on the subject.
859. Are you aware of the probable expense of these two bridges? I presume the two bridges would cost perhaps £40,000 or £46,000—between £40,000 and £50,000; I do not think it will exceed that.
860. Would you, as one interested in the Common, be agreeable for the Common to be divided—partitioned off among those parties really entitled to the privileges of commoners? Certainly I would have no objections to that, provided you make me a commoner.
861. I presume, as a landholder within the district, you consider yourself a commoner? Yes.
862. Are you aware what is the general quality of the Common land? Yes; I have been a good deal on the Common at one time and another, and, with the exception of that portion which skirts Lane Cove and Buffalo Creek, I consider it good land.
863. Have you been on the northern portion of the Common? I have not been very far round it—I judge from what I have seen; I have been on it a good way, but not knowing the boundaries of the Common, I have never been able to say whether I have been round it or not.

F. Campbell,
Esq., M.D.
8 July, 1862.

- F. Campbell, Esq., M.D.
864. Then, in point of fact, you do not know the quality of the land? I know a great part of it.
865. Do you know the northern portion of the Common? Yes, I have seen a great deal of the northern portion; it is all very good land. I refer to that portion which lies in a northern direction from my own ground.
866. Have you been over the Common as far as Pennant Hills? No, I have not been so far as that on it.
867. Then, in fact, you only know that portion of the Common contiguous to your own land? I know more than that—a great deal more than that; I do not know all of the Common, but I have been over a great deal of it.
868. *By Mr. Piddington*: The Common is very extensive? Yes, some 6,000 acres.
869. *By the Chairman*: Are you aware of its extent in distance? Merely from hearsay; I have traced it on the map, and I believe it goes as far as what they call the Ponds.
870. *By Mr. Piddington*: I believe you are a landholder in the neighbourhood of the Field of Mars Common? I am.
871. Do you possess any land in the neighbourhood of the Gladesville Road? Yes; that is the Great North Road.
872. The road from Gladesville to Ryde? Yes.
873. What part of that road does your land approximate to or abut upon? One piece of my land commences at the commencement of the Onion's Point Road, above Dr. Brereton's land.
874. Does the piece of land you now allude to abut on the Gladesville Road? Yes.
875. It has a frontage to that road? Yes; from the Onions Point Road it has a frontage of 100 chains towards the ferry.
876. Is there any portion of the Field of Mars Common in the immediate neighbourhood of your freehold land? Yes, my ground joins the Common in two places.
877. How far is the Field of Mars Common from the Gladesville Road, at the nearest point adjacent to your land? There are about four acres of land between the road and the Common, and these four acres are mine, therefore they join.
878. How many yards do you think there are between the Gladesville Road and the Field of Mars Common? I should imagine a couple of chains;* I do not think there is more; it is a very short distance indeed.
879. From the Great North Road? Yes.
880. Is not a considerable portion of the Common on the other side between the Great North Road and the Lane Cove River? Yes.
881. Have you any idea how extensive that portion of the Common may be? No, I have no idea of the extent of it, but there is a considerable extent.
882. You have been over it? Yes, I have been over all that part.
883. What do you think would be the value of that land in the neighbourhood I speak of, if sold within the next five years after the erection of the proposed bridges? I imagine it would sell very high; it is almost impossible to say what the price would be, it would be so high. I think if the bridges were erected, population would flow in so rapidly as to give land in the neighbourhood a very high value indeed. I paid £25 an acre for what I possess close upon the Common, in its wild state.
884. Without a bridge? Without a bridge, and I imagine it would be worth three times that amount if we had a bridge.
885. Then, as I understand you, you consider that that portion of the Common near your estate would bring, after the erection of the bridges, three times as much as you have already given for the land? Yes, I imagine so.
886. £75 an acre. Yes.
887. Have you ever heard of any proposition among the commoners to partition the Common among them? Only as a mere idea, within the last two or three days.
888. You have not heard it in any other way than as the gossip of the neighbourhood? Nothing more.
889. From your knowledge of the Common, can you say what use the Common is now to the commoners? I cannot; I really do not know what use it is.
890. Is there any quantity of cleared land, so that cattle and horses could be turned out to graze upon it? No.
891. It is not cleared, like Commons in England are? No; it is full of small trees and underwood where the larger timber has been removed.
892. You have seen Commons in England? Yes.
893. This Common does not partake of a similar character with the English Commons? No, not at all. There used to be a great similarity in some of the Commons in the old times, as far back as Richard III. and Henry VII., and so on, but all those are done away with now.
894. So far as you know anything of English Commons, they are well cleared of timber and grassed? Yes, any that I ever knew were all grassed.
895. Is that the character of the Field of Mars Common? No, it is in its wild state.
896. Covered with timber? Covered with timber, old stumps and young saplings.
897. From your possession of land in the immediate neighbourhood, I suppose you consider yourself entitled to rank as a commoner? Yes, I think so.
898. Would you take advantage of your right as a commoner, to turn out any description of cattle upon the Common? No, I would not venture anything there.
899. Do you not think they would be safe? I should hardly expect to get them again; they might wander away or be stolen; I have heard many complaints of that sort, but I have never suffered any loss, and therefore I could not say personally; I only say I would not venture any living thing there.

- 900. I speak, of course, of cattle turned out without any person to look after them? Just so.
- 901. Is there not open bush land for miles and miles beyond the Common, unenclosed, on the north? I have been along the road leading from Parramatta to Wiseman's Ferry, and I found the majority of it bush land.
- 902. There is nothing to prevent cattle straying for many many miles beyond the Common, towards the Hawkesbury River? Nothing, to my knowledge—the Common is not fenced.
- 903. Do you know whether the commoners generally take advantage of the Common to turn cattle out? I do not know. I have seen cattle and horses on it, but very few.
- 904. If the Common were sold, and the proceeds devoted to the construction of two bridges, as proposed, do you think it would benefit the commoners? I think it would be a very great advantage to every individual within ten miles of the place, and even further than that, but I limit myself to ten miles.
- 905. You think the commoners would be more benefited by the construction of the proposed bridges than by retaining the Common? Yes, I think most of them would, except those who deal in the timber, and they, I believe, make small fortunes out of it.
- 906. The original intention of the Common was not confined to cutting off the timber? No, I believe not; I do not think that was one of the intentions at all, that men should cut off the timber and sell it; I think the intention was, that the commoners should use it themselves if they wanted it, but not that they should sell it.
- 907. Is it not very inconvenient to the inhabitants to be obliged to pass over the punt, or go round by Parramatta, if they want to get to Sydney? Yes, I found it so; and I gave up my horse on that account.
- 908. Do not the inhabitants depend almost entirely on the Parramatta steamers to send down their fruit and other produce? Yes, the chief traffic is carried on by the steamers.
- 909. How often do these steamers run per day? Up and down four times a day.
- 910. If any resident in the district of the Field of Mars required to come to Sydney on particular business, he would be compelled to wait until the steamer passed? Yes, unless he took advantage of the small facility the punt affords.
- 911. Have you any opinion as to the advantages the proposed bridges would confer on the inhabitants of Sydney? They would be a very great advantage in this way. The district of the Field of Mars, and half way to Parramatta, is one of the most fertile pieces of ground in the country, and it would become a perfect garden if the people of Sydney had access to it; each one, I think, would choose small locations there, as they do in the neighbourhood of London, and they would be glad to get out of the smoke of Sydney. I think the land would sell very rapidly there on that account.
- 912. Do you recollect the land on the Gladesville Estate being sold? I do.
- 913. Have you any recollection of the price per acre? I believe some of it rose as high as £90 an acre very near the Common.
- 914. How long is it since land in that neighbourhood realized so high a price per acre? It must be about five years, I think.
- 915. Within how far of the Common is the nearest point of the Gladesville Estate? There are two little farms of thirty acres each between them, or about 700 yards.
- 916. Within a quarter of a mile? Within a quarter of a mile.
- 917. Within the last five years, you know land within a quarter of a mile of the Common to have been sold for how much per acre? I was told £90 an acre. I was told it was proposed not to sell any for less than £100, but I believe the highest they got was £90.
- 918. From your knowledge of the Field of Mars Common, do you think that the general average of the land within the bounds of the Common is equal to the general average of the land outside the bounds? I think so, taking off the stony part, which is not of very great extent; I think the generality of it is as good as any land round it.
- 919. Is the mixture of good and bad land inside the area of the Common equal to the mixture of good and bad land outside the area of the Common? I believe it is.
- 920. You have no doubt as to the practicability of building the proposed bridges? I have not the least doubt they could be built with great ease; I have seen bridges built in worse places.
- 921. *By the Chairman:* Have you examined the sites? Yes.
- 922. Have you been on them? Yes.
- 923. In speaking of the land sold at £90 an acre, was not that the land nearly abutting on the Parramatta River, on the road leading to the ferry? Yes, Mr. Crotty's piece; it fronts the road. The rest sold very high, even the rocky ground, but Crotty (I had it from himself) paid £90 an acre.
- 924. Do you know how much Crotty bought? Eight or ten acres—a good square block.
- 925. Do you not consider land on the high road more valuable than that away far back? Yes, of course the frontage makes it valuable.
- 926. Then Crotty's land must of course be considered more valuable than the land on the Common away from any roads? Not the least doubt of it; but then there are roads running into and through the Common—the Onions Point Road and others.
- 927. Do you consider that if the Common was cut up, the whole of it would realize as large a price as you gave for your land? I think after the bridges are built, it would bring a higher price.
- 928. When do you calculate upon the bridge being built? That I do not calculate upon at all; but when it is built, I will undertake to say the land will sell twice or three times as high as I gave.
- 929. Have you ever derived any benefit from the Common? No, and never will, likely, while it lies in its present state.
- 930. Have you not applied to the trustees for an order to cut timber? Yes.

R. Campbell,
Esq., M.D.
8 July, 1862.

- R. Campbell, Esq., M.D.
8 July, 1862.
931. Is not that a benefit? Not the least; because I could have got it just as cheap from Sydney.
932. Then I should like to know for what reason you applied? Because it was more convenient for the fencers.
933. Did the trustees give it for nothing? I do not know who charges for it, but the fencers charged me 7s. 3d. a rod for the fencing.
934. I ask if the trustees made any charge? I do not know what the trustees do—they do not tell us what they do; but the fencers charged me just as high for the fencing as if I had got it from Sydney. I saw the men putting up a fence, and I asked them to do the same for me; and when they came to do it, they asked me if I would give them an order to cut the timber on the Common.
935. Did you consider that in giving that order, you were exercising your right as a commoner? No, I really never thought it had anything to do with it.
936. *By Mr. Piddington*: Did that supposed privilege make any difference in the cost of the fence? No, I would have got it just as cheap from Sydney.
937. How far distant is Crotty's farm, for which he gave £90 an acre, from the nearest part of the Common? There are two small oblong farms between, each of 30 acres, or 700 yards.
938. *By the Chairman*: In reference to turning cattle out, is it usual to turn cattle out in the bush to let them go where they please—is it usual to turn them out without some one to mind them? I cannot tell.
939. *By Mr. Lucas*: You said you thought these bridges could be constructed for £46,000? Between £40,000 and £50,000.
940. Are you aware of the lengths of the bridges? Not exactly.
941. Over Long Cove, according to this plan, it appears to be 2,060 feet, and over the Parramatta River 1,730, and in the latter case there are to be six piers of an average depth of 31 feet—what description of bridges could be constructed for £46,000? Iron bridges with piers.
942. Stone piers, of course? Yes. Some years ago I had a book of plans and prices sent out from London, purposely to examine on that point, and I remember causing the breadth of the water to be measured, to see what rate per foot a bridge would cost. I calculated the cost of a bridge across the river would be about £20,000, without taking into consideration the work under the water.
943. Do you think that would make £12,000 difference in each bridge? No, I do not think so much as that; perhaps not half of it. I recollect that some years ago Mr. Shepherd and myself talked about building a bridge that would cost about £3,000.
944. Do you think it would be possible to take a bridge of any description over the river for £3,000? Yes, a pontoon bridge; but it would be very inconvenient, no doubt.
945. *By Mr. Piddington*: Where was it proposed to place that bridge that you and Mr. Shepherd proposed? At the usual crossing place.
946. What description of bridge did you propose? A pontoon bridge.
947. *By the Chairman*: You proposed the bridge, and I said I would be very happy to join in it? Yes, and in fact you said you would give £1,000 towards it.
948. That shows that I am not unfavourable to a bridge? You were not at that time, at least.

Mr. Edward Drinkwater called in and examined:—

- Mr. Edward Drinkwater.
8 July, 1862.
949. *By the Chairman*: You are a landholder in the district of Ryde? I am.
950. How many acres do you possess? I possess now 75 acres.
951. You are also a trustee of the Field of Mars Common? I am.
952. From whom did you derive your appointment? From the Government.
953. Do you hold a grant from the Crown? I do.
954. Are you aware that that grant is made in accordance with the Act of Council, 11 Victoria, No. 31, entitled "*An Act to enable Trustees of Commons in New South Wales to have perpetual succession*"? I am.
955. Does that Act enable trustees to make rules and regulations, and apportion to persons claiming right of Common their various privileges, subject to the approval of the Governor? It does.
956. Have you, in connection with the other trustees, made regulations accordingly? We have.
957. Perhaps, before we go further, you would have the goodness to lay on the table of the Committee the grant under which you hold? I will, a copy of it. (*Produced.*)
958. *By Mr. Piddington*: This is not the grant itself? No, it is a copy of it. I had the grant in my hand this morning, but I thought the copy would do as well.
959. *By Mr. Lucas*: You of your own knowledge know this is a true copy? Yes.
960. Have you compared it with the grant? I have.
961. *By the Chairman*: Is this the Act of Council under which the grant is made? It is.
962. Have you a copy of the rules and regulations made under it? Yes, it is stitched up with the copy of the grant I have just handed in.
963. You have apportioned the privileges of the commoners in accordance with the Act of Council? We have.
964. Have you anything to show the Committee as to what you have done? I have.
965. Will you have the goodness to produce it? This is a statement of the number of persons entitled to claim Common rights, with the number of cattle and horses allotted to them. (*The witness handed in the same. Vide Appendix A.*)

966. You have a book in which you keep the various entries, I imagine? I have.
967. Have you that book with you? I have; there it is. (*Produced.*)
968. Is Dr. Campbell's name down. It is.
969. Did Dr. Campbell send any notice to you, claiming a right of Common? He did; and he sent a written order for some fencing stuff.
970. He has exercised his right by sending for some timber? He did;—on the 4th June last he sent an order for 200 posts and 600 rails; I gave the order, and two months to cut it in.
971. Is this a list of the number of persons who have sent in their claim as commoners? At present it is.
972. 139? Yes; I advertise frequently for them to send their claims in, but they do not do so, half of them.
973. Do you reckon anyone as a commoner excepting those who send in their claims? I do not, not for cutting timber or anything of that kind; but the inhabitants in the neighbourhood send their carts for dead wood for burning, and I do not object to that.
974. Is this a correct list of the number of cattle apportioned to the various parties? It is.
975. 486 head? Yes.
976. And 105 horses? Yes.
977. Have you got a list of the parties to whom you have given permission to get timber off the Common? I have.
978. Will you produce that? I will. (*The witness handed in the same. Vide Appendix B.*)
979. Have any objections been lodged against the apportionment by the trustees as authorized under the Act of Council? I have never heard of any; none have ever come to me.
980. Are they not at liberty to do so by the Act of Council? They are.
981. Have the trustees been called to account by anyone interested in the Common for the manner in which they have carried out their trust? No, never.
982. Are you aware that the former trustees made by-laws? I am.
983. Are you aware whether those by-laws gave additional privileges to those made by the present trustees? I am aware of that.
984. What additional privileges? The former by-laws gave permission for everybody to cut wood whenever they liked, and there was no account of it kept.
985. Have you, as trustee, received any demonstration of approval of your conduct in carrying out your duty? The trustees have. There was a meeting called by the commoners at Pennant Hills, which was very largely attended. I dare say there were 80 people there, and amongst them Mr. Blaxland, of Ryde, Mr. Forster, and Mr. Oakes; and after they had had an argument among themselves, they proposed a vote of confidence in the trustees, and thanked them for standing their ground.
986. And that was carried? Yes, unanimously; not a hand was held up against it.
987. Have the trustees had the Common surveyed and the boundaries fixed? They have.
988. By whom? By Mr. Birmingham, a licensed surveyor.
989. Do you know the Common land? I do.
990. What description of country is the greater portion of it? The north part of it is nothing but rocks, down the Lane Cove River a considerable way, but when you get to the west, the Pennant Hills side, some of it is very good.
991. Is it adapted for agricultural purposes? Part of it is; I dare say you could pick out from 500 to 550 acres fit for agricultural or horticultural purposes, but not in one lump; it must be in different places, because it is so intermixed with rocks.
992. I should like to know from you your opinion as to what proportion could be made available—you think only 500 acres? Not more than 500 or 550 acres. The land is very shallow, and soon comes to the ironstone. If put into cultivation for wheat, I do not think it would turn out more than 10 bushels to the acre; I am satisfied it would not.
993. How many years have you been residing at Ryde? About twenty-three years.
994. What has been your occupation principally since that time? I have been laying my money out in the rearing of orchards; I have planted about 60 acres of orchards since I have been there.
995. Then we may consider that you have a tolerable good knowledge of what land is adapted for orchards? Yes, I think I have.
996. How many persons are residing on the Common, holding under lease? About eighteen; they were on when the trustees were appointed.
997. What number of acres are leased, and at what rental? About 200 acres, at 5s. per acre.
998. Are there any persons residing on the Common without a lease? None. There were a few, but I heard they were drunken people and I roused them off. I gave them notice, and they would not go; and then I applied to the Bench at Parramatta for the use of a constable, so that if they were not gone by a certain day I took their furniture out and pulled down the house.
999. It has been stated by a number of persons professing to have commonage rights, that the more inaccessible parts of the Common are the haunts of vagrants, runaway sailors, and persons of bad character, whose drunken and obscene conduct is a nuisance to the inhabitants of the neighbourhood—is that true or not? It is entirely false.
1000. How frequently are you, as a trustee, over the Common? I think there is never a week but I have been twice, and sometimes three times riding over the Common. I used to do it three times a week, but I found it was too much, and I complained to my brother trustees, and we appointed a ranger; but I have continued to go over the Common twice a week.
1001. *By Mr. Piddington:* Over the whole of it? Yes, I take one way one day, and another another.

Mr. Edward
Drinkwater.

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Mr. Edward
Drinkwater.

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1002. *By the Chairman*: So that had there been these disreputable characters you would have known it? I am satisfied there is no such thing now.

1003. As an old resident of the district, are you aware of any instance where persons have been brought up for cattle stealing off the Common? I have never heard of any. I have heard of persons turning their cattle out and not having seen them again, and I have told them I had no doubt their cattle were astray, and if they would go out Colo way, where there is a great mob of cattle, no doubt they would find them.

1004. Have any persons being permitted to lease land without first obtaining the sanction of the commoners, at a meeting convened for the purpose? None whatever.

1005. Then those persons who hold leases of Common land, are permitted to do so by the consent of the commoners themselves? When the trustees were elected by the landholders and other inhabitants, there was another meeting, largely attended, and then it was mooted by one of the trustees whether the Common should be leased by public auction or whether they should fix a price, and it was unanimously agreed to fix a price; it was then moved by one of them that 5s. an acre should be the price set upon the land, and all persons in possession were to hold it at 5s. an acre per year. All the parties on it now were squatting at that time.

1006. Then, in fact, these parties at present leasing portions of the Common were constantly in the occupation of it? Yes, and some of them had got nice little orchards on it—a bit here, and a bit there.

1007. And they have been allowed to do so with the sanction of the commoners given at a meeting? They have; some of them had built good stone houses.

1008. And the rental was fixed by the commoners themselves assembled at that meeting? It was, at 5s. an acre.

1009. Have the trustees been able to raise sufficient funds to protect the Common without levying a rate? They have.

1010. Do you know Mr. Ross's land, that was originally Mr. Rutledge's? I do, well. About eleven years ago Mr. Rutledge came up, and he and Mr. Blaxland called upon me, and asked me if I would purchase that property; I said, no, that I had been buying other property, and had no cash to spare; and he said I should have it a sacrifice for £700, though the house cost him £2,500, and he paid £500 more for the buildings.

1011. So that, in fact, the buildings upon it cost, according to Mr. Rutledge's account, £3,000? Yes.

1012. *By Mr. Lucas*: And he offered you land, buildings, and all, for £700? Yes. Then he sold it to his brother Thomas, and Thomas sold it to Dr. Sherwin. I think Dr. Sherwin told me he gave £2,000 for it; and he made a large orchard, and laid out a great deal of money on it. Then Mr. Ross, when he had been up there about six weeks or two months, did not fancy it, and he came to me to try and make a deal with me, but I told him that, as he had given £5,000 for that, if he bought mine he must give me £7,000 for it. He said he wished he had not bought it, and I told him he had been picked up with it.

1013. *By the Chairman*: Do you think Mr. Ross's land is fair average Common land? No, I do not.

1014. Is it good land? No; some part of it is.

1015. Do you consider the Common land not equal to it? It is not so good as part of it.

1016. Do you know the land Folkard bought from Mr. Allen? I do.

1017. Can that land be considered the average quality of Common land? No; because when the land was granted along there, the persons that got the order for selection of course selected the best of it, and when you come a little below Folkard's there are only rocks, so that he has all the best land.

1018. What price would you consider the Common would bring, supposing it to be sold—what is it worth now? If brought into the market now, it would not fetch above £1 an acre, I am satisfied of it.

1019. You consider that the 6,000 and odd acres of Common land would not realize more than £1 an acre? I am satisfied it would not.

1020. As a commoner, and also in your capacity as trustee, are you willing to give up the Common? No, I am not.

1021. As a trustee you will not abandon your trust? As a trustee I will not abandon my trust.

1022. Neither as a commoner are you willing to give up the Common? No.

1023. Do you consider that bridging the Parramatta River and Iron Cove, near Hunter's Hill, will in any way benefit those holding land to the north and west of the Common? No, it would be much nearer for them to go into Parramatta, and send their fruit down by the steamers and sailing vessels that come down the river. Some of them are within two or three miles of Parramatta.

1024. What would be the difference in distance between going to Parramatta and coming down by Hunter's Hill way? There is a great deal of difference.

1025. Do you consider that bridging over the Parramatta River and Iron Cove would be the means of drawing the traffic from the north-west end of the Common that way? No, it would do no good at all up there.

1026. Have you heard from any persons in that neighbourhood, entitled to use the Common, whether they were willing to vacate their claims as commoners? There are a few about Ryde who would do so, but not in the other part.

1027. The greater portion of those residing at the north-western end are opposed to surrendering their right to the Common? They are. The last petition that was signed against it, they all signed as landholders and where they lived; it was signed very largely by landholders and residents; but Mr. Ross when he had a petition there, went and got four men in the hut at his place to sign it.

1028. That was the counter petition? Yes; I was told that by one of the men who signed it; but when the other petition went round none but landholders signed it. Mr. Edward Drinkwater.
1029. Are you aware whether there is a good road from Hunter's Hill to Ryde? Yes, there is. 8 July, 1842.
1030. Then the traffic from Hunter's Hill is not prevented? Not at all; there is as good a road there as the Parramatta Road, or better.
1031. Is the land by the river side from Bedlam Ferry to Parramatta generally under cultivation or not? I should think about one quarter of it is under cultivation.
1032. Then if it was said that it is under cultivation and thickly studded with orchards, that is not according to the fact? No, not above a quarter of it is cultivated.
1033. *By Mr. Piddington*: You say you are of opinion that the Common land, if sold, would not bring more than £1 an acre? Not now.
1034. How much land is there in the farm you hold yourself? 75 acres.
1035. How far is it from the nearest point of the Common? About half a mile.
1036. How much did you ask Mr. Ross for these 75 acres within half a mile of the Common? I did not ask him to buy it at all.
1037. How much did you state you would take for it? I told him that if I swapped farms with him, he must give me £2,000 to boot.
1038. What is the value of your 75 acres now? With all the improvements, I would be glad to take £3,000 for it; and there are 40 acres of orchards, besides buildings.
1039. Do you know of any land having been sold recently, within a few chains of the Common, to Dr. Campbell, on the Gladesville Road? Not lately. I have heard of such, but I do not know it positively. I know that some years ago Dr. Campbell bought some.
1040. Do you know that portion of the Common land rented by Mr. Face near the Gladesville Road? I do.
1041. How far is that from the Gladesville Road? Within two chains of it. That is all cleared land.
1042. What is your opinion of the value of that land? It is all cleared and stumped, and would answer well for orchards or anything of that sort, by trenching. It grows a little oats too.
1043. I am asking you your opinion of the money value of that land? I should say it would fetch 50s. or £3 an acre, because there is so much land for sale now up there. It would not be worth more, except to any person whose land it joins. If I joined it I would give double.
1044. You are aware that Dr. Campbell bought some land adjoining the land I now speak of? If he has he has bought it lately of the Archbishop.
1045. That is the land to which I allude? I am not aware that he has bought it. Of course if he has, it would be worth more to him than to any one else.
1046. You do not know the price Dr. Campbell gave to Archbishop Polding for that land? I do not.
1047. If Dr. Campbell gave £25 an acre for it, do you think it a very extravagant price? I should think he was mad.
1048. Supposing he did give £25 an acre for that land, you think he is a fit subject for the Asylum of which he is Superintendent? I should say so.
1049. How far is the nearest point of the Gladesville Estate from the Common, as the crow flies—you know Crotty's land? I do. Crotty had two allotments there; I do not know whether the allotment where he built the public house —
1050. I allude to certain allotments Mr. Crotty bought of the Gladesville Estate—do you know the position of those allotments? Yes.
1051. How far are they from the Common? Half a mile.
1052. Do you know how much Crotty gave for that land? I do not.
1053. You do not know whether he gave £90 an acre? I do not.
1054. If he did give £90 an acre for that land, what is your opinion of the state of his mind? I do not know, I am sure.
1055. You think he would be insane, I presume? I think so, and if you were to see it you would think so yourself.
1056. Have you ever sold any land in the neighbourhood of Kissing Point? I have, some years ago.
1057. Did you ever sell any to a person named Best? I did.
1058. How much did he give you per acre? £25; that was good land.
1059. How much was there of it? Twenty acres.
1060. Were there any houses on it? No; but that is a good while ago.
1061. How many years? About twelve years ago.
1062. Twelve years ago you sold land in that neighbourhood, without improvements, at £25 an acre? I did.
1063. Where is that land situated? Below me, in the hollow.
1064. How far is it from Smith's farm? About three-quarters of a mile.
1065. How far is it from the road at Smith's farm to the nearest point of the Common? The Common joins Smith's farm, the back of it.
1066. From the farm you sold to Best, to the part of the Common near Smith's farm, is how great a distance? About a mile, if you take the back part of Smith's farm.
1067. Then within a mile of the land you sold to Best, the Common abuts upon the Northern Road at the back of Smith's farm? It does.
1068. And you sold that for £25 an acre? Yes; but at the back of Smith's farm you come upon the rocks again.
1069. Do you know the Common at the back of Smith's farm? I do, well.
1070. Is that full of rocks? Part of it is, and part is not.

- Mr. Edward Drinkwater.
8 July, 1862.
1071. Is there not land at the back of Smith's farm that is equal, upon the average, to the land abutting upon the Northern Road? There is.
1072. What has been the selling price of land on the Northern Road, in the neighbourhood of Smith's farm, per acre? I do not know; I have not heard of any being sold lately.
1073. Within the last five or six years? The only place I know that was sold belonged to a man named York; he had a good bit of cultivation ground, an orchard, and a slabbed house, and he sold it for £280.
1074. *By Mr. Lucas:* How many acres? Sixteen or eighteen acres, I think, but I cannot say exactly.
1075. *By Mr. Piddington:* Do you know how much he gave for the land when he bought it? I do not.
1076. Do you think it would be worth £5 an acre without improvements? I cannot say.
1077. You know the road from Onion's Point or Hunter's Hill towards Ryde? Yes.
1078. The Common adjoins that road for a certain distance? Yes; that is all rocks.
1079. All rocks? All rocks; the rocks commence at the end of Mr. Joubert's property.
1080. Is the whole of that land fronting the east from Mr. Joubert's land, all rocks? It is; except there is a patch or two at the end of Mr. Farnell's and Dr. Campbell's. There is a nice patch of ground there, but it is of no extent; you could not pick a farm out of it.
1081. The patch you allude to is not all rocks, is it? No, but all beyond that is rocks.
1082. You mean, on the edge of the Buffalo Creek it is rocks? Yes.
1083. Do you assert that the whole of the land on the right hand of the road from Hunter's Hill till you get to Buffalo Creek is all rocks? Yes.
1084. Has your attention been drawn to the clause of the deed of grant which recites the purposes for which the Common was granted.—(*Clause read.*)—Do you conceive that, under that clause, the trustees have a right to prevent any settler, cultivator, or inhabitant of the district from taking wood if he chooses? I should prevent any one from cutting down the standing timber without an order.
1085. Do you think that clause enables the trustees to restrict any one? That does not, but our by-laws prohibit persons from cutting the green saplings or stripping bark without an order.
1086. Do you consider that you have a right to make such by-laws? Yes, or else all the wood would be cut down and taken away.
1087. Can you point out to me, in this grant, where you are authorized to impose these restrictions? There is the Act of Council under which we are authorized to make by-laws.
1088. Do you know the date of the Act of Council—whether it was previous or subsequent to the date of the grant? The Act of Council was made in 1847, and the deed of grant in 1850.
1089. Practically the trustees have full authority over the Common? Yes.
1090. And in virtue of that authority they have made an apportionment of the grazing rights of the commoners? Yes.
1091. And the total amount of grazing rights they have apportioned is in favour of 486 head of cattle and 105 horses? Yes.
1092. How many cattle do you think, practically, under that authority, are turned out on the Common? I cannot say; there are a good many—sometimes more and sometimes less.
1093. Have you ever known 486 head of cattle to be out? No, but they are allotted to them.
1094. Did you ever know 286 head to be out? I cannot say I did.
1095. Did you ever see 100 head out? I dare say I have.
1096. Would you be positive you have seen 100 head? The only way to get to see the cattle is in bad weather, and then you see them collected on the ridges.
1097. Are you positive 100 head of cattle have been turned out there at one time under your apportionment of grazing rights? I could not say.
1098. How many horses have you seen out, in virtue of that right? I have seen a good many out with bells on and that.
1099. Have you ever seen 100 head? No.
1100. Have you seen 50? At a time, I have seen 10, 12, and 15.
1101. Then the commoners do not take advantage of their grazing rights to any extent? No, because they do not want it; most of them have got farms of their own.
1102. Did I understand you to say that if cattle were turned out on the Common they could stray away to Colo? Yes, there is nothing to prevent it.
1103. How far is Colo, say from Face's land, which is part of the Common? Five miles, or perhaps six miles.
1104. Would there be any difficulty, if cattle were turned out from Face's land, which he has rented on the Common, in their straying away to the Hawkesbury River if they liked? There is nothing to prevent it.
1105. No fences? No.
1106. The Common is not fenced in? No.
1107. Then for dry cattle the grazing right on the Common is not of much advantage? Yes, they turn their dry cattle out, and tail them for a day or two, and then go and look after them now and then.
1108. I am speaking of those that are turned out without being tailed? They only tail them for a day or two, and then the cattle get used to the run.
1109. Are you in the habit of turning out dry cattle on the Common? Yes, I have three out now.
1110. Do you know where to find them? Yes, I see them once or twice a week, as I am riding over the Common,

1111. As a matter of fact, there are not a great many cattle turned out on the Common? Mr. Edward Drinkwater.
Not a great many.
1112. Is not a great proportion of the Common land suited for building houses upon—villas? 8 July, 1862.
Away down to the east of Mr. Joubert's and Mr. Farnell's ground it would answer very well; it is all rocky and would do for nothing else.
1113. Could not houses be as easily built on the land at the back of Smith's farm as on the land in the immediate neighbourhood of Mr. Joubert's property? Yes, it is just the same.
1114. Is there any part of the land on the Field of Mars Common unsuited for building houses upon? No, but nobody would buy some parts for such a purpose.
1115. Do you know where Mr. Jules Joubert lives at Hunter's Hill? Yes.
1116. Is not that a very rocky situation for a house? Yes, but he has got a good view there, and that is a great inducement.
1117. Are there not many rocky spots on the Common equal in fertility to the land on which Mr. Joubert's house is built? There are parts of it.
1118. Is not the northern side of Hunter's Hill very rocky? It is.
1119. Is not the average of the land on the Common superior to the land on the northern side of Hunter's Hill? Certainly it is.
1120. What reason have you to suppose that individuals would not build houses on the Common if they build them in such positions as the northern side of Hunter's Hill? Those who have built at Hunter's Hill are gentlemen of property, who have done so for the sake of the views they get there, and if gentlemen who can afford it choose to buy a spot a long way off and bury themselves, of course they can do it.
1121. Are there not good prospects to be found on the Common? Yes, but there is no living to be got out of it.
1122. If these bridges were built, would they facilitate communication with Sydney? Yes, they would be a great benefit for the northern side of the Common, but no benefit for the other part.
1123. Would not the construction of these bridges bring Sydney into closer communication with Ryde and that district than at present? It would, certainly—I will allow that.
1124. Would not that facility of communication tend to bring population to Ryde and its neighbourhood? Yes, I should say so.
1125. If population is brought to Ryde, would they not require houses to live in? Yes, certainly.
1126. How do you account for houses being built at Hunter's Hill, except from the influx of population? Most of them are mercantile gentlemen who live there because it is so handy to Sydney by the steamers.
1127. If bridges were built across the river, are you of opinion that mercantile gentlemen would go further up the river to live? They might.
1128. There is nothing to prevent them going higher up if they like? Nothing.
1129. You say the commoners who live on the west side of the Common are opposed to this exchange of the Common for bridges? I do; I do not know one but what is opposed to it.
1130. How many live on the west side? It is impossible to say, because they have not sent in their claims, all of them. I should say there are 1,800 or 2,000 people who are entitled to commonage.
1131. How many live on the west side? I cannot say.
1132. Then, I presume, you cannot say how many reside on the Hunter's Hill side? No.
1133. Can you not form an opinion where the bulk of the commoners reside? On the west side.
1134. More than on the Hunter's Hill side? Yes.
1135. You are well acquainted with the Common? Yes.
1136. Taking the whole 6,000 acres of land within the Common, is the land better or worse than an equal quantity of land outside the Common? I should say it was worse. All the best land was chosen under the orders for selecting grants, and about '35 years ago the Government had a great number of sawyers there, and they took all the best timber away. Those who had the orders for farms of course chose all the best land. I recollect a Mr. Thorne had two sections of land granted to him, and a Mr. Horne about twenty years ago, and it was offered for sale to me at £2 an acre, and I would not give it. Mr. Bellamy afterwards bought it, I think, for £1 9s. an acre, and some of Mr. Horne's is not sold yet.
1137. Do you know the piece of land granted to Captain Kent, and called Somervale, afterwards transferred from Mr. Small to Mr. Ford? Yes, out by the Common.
1138. Do you recollect that a portion of that land was sold some few years ago? Yes.
1139. Have you any recollection of the price that land brought per acre? At that time land was up, and it fetched a good price.
1140. What is your idea of a good price for the land I speak of? I think some of it fetched £15 an acre.
1141. How far is that land from the Common? It is joining it.
1142. Would the people who gave £15 an acre for that land be fit inmates for Tarban Creek Asylum? I think, with all their improvements, they would be glad to get their money back again.
1143. Is there any difference in quality between that land and the land on the Common? There is some good land, but it does not go far.
1144. For this good land that does not go far, what would be the price? Two to one you would not get a buyer for it.
1145. Notwithstanding that land adjoining it sold for £15 an acre? I do not think you would get a buyer now.

- Mr. Edward Drinkwater. 1146. How many years ago is that? Perhaps five years.
1147. You still adhere to your opinion that if the Common land were sold it would not bring more than £3 an acre? I do not think it would.
- 8 July, 1862. 1148. Even the cleared land adjoining the Gladesville Road? No, it would not, because there is no selling land just now.
1149. *By Mr. Lucas*: What description of land is there between the Common and Wiseman's Ferry? I do not know.
1150. Do you know anything of the back land? I do not.
1151. You say you would take £3,000 for your 70 acres, 40 of which are improved? Yes, I have 40 acres of a good orchard.
1152. That is an average of £43 an acre? Yes.
1153. How much would it take to bring the Common land into such a state of cultivation as your own—how much per acre? It would cost £100 an acre.
1154. So that by that means, if a person should buy 70 acres of Common land and bring it into such a state of cultivation as yours he would lose nearly £60 an acre? Yes. Mine is all trenched. In the first place you have to pay £10 an acre for stumping and clearing.
1155. Do you believe there is any land on the Common equal to yours? Yes.
1156. How much land do you believe there is on the Common fit for cultivation? From 500 to 550 acres.
1157. Mr. Folkard bought a piece of land there? Yes, from Mr. Allen.
1158. That is equal to the best of the Common land? Yes.
1159. Do you know what state that land of Folkard's was in when he bought it—in its natural state? There was a good deal cleared.
1160. What do you think it would cost to clear the Common land into the same state as Folkard's was when he bought it—how much per acre? £10 an acre; that is what I pay myself.
1161. How much of Folkard's was cleared when he bought it? I cannot say.
1162. You spoke of a person who had sold 16 or 18 acres for £280—that land was cleared and part of it in cultivation, was it not? Yes, and there was a little orchard on it.
1163. Supposing a person purchased 18 acres of Common land, how much would it cost to bring it into the same state? I cannot exactly tell. When you have cleared, stumped, and planted it, it takes a good many years before the planting comes into use.
1164. You say you have known persons who have given £15 an acre for land in that neighbourhood? Some years ago.
1165. Was it cleared or in its natural state? Cleared and planted.
1166. Did you ever know land in that neighbourhood, in its natural state, with the scrub and trees upon it, the same as the Common, to bring as high as £15 an acre? I have not, except what I sold myself, and that was a choice piece.
1167. Was that bush land? It was.
1168. Was it better than the Common land? Some of the Common land is as good, but the whole of my 20 acres that I sold, there was not a stone in it—it was all good land.
1169. You were with us the other day when we were over the Common;—is the land up at the western end of the Common superior to that, or is that the general character of the land? A little of it is better than that, in the gullies.
1170. You say Mr. Horne has been selling land there which he offered you for £2 an acre? That was Dr. Thorne.
1171. How long is that ago? Five or six years.
1172. How long is it since Mr. Bellamy bought it, as you say, for £1 9s. an acre? Directly after I had done with it.
1173. Did you not say he has some of it for sale now? Mr. Horne has, adjoining it.
1174. How far from the Common? Joining it.
1175. Is it of the same character as the good land on the Common? Yes; Mr. Bellamy thinks it is first-rate land.
1176. How much is Mr. Horne asking for his land? He would take the same price as he sold the other for.
1177. £1 9s. an acre? Or £1 10s.
1178. And that is in the immediate neighbourhood of the Common, and equal to any land on the Common? It is.
1179. We have heard of some land being sold for £90 an acre;—in what quantity was that sold? I should think land bought at £90 an acre must have been only a small spot—a fancy bit; it must have had some buildings upon it—it could not have been the land.
1180. How do you bring your fruit to market—your produce? By boat, what I send down; but I have rented my orchard, and they generally take it by boat.
1181. Do you find that very inconvenient? No; when the fruit is ripe, to take it by land bruises it, and you do not get so much for it in the market; but when it is taken by boats it is not affected in that way, and it fetches a better price.
1182. Then you prefer the present mode of taking fruit to market? Yes, by boats.
1183. Do you mean to say that, if bridges were constructed across the river as proposed, you would still send your fruit by boat? I should, because it can be taken down to the boat a little at a time until there is a load, so that it is not damaged; grapes, particularly, ripen pretty nearly all at once, and they get bruised so as to be much damaged if taken by land.
1184. Do your tenants send the fruit by water still? They do.
1185. From what I could see from your place, I believe your orchard is as far from the Parramatta River as any in the neighbourhood? About a mile, or a little better.
1186. Are there many orchards further from the river than yours? Yes, several.
1187. How do those persons send their fruit to market generally? By water mostly, except when they want supplies. They prefer sending it by water.
- 1188.

1188. Is the transit by water generally considered cheaper than by land? I do not know that there is much difference that way. Mr. Edward Drinkwater.

1189. Do you find any inconvenience in the steamers going backwards and forwards—having to wait? No, because if you are not there with your load on the wharf they will not wait for you. 8 July, 1862.

1190. The same as the railway, I presume—they have fixed hours? Yes; sailing boats are better in that respect; they will wait till you have got your load ready.

1191. You have lots of sailing boats to take your produce to market—you are not confined to the steamers? No.

1192. I suppose it is not much use asking you what would be the probable cost of these bridges, not being a professional man? I do not know anything about that.

1193. But you are decidedly of opinion that the Common would not bring £12,000? Decidedly; you could not sell it now.

1194. Do you know that there is land for private sale in your neighbourhood now? A good deal, I have heard.

APPENDIX.

A.

	No. of Claimants.	No. of Cattle.	No. of Horses.
A	5	18	5
B	16	70	18
C	7	13	5
D	3	13	4
E	2	3	1
F	5	13	5
G	7	3	
H	16	54	14
I	1	1	
J	5	32	9
K	2	4	
L	5	4	1
MC	3	6	2
M	13	86	20
N	3	6	2
O	6	13	4
P	1	1	
R	3	3	1
S	24	118	35
W	12	25	9
	<u>139</u>	<u>486</u>	<u>135</u>

B.

List of Persons who have received permission to cut wood from off the Common,—

1859. Mr. Heydon,—100 posts, 200 rails, 2,000 palings.
 1860. Major Darvall,—3,000 palings.
 The Rev. G. E. Turner,—15 posts, 30 rails, 200 palings.
 1861. Mr. Sheather,—400 posts.
 The Rev. G. E. Turner,—50 dray-loads firewood.
 Dr. Breaton,—195 posts, 265 rails, 4,600 palings.
 William Jackson,—200 posts, 600 rails, 30 rafters.
 William Martin,—200 posts, 600 rails.
 George Spurraway,—250 posts, 300 rails.
 1862. William Martin,—200 posts, 600 rails.
 Dr. Breaton,—2,000 posts.
 Dr. Campbell,—200 posts, 600 rails.
 William Baker,—60 posts, 150 rails.
 Mr. Benson,—250 posts, 600 rails.
 Jas. Richardson,—150 posts, 300 rails, 150 rafters.
 Alfred Wells,—300 rails.
 William Cowell,—150 posts, 600 rails.
 James Smith,—600 posts, 1,120 rails.
 Mr. Baker,—1,000 palings.
 Mrs. Hay,—10,000 shingles, 250 posts, 500 rails.
 Mr. Tutt,—300 rails, 150 posts.

FRIDAY, 11 JULY, 1862.

Present:—

MR. COWPER,
MR. LACKEY,
DR. LANG,MR. PIDDINGTON,
MR. STEWART,
MR. SUTHERLAND.

ISAAC SHEPHERD, Esq., IN THE CHAIR.

Mr. William Small called in and examined:—

- Mr. William Small.
11 July, 1862.
1195. *By the Chairman*: You are a landowner in the district of Kissing Point? I am.
1196. What number of acres do you possess? About twenty-six.
1197. I believe you are a native of the district, and one of the oldest? I am.
1198. Do you know the district well? I do.
1199. You therefore know the Field of Mars Common? I do.
1200. Are you in the habit of frequently passing over it? Yes, I herded my father's sheep there half a century ago.
1201. Since that time have you been in the habit of frequently passing over it? I have.
1202. What is the general character of the Common land? The generality of it is very bad; it is rocky and scrubby land.
1203. Is there much young timber growing on it? There is.
1204. What portion of the Common is, in your opinion, suited to agricultural purposes? For growing grain I do not think there is any that would pay—there is very little in the district that would pay for growing grain.
1205. Is it adapted for growing fruit? Yes, some portion of it; from 500 to 600 acres.
1206. I believe you have a large family growing up in the district? I have the largest in it.
1207. Are they producers of fruit? Some part of them.
1208. Having a large family in the district, you must have a considerable interest in its prosperity? I have.
1209. Do you consider the Common lands of any or what advantage? I consider the Common a great advantage; I think a great many will not know the loss of it till it is gone.
1210. *By Mr. Piddington*: You were asked what advantage? I will tell you:—A great portion of my family, as well as others, are small freeholders; and these freeholds are planted with vineyards, and they have not a stick of wood to burn; and if they want a bit of fencing stuff or building materials, they would have nowhere to get it if the Common were gone, unless they sent to Sydney or some other place to purchase it.
1211. *By the Chairman*: You consider that the Common is of importance to the district generally, for the purpose of supplying the residents with firewood and also with building materials? Yes, I do.
1212. Is it of any importance for turning out cattle upon it? It is.
1213. Do you individually derive benefit from it? I do.
1214. In what way? I have milking cattle running on it continually.
1215. Having resided so long in the place, and having been so frequently on the Common, are you aware of any cattle having been stolen off it? Not any; I have had upwards of forty head there at a time, and I never lost any that I thought anyone had stolen from me—perhaps some may have died on it in a bad winter.
1216. Are you aware of its being notorious as the rendezvous of the most abandoned prostitutes of Sydney, and of its being infested by cattle stealers? Some short time ago there was a rumour that some bad women were there, and one of the trustees went and drove them off.
1217. That is one instance, but is it notoriously the rendezvous of such characters? I never heard tell of it before or since.
1218. Then you consider such an assertion, if made, is without foundation? I should say so.
1219. You say there is timber growing on the Common;—if that timber is protected, will it become an advantage to the district? Yes, I should say so, a great advantage. If it were protected, I think the district would scarcely ever be without a supply.
1220. Are you aware whether the present trustees have adopted any plan for protecting timber growing on the Common, and to prevent persons trespassing? I am.
1221. Have you been present at any public meeting where a resolution approving of the conduct of the trustees was adopted by the meeting? I have.
1222. Was it a large meeting? Pretty numerously attended.
1223. Was such a resolution adopted by a large majority of the meeting? It was.
1224. How do the inhabitants of the district of Ryde convey their produce to market? The principal part by water.
1225. Is water carriage considered the best means of conveyance? It is the best for the safety of fruit—it does not knock it about so much.
1226. You grow a considerable quantity of fruit, I believe? I do.
1227. How do you send your fruit to market? Principally by water.
1228. You have no difficulty in finding means of transit? Not at all.
1229. I believe there is a steamer, and that there are also sailing boats plying by which you can send your produce to market? Yes.
1230. These means are perfectly convenient? They are.
1231. Do you think that if there were a bridge built over the river at Five Dock, those persons who are residing to the northward and westward of the Common would take advantage of it and send their produce by that way to Sydney? I think it would be a roundabout way for them to do it. Besides, it would amount to a great expense to make a road for them to come that way.

1232. You think that independently of the expense of making these bridges, the expense of making the road would be considerable? I think it would be enormous. I am certain if they followed the track of the North Road that was laid out, it would be almost half the cost of the bridge. Mr. William Small.
1233. I suppose you consider that the building of the bridge would be attended with great expense? That is what I look at chiefly; it is not the road altogether, but at the expensive bridges that would have to be built.
1234. Of course you cannot give any information as to the probable cost? I could not say. I know it would be immense—it would require to be of such a length.
1235. You say you think there are from 500 to 600 acres of Common land altogether fit for planting orchards upon? Yes.
1236. Do you consider the portion of the land not adapted for cultivation adapted for building sites? There may be a difference of opinion, but I should be sorry to set myself down in a desert like it.
1237. Do you consider the back land of the district altogether away from Parramatta River, situated beyond all the farms on the banks of the river, as a desert? I do.
1238. You consider that the Common is a desert in point of situation? I should think so.
1239. What, in your opinion, is the Common land worth per acre, on the average? If I had as much money as the Mint would hold, I should not like to give £1 an acre for it.
1240. There are some select spots worth considerably more? There is some nearly as good as any land in the district, but to take it all I would not give £1 an acre for it.
1241. That portion which you consider good land is only small as compared with the greater portion? Yes, about 600 acres out of 6,000.
1242. Do you know Mr. Ross's land? I do.
1243. Is that of a fair average quality with the Common land? Not at all. I could scarcely say it was with the best of it.
1244. Was that improved when Mr. Ross bought it? It was.
1245. Are you aware of the description and value of the improvements at the time he bought it? I was given to understand that the buildings cost £3,000, in addition to the fencing, clearing, and planting.
1246. Then at the time Mr. Ross bought that land, there was a building erected upon it, it was enclosed, and a large portion of it cleared? Yes, and it was the great wonder of the district, the price Dr. Sherwin got for it, for he offered it to me for £1,000.
1247. *By Mr. Piddington*: Were the buildings on it then worth £3,000? I do not say they were worth it, but I believe they cost Mr. Rutledge £3,000.
1248. *By the Chairman*: Do you know some land that Mr. Folkard bought? I do.
1249. Is that land such as should be quoted as of an average quality with the Common land? No, it may be quoted as similar to the best, but not to the best.
1250. Do you know Gladesville? I do.
1251. Is that situated on the Parramatta River? It is.
1252. Is there a wharf there for landing from the steamer? Yes.
1253. Is it also on the high road? It is.
1254. Divided by the high road leading from Ryde to the ferry? It is.
1255. Do you consider that the price that land sold for, when divided into small blocks, can be taken as anything like a criterion of what the Common land would sell for if it were brought into the market? I do not.
1256. Do you think that the situation of that land, it being on the Parramatta River, having a landing place from the steamer, and being divided into small allotments, would considerably enhance its value? I do.
1257. That land possesses advantages the Common would not possess? It does.
1258. Consequently it would not be fair to take that as a guide to the average value of the Common land? Not at all.
1259. *By Mr. Piddington*: Where is your ground situated? About where Mr. Drinkwater lives.
1260. In the immediate neighbourhood of the village of Ryde? No, about a mile and a half from it, at the back of Mr. Drinkwater's.
1261. You say you attended your father's sheep on the Common half a century since? Yes.
1262. What change is there in the character of the Common, in regard to its capability for grazing sheep, since that time? The only change is that at that time there were very few sheep or stock upon it.
1263. I am not asking you as to the number of sheep upon it, but as to the change in the Common? The pasturage is all the change in it. The pasture then was so much better than it is now, in consequence of there not being so much stock upon it.
1264. Were there any greater number of forest trees on the Common then than there are now? There were.
1265. Was it better suited to grazing sheep then, when there were more trees upon it, than it is now? Perhaps it is less suited then than now—the clearer the ground the better it is for grazing sheep.
1266. Do you think the general character of the Common now is suited to grazing sheep? Not the general character of it, but it was the only place we had to run them upon then.
1267. If it did very well for the grazing of sheep some time ago, why not now? Because it is overstocked, for one thing.
1268. You say that a certain portion of the Common is suited even for agricultural purposes, do you not? No, I do not. I say it would not pay anyone to grow grain upon it. I have been in the habit of growing grain since I knew what grain was.
1269. Where? In that district.

- Mr. William Small.
11 July, 1862.
1270. I am speaking of the Common? It would not average ten bushels to the acre, the best land in it.
1271. Is there as fair an average of good land in that Common as there is in the district? Perhaps there might be some fit, but not the average. I do not mean to say that the best of it is not nearly as good as the average; but it is not so good as the best.
1272. Have you not stated that there is very little land in the district adapted for growing grain? I do. I say I have tried it as much as anyone in the district, and that it will not pay for growing grain.
1273. Do you mean to say that there is very little land in the district suitable for agricultural purposes? I do.
1274. Then the Common is no bet'er and no worse situated than the rest of the land in the district? Some small patches might be suitable, but there is very little of it.
1275. Are you of opinion that there is very little land in the district of Kissing Point fit for growing grain? I am; I am satisfied of it, for I have tried it—I have tried the best of it.
1276. Have you ever purchased land in that district during your long residence there? I have.
1277. What have you given per acre for it? I have bought it for about £1 an acre, and I have given £6 an acre for it—some of the best land in the district. Near where Mr. Smith lives, along the North Road, there were about 200 acres of land there cut up in blocks to suit purchasers.
1278. And you never gave more than £6 an acre? No.
1279. You turn out milking cattle upon the Common? Yes.
1280. Do you turn them out without tethering them? I do.
1281. Do you feed them? Occasionally, not a great deal; when we get them into milk we give them a trifle, not much.
1282. Is the Common fenced in? No.
1283. Might not the cattle you turn out wander away to Colo, or even to the Hawkesbury River? They might, but they never do.
1284. Your cattle are a milking herd? Some of them. There is one cow I had not seen for six months, and the other day I saw her with a calf on the Common.
1285. Your cattle consist chiefly of a milking herd? Yes.
1286. Is not a milking herd much more likely to stay in the neighbourhood of a farm than dry cattle? I keep dry cattle with them.
1287. Do not the dry cattle stay because they associate with the milking herd? Because they were bred there.
1288. What do you think the Common land would bring per acre after the proposed bridges were built, if it were sold gradually? I could not say, because there is a portion you might sell and another portion that you would never sell at all. Lands and orchards have been put up lately for which I believe there has not been a *bonâ fide* bid.
1289. Do you assert that the buildings on Mr. Ross's farm are worth £3,000? No; I say I was given to understand they cost that.
1290. How do you know they cost that? I understood so from Mr. Blaxland.
1291. What is the value of the buildings on Mr. Ross's land? I could not say; there is a fine large brick house, a stable and so forth, but it is a considerable time since they were built, and they are the worse for wear.
1292. How long is it since Mr. Ross bought this farm, with these old buildings on it? Four or five years.
1293. Do you know what he gave for it? I understand that he gave for the farm as it stood, the furniture and farming utensils, £5,000.
1294. How many acres are there on it? 100 acres, Mr. Rutledge told me.
1295. What is that per acre for the land, including the buildings? £50.
1296. How far is this farm of Mr. Ross from the nearest part of the Common? It almost joins it.
1297. Then £50 an acre was given for this land with the buildings upon it, five years ago? Not only the buildings, for it was stumped and fenced.
1298. Do you know the land that was formerly land that belonged to Mr. Small of Kissing Point? Yes.
1299. And which was transferred to his son-in-law, Mr. Ford? Yes.
1300. Are you aware that that land has been sold? Yes.
1301. Is not that immediately adjoining the Common? Yes.
1302. And unimproved? No, it was improved; there was a vineyard upon it, and a stone building.
1303. Was it not sold in allotments? Yes.
1304. Were not some of the allotments unimproved land, without a fence, and without any improvements? I could not say; I think it was fenced all round.
1305. Does not some portion of it unimproved adjoin Mr. Ross, at the back of his house? Yes, but it is fenced.
1306. Do you say it is all fenced? Yes, unless the fence is broken down; it was all fenced.
1307. Do you know how much that unimproved land brought per acre? I cannot say; but I know that it will all come into Mr. Ford's hands again.
1308. You do not know how much it brought per acre? No, but I was told by my brother that it would all come into his hands again.
1309. Whether it was paid for or not? The purchasers paid the deposit, but they will never pay more, I believe.
1310. You know that it will come into Mr. Ford's hands again only from hearsay? I am pretty certain of it; there is a certain portion of it returned back already.

1311. You do not know the price it realized per acre? I do not.
1312. If it realized £10 an acre and upwards, would you think that a very unreasonable price to give? I know it fetched more than I would give for it; it showed the people did not know much about the land when they are going to throw it up again. It very often happens that customers may be got for land at a high price, but when they are called upon to pay they fail to do so. I think Mr. Ross would be very glad if anyone would give him the price he paid for his place.
1313. How far is Gladesville from the nearest point of the Field of Mars Common? There is a small portion of it, I should say within half a mile.
1314. Do you know that portion of the Common rented by Face? Yes.
1315. How far is that portion of the Common from the Gladesville Estate? I do not suppose it is half a mile.
1316. The Common, then, is within half a mile of Gladesville? A very small portion of it; some of it is not within four miles.
1317. Do you know how much per acre the land brought when sold at the Gladesville Estate? I could not say; I believe it fetched an immense price.
1318. Do you know that some of it brought £90 an acre? I heard so; I think a good many people like those who bought Mr. Ford's land would be very glad to give it up again.
1319. You heard that land within half a mile of the Common sold a few years ago for £90 an acre? Yes; it was in small allotments, and was not sold by the acre.
1320. What is to prevent the Common being sold in small allotments as well as the Gladesville Estate? Because nobody would have it.
1321. Why should people not give a higher price than £1 an acre for land on the Common, when they gave £90 an acre for land half a mile from the Common? Because it is rubbish, and because it has not the situation.
1322. Do you mean to say that Face's land is not as good as any part of Gladesville? You may pick out a bit here and there.
1323. One moment you say that no part is to be compared with the Gladesville Estate, and another moment you say you can pick out a bit here and there? I say the situation of the Common is not to be compared with the Gladesville Estate; half a mile makes a great difference in a place, especially on the banks of a river.
1324. What will be the cost of making a road from the nearest point of the Common to the Parramatta River? I cannot say.
1325. I understood you to say that it would cost a great deal to make a road to the proposed site of the bridges—what do you mean by that? You misunderstood me altogether; this is the road leading to Castle Hill I am talking of.
1326. Is there any part of the Common unfit for the sites of houses and cottages? There are places there where you could hardly see daylight.
1327. What portions do you allude to? I could take you to places on the Common that you could hardly get out of.
1328. How many acres are comprised in the Common? About 6,000.
1329. What portion of that 6,000 acres would not be available as sites for houses or cottages? You may build houses where you like, but if I were a gentleman going to sit down, I should be sorry to sit down on a sixteenth part of it.
1330. Then you arrive at the conclusion that one-sixteenth part is available for building houses or cottages? Of course people may build anywhere.
1331. Can you give an answer to the question whether there is any portion of the Common available for building houses or cottages? There is.
1332. How large a portion? I could not say.
1333. Do you think there is half? People may build there, but I would be very sorry to sit down there myself.
1334. How far from Sydney is your farm at the present moment? I think about nine miles.
1335. What direction do you take when you come to Sydney by the road? When I get across the river, do you mean?
1336. Do you go across the river? Yes.
1337. How far would your farm be from Sydney if these two bridges were erected? I could not say.
1338. Do you think it would be nine miles? I should not say it would. I do not mean to say for a moment that the bridge would not be an addition, but it would be overbalanced by the loss.
1339. You think the bridges would be a benefit if they could be constructed by the Government without your giving up the Common? I think so.
1340. Would it be a great benefit if the bridges were built? Yes, but I know it would be overbalanced if we gave up the Common.
1341. I am not asking you as to giving up the Common, but I ask whether if the Government constructed these bridges it would be a benefit to the district? It would be a benefit to the district, but I do not think it would be so much benefit as many suppose.
1342. Do you think it would be any benefit to the inhabitants of Sydney, to bring that delightful district into connection with Sydney, by the building of bridges? I cannot see it.
1343. You do not think it would be any advantage to the people of Sydney to have a road with bridges to Kissing Point? Perhaps it might. It would be an advantage to them, but I do not think it is proper that the people who are entitled to the Common should give up their right for the benefit of the people in Sydney.
1344. Supposing they were not asked to give it up, would it be a benefit then? Yes, of course; I say it would be a benefit any way, but that it would be overbalanced by giving up the Common.

Mr. William
Small.

11 July, 1862.

Mr. William
Small.
11 July, 1862.

1345. *By Mr. Cowper*: What do you consider to be the benefit derived from the Common, which you describe as on the whole so barren and inaccessible—when you speak of the benefit you derive from it, what do you mean? The people there are small freeholders, and the lands of many are cleared and planted with vineyards and orchards, and they have not a stick of firewood or timber for fencing or repairing but what they get from the Common, unless they come to Sydney for it.

1346. It is not so much, then, on account of its grazing capabilities? Yes, it is used for grazing purposes too; they could not keep milking cows if the Common were taken away.

1347. What proportion of it do you think is fit for grazing purposes? On the worst part of it the cattle live in the winter time principally on the leaves of the bushes.

1348. *By Mr. Piddington*: Have not the trustees of this Common made an apportionment among the commoners of the right of grazing? Yes.

1349. What is the total number of cattle the trustees have permitted the commoners to graze on the Common? I cannot tell.

1350. Can you tell how many, on an average, you have found grazing on the Common? No.

1351. Do you know the number of horses the commoners have a right to graze? No.

1352. Have you ever seen many horses grazing on the Common? Yes.

1353. How many at a time? Perhaps six or seven together; I could not tell what are about the Common.

1354. *By the Chairman*: The land at Gladesville is situated on the banks of the Parramatta River? Yes.

1355. And immediately adjoining to where the steamers land their passengers? Yes.

1356. It has besides a high road which divides the land? Yes, it divides it from the Common.

1357. Do you consider that its contiguity to the river and its situation altogether gives it an advantage over the Common land? Yes.

1358. *By Mr. Sutherland*: You stated that those persons who have bought Mr. Ford's land would be glad to give it up? I am satisfied that it will all come into Mr. Ford's hands again.

1359. Do you think they would be likely to give it up if there were a road formed which would enable them to go to Sydney by a distance of four miles and a half? I think they would; but it would be impossible to get a road which would take them to Sydney by a distance of four miles and a half.

1360. *By Mr. Cowper*: Do you think the distance to your farm from Sydney, which you say is nine miles, could be shortened by two miles, two miles and a half, or three miles? It might take two miles off.

1361. It might take three? Yes.

1362. Do you think it would not take more than three? Yes.

1363. *By the Chairman*: It might take only one? It might.

1364. *By Mr. Sutherland*: If the distance were shortened to half what it is now, whatever that is, and the river were no impediment, do you think the land would be improved in value? Perhaps it might be an improvement; but I do not think the people would be able to make a living off the land. If these people who bought the land I have spoken of could have made a living they would have paid for the land; as it is, they paid the deposit, and finding they were wasting their means they threw it up.

1365. Do you know Mr. Wright's place on the Parramatta River? Yes.

1366. Do you think the Common land is as good as that? I should say it is; that is a pack of rocks.

1367. Do you think Mr. Wright went there to make money of it? No, I should think not; but there is a view of the river from that point, and that is very different from going back into the desert where you would never see the sun.

1368. Do you think there are no good sites on Lane Cove River? There may be.

1369. The Common land abuts on the Lane Cove River for a great distance, does it not? For some considerable distance.

1370. Is it not known to you that many people have left the district because they have no direct way of getting out of it except by steamers at certain hours of the day? No.

1371. You state that the water is the best means of carriage for your fruit, and that you have no trouble in getting your fruit to Sydney? Not at all; there are people who get their living by taking fruit down.

1372. Supposing persons have stated here that they have had great trouble in getting their fruit to market, and that when they have sent it to market they have not received sufficient to pay the freight and charges upon it, have they stated what is not true? I never had any trouble, and I never knew anyone who had. There is the steamer, and there are people who have boats, who get their living by taking fruit down.

1373. How often does the steamer put in? She comes twice or three times a day.

1374. You do not, then, think that it would be an advantage to people to have a road by which they could go with their carts by day or night? It would be an advantage, but I say the disadvantage of selling the Common would overbalance it.

1375. Does it not now take a man as long to bring down his fruit to the ferry, and to come the next day for his empty boxes, as it would, if there were a road direct to Sydney, to come to Sydney and back? I can put up a load of fruit and take it into the market now in four hours by the present road, and I live on one of the back farms.

1376. Have you no stoppages on the road—can you get to Sydney at any time by the present road? Yes.

1377. You have no trouble from wind or weather at all? Sometimes we have such a thing as a broken rope at the punt, but that is not very often.

1378. *By the Chairman*: Are there any new houses springing up in the neighbourhood of Ryde? Yes, there is building going on there.

1379. Then, in fact, population is rather increasing than decreasing there? Yes.
1380. *By Dr. Lang:* If the Common is of so little value intrinsically, how does it become a valuable possession to the commoners? It is valuable so far, that it affords grazing for our cattle and timber for our use, but for agricultural purposes it is of little or no value, for it would not pay anyone to grow grain there.
1381. Would it be of any value for agriculture unless it were cleared? No, nor yet if it were cleared, the principal part of it. I have had pretty good experience of it from a boy; I was born there in 1796, and I know that, on an average, it would not yield above ten bushels an acre.
1382. Has the pasturage improved or deteriorated since you recollect? It has deteriorated in this way, that there is too much stock on it.
1383. Does not the cutting down of old forest trees affect the pasturage? It does good; the less the land is shaded the better. The stock will get more from one acre that is cleared than from ten acres uncleared, and it does them more good. The grass that grows under the trees is sour, and not fit for cattle.
1384. Do you think the formation of a road, and the construction of the proposed bridges, would not be a general advantage to the inhabitants of the district? It would, but we should be put to more disadvantage by the loss of the Common.
1385. Do you think that would be a serious loss to the commoners generally? I think it would to a great many little freeholders, for they cannot say where they would get their timber from.
1386. Is it the fact that those who live in the neighbourhood of the Common get their timber from it at present? They do, except those who have got timber of their own, and perhaps some of them do. The business lies here; you may now go and buy timber from those who have got it, but if the Common were gone, what would they then charge for it? You cannot get a tree now from any man without paying 20s. or 30s. for it; and if the Common were gone, you would have to pay pretty dearly for any timber you might want.
1387. *By Mr. Stewart:* Do you know the nature of the land past the Common;—is there likely to be any land opened up there suitable for agriculture? There is none but what is taken up. I had a grant from Government there at one time, and I travelled there for days and days and could not get a bit of good land, and the surveyor told me I would not get a bit fit for anything, as it was all taken up.
1388. You are not of opinion that any useful land would be opened up? Not at all; the land of any value has been taken up long ago. When you get at the back of Castle Hill you come upon the North Rocks.
1389. Any advantage that might be derived from the proposed bridges would be confined to the district now settled? Principally, for I think the people at Castle Hill would find it more convenient to go through Parramatta to Sydney by the railway, or even by the steamer, than by this way.
1390. *By the Chairman:* Are you aware whether any persons residing in the district, having land with timber on it, have sold timber? I am.
1391. Can you name any parties who have sold timber? Mr. Forster sold some to Mr. Blaxland, for the roofing of his house.
1392. Are you aware what he sold it for? About 30s. a tree.
1393. Then, having a right of commonage, would you approve of the trustees abandoning their trusteeship, and giving up the Common? I would not.
1394. *By Mr. Piddington:* Are there many trees on the Common worth 30s.? I should say not now, but if the Common were taken care of there soon would be; there is a lot of as fine young trees now springing up as you would find in any place.
1395. You are not aware that there are many trees now on the Common worth 30s.? No; but they are cutting timber now for building purposes.
1396. *By the Chairman:* There are a number of young trees now coming on which will be fit for building purposes in a few years? Yes.
1397. *By Mr. Piddington:* How long will it be before these young trees will be fit for building purposes? Four or five years. Forest trees grow very fast in this country.
1398. *By Mr. Lackey:* You said, in reply to Mr. Piddington, to show the value of property in that locality, that the estate of Eastwood, bought by Mr. Ross, realized £5,000;—was that property sold since the gold discovery? Yes.
1399. Do you know what Dr. Sherwin gave for it, when he bought it previously? I do not know, but it was offered to me for £1,000.
1400. Was that since the gold discovery? Yes; since property has increased in value.
1401. Then Dr. Sherwin bought it since property has increased in value? —
1402. You do not know the price the doctor gave for it, when he purchased it? No.
1403. You have stated that you bought some property in the neighbourhood—the sub-division of some estate? Yes.
1404. What price did you give for that? £6 an acre.
1405. What quantity did you buy? I bought for myself, my son, and others; four lots of I think from thirteen to fifteen acres.
1406. In each lot? Yes.
1407. How far is this from the Common? It is nearly adjoining the Common; it does join the Common, but there is a public road on the other side, that makes it more valuable than the Common; the Common is at the back of that.
1408. Has there been any other property sold in the same locality, or in the immediate neighbourhood, since you bought these lots? I do not know of any.
1409. You are aware that the general impression about the neighbourhood, among persons who heard of the sale of this property to Mr. Ross, was that he had given considerably more than it was worth? Yes.

Mr. William Small.
 11 July, 1862.

- Mr. William Small.
11 July, 1862.
1410. Was it not generally supposed that he had given £2,000 or £3,000 more for it than it was worth? It was a great wonder in the district; they thought he had picked up a flat.
1411. I suppose you have heard, among other circumstances in connection with that property, that Dr. Sherwin refused to take it as security for half the purchase money? I do not know that.
1412. What do you think is its annual value? I do not think Mr. Ross derives a great deal from it.
1413. You think he will not, after paying the expenses of working it, derive £500 a year from it, which might be looked upon as an adequate return for his outlay? No, I think not.
1414. Something was said about the expense of sending fruit to market, in consequence of the puntage and bad roads, by the steamers;—are you not aware of farmers, at Pennant Hills, who have taken their fruit to market, and have not repaid their expenses, even where there have not been these hindrances? Yes.
1415. *By the Chairman:* I suppose you are aware of cases where persons have sent their fruit to market, and have scarcely realized their expenses? Yes; in fact I have known them to come back in debt.
1416. In consequence of the reduced price of fruit? Yes.
1417. Not because of the difficulty of taking it to market? Not at all.

Eyre Goulburn Ellis, Esq., called in and examined:—

- E. G. Ellis, Esq.
11 July, 1862.
1418. *By the Chairman:* Are you a landholder in the district of Hunter's Hill? No.
1419. Are you a landholder in the district of Ryde? No.
1420. Are you acquainted with some property that formerly belonged to Mr. Billyard, on the banks of the Parramatta River? Yes.
1421. Were you acting as his attorney at that time? I was in Mr. Billyard's office at that time.
1422. Were you privy to the purchase of that property? I was, to a good deal of it.
1423. To whom did it belong formerly? I think it was what they called Glade's property; I cannot speak positively as to the title—Mr. Billyard bought it of Dr. —
1424. Do you know how many acres there were? About 150 acres.
1425. How long is it since Mr. Billyard bought it? It must be some six or seven years ago—it might be more; I cannot speak confidently as to the date.
1426. Do you know what he gave for it? I think it must have cost him some £1,200; that was not the actual purchase money, because there were a great many expenses incurred in perfecting the title. There were also arrangements made with Mr. Manning in connection with the steamer, and other expenses.
1427. The arrangements with Mr. Manning had nothing to do with the purchase of the land? I do not think he gave more than about £300, in the first instance, for the whole block, because it was considered that the title was defective.
1428. The property for which he gave £300 was situated on the banks of the Parramatta River, and known as Gladesville? It extended back some distance from the river—as far as the flagstaff.
1429. Abutting on the road that leads to Ryde? Yes.
1430. Does not that road divide it? I think it does, a portion of it.
1431. And it has a large frontage to the Parramatta River? Yes, an extensive frontage.
1432. Are you aware that Mr. Billyard, after he had purchased this land, incurred any expense in the way of building wharfs? Yes, and of making a road.
1433. He built a wharf for the accommodation of the steamer? Yes, and made a road up through the property.
1434. To connect it with the road leading to Ryde? Yes, he cleared some portions of it, I think.
1435. And built upon it? He built a couple of cottages on it, in the first instance.
1436. I believe that some time after, Mr. Billyard determined to divide it into allotments and to sell it? It was divided into allotments and sold by auction.
1437. Who sold the property? Mr. Bowden.
1438. Are you aware whether the usual practice of giving a luncheon on the ground was adopted on this occasion? I believe it was.
1439. There was a good spread? I was not there.
1440. A champagne lunch? I believe so; I did not go there on the occasion.
1441. You cannot say whether the people, at the time of sale, were in good humour or otherwise? I suppose they were in a good humour—it was a fine day.
1442. A good spread, and good champagne? They are not the means, generally speaking, of putting people in bad humour.
1443. Although you were not there, I presume you have heard as to whether the auctioneer was able to effect a sale of the whole or not? He did not sell the whole of it.
1444. Notwithstanding the champagne lunch? Notwithstanding the champagne lunch.
1445. And having a steamer's wharf, and a road leading to it? I am not quite sure whether these roads and this wharf were completed at this time.
1446. Are you aware whether Mr. Billyard made any arrangement with Mr. Manning for the steamer to land there? He did, which contributed very materially to the value of the property.
1447. Would you consider that land, at a distance from the Parramatta River, away back, having no facilities of landing from the steamer or of a road from a wharf, would be likely to bring anything like such a price as the average of this land? Within what distance of the river?

E. G. Ellis,
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- 1448. Away back from the river a mile, two miles, or nine miles? Land nine miles back would be scarcely likely to realize the same price as land having a river frontage.
- 1449. In any case do you consider that land having a river frontage is more valuable than land having no river frontage? Decidedly.
- 1450. Then, in fact, the circumstance of that land being on the banks of the Parramatta River gives a very considerable additional value to it? It is not all on the banks of the river—it extends to the flagstaff. I may mention that that is the part which realized the highest price.
- 1451. Abutting on to the road? Abutting on to the road.
- 1452. And the road leading to the ferry? Yes.
- 1453. You say you believe that, notwithstanding the champagne lunch, the whole could not be disposed of? No, but it was all subsequently sold, I think. The demand for that land continued all along, till Mr. Billyard sold the whole of it.
- 1454. Are you aware who the late purchaser was? There were a number of purchasers by private contract, after the auction sale. I purchased some myself for a client a considerable time after, by private contract, and we paid the same price that was given for it at the original sale.
- 1455. Are you aware what proportion was sold after the first sale? No, I am not.
- 1456. You are aware that the whole was subsequently sold? Yes, I think Mr. Edge Manning bought the residue.
- 1457. With the wharf? He would only have the right of using the wharf; that would be the property of the purchasers at large, I take it.
- 1458. He would have the absolute right of running there, and of the use of the roads leading to it? He could use both the one and the other.
- 1459. Not knowing the quantity of land that was left, I suppose you can form no idea of the price that was given for it? No, it was sold subsequently to my leaving Mr. Billyard's office.
- 1460. *By Mr. Piddington:* Are you acquainted with the average price that the Gladesville Estate realized? It varied from £50 to £75, or £80. I think you might set it down fairly at an average of about £50 an acre, good and bad.
- 1461. The Gladesville Estate consisted of about 150 acres? Yes.
- 1462. The estate realized various prices, as it was sold in allotments? Yes.
- 1463. On the average, you think the whole was sold at nearly £50 an acre? I think it was.
- 1464. How long ago is it since the last was sold? It must be within the last three or four years. I am speaking merely from what I have heard; I do not know it of my own knowledge.
- 1465. When the land was purchased by Mr. Billyard the title was supposed to be defective? There was some defect which Mr. Billyard got removed.
- 1466. There was an actual defect? What was considered a defect by the then vendor, Dr. Wilt.
- 1467. Do you know how far that portion of the Gladesville Estate situated at the flagstaff is from the nearest portion of the Field of Mars Common? I should think it would be scarcely half a mile in a direct line. I am supposing the line to be from the flagstaff to Dr. Campbell's place, across Mr. Joubert's corner.
- 1468. How much would it be if you went up the road? I do not think it would be much more than half a mile.
- 1469. Do you know the land that Dr. Campbell purchased from the Archbishop of Sydney, on the Gladesville Road? Yes.
- 1470. A portion of the land abuts on a side road, and on the Gladesville Road? It does.
- 1471. Do you know a paddock at the back of that piece of land? Yes.
- 1472. Are you aware that the paddock is part of the Field of Mars Common? I believe it is.
- 1473. How far is that paddock from the flagstaff at the Gladesville Estate, by the road? About the distance I say; I could not say exactly.
- 1474. Can you tell the Committee what price the land in the immediate vicinity of the flagstaff at the Gladesville Estate realized at auction per acre? I think it varied from about £60 to £80.
- 1475. Have you any knowledge of the price that Dr. Campbell gave for that land near the paddock I have alluded to, to the Archbishop of Sydney? I think £1,000, something more or less; I forget the exact price.
- 1476. Have you any idea of the sum per acre? No; we sold it in a block.
- 1477. You do not know how many acres the block consisted of? It must have been about 30 or 40 acres.
- 1478. Do you know any reason why the land in the immediate neighbourhood of Dr. Campbell's property, but forming a portion of the Common, should not realize a price approximating to that? I apprehend it would realize quite that sum.
- 1479. Is not that portion of the Common to which you allude very fair forest land, at the back of Face's, towards Lane Cove River? I cannot say that I have been much over the Common; but it strikes me that it is much like the bush in general about there.
- 1480. *By the Chairman:* Very barren? Some rocky and some average good land.
- 1481. *By Mr. Piddington:* So far as you have observed the Common, there is nothing that strikes you as worse than the average of the land outside the boundaries of the Common? I should think not. Some of it is necessarily inferior, rugged and stony, and perhaps unfit for agriculture.
- 1482. So far as you have observed, the average quality of the land on the Common is about equal to the average quality of the land outside the Common? I should hardly like to say that, for I fancy that the land about Mr. Shepherd's and about the banks of the river is better, as there are a number of orchards there; but perhaps it is because it is cultivated that it has a better appearance.

- E. G. Ellis,
Esq.
11 July, 1862.
1483. Are you acquainted with sales of other people's land? I have been solicitor for a good many people up there, and I have known land to be sold at about £150 an acre at Hunter's Hill. I think Mr. Foss asks about that price for some of his even now.
1484. Within how great a distance of that portion of the Field of Mars which is nearest Hunter's Hill is Mr. Foss' property? I dare say within a mile of the Common; it is separated only by Mr. Joubert's property that intervenes between it and the Common.
1485. What is the price asked per acre for land that is within a mile of the Common? I do not think you could get any land for much less than £50 an acre, and I know I have tried to get some for some clients, but have found it difficult to get any land up there for what may be called a moderate price.
1486. Are there not many sites on the Lane Cove River, forming portions of the Field of Mars Common, equal to those outside the Common boundaries? I think so; some persons prefer the frontage to the Parramatta River, others prefer the frontage to the Lane Cove River. I know that when the French Consul built his house at Hunter's Hill, he built it with an aspect to the Lane Cove River, preferring that position.
1487. There is a portion of the Field of Mars Common that presents a frontage to the Lane Cove River? Yes.
1488. Have you been able to form any idea of the probable value of the Field of Mars Common as a whole, if it were sold gradually after the construction of the intended bridges? It would be very valuable—I should scarcely like to fix a price. I know as a fact that most of the landholders up there are unwilling to sell at present, in the anticipation of something being done in the way of erecting bridges. They calculate that if bridges were erected they would increase the value of the property there nearly a hundred per cent., and I am satisfied it would; because people who now live at Randwick and Coogee, and find that place rather too cold, would be glad to live in this locality if there were the means of easy access to it. I would have lived there myself if there had been better means of communication.
1489. Do you think the construction of the proposed bridges would confer a great benefit upon the inhabitants of Sydney? Yes, it would open a large tract of country that at present is almost inaccessible.
1490. Are you of opinion that if bridges were constructed it would confer a great benefit upon the residents in the Field of Mars and Kissing Point districts? I should think it would be a great benefit to the landholders about there, for it would increase the value of their property, and induce a great many persons to go to reside there. At present people who are engaged in business find it inconvenient to reside there, as they cannot regulate their time according to the steamer and leave Sydney precisely at five o'clock; they may have business which will detain them until six, and in that case they lose the steamer.
1491. *By the Chairman:* You spoke of Mr. Foss's land,—does that abut on the Hunter's Hill wharf? It starts from just above the Hunter's Hill wharf, and then runs behind Dr. Plumley's across to M. de Milbau's.
1492. Immediately contiguous to Hunter's Hill wharf? Yes.
1493. Do you consider that its contiguity to Hunter's Hill wharf and its being in the immediate vicinity of Hunter's Hill gives it extra value? Undoubtedly it is the facility of communication that gives value to land there, because for agricultural purposes I apprehend that the greater portion of the land there is comparatively valueless, but it is admirably adapted for persons who desire to live at a short distance in the country, and to have small gardens.
1494. *By Dr. Lang:* Is it not always the case that, in large cities like this, there are numerous parties who would purchase a proper site for a villa without any reference to its intrinsic value at all? Yes, I should be glad to do it myself up there. If I could rely upon having the means of coming into and of going out of town, I should prefer it to any locality I know.
1495. Everything depends upon the facility of communication? Yes; I know a number of persons who are anxious to get private residences up there.
1496. *By the Chairman:* You say that many of the proprietors of land in that neighbourhood hold back their land from sale, anticipating that improved facilities of communication will increase its value? Yes.
1497. They are anxious to sell? Yes, some people wish to remove, but they do not like to sell at present, because they say when the road is formed and the bridge built it will increase the value of their property.
1498. Then they do intend to remove, notwithstanding the additional facilities that would be given to them? Yes; for instance, Mr. ——— has 100 acres that he wishes to cut up into allotments, but he is unwilling to do so at present, because he believes if the bridge were erected he would get a higher price for it.
1499. These people wish to leave the place, but they are unwilling to do so because they believe that they will get a higher price by remaining;—can you mention any instances? I could not mention any specifically who intend to leave the place, but there are many who wish to sell their land.
1500. I suppose they are almost compelled;—I suppose you, as a lawyer, if I may ask the question, know whether the land there is not generally encumbered? I do not know that it is more encumbered than in other places.
1501. You consider that most of the property is encumbered? There is a great deal of property encumbered everywhere.
1502. And Hunter's Hill is not exempt? It is not exempt, but I may say there are comparatively few encumbrances within my knowledge.
1503. To go back to Gladesville;—Can you state what the land realized per acre at the first sale, at the time of the champagne lunch? I think I stated about £50 on the average, more or less; I am speaking from memory.

1504. Can you give us any information as to what the land subsequently brought? I bought some for a client at the same price that was given for it at the sale. E. G. Ellis,
Esq.
1505. Can you give us any information as to what the residue sold for, when it was sold in a lump to Mr. Manning? That was sold after I ceased to have anything to do with it. 11 July, 1862.
1506. Are you not aware that Dr. Brereton bought some property there? Yes.
1507. Do you know how many acres he bought? I think a house and five acres in the first instance, and he then bought some twenty acres adjoining Mr. Farnell's.
1508. Do you know what was the description of the house he bought? The house was in disrepair when he bought it.
1509. Was it a stone house? Yes.
1510. Was there a garden and orchard attached to it? Yes, but it was in a very neglected state.
1511. Can you give the Committee any information as to what he gave for it? I think about £800 for the house and four acres of land.
1512. Are you aware what he gave for the twenty acres? I heard he got that cheap—I think that was £20 an acre. I am speaking now only from rumour.
1513. You know the situation of the land? I do.
1514. It is situated on the high road, and cleared and improved? The greater portion of it.
1515. In speaking of the relative value of land, do you consider that land situated at from two to five miles from the river is of equal value with land at Gladesville? Certainly not. I should be willing to live within a mile or perhaps two miles of Gladesville, but I should hesitate before going to such a distance as nine miles; that would take me nearly to Parramatta, or if it were in a northerly direction would take me to the North Shore.
1516. You are not aware how far back the Common extends? No, I never followed the boundaries of the Common, except on the Kissing Point side.
1517. You have not been through the Common? No.
1518. You know nothing of the real value of the Common—of the quality of the land? My estimate of the value of the land is based upon the opinions of persons who go there—that it is a very agreeable suburb.
1519. Nine miles from the ferry? No, I confine myself to land near the ferry.
1520. If the Common extends back nine miles, do you think people would go to live there? Not at the extreme parts of it, unless people from Parramatta would like to live there.
1521. They would not be likely to take advantage of any bridges that might be built over Parramatta River at Hunter's Hill? I should imagine that if any bridges were made across Parramatta River, where the punt is would be the shortest route, as it would take in the whole country between Kissing Point and Hunter's Hill and the Great Northern Road.
1522. Have you been frequently over the ferry? Yes, I have been up and down for many years, and I can speak of the inconvenience of it.
1523. Are you acquainted with the approaches to the ferry? Yes.
1524. How is the road leading to the ferry? On the north side the road is fair for a country road—a bush road.
1525. There is nothing particularly dangerous in the approaches? I do not think so—there is a rather steep descent. I do not know whether you call it dangerous; it is a smart pull up.
1526. What is the state of the south side? It is rather rugged there within a couple of hundred yards of the punt.
1527. There is nothing particularly dangerous there? It depends upon the way you drive over it.
1528. *By Mr. Stewart:* You state the land about Hunter's Hill and Gladesville is worth about £60 an acre? I would have no hesitation in giving that estimate.
1529. Are you aware that land on the Balmain Estate, not far from the Dock, has been sold lately for £80 an acre? Yes, and I know some sold for £150.
1530. Any from the original estate? I am not aware.
1531. Do you know that there is still a large quantity of unsold land there? Yes.
1532. Do you think land five miles farther off will be of more value than that? I can only account for it by the fancy that people take for that particular locality.
1533. They would have to go through this estate to reach the locality you speak of? Yes; portions of the Balmain Estate are not so desirable; for instance, the west side, looking towards Cockatoo Island is very undesirable, as you have the evening sun upon your house, which people wish to avoid.
1534. You think people would pass that estate over, go farther, and give a higher price for land? The persons to whom I refer are such as at present would go to live at Randwick and Coogee, to whom a short additional distance would not be much object.
1535. Is not Balmain a favourite suburb? I believe Balmain property will go up in the market; in fact, some land was offered to me as a speculation, on the faith of this bridge being erected.
1536. The portions of the Common upon which you put this value are those that come near the main road? Yes, and people would be induced to live on the remoter parts of the Common, by the prospect of supplying those who come to live in the district with the produce of their gardens.
1537. *By the Chairman:* Are you aware of the upset price of the Domain in Parramatta? No.
1538. Do you know anything of the price? I have heard £10 and £15 an acre mentioned as the price of land out there.
1539. You are not aware that £2 an acre is the upset price? No, but I believe many people would rather give £20 an acre for land at Hunter's Hill than even £2 for land at Parramatta Domain.

- E. G. Ellis, Esq.
11 July, 1862.
1540. *By Mr. Piddington*: Is the upset price of land sold by Government any criterion of the price the land will bring? Very much depends upon the persons who attend the sale.
1541. The upset price is no criterion? Not generally. The moment the land is cut up by private individuals into small allotments the price increases; I have known land to be sold four times over before the original conveyance has been completed.
1542. The greater portion of the Field of Mars is within a less distance than nine miles from Sydney? Yes, I should say so. I may mention that all this land has obtained this increased value in the last ten years. When the French Consul bought his place he gave £10 an acre for the land, in the neighbourhood of which Mr. Foss now wants about £100 or £150.
1543. You have no reason to believe that if these bridges were built the land would decrease in value? Certainly not.
1544. *By Mr. Lackey*: You have been living in that district some time? I have been up and down pretty constantly, nearly every week. I have been interested, as attorney, for a number of persons who have property there.
1545. Who are interested in the district? Yes.
1546. And you have got most of your information from those persons? Yes.
1547. And you have a predilection for that part? My idea of the place is formed from communication with persons there; I have no personal interest in it.
1548. The great demand for property in this part has arisen among these people—you do not think it exists among the public generally? Many persons, knowing I was attorney for parties up there, have come to me for the purpose of buying land, and the holders have objected to sell, in anticipation of these bridges being built.
1549. Do you think the property would fetch very remunerative prices at the present time? The proprietors do not think they would be remunerative, as they are holding on for more.
1550. Probably from an expectation that these bridges would enhance the value of the property, rather than from a belief in the intrinsic value of the property? They rely more upon improved means of communication.
1551. Do you think there is a greater desire to buy this property than to purchase land at Newtown, Petersham, and Burwood? I could not offer an opinion, as people have different inclinations; some prefer Randwick, others Burwood, and others the Parramatta River.
1552. The demand you speak of is from people you are acquainted with, and who have friends and relations in Hunter's Hill district? Yes.
1553. *By Mr. Piddington*: Are you of opinion that the demand would be limited to persons you are acquainted with at Hunter's Hill? By no means. If the proposed bridges were likely to be constructed I would not hesitate to buy land freely as a speculation.
1554. Do you think the desire to purchase land in that district is confined to yourself? I do not think so; I think it is much more extensive, seeing that I have not purchased any.
1555. If the bridges were built, do you think there would be a general desire among the people of Sydney to buy land in that district? I think there would be a general desire among those who wish for suburban residences away from the sea air, and in an agreeable locality.
1556. Your opinion of the natural beauties of the district is so high that you think people generally would entertain similar views to yourself upon the subject? I think any person seeking a suburban residence would not hesitate to go and live there.

TUESDAY, 15 JULY, 1862.

Present:—

MR. LACKEY,	|	MR. LUCAS,
DR. LANG,	|	MR. STEWART.

ISAAC SHEPHERD, ESQ., IN THE CHAIR.

Mr. Henry Small called in and examined:—

- Mr. Henry Small.
15 July, 1862.
1557. *By the Chairman*: You reside at Ryde, I believe? Yes.
1558. Are you a landholder in that district? Yes.
1559. As a commoner and a landholder, are you willing to give up the Common? No.
1560. You are engaged as a Common Ranger, are you not? Yes.
1561. You therefore know the Common pretty well? Yes.
1562. Of what description is the Common land generally? The general part of it is bad land.
1563. A portion of it is good, I presume? Yes, a small piece.
1564. What number of acres do you imagine might be got out of the Common fit for agricultural purposes? I should think about a tenth part of it is good.
1565. That would be about 600 acres? Yes.
1566. It is said that the Common is infested by cattle stealers and the most abandoned prostitutes from Sydney—is that the fact—I presume, as Common Ranger, you would know if it were so. I have never known anything of that.
1567. Have you ever known of cattle having been stolen off the Common? No.
1568. Have you ever heard of bad characters being taken from off the Common? No.
1569. During the time you have been Common Ranger, have you had an opportunity of seeing whether that was the case or not? I have never known it to be the case.

1570.

1570. Are there any wood boats engaged in taking wood from off the Common? No. Mr. Henry Small.
1571. Are there any boats plying up the Lane Cove River that get wood from the Lane Cove side of the river? Yes, there are about twenty, I believe.
1572. Do you know the names of any of these parties? Yes. 15 July, 1862.
1573. Have you a list of their names? Yes.
1574. Will you have the goodness to hand it in? Yes. (*The witness handed in the same. Vide Appendix.*)
1575. If anyone has said that there is only one wood boat getting wood off the Lane Cove side, is that in accordance with truth. No.
1576. Have you or your family ever turned cattle out on the Common? Yes.
1577. Have they been stolen? No.
1578. *By Mr. Lucas*: How long have you been a Ranger? About nine months.
1579. Do you know the value of land about Ryde? It is of different prices.
1580. Have you any idea of the value of land abutting on the Common? I have a piece myself adjoining the Common that brought £10 an acre.
1581. What description of land is that? That is adjoining about the best part of the Common—very good land.
1582. Is there any land on the Common better than yours? No, I do not think there is.
1583. You say about a tenth part of the Common is good land? Somewhere about that.
1584. Do you think the remainder would pay for cultivation? No.
1585. What do you think the remaining nine-tenths would fetch per acre? I could not say. I should think hundreds of acres would not be worth fencing at all.
1586. It would not be worth having? No.
1587. Could you give an idea of the average value of the remaining nine-tenths? To take the whole of the Common through, I do not think it would realize £1 an acre.
1588. Are you now speaking of what it would bring at the present time, or what it would be likely to bring after the proposed bridges were erected—if these were erected what do you think it would bring per acre? I could not say what alteration the bridges would make, but I do not think it would go over £1 an acre then.
1589. You have resided about Ryde for many years? Yes, I was born there, and have been there ever since I was born.
1590. Where, taking the convenience of the greater portion of the population about Ryde into consideration, do you think would be the most convenient place to put a bridge across the Parramatta River;—do you think the proposed site would be a suitable one? Yes, I believe it to be, below the punt.
1591. Do you think, taking the convenience of all parties into consideration, about Five Dock would be the best place? I do not know much about that place.
1592. You are not in a position to give an opinion? No.
1593. *By Mr. Stewart*: Do you know anything of the character of the country at the back of the Common generally—towards Wiseman's Ferry? I do not know much of it towards Wiseman's Ferry; but at the back of the Common there is some good land, and a good deal bad.
1594. Is the general character of the country suitable for occupation? No, there is plenty of the back land that is of no use for anything.
1595. A large proportion of it? Yes, there is a good deal of it.
1596. If this means of communication were carried out it would not open up the country to any extent for occupation, because it is not fit to be occupied? No.
1597. *By Mr. Lucas*: Are you paid for your services as Ranger to the Common? Yes.
1598. What do you get per annum? I get 9s. a day.
1599. That is for every day you are engaged? Yes.
1600. Are you constantly engaged? No.
1601. How often do you go over the Common? One day a week.
1602. Then you get 9s. per week? Yes.
1603. Have you any idea of the receipts from the Common in the shape of revenue? No.
1604. Do you know any person who pays for the right of grazing cattle, of cutting wood, or as rent for occupancy? I believe nothing is paid for grazing cattle, or for cutting wood, but there are parties who rent pieces of the Common.
1605. Are you aware what rent they pay? Yes, I believe they pay 5s. per acre per annum.
1606. I suppose that is the best part of the Common—is that good land? Yes, I think some of these people have the best parts of the Common.
1607. *By the Chairman*: These persons who rent portions of the Common have been a long time residing on the Common? Yes.
1608. And they have little houses and orchards in many cases? Yes, for which they pay rent.

APPENDIX.

Thomas Massey.
Thomas Watterhouse.
Louis Domingus.
Henry Marh.
John Swarts.
Thomas Jinkins.
Robert Girders.
Joseph Russell.
Antoney Merrie.
John Collins.

Thomas Howell.
William Eggbury.
Joseph Scofield.
Fredrick Baker.
George Nellson.
William Smith.
Konn Heusby.
John Jones.
William Murrey.
Thomas Fuller.

Mr. John Small, junior, called in and examined:—

- Mr. John Small, junior.
15 July, 1862.
1609. *By the Chairman*: You reside at Kissing Point? Yes.
1610. How many acres do you possess? About seven acres, and a house.
1611. Is it near the Common? Yes.
1612. What is the general description of the land there? The general description of the land is very poor indeed; some is very good land, some very inferior.
1613. Have you ever known cattle to have been stolen off the Common? No.
1614. I believe you were born in the neighbourhood? No, I was born in Sydney; but I have lived there five or six and twenty years.
1615. Have you ever known any bad character to have been taken off the Common? No, I cannot say so.
1616. Do you derive any advantage from the Common? Yes.
1617. What benefit? I get all my wood off the Common. The land I possess is all cleared, cultivated, and planted out as an orchard; all the wood I make use of I get from the Common, and I run my cattle there.
1618. Where do you get your fencing materials from? The Common.
1619. Suppose the Common were alienated, would that entail considerable loss upon you? Very considerable indeed.
1620. In fact you require the Common, for the purpose of depasturing your cattle and of getting firewood and fencing materials? Yes.
1621. You grow a considerable quantity of fruit, I believe? Yes.
1622. How do you convey your fruit to market? Sometimes by water, sometimes by land.
1623. Which mode of transit do you prefer? I prefer the steamer—I find it more convenient.
1624. You consider that water conveyance is better than land carriage for fruit? It is much better.
1625. Is there any difficulty in sending your produce to market? No, I find none whatever. It takes me about two hours from the time I leave my place to get to Sydney with a load of fruit; I am about an hour going from my orchard to the wharf, and about an hour from Kissing Point to Sydney.
1626. You suffer no inconvenience from want of facilities of transit? Not the least.
1627. You have sailing boats as well as steamers? Yes.
1628. In case of wishing to go by land you can go by the ferry? Yes.
1629. How is the access to the ferry—is it very steep or dangerous? The hill is rather steep.
1630. Not dangerous? I do not think it is dangerous.
1631. The hill is rather steep? It is rather a hard pull for a heavy load.
1632. Have you signed any petition against giving up the Common? No.
1633. You are opposed to the surrender of the Common? I am opposed.
1634. And wish the Common to be retained? I do.
1635. Should the Common be sold, where would you get firewood or fencing stuff, or where would you depasture your cattle? I should have no place to put my cattle, and should have to sell them; and must purchase my firewood and fencing stuff.
1636. You would consider it a very great hardship to be deprived of the Common? Very great indeed.
1637. Do you consider the Common to be of more advantage to you than it is possible the bridge could be? I do.
1638. *By Dr. Lang*: What quantity of stock do you think the Common in its present state could support—what number of cattle? I really could not say—perhaps 200 head.
1639. Do you think that that amount of pasturage is a great benefit to the whole number of commoners? Yes.
1640. Do they individually derive much benefit from the pasturage? Yes, of course.
1641. Has the pasturage been improved or deteriorated by the cutting down of the larger timber? I should rather think it would be improved.
1642. Is there not an undergrowth of young wood? Yes, a good deal.
1643. Does not that interfere with the pasturage? Of course it does hurt it.
1644. It tends to deteriorate it for the time? Yes.
1645. *By Mr. Stewart*: If a bridge were erected across Parramatta River, would it interfere with the traffic on the river to any extent? I should think it would in some measure—to what extent of course it would be hard to say.
1646. Would not that be a very serious objection? I cannot say what effect a bridge would have in that respect—no doubt it would interfere to some extent; I could not tell unless the bridge were erected.
1647. It is a matter to which you have not given your attention? No.
1648. *By Mr. Lucas*: It would depend upon the description of bridge built, I presume—upon whether it were built high enough to allow sailing boats and steamers to pass under? Yes.
1649. You say it takes you about two hours to go from your place to Sydney, by taking the steamer;—supposing these bridges were built and this road were made, how long would it take you to go by them? I could not tell exactly what the distance would be.
1650. Supposing the distance from Five Dock to be four miles to Sydney, how long would it take you to go from your place to Sydney then? That would make it about ten miles altogether to my place. Instead of two hours I think it would take me three to go to Sydney by that road, with a load.
1651. Then you could get to Sydney in an hour less by the present mode of transit than you could, if the bridges were built, by that road? By the steamer I could.
1652. How much land have you? About seven acres.

1653. That is all in cultivation as an orchard? Yes.
1654. If the Common were taken from you, you would have no means of obtaining firewood, or fencing stuff, or timber for building purposes? No.
1655. It is not only the pasturage that is a benefit to the commoners—there are other advantages derived from the Common? Yes, they get fencing stuff, building materials, and so forth.
1656. You decidedly object to give up the Common for the purpose of building bridges? I do.
1657. Do you think you would derive much benefit if these bridges were built? They might be a benefit, but I think the Common is a much greater one; if I had not thought so I should of course have signed in favour of the sale of the Common.
1658. Do you find any difficulty in getting your produce to market? Not the least. All I have to do is to make up my load, take it down to the steamer, and put it on board. I find it very convenient, and indeed very pleasant.
1659. You are not compelled to take the steamer—there are sailing boats? Yes; when I have a large quantity to send down I send it by the steamer, and go to Sydney with it, and return the following morning at nine o'clock.
1660. Is that mode of conveyance as convenient as it would be by the proposed road and bridges? It could not be more so.
1661. *By the Chairman*: In speaking of the number of cattle depasturing upon the Common, I suppose you are aware that a number of landholders keep their cattle within their own enclosures? Yes.
1662. Therefore they do not require to turn cattle on the Common? No.
1663. Therefore it is that there are not a greater number of cattle on the Common than you have mentioned? I could not say the number of cattle there are on the Common.
1664. *By Mr. Lackey*: Do you find it a very expensive mode of bringing fruit to market by the steamers? I find very little difference; there is a little difference, but not much, between coming by the steamer and coming by the road. I pay so much a case for bringing the fruit by the steamer, but if I take my horse into Sydney, the expense of tolls, and of putting up my horse amounts to nearly the same.
1665. You say you use the Common now for grazing purposes, and for getting timber for fencing? Yes.
1666. What do you usually fence with about Kissing Point—ironbark, box —? Black butt; anything that will split.
1667. Is that timber to be got on the Common now? It is not very plentiful.
1668. Can you always get what you require for repairing or putting up new fences? Yes; the Common is in a better state now that trustees are appointed—there is more order.
1669. The timber is preserved? Yes.
1670. Have you the use of the Common for grazing purposes? Yes.
1671. What stock have you upon it? About six.
1672. How far are you from the Common? Just adjoining the Common; the Government road is between me and the Common; I am within three hundred yards of the Common.
1673. Do you think if these bridges were erected across Parramatta River and Iron Cove, you would always go with your horse and cart to market, or would you continue to go by the steamer? It would depend upon the distance. I think the bridge would do good, but it would be a greater disadvantage to me to lose the Common than it would be an advantage to have the bridge. I should like to have both the bridge and the Common.
1674. *By the Chairman*: Do you know much of the Common? I know it perfectly well; I have been about the Common for the last five or six and twenty years.
1675. Could you form any idea of the proportion of good land there? I could not tell exactly; I should think 500 or 600 acres would include all.
1676. Could you form an idea of the value of that land? I gave £6 10s. an acre for my land, which is next to the Common.
1677. How long was that ago? Seven or eight years ago.
1678. Is that as good as any land on the Common? I should think so.
1679. What do you think the remaining portion of the Common is worth per acre? It appears to me to be almost useless; it is barren, rocky ground, gullies, and so on, which could not be cultivated at all. What is good is fit for growing fruit trees.
1680. You could not form any idea of the probable value of it? Of course it could not be cultivated, and as to going to build upon it, it seems to me a barren, wilderness-like place for anyone to go to live in, for it is by no means pleasant in those gullies.
1681. You could not put any value upon it? Not upon some of it—I do not see that it has any value at all—no doubt the good land would sell.
1682. Do you think it would average £2 an acre after you had taken these 500 or 600 acres of good land out of it? No, I really do not.
1683. Do you think it would bring £1 an acre? What effect a bridge would have upon it it is hard to tell, but I do not think that in the present state of things there would be a demand for it, as the times are rather dull.
1684. I suppose you would not give £1 an acre for some of it? I would not have it at all, that is to say upon condition that I should try to cultivate it.
1685. This land you bought at £6.10s. an acre, was it cleared? No, it was bush.
1686. In its natural state, the same as the Common? Yes.
1687. *By Dr. Lang*: You do not know what would be the effect of constructing bridges across the river, in the way of enhancing the value of land there? No, I do not.
1688. *By the Chairman*: You cannot see sufficiently far into futurity to form an opinion? No, I cannot.

Mr. James Bellemly called in and examined :—

- Mr. James Bellemly.
15 July, 1862.
1689. *By the Chairman*: You are a landholder in the Field of Mars district? I believe I am.
1690. What number of acres do you hold? 860 acres.
1691. I believe you have purchased a large quantity of land of late years? Yes.
1692. When? About six years ago.
1693. If it is a fair question, how much may you have given an acre for it? I gave Mr. Thorne £900 for 640 acres. A small portion of the Common, which was cut off, was sold some time since by the Government, and I bought a piece of it at £10 an acre; but it was very valuable land, and there was great opposition, and we ran one another at the sale.
1694. Where is this land? It is bounded by the Common on the north side.
1695. Is it good land? Very fair land; a good portion of it is good land. Mr. Thorne had an opportunity of picking his land anywhere where he could get it; it was surveyed for him.
1696. You are one of the trustees of the Field of Mars? I am.
1697. Were you appointed by the Government, or chosen by the people? Chosen by the people, and afterwards confirmed by the Government.

On motion of Mr. Lucas, the Chairman vacated the Chair, and Dr. Lang having taken it,—

Isaac Shepherd, Esq., M.P., was examined :—

- I. Shepherd, Esq., M.P.
1698. *By the Chairman*: Have you a copy of the original grant? I have.
1699. Will you produce it? (*The witness produced the same. Vide Appendix.*)
1700. Have you also the grant of which this copy is a transcript? Yes; this is the original grant. (*The witness produced the same.*)
1701. Of which that just handed in by you is a true copy? Yes.
1702. *By Mr. Lucas*: It is a grant from the Crown? Yes, "To the Reverend George Edward Turner, Duncan Mackellar, and James Devlin, and their successors, of the same lands, to hold the same for the benefit of the said settlers, cultivators, and other inhabitants, to the end that the said lands may be vested and held according to the intent and meaning thereof."
1703. You are one of the trustees of the Common? Yes.
1704. The trustees are chosen by the people? They are elected by the people.
1705. Then, in virtue of your office, the trustees hold the grant of the Common? I hold the grant of the Common, a copy of which I have handed in, by virtue of my trusteeship.
1706. There is a clause in the Act by which the people have the right of electing trustees of the Common? Yes. (*The witness read the first clause, 11 Victoria, No. 31.*)
1707. Have the trustees made by-laws? Yes.
1708. Do you hand in a copy of those by-laws? Yes. (*The witness handed in the same.*)

Dr. Lang having vacated the Chair, it was resumed by I. Shepherd, Esq.

Mr. James Bellemly further examined :—

- Mr. James Bellemly.
1709. *By the Chairman*: Are you aware whether any persons have filed objections against the apportionment made by the trustees? No.
1710. They have not? No.
1711. Are you aware whether many persons take advantage of their right of commonage? They do.
1712. In what way? In coming and getting orders to cut timber for fences and for building houses, and also for pasturage for their cattle.
1713. And cutting firewood, I suppose? Yes, for their own use.
1714. Then you consider that the Common is a very considerable benefit to the people in that way? I do; I do not know what a great many would do without it—those who have nothing but cleared land.
1715. Do you know the Common? I do, well; I was born in the vicinity of the Common.
1716. I believe the trustees have had the Common surveyed? They have, and I was with the surveyor at the time he made the survey.
1717. You went round with the surveyor? I did, when he was measuring it, and I went afterwards in company with yourself and Mr. Drinkwater.
1718. You have been through the Common in various ways? Yes, times and times.
1719. What description of land is the greater portion of it? Very inferior.
1720. What number of acres, in your opinion, is fit for cultivation? Well, I believe if it were all collected together, every spot of it, it would not exceed 500 or 600 acres that would be fit for any kind of cultivation. There are barriers of rocks, gullies, and scrubby land.
1721. Is the average quality of the Common land similar to the average quality of the land outside the Common in the adjoining district? It is not.
1722. Is it superior or inferior? Inferior—much so. I believe that the greater portion of the land that was good having been given away, this land was granted as a Common because it was no good. That is my impression of the matter.
1723. What do you consider the Common land worth an acre? I do not think anyone would purchase the whole of it.
1724. You say you bought 640 acres of land adjoining the Common for £900? Yes.
1725. Do you consider that that portion of the Common that could be made available for Common purposes would realize as high a price? I do not think it would, for the value of land has altered much since then. A great deal of land at Parramatta has been thrown into the market, and that has reduced the price a good deal.

1726. Are you aware what is the upset price of Crown land in the Domain, Parramatta? The last advertisement was £2 an acre.
1727. How near is that to Parramatta? Within a mile.
1728. Do you not consider that that portion of the Common not adapted for agriculture could be made available for building purposes? A great part of it is mere scrub or rock, and there is no view from it; it is all back land, except a little bit on the Lane Cove River.
1729. You consider that the Common is so situated as not to be desirable for building sites? I do. There is a small portion of the Lane Cove River where a person who had plenty of money might buy an allotment to live upon, but the greater part is not fit for that.
1730. As a trustee, are you willing to give up your trusteeship? I am not.
1731. You will not consent to abandon the Common? I will not.
1732. Nor as a commoner? No, nor as a commoner.
1733. Are you aware whether there are many commoners who are not willing to give up the Common? I think the whole of those who are on our side object to give up their rights—they all signed a petition against it, with the exception of one or two.
1734. Are those persons large producers? They are generally very large fruit growers; they nearly all live on the produce of their orchards.
1735. Would not the bridging of the Parramatta River at Five Dock and Iron Cove be a great advantage to the people in your neighbourhood? Not at all.
1736. Would they not take advantage of the bridges, and bring their produce by that road to Sydney? I do not think they would; I have heard a great many say they would not.
1737. How do they generally convey their produce to market? Some take it to Parramatta and send it by the steamboat, others by train, whichever mode suits them best, and when fruit is not very plentiful they sometimes take it by the road; but they do not like taking it by the road, on account of the expense of tolls and horse keep in Sydney; they find it cheaper to send by train or by steamer.
1738. Are there sailing boats for the conveyance of fruit, as well as the steamer? Yes, there are sailing boats which take oranges and fruit, packed, to be sent to Melbourne.
1739. Do you find any difficulty in the conveyance of your produce to Sydney? Not at all.
1740. Do you consider that the bridging of the Parramatta River would tend to open up the country beyond your neighbourhood? I do not see how it would. There is a barrier of rocks between our district and the back country that I consider would stop the communication.
1741. Supposing it were a more direct way to Sydney, would that induce the people to go that way? I should say for myself, I do not think it would.
1742. Then you consider that the bridging over the Parramatta River would not tend to open up the country beyond your neighbourhood? I think it would not.
1743. Is there any Crown land lying in that neighbourhood between the Common and the Hawkesbury that could be made available for agriculture? None whatever—it is only rocks. Some allotments were surveyed some years ago for some sawyers, but they only wanted to get the timber off it, and when they had done so they gave it up. All the land worth anything has been taken up in farms; all the rest is nothing but scrub and rocks.
1744. Do you know the country there? I know the country well between the river and Pennant Hills; I was the first man who marked out the road to Peal's punt.
1745. From your own knowledge, can you say there is no land in that locality of any value that would be opened up by these bridges? I am quite sure that from Pennant Hills to Dural and South Colo there is no vacant land to be sold fit for cultivation.
1746. Therefore, if these bridges were to be erected they would open up no Crown land? No Crown land except rocks. In fact, the greater portion of the land between Wiseman's Ferry and Windsor is rock.
1747. Do you know the district of Colo? I do, well.
1748. From there down to Pittwater? I do.
1749. And to the Hawkesbury River? I do, all round; I know it well.
1750. Is there a direct road from Colo to Sydney by St. Leonards? There is.
1751. Do you imagine, in the event of these bridges being built, any of the inhabitants of that part of the country would take advantage of the road by the bridges? I think not, because there is a barrier of rocks between them, and they have a direct road now in progress, being made by the Government, to St. Leonards; and when they want to go round by Parramatta there is a direct road to Parramatta.
1752. Then you think even if this proposed road were made, that the residents at Pennant Hills, Castle Hill, and Dural, would not be disposed to take this road to Sydney? I should think not.
1753. Are you aware that Mr. Langley visited the Common? I am; I was with him.
1754. Did you pilot him over any part of the Common? I did. He requested me, one day when I was in Sydney, to show him my boundary line along the side of the Common. I said if he would come up I would do so. He came up next morning, on horseback, and I walked with him to the west end of the Common boundary line, and took him along my boundary line to where the ground got rough. He said he would not go farther, the ground was too rough, and I then directed him to the road that goes direct to Kissing Point.
1755. Then he made no survey? He made no survey whatever.
1756. Could he from his visit ascertain the character of the Common? He did not go backwards and forwards over the Common; he just went along the boundary line, as I have said, and then returned by the North Road.
1757. It is your opinion that from merely casually riding along the boundary in that way he could not ascertain what the land of the Common was? It was impossible for him to ascertain it without riding backwards and forwards over it.

Mr. James
Bellemey.

15 July, 1862.

- Mr. James Bellew. 1758. *By Mr. Lackey*: You say you live near the Common? Not far from it.
 1759. How far? About a mile, but I have land adjoining the Common.
 15 July, 1862. 1760. How far from the Common is the 640 acres you purchased? A mile and some chains is bounded by the Common.
 1761. Do you consider that that part of your land which adjoins the Common is of a similar average quality to the Common land, or is it inferior or superior? It is better than the average of the Common.
 1762. How long is it since you purchased that? Six years.
 1763. That is the 640 acres for which you gave £900? Yes, and Mr. Thorne paid for the conveyance.
 1764. You purchased that since the rise in the value of land—since the gold discovery? Yes.
 1765. Has property increased in value in that neighbourhood since that time? No, it is much reduced.
 1766. You bought a small portion at a higher figure? Yes.
 1767. Is that near the Common? Not far from the Common; there is one small farm between it and the Common.
 1768. Is it improved? No, it is a piece of the Common that was cut up and sold in small lots. A good many wanted it, as it was a very choice spot, and we ran very much one against the other, and as they ran me with that piece I ran others for the rest, and that made the whole bring a good price.
 1769. How much was sold that day altogether? Nearly 500 acres; none brought so much as mine; there was some sold at the upset price.
 1770. What was that? £2 an acre, but there were only two lots sold at the upset price.
 1771. Have there been any land sales there since that time? Yes, there have been Government land sales and sales of private property too.
 1772. What prices has land generally realized? The Government land not more than £1 an acre; it was inferior land, and was bought for the sake of the timber.
 1773. Was that near the Common? Some of it was not very far from the Common; it was mere rock, but had some pretty good timber upon it.
 1774. Do you use the Common? I have not used the Common much, for I have plenty of land of my own, as much as I require for my stock; and I cut timber off my own land.
 1775. Still the Common is a convenience for poor people who have not land? Yes, for if that were taken away, many of the people would have no place to put a beast upon, or where to get a bit of timber. At present some people come from Kissing Point round by Mr. Forster's to the Common, to get timber for their use.
 1776. Do you live on the farther side of the Common? Yes.
 1777. What do you believe to be the character of the Common land all through? The character, to take it all through, is inferior; there is a little good land.
 1778. About what quantity of good land? I think if you were to put it all together, it would not be more than 500 or 600 acres.
 1779. And the remaining 5,500 acres—do you think that is likely to be purchased by persons residing in Sydney, for country residences? There might be a small portion, towards Hunter's Hill, but the remaining portion would not sell; in short, I should say there is half the Common that is rocky and mountainous, and could not be converted to any purpose but stone quarries.
 1780. If these bridges were constructed, would it add considerably to the value of land in your neighbourhood? Not in our neighbourhood; it would be an advantage to Ryde, but Pennant Hills is so near to Parramatta by a direct road, and we would have a very bad road to go to Hunter's Hill.
 1781. Are you aware that Mr. Langley sent in an estimate of what he considered to be the value of the Common? I think Mr. Langley told me himself that he estimated it at £6 an acre all through.
 1782. Do you know whether Mr. Langley ever inspected it at any time besides that you have mentioned? Mr. Langley told me he had been inspecting it with Mr. Farnell on the Kissing Point side, and had given in a return, and that Captain McLean told him he must come back to inspect the Pennant Hills side, and then he called upon me.
 1783. If these bridges were built, do you think it would be a convenience to yourself? I think it would not.
 1784. You would prefer the old road, and come the other way? Yes.
 1785. *By Dr. Lang*: If so much of the land as you state forming the Common is so bad, I am at a loss to see how it can be of value to the public in its present state? Its value is to those who have no place to turn a beast out but that. It is barren, brushy or rocky land. Bad land will grow the very best of timber, and it has been covered with capital timber, but the young timber is now growing up again. It is the only place where people can get wood from at present.
 1786. Is there much good timber remaining? There is at our end of the Common. Mr. Langley saw some timber that my brother was splitting for posts and rails, and he got off his horse and examined it, and said he should have quite a different report to make as to the timber on our side from that he had made with respect to the timber on the Kissing Point side.
 1787. Do you think the construction of the proposed bridges would enhance the value of the Common, in the event of its being sold? It might enhance the value of it at the lower end, but I do not see that it would increase the value in the upper part of it; for I believe, speaking within bounds, there is fully two-thirds of the Common that could not be made available for any purpose; it is so rocky, so mountainous, that when cattle go down to the creeks they can scarcely get up again.

1788. Is there any other improvement you could suggest, besides the construction of bridges, by which you think the inhabitants of the district would be benefited? I do not think they would be benefited by bridges, because we have very good communication by the roads now from Pennant Hills to Parramatta, and they are metalling the Great Northern Road at Castle Hill, and making a new road to St. Leonards. The road from the cross at the Pennant Hills Road, near the National School, to the water's edge at St. Leonards is only 17 miles wanting three chains, and it goes along a level ridge all the way.

Mr. James
Bellemey.

15 July, 1862.

1789. Are you of opinion that the construction of a steam punt at Kissing Point would much benefit the district? I think a steam punt where the present Bedlam Ferry is might benefit the district.

1790. Do you think it would do so more than the erection of the proposed bridges? Yes, I think it would be more beneficial in one way, because I do not think that the outlay on the bridge would be guaranteed by the population there—I think only the people about Kissing Point would be benefited by the bridges—those about Mr. Forster's would get no benefit at all.

1791. *By Mr. Stewart:* According to your belief, the people residing about the western portion of the Common would derive no benefit at all? Not at all; they would receive no benefit.

1792. The present commoners in the western portion of the district would receive no benefit at all, as they are nearer to Parramatta than they would be to the bridge? Yes.

1793. Then they would lose their rights, without gaining any benefit from the proposed bridges? Yes.

1794. You say you have been down to Peat's Ferry;—would the road from Peat's Ferry to Sydney be shortened by coming by the proposed bridges? Not at all.

1795. The road would not be shorter than the present road by St. Leonards? No; there is a barrier between Pennant Hills, South Colo and Kissing Point.

1796. Then the proposed bridges would not benefit that portion of the country lying near the Hawkesbury? Not at all.

1797. *By the Chairman:* I think you said there is no vacant Crown land that could be made available? Not one bit. I have been with the surveyors there for months measuring the ridges; they got me to go with them lest they should be lost. I got a grant of land for marking the road to Peat's; indeed I received two grants of land from the Government, for assisting the surveyors in that part of the country.

1798. Supposing a road were made leading up by Mr. Forster's, how near to Parramatta would you have to come in passing on that road? Within about four miles, to get on it by Mr. Forster's, from the train or steamer.

1799. And how far would you be from where they propose building this bridge over Parramatta River? I think it would be ten miles at the least.

1800. So that you have no doubt in your own mind as to the traffic going through Parramatta in preference to going that way? I have none.

1801. Then the out districts would have the advantage of going by St. Leonards? Yes, the people from South Colo and the upper part of our district would go that way when they had light loads; in fact many go that way now.

1802. There is no want of the means of transit at present? No.

1803. All that is necessary is a little additional outlay, for the purpose of metalling the roads? Yes; we have some metalled.

1804. You are not incorporated? No, our road is under the Parish Roads Act.

APPENDIX.

GRANT AND BY-LAWS, FIELD OF MARS COMMON.

COPY GRANT.

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 by a certain instrument bearing date on the eleventh day of August, in the year of our Lord one thousand eight hundred and four, under the Seal of the Territory of New South Wales, and under the hand of His Excellency Philip Gidley King, Esquire, then Captain General and Governor-in-Chief of the said Territory, the lands hereinafter particularly described were allotted as Common lands for the use of the settlers, cultivators, and other inhabitants of the district of the Field of Mars and Eastern Farms, in the County of Cumberland, in the Colony of New South Wales, being the lands hereinafter more particularly described and intended to be hereby granted, but such instrument is deemed insufficient in law for the purposes of securing and regulating the rights of Common intended to be thereby granted:

And whereas by a certain Act of the Governor and Legislative Council of New South Wales, passed in the eleventh year of the Reign of Her present Majesty, 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," certain provisions were made for the purposes in the Title to the said Act mentioned, and it is proposed and intended that a Grant of the hereinbefore-mentioned lands should be issued to the Reverend George Edward Turner, Duncan Mackellar, and James Devlin, and their successors, of the same lands, to hold the same for the benefit of the said settlers, cultivators, and other inhabitants, to the end that the said lands may be vested and held according to the intent and meaning thereof:

Now know ye, that in order to promote the interest and convenience of the settlers, cultivators, and other inhabitants holding lands within the said districts, and for the purpose of better securing and regulating the rights of Common intended to be granted hereby and by the hereinbefore recited instrument, we do give and grant unto the said Reverend George Edward Turner, Duncan Mackellar, and James Devlin, as Trustees of the Field of Mars Common, situated in the districts formerly known as the Field

Field of Mars and Eastern Farms, and their successors to be appointed as in and by the said Act is provided,—

All that piece or parcel of land situate in the County of Cumberland, parishes of South Colah, the Field of Mars, and Hunter's Hill, containing six thousand two hundred and thirty-five acres; bounded first by the north side line of Haynes thirty acres, in the parish of Hunter's Hill, commencing at a marked rock on Lane Cove River, being the north-east corner of the said thirty acres, and bearing south seventy-four degrees forty-five minutes west; then by the north side line of Everard's thirty acres, bearing west nineteen degrees forty-five minutes north; then by part of the east side line of Sarah Fields sixty acres, bearing north nineteen degrees forty-five minutes east; then by the north side line of the said sixty acres, bearing west nineteen degrees forty-five minutes north; then by part of the west side line of the said sixty acres, bearing south nineteen degrees forty-five minutes west; then by the north side line of Tyrrell's thirty acres, bearing west thirty-one degrees forty-five minutes north; then by part of the east side line of Raven's two hundred and eighty-five acres, bearing north thirty-one degrees forty-five minutes east; then by the north side lines of the grants to Raven, Morrison, Hatton, and by a part of the north side line of Lawrel's thirty acres, bearing west thirty-one degrees forty-five minutes north; then by the east side line of Small's thirty acres, bearing north thirty-one degrees forty-five minutes east; then by a part of the south side line of Brown's one hundred and fifty acres, bearing east thirty-one degrees forty-five minutes south; then by the east side line of Brown's one hundred and fifty acres, bearing north thirty-one degrees forty-five minutes east; then by a part of the south side line of Connor's one hundred and forty acres, bearing east thirty-one degrees forty-five minutes south; then by the east side line of Connor's one hundred and forty acres, bearing north thirty-one degrees forty-five minutes east; then by the north side lines of the grants to Connor's and Weaver's, bearing west thirty-one degrees forty-five minutes north; then by a part of the east side line of Kent's five hundred and seventy acres, bearing north thirty-one degrees forty-five minutes east; then by the north side line of the said five hundred and seventy acres, bearing west thirty-one degrees forty-five minutes north; then by the west side line of the said five hundred and seventy acres, bearing south thirty-one degrees forty-five minutes west; then by the north-east side line of Moore's grant, bearing north thirty-two degrees twenty minutes west; then by the north-west side line of Brabyn's two hundred acres, bearing west thirty-eight degrees ten minutes south; then by the north-west side line of Harding's twenty-five acres, bearing west twenty-four degrees ten minutes south; then by a reserved road of one chain's width, dividing it from the grants of Kent's one hundred and seventy acres and four hundred and sixty acres, bearing north twenty-four degrees ten minutes west to a creek; then by that creek bearing north and westerly (being the northern boundary of Kent's four hundred and sixty acres and some Crown land) to Rowland Hassall's one hundred acres; then by a part of the north-east side line of the said one hundred acres, bearing north twenty-one degrees west; then by a part of the south-east side line of Savage's two hundred and ninety acres, bearing east twenty-one degrees north; then by the north-east side lines of the grants to Savage Russell, and by a part of the north-east side line of Pincham's fifty acres, bearing north twenty-one degrees west; then by a line bearing east twenty-five degrees forty-five minutes south to the Lane Cove River; and then by that river bearing easterly and southerly to the aforesaid marked rock (advertised as number four in the Government Notice, dated the twenty-ninth day of August, one thousand eight hundred and forty-eight):

To have and to hold unto and to the use of the said Reverend George Edward Turner, Duncan Mackellar, and James Devlin, as such Trustees as aforesaid, and their successors as aforesaid, for ever, as a Common, to permit the use and benefit of the same to the settlers, cultivators, and other inhabitants for the time being of the said districts formerly known as the Field of Mars and Eastern Farms, under and subject to such regulations as may from time to time be made by the said Reverend George Edward Turner, Duncan Mackellar, and James Devlin, and their successors, by virtue of the provisions in the said recited Act contained, or of any other law or authority in that behalf enabling them:

Provided nevertheless, and we do hereby except and reserve unto us, our heirs, and successors, all such parts and so much of the said land as may hereafter be required for a public way or public ways, canals, or railroads in over and through the same, to be set out by our Governor for the time being of our said Territory, or some person by him authorized in that respect; and also all sand, clay, stone, gravel, indigenous timber, and all other materials, the natural produce of the said land, which may be required at any time or times hereafter by the Government of the Colony, for the construction and repair of any public ways, public works, bridges or canals, or for naval purposes or railroads, or any fences, embankments, dams, sewers, or drains necessary for the same, together with the right of taking and removing all such materials; and also all land within one hundred feet of high water mark on the sea coast, and on every creek, harbour, and inlet of the sea; and also all mines of gold and of silver, with full and free liberty and power to search for, dig, and take away the same, and also the right of full and free ingress, egress, and regress into, out of, and upon the said land, for the several purposes aforesaid:

And we do further reserve unto us, our heirs and successors, full power for us or them, or for the Governor for the time being of our said Territory, to resume and take possession of all or any part of the said land not hereinbefore reserved which may be required at any time or times for any public roads or works whatsoever:

And we also reserve unto us, our heirs and successors, and to the Governor for the time being of our said Territory, by such person or persons as shall be by them or him authorized in that behalf, full power to make and conduct through the said land all common or public drains and sewers which may be deemed expedient:

Provided always that if the trusts, conditions, reservations, and provisos herein contained, or any part thereof, be not duly observed and performed by the said Trustees and their successors, then the said land shall be forfeited and revert unto us, our heirs and successors; and these presents, and every matter and thing herein contained, shall cease and determine, and become absolutely void to all intents and purposes; and it shall be lawful for us, our heirs and successors, by our Governor for the time being of our said Territory, or some person by them or him authorized in that behalf, to re-enter upon and take possession of the said land or any part thereof, and the said Trustee or Trustees and their successors, and all occupiers thereof, therefrom wholly to remove.

In testimony whereof, we have caused this our Grant to be sealed with the Seal of our said Territory.

Witness our trusty and well-beloved Sir Charles Augustus Fitz Roy, Knight Companion of the Royal Hanoverian Guelphic Order, our Captain General and Governor-in-Chief of our said Territory and its Dependencies, at Government House, Sydney, in New South Wales aforesaid, this tenth day of November, in the thirteenth year of our Reign, and in the year of Our Lord one thousand eight hundred and forty-nine.

CHS. A. FITZ ROY. (L.S.)

Entered on record by me in Register of Grants, No. 105, pages 63 to 79, both inclusive, this fourteenth day of November, one thousand eight hundred and forty-nine.

E. DEAS THOMSON,
Colonial Secretary and Registrar.

Enrolled in the Registrar General's Office, Sydney, in Register of Grants, G. 2, pages 403 to 407 inclusive, this twenty-ninth day of December, 1849.

WILLM. CARTER,
Registrar General.

Entered in Register No. 6, of the County of Cumberland, No. 155, pages 88 to 91 inclusive, in the Surveyor General's Office, Sydney, 9th February, 1850.

HENRY HALLORAN.

In Equity.—Shepherd and others v. Turner and others.—8 November, 1852.

His Honor Mr. Justice Therry, in pronouncing judgment, declared the first, third, and fourth of the following Rules to be not in accordance with the Act of Council, and therefore void.

REGULATIONS for granting Leases and Licenses of the Field of Mars Common, under the Act of Council, 11th Victoria, No. 31 :—

1st. ~~A public meeting of the commoners having been held, in accordance with the 5th section of the above Act, at the School house, Ryde, on the 22nd day of October, 1850, it was assented to by a majority of the commoners assembled, that a portion of the Common not exceeding one fourth of the whole may be divided into lots of not more than fifty acres each; and further, that these lots may be leased for periods not exceeding seven (7) years in any case, on condition of clearing or otherwise improving the land as Common. For each of these lots an annual rental of five shillings will be charged, payable in advance to the Trustees of the said Common for the time being.~~

2nd. All persons having a right of commonage to the said Common will be allowed to cut timber for their own private uses, such as firewood, building materials, or fencing stuff. This timber is to be used only on lands and tenements conferring a commonage right, under a penalty of £5, payable to the Trustees as aforesaid.

3rd. ~~Licenses to cut timber for sale will be granted, for which the sum of £2 per annum will be charged, payable to the Trustees as aforesaid. These licenses are to be strictly personal, and will entitle no person but the actual holder to cut timber, neither will they be transferable.~~

4th. ~~Persons holding timber licenses will be restricted from cutting and removing any except dead standing timber and such as may have already fallen, under a penalty of £5, payable to the Trustees as aforesaid.~~

5th. All persons having a commonage right will be permitted to take bark for their own uses, on condition that the trees from which the bark is taken shall be removed from off the Common within fourteen days from the time of stripping. Any person infringing this Rule will be subject to a penalty of £10, payable to the Trustees as aforesaid.

6th. Persons having the privilege, or who hold licenses to cut timber, will be allowed to do so only on the lands in their own possession, or on such parts of the Common as may be unoccupied.

7th. All leases and licenses to commence at as early a period as possible after having received the approval of His Excellency the Governor to the foregoing Regulations, and the sums chargeable for the same must in every instance be paid in advance to the Trustees as aforesaid.

Trustees— { GEORGE E. TURNER,
 { JAMES DEVLIN.

Ryde, February, 1851.

RULES and REGULATIONS made this twenty-eighth day of July, 1857, by the Trustees for the time being of the Field of Mars and Hunter's Hill Common, under and by virtue of the Act of Council, Eleventh Victoria, No. 31.

WHEREAS by the said Act of Council the said Trustees are empowered to ascertain, determine, and declare by writing, under their hands and seals, from time to time, the number and description of cattle and other stock which the respective settlers, cultivators and other inhabitants, for whose use the said Common was granted by Her Majesty, by a Grant bearing date the tenth day of November, 1849, shall be entitled to depasture upon the said Common in right of their respective farms, lands, and houses: And whereas the said Trustees are by the same Act empowered to make Rules and Regulations for the better and more equal use and enjoyment of the said Common, and of the timber growing or being thereon, and of all other rights, and privileges, and easements incident thereto, by the persons having right of Common thereon: And whereas no such writing as is authorized by the said Act has yet been made: Now, therefore, with a view to properly making such writing, and also effectually carrying out the object of equal use and enjoyment referred to in the said Act, the following Rules and Regulations, seeming necessary and expedient to the said Trustees, are accordingly made by them, this twenty-eighth day of July, 1857 :—

1. Every person being entitled to and desirous of claiming any right of Common under the said grant, whether as settler, cultivator, or inhabitant, and being in possession of such right or claim at the time when these Rules and Regulations shall come into force by virtue of the said Act, shall, in or before the first week in November next, send a claim in writing to the said Trustees or any one of them, specifying therein the character in which such person so claims, the nature, extent, and locality of the land or other property in respect of which he or she claims any right of Common, and the number and description of cattle or other stock desired to be depastured by him or her on the said Common.

2. The Trustees for the time being shall, in the first week of January, April, July, and October in each and every year, ascertain, determine, and declare, by writing under their hands and seals, the number and description of cattle and other stock which the respective settlers, cultivators, and other inhabitants for whose use the said Common was so granted shall be entitled to depasture upon the said Common in right of their respective farms, lands, and houses: Provided that the first of such writings shall be made and declared in the first week of January, 1858.

3. Every person, not being a commoner, who shall in any manner whatsoever attempt to use or enjoy any right, privilege, or easement upon or from, or out of the said Common, shall be deemed a trespasser, and shall be liable for every such offence to a fine of (£10) ten pounds; and every commoner who shall in any respect, except his or her right as declared by any such duly deposited writing as aforesaid, or as otherwise possessed by him by virtue of the said Act, shall to the extent of any such excess be also deemed a trespasser, and shall be liable for every such offence to a fine of (£3) three pounds.

4. Towards enabling the Trustees to raise funds to defray costs incurred in the management and protection of the said Common, they shall be at liberty, from time to time, to sell and dispose of such dead or fallen timber as may be on the said Common, and which may not be required by persons entitled to the use and privilege of the said Common.

5. A General Meeting of the said Commoners shall be convened by the Trustees in every year, in the first week in January in every year, and at every such meeting the Trustees for the time being shall lay before the commoners present a full and correct debtor and creditor account in writing of all moneys respectively received and paid by them during the half year then past, and of all debts then due to or from them on account of the said Common, showing the balance, if any, in their hands, or the deficiency, if any, then existing; and also an estimate of the amount required for clearing off and discharging any such then existing deficiency or debt, if any, and for defraying the costs, charges, and expenses to which the said Trustees may be exposed during the then next ensuing year, in or about the maintaining or improving the said Common, or in protection of the rights of the said Common, over and above the amount received by the said Trustees, being the proceeds of sale of wood and rent for land leased, or any other proceeds of the said Common authorized by the said Act: And the commoners present at any such meeting, or at any adjournment thereof, or the majority of them, shall thereupon assess and fix a sufficient sum of money for such purposes, to be raised

raised and paid by way of rate by and amongst all the commoners proportionately to their respective rights of commonage: And all the said commoners, whether present or not at such meeting, shall be bound by such decision, and be liable and compellable to pay their respective proportions of the said rate: Provided that if no rate or no sufficient rate shall be resolved upon at any such meeting or some adjournment thereof duly convened by the said Trustees, by notice once published in the *Government Gazette* and twice advertised in some Sydney newspaper, the last such advertisement being not less than two nor more than four days previously to such meeting or adjourned meeting, the said Trustees shall have power to fix and declare a sufficient rate, for the purposes aforesaid, and to apportion, raise, and levy the same in like manner as aforesaid.

6. The Trustees, at any other time, either of their own accord may, or, upon requisition signed by five commoners at the least, shall convene, by like publication and advertisement, a Special General Meeting, for the purpose of discussing and resolving upon any question or the adoption of any measure, whether for raising any further necessary funds for any of the purposes aforesaid, or otherwise arising upon the said Act or any provision thereof, and the determination of the majority of any such General or Special General Meeting as aforesaid, if not inconsistent with or repugnant to any provision of the said Act, nor in violation of anything contained in the said Grant, shall be sufficient authority for the said Trustees: Provided that five commoners at the least be present thereat.

7. The commoners present at every such meeting shall choose their own Chairman, who shall not vote in the first instance, but in case of an equality of votes shall have a casting vote.

Trustees— { EDWD. DRINKWATER,
ISAAC SHEPHERD,
JAMES BELLEMY.

FRIDAY, 18 JULY, 1862.

Present:—

MR. COWPER,	|	DR. LANG,
MR. LACKEY,	|	MR. LUCAS,
MR. PIDDINGTON.		

ISAAC SHEPHERD, ESQ., IN THE CHAIR.

George Oakes, Esq., called in and examined:—

Geo. Oakes,
Esq.
18 July, 1862.

1805. *By the Chairman*: You are a landholder in the Field of Mars? I am.
1806. Your father was a trustee of the Field of Mars Common under the first grant, I believe? Yes, he was appointed in 1804, I believe.
1807. Your father having been one of the first trustees, you must naturally feel interested, I presume, in the Field of Mars Common? Yes, I feel a deep interest in the good of the district.
1808. Have you any knowledge of the character of the Common land? Generally speaking, it is very bad; some few portions of it are good.
1809. *By Mr. Cowper*: When you say bad, do you mean bad for agricultural purposes, or bad for any purpose? I mean bad for almost any purpose, but there are some patches of good.
1810. *By the Chairman*: It is not fit for building? I think any land is fit for building.
1811. But is its situation such as would induce people to build upon it? No.
1812. Then its situation is not such as to induce population to settle on it? I think not.
1813. *By Mr. Cowper*: It is not near enough to Sydney to have become of importance yet? No, there is so much land available nearer to Sydney.
1814. *By the Chairman*: You do not consider the soil suited to agriculture? No, except portions of it; there are a few patches, but generally speaking it is not.
1815. Do you think it desirable that the land should be alienated, and the proceeds derived from its sale appropriated to other purposes? I think not. There are two classes of persons interested in the Common—those in the upper part, who are generally speaking opposed to the alienation of the Common, and the others in the lower portion, who are, generally speaking, in favour of it.
1816. In point of fact, the persons interested in the Common are divided? Yes.
1817. One portion—that portion nearest to Sydney, I imagine—are in favour of bridging over Parramatta River, in order to give additional facilities of transit to Sydney; and the others, at the western end, who are opposed to it? They are opposed to it, generally speaking.
1818. Do you think it would be justifiable in the Legislature to pass a law to resume the Common? I think if the Legislature, in its wisdom, thought fit to take Hyde Park from the people it might be justifiable; but I think it has no more right to take the Common from the inhabitants of that district than it has to take Hyde Park from the citizens of Sydney.
1819. Would you consider, if a law were passed to that effect, that any portion of the proceeds of the sale of the Common should be appropriated to any other district than that to which the Common was set apart? Certainly not.
1820. For instance, supposing the Common were sold and a portion of the proceeds were devoted to building a bridge over Iron Cove, would that be desirable? I think not; I think it would be indirect opposition to the desire of a large portion—I believe a majority—of the commoners.
1821. Supposing the Common were sold, do you consider that the proceeds would amount to a sufficient sum to pay for the erection of bridges over Parramatta River and Iron Cove? No, nor a tenth part.
1822. Are you aware that a large number of commoners are opposed to the surrender of the Common? I am.

1823. Have you attended any meeting where they have expressed an opinion to that effect? Yes, I was present at a meeting called expressly to consider the question some few months back, and they passed this protest. (*Producing the same. Vide Appendix.*) At the time this protest was passed, it was understood by the commoners that the Government thought of bringing in a Bill for the purpose of taking the Common from them. They passed this protest, and wished me to hand it to the trustees to forward to the Government. It is signed by about ninety persons, but a great many more signatures could have been obtained. 18 July, 1862. Geo. Oakes,
Esq.
1824. *By Mr. Cooper:* What proportion of the commoners is included in that 90;—is it the larger portion, or are there many besides? A great many more; but I think nearly the whole of the commoners about the Pennant Hills district, the upper part of the district, are opposed to selling the Common—they think the bridge would be of no service to them.
1825. As I understood you, the sale of the Common would realize only a small proportion of the cost of bridges? I do not believe, to take the most favourable view, that the Common would realize £10,000; my own opinion is £6,000, if sold within the next year or two.
1826. *By the Chairman:* Have you any idea what the cost of these bridges would be? No, I cannot form any idea; I should think a very large sum of money; I am not competent to give an opinion upon that point.
1827. It has been alleged that the trustees have not carried out their trust;—have you heard any opinion given as to the way in which the trustees have carried out their trust? At the meeting where this protest was carried—I may say unanimously, except two who live on the other side of the district, Mr. Forster and Mr. Blaxland—there was a resolution passed stating that they were perfectly satisfied with the trustees, and with the way they had performed the duties entrusted to them.
1828. You do not consider that these bridges would materially benefit the inhabitants of the western portion of the Field of Mars Common? I think not, for this reason:—It is stated that the people in that district wish to bring their produce to Sydney, but that is not the case. The parties at Baulkham Hills and Pennant Hills, who grow fruit and oranges, take them to Parramatta, and they do not pack them until they arrive there. Buyers go up from Sydney to Parramatta, buy the fruit, and then pack it on the wharf; it is then put on board the steamer or sailing boats, and brought down to Sydney to be shipped to Melbourne. So that the growers never come into Sydney at all—they have no business in Sydney.
1829. You consider that it is more convenient for the grower to bring his fruit into Parramatta and to pack it there, than to bring it on to Sydney? Yes, they all state that they would sooner come to Parramatta than to Sydney, even if the bridges were made—it is so expensive to do anything in Sydney; besides, Parramatta is nearer home to them.
1830. Do you consider that the bridging of Parramatta River would materially benefit those persons residing between the Common and the northern district—for instance, the Hawkesbury River and the Hunter? I think not; I heard it stated that it would, but I cannot see how it would, for the Windsor people will have a tramway directly, and surely they will avail themselves of that.
1831. Is it likely that those resident in the Hunter River district would take advantage of it, and come across by Wiseman's? I think not; it is a wretched country to come through, and is a very bad road. I travelled over it some years ago, and it must be in a fearful state now.
1832. As a commoner, would you consent to surrender the Common? No, certainly not.
1833. Have you lately purchased land near Parramatta? I have, during this week.
1834. What might you have given an acre for it? £2 an acre—the upset price.
1835. Is £2 an acre the upset price for Crown lands there? Yes. I have purchased it as high as £10 an acre, but at this last sale I gave £2 an acre for it—it is quite as good land as the Common land.
1836. Has railway communication with Parramatta tended to benefit the town? It is a very great convenience to the people, but I do not think it has raised the value of land at all; it has tended rather otherwise, I think.
1837. Then you do not think that in every case facilities of communication tend to benefit land very materially? I think that where you have railway communication going farther into the interior beyond a township like Parramatta it rather injures it than otherwise.
1838. You consider that were these bridges to be erected it would not benefit materially the northern district so as to justify the outlay? I think not. It would be a great benefit to the people living about Hunter's Hill, but not to the commoners on the other side. I have thought carefully over it, and I believe that one portion of the commoners would derive a great benefit from it, but the others would derive none.
1839. I suppose you are aware that there are steamers and sailing boats which afford the means of passage to Sydney? Yes, they have one of the best highways in the world, the river, and water carriage if they like to avail themselves of it.
1840. *By Mr. Lackey:* You say you bought some land recently at Parramatta, at the upset price? Yes.
1841. That I imagine is not the average value? No. I stated that I had bought some at £10 an acre.
1842. Have you had any experience of sales of property in the vicinity of the Common lately? Yes; within the last twelve months my brother sold two farms, I think within half a mile of the Common, cleared and improved, to Mr. Smith.
1843. Do you recollect what was about the price? I think £8 or £8 10s.
1844. That is cleared land with improvements? Yes; the improvements were not much—I think a small house; the land is all cleared.

- Geo. Oakes, Esq.
18 July, 1862.
1845. *By the Chairman*: And enclosed? Yes, it is enclosed by a fence; it is not of much value, still it is enclosed.
1846. *By Mr. Lackey*: At what do you value an acre for the clearing of such land as the Common land? From £8 to £10—that is what I have paid.
1847. You have had a good deal of experience in agriculture, orange growing, working orchards, and matters of that kind? Yes.
1848. Would your experience lead you to form a favourable opinion of the Field of Mars Common for purposes such as those? Speaking generally, I think it is unsuited, but there are some portions of it good. I have not been over the whole; indeed, I believe there are some portions you could scarcely go over. From what I have seen of it, I should say there are small patches here and there that would suit for orchards.
1849. You think even for those, purchasers would not be induced to give more than what, in your estimation, is about the value of it? I think not.
1850. Have you any idea of the demand there would be for the Common land for building purposes, if these bridges were constructed, to give persons the opportunity of building villa residences, from the fact of its being contiguous to Sydney;—do you think the land would be in demand to any great extent? I think not; there is so much land available on the railway line for these purposes.
1851. I suppose suitable sites such as the land at Hunter's Hill are limited? Very much so—sites that parties would be likely to take up for residences.
1852. There would not be many of them? Very few; they would be found only about that part of the Common round Hunter's Hill.
1853. Do you think the commoners of the north-eastern and western side would avail themselves of these bridges if they were constructed? I think not. I have stated before that they now bring their produce into Parramatta, and pack it there and send it down by boats to Sydney.
1854. From your own knowledge of the two roads, do you think it likely, if you were living in a place like that, that you would use the new road in preference to the present mode of transit? I think not, as the people are most of them within five or six miles of the railway or steamers at Parramatta.
1855. *By Dr. Lang*: What quantity of stock could the Common sustain, do you think? Not a very large number. It is not fit for pasturage, speaking generally; some portions of it are good; it is not fit for the use for which it was given, that is, for grazing.
1856. It has not answered the purposes of its original destination? It has been of great service to the people, in supplying timber for fencing their farms, and for building purposes, and for firewood.
1857. Does it contain much valuable timber? Not much now; but there is a lot of very fine young timber that is now growing up, and I believe that if it were left for a few years it would be available.
1858. Do you think the timber will ever be allowed to come to maturity while that remains a Common? It depends upon the trustees; if the commoners have their fling it will not.
1859. Do you as a commoner personally derive any material benefit from the Common? I do not.
1860. Do you think there are any others who do? Yes; I have been among the commoners, and they state that they run their cattle on the Common, and get their timber for fencing and their firewood from it.
1861. I cannot reconcile—perhaps you can assist me in doing so—the fact that the Common is acknowledged by those who are unfavourable to the proposal for the erection of these bridges to be comparatively worthless, with their attaching a great value to it? I would state at once, that I for one am not opposed to the erection of bridges if the Legislature in its wisdom likes to pay the money for it, but I am opposed to the Common being taken for any such purposes. The people look upon the Common as being likely to be of more value hereafter; they think they have a right to the Common, and that their children after them ought to have the same right.
1862. Are not the interests of the inhabitants to the eastward very different from those of the people who reside on the north-western portion? Very different. I have stated already that I think the commoners are divided; the people on the eastern portion of the Common are generally in favour of selling the Common and of erecting the bridges, but the others, while they do not object to the bridges, are opposed to the sale of the Common.
1863. Could not the Common itself be divided? I have thought of that, but I doubt whether we could get the commoners to agree to it.
1864. *By the Chairman*: You are aware that there are a number of commoners at Kissing Point who are opposed to giving up the Common? Yes, there are several who signed this protest who reside in that neighbourhood, several of the Smalls, and others who reside in that immediate neighbourhood.
1865. Therefore, although the parties who have a Common right are divided, there are a large number of those residing in the district of Kissing Point who are opposed to parting with the Common? Yes, and I think you might find a few in the other district who might be favourable to the giving it up, but I do not know of any.
1866. Although the Common land does not answer all the purposes for which it was granted, that is for pasturage, still it is useful as enabling people to turn their cattle upon it? Yes, the people at Pennant Hills avail themselves. It is better as a winter run, for there is plenty of scrub, and the cattle will eat that in winter.
1867. It is useful as enabling them to obtain timber for building purposes and firewood? Yes.
1868. If the Common were alienated or disposed of, there might be some difficulty felt by the people in obtaining timber and building materials? There would be great difficulty—there is no other place where they could obtain it.

APPENDIX.

The following protest was adopted at a public meeting of commoners, at Mr. J. Smith's, Pennant Hills:—

We, the undersigned commoners of the Field of Mars Common, do most solemnly protest against the alienation of our rights to the said Common now so long enjoyed by us, and hereby request the trustees to forward this our protest to the Government, believing as we do that no Responsible Government would repudiate grants made to us and our children.

Mr. George Spurway called in and examined:—

1869. *By the Chairman*: I believe you are a landholder on the Field of Mars? Yes. Mr. George Spurway.
1870. You have a large orchard there? Yes. 18 July, 1862.
1871. I believe your orchard is considered one of the largest in the district? Yes, I believe it is.
1872. How do you convey your fruit to market? By water.
1873. Do you consider that water carriage is the best for fruit? Yes, by a great deal; you cannot carry ripe fruit to market in carts without injury to it.
1874. You send your fruit to market by sailing boats generally? I send by my own boat.
1875. How many cart-loads would a boat carry? It would depend upon whether you mean dray-loads or cart-loads, and also upon the tonnage of the boats—we can carry about eight cart-loads.
1876. What would be the difference of expense in carrying your goods to market by land and by water? More than half the difference.
1877. You consider that it is about half the expense to convey goods to market by water that it would be by land? No, it is not.
1878. *By Dr. Lang*: Where do you embark your goods? Pennant Hills; I live about a mile from that.
1879. *By the Chairman*: Supposing a bridge were built on the Parramatta River at Five Dock, could you send your goods by that way to market? No, not without there was a very good road.
1880. Do you think it is probable your neighbours would send by that means? I think not, for most of the people on the other side of me towards Pennant Hills go by the steamer.
1881. Where do they take their fruit to? Parramatta.
1882. Supposing you were not conveying your goods to market, but were shipping them, how would you send them? By boat, and send it alongside the vessel, that is the way we do. We send most of our fruit to Melbourne or Launceston, and have done for years.
1883. Do you consider that bridging over Parramatta River would at all benefit your part of the district? Not in the least. I do not mean to say that it would not be an advantage to the people about Ryde and Hunter's Hill.
1884. Are you aware whether the district of Hunter's Hill is a productive district, adapted to the growth of fruit? I have been there several times, and I never saw anything growing there but rocks. It might do very well for building purposes—it will not do for anything else.
1885. Your portion of the district is the producing portion? I think it is, if anyone will take the trouble to go and see it.
1886. Whereas about Hunter's Hill it is not productive? I do not see any production—there are a few fine cottages there.
1887. What quantity of land do you hold in the district? About 200 acres.
1888. Would you as a commoner be willing to give up your right of commonage? No.
1889. Do you consider it important to retain the Common, to supply the wants of the people of the district with timber, and the turning out of cattle? Timber is the only advantage to them; I think nothing of the grazing. The timber we want for fencing and making our little improvements.
1890. Having so large a plot of land of your own, you do not require the Common for the purpose of turning out your cattle? No, I do not consider the Common as anything for grazing; it is for the purpose of getting timber, stone, loam, or anything of that sort, I think it of value.
1891. Do you know the Common land? Very well; I have known it the last thirty years or more.
1892. Is the land on the Common of an average quality with the land of the district round? No, there is some very good land on the Common in patches, but where there is one good acre there are twenty that are no good at all.
1893. *By Dr. Lang*: What proportion may there be of good land? I should say from 1,000 to 1,500 acres that might be picked in patches, some of it very good land, not anything equal to the common average—1,500 acres would be the outside.
1894. *By the Chairman*: What is your opinion of the value of the Common? I should consider it worth not above £5,000.
1895. Do you think it would be possible to sell any large portion of it within a period of a few years? I do not think it would. There are certainly blocks of it that would sell readily enough, but the other nobody would buy.
1896. I believe you bought some land a few years ago—a portion of Mrs. Bobart's estate? Yes.
1897. That land was situated near Parramatta River? Close to the river.
1898. Do you consider that that is land similar to the Common land? Not at all.
- 117—L
- 1899.

- Mr. George Spurway. 1899. Is it inferior or superior? Quite superior to any of it.
1900. Is the situation of the Common at all to be compared with the land you purchased? No.
- 18 July, 1862. 1901. The Common, generally speaking, I believe, is back land? The highest land of any value at all is that by William Small's, close against Kissing Point.
1902. That is a considerable distance from the Parramatta River? Yes.
1903. Consequently there is no comparison between the land you bought and the Common land? Not the least, and my land is the dearest land that has been sold in that quarter—it fetched the highest price.
1904. That price was obtained in consequence of its situation—of its contiguity to Parramatta River? Yes, it was close to the river, and was cut up in small portions.
1905. Do you know the land that formerly belonged to Mr. Rutledge, that was purchased by Mr. Ross from Dr. Sherwin? Yes, I knew it when Mr. Rutledge bought it; it was some of Captain Kent's land.
1906. Can that land be considered as a fair criterion of Common land? No; there are no rocks on Mr. Ross' land, there is not a bit as bad as the Common, the other is quite barren.
1907. Are you aware whether any great improvements were made at the time Mr. Ross bought it? The biggest part of it was cleared, a house was built on it and stable, the ground was trenched, there was an orchard, and the land was fenced.
1908. Consequently the price given for that land could not be considered as any criterion of the value of the Common land? Not at all, and he bought it at a very high price too.
1909. You consider the retention of the Common as a very great benefit to the district around, inasmuch as it will supply the people with timber? Not at the present time, but what will their children do when they have not a bit of ground from which to get a stick of timber to build a hut, or a bit of firewood?—In a very short time all the wood in the district will be gone.
1910. In the event of their not having any other place for pasturage, it will do to turn their cattle upon? Yes; in fact I have given more for the property I have bought, on account of the Common right, than I should otherwise have given.
1911. You consider that the Common right induces people to give a higher price for land in the neighbourhood? Yes.
1912. You would not under any circumstances consent to relinquish your right to the Common? No.
1913. Have you attended any meetings where there has been any expression of opinion upon this matter? This is the first place I have been in about it. I have signed petitions.
1914. In favour of the resumption, or against the resumption? For keeping it.
1915. Are the Committee to understand that you consider water carriage for your fruit very superior to any land carriage you can have? I do; if there were a bridge there to-morrow I should not use it.
1916. It is better in an economical point of view, and it also conveys your fruit in a better state to market? Yes.
1917. *By Mr. Piddington*: Where is your land situated? In the Field of Mars.
1918. What portion of it? Attached to the post office—between that and Mr. Forster's.
1919. Are you disposed to think that a bridge built over the Parramatta River, and another over Iron Cove, would not be beneficial to the district of the Field of Mars? I do not think it would to people on the other side.
1920. Are you disposed to think that if the bridges were built, the people in the Field of Mars would not use them? I do not think they would.
1921. How far is it from where you live, by the road, to Sydney? To come over by the punt, or to go round by Parramatta?
1922. To come over by the punt? About 14 miles.
1923. How far would it be if the proposed bridge were constructed over Parramatta River and another over Iron Cove? It would cut off something between the punt and Sydney, but I do not know where it would come to.
1924. Supposing a bridge were built over the Parramatta River at Five Dock, and another over Iron Cove, how near would those proposed bridges bring Sydney, as compared with the road by which you now travel? I think it would cut three miles off; for it is rather farther from my place to Five Dock than it is to the punt; all the saving would be on this side, from Five Dock to Sydney.
1925. What would be the entire saving of distance? I do not think it would be above three miles from where I live—we are just three miles from Parramatta.
1926. Then from where Mr. Forster lives to Sydney, there would be a saving of not more than three miles? I think not, but I do not know the distance.
1927. Then you do not know whether the saving would be three or five miles? I could not say, but I do not believe it would be five.
1928. You do not know? I could not say.
1929. *By the Chairman*: The only saving would be between the bridge and Sydney? That is what I say, because it is farther to Five Dock than it is to the punt.
1930. *By Mr. Piddington*: You have no reason to doubt that there would be a saving of distance? I believe there would be a saving of distance.
1931. Are you of opinion that the present system of crossing the river by the punt is to be compared, in point of convenience, with the advantage these bridges would afford the public? I think bridges would be more advantage, but I think the toll would be higher.
1932. Supposing the tolls were light, or that there were no tolls whatever? There must be four tolls.

1933. How do you know there must be? By what I have heard. There will be four bridges—
one across the Parramatta River, one across Iron Cove, and the Glebe Island and Pyrmont
Bridges. Mr. George
Spurway.
1934. I want to know how you are acquainted with the circumstance that there must be
tolls over the four bridges? I suppose there must be. 18 July, 1862.
1935. *By the Chairman:* You take it for granted that there must be tolls over the two
bridges? Yes.
1936. *By Mr. Piddington:* But you know nothing about whether there would be or not?
I cannot say.
1937. Suppose there were to be no tolls, would the bridges then confer any advantage on
the people of the district? I do not consider that they would confer any advantage upon
me, for I have got the river to convey my goods to market, and that is the best and cheapest
way.
1938. Have you no communication with Sydney except when you send your goods there?
If we do we come by our drays.
1939. Do you consider that it would be no advantage to save three miles in coming to Sydney?
It would be an advantage if it were not for the tolls.
1940. Then you are alarmed at the prospect of having to pay tolls? Yes.
1941. But supposing there are no tolls to pay? I should say then that it would be a benefit.
1942. Are the people of the Field of Mars enabled to obtain medical aid with ease whenever
they want it? Yes, from Parramatta—that is three miles off.
1943. Is it not the fact, as a general rule, that the best medical aid is to be obtained in
Sydney? No, I do not think it is; people have generally got their family doctor, and they
think him the best.
1944. Do you think if these bridges were built there would not be a considerable influx of
population into the district? I do not think there would.
1945. Are you of opinion that facility of communication is likely to discourage population?
No, I should say not.
1946. Should you think it likely to encourage it? I should think it likely to encourage it.
1947. Then what leads you to suppose there would not be an increase of population if
these bridges were built? I do not see what there is to lead people to come into that quarter
for.
1948. Is it not a very delightful district, in point of situation? The most delightful parts
are in private hands already, and people cannot come unless they can get places to live upon.
1949. Do you think the district of the Field of Mars is so peculiar that, as it is in the hands
of private persons, people would not be disposed to sell portions? Very little.
1950. Is there a plentiful supply of fencing timber upon the Common? There is some very
good yet.
1951. What other use is the Common? If we want firewood, or a load of loam, or stone,
we can get it.
1952. Of what other use is it to you? I cannot say.
1953. Do you use it for grazing purposes? I never do; I do not turn a head of cattle on it.
1954. How much fencing stuff have you got off it during the last twelve months? None
within the last twelve months, but I have got a great deal off it before.
1955. Extend the time back to the last two or three years? I dare say I have got £100
worth off it, say within the last five years.
1956. How do you estimate the value of the fencing? By the fencing I got.
1957. Do you pay nothing for labour—does the fencing come to you without any assistance
from yourself? No, I draw it myself.
1958. Do you find it already split? No, I pay for that, as I would have to do if I got it
anywhere else.
1959. Was the £100 the total value of the fencing you allude to? No, I consider that it
was a saving to me of £100, by not having a great distance to draw it and not having to
pay for the timber.
1960. Do you mean that it was a clear advantage of £100 to you? I should think it was.
1961. Is that the reason why you think the Common ought not to be sold? I think it ought
not to be sold; I do not see what right —
1962. I ask you whether the advantages you derive is the reason you think the Common
ought not to be sold? Yes, that is my reason.
1963. Do you not think if these bridges were built, that a great portion of the Common
might be sold as sites for houses and villas? I do not think it a right thing to sell the
Common at all—no doubt it might be sold.
1964. I said before, I do not ask you what you think is right—I ask you whether if these
bridges were built you are of opinion that the Common would not be sold as sites for
houses? Yes, what is good would be, but what are you going to do with the rest of the
land?
1965. Of what value do you think the land would be for building sites after these bridges
were built? I do not consider the Common worth more than £5,000.
1966. You do not think it would bring more than £1 an acre, if sold in small allotments
after the bridges were built? You may sell a thousand acres for that, but what would
you do with the other?
1967. After the bridges were built you do not think it would realize more than £1 an acre
if sold in small lots? I cannot say; I dare say it might fetch more, but there are hundreds
of acres no one would buy.
1968. I am asking you whether, if bridges were built and the land were sold in small
allotments, it would not realize more than £1 an acre? It might.

- Mr. George Spurway.
18 July, 1862.
1969. Do you think it would bring £5? No.
1970. *By Mr. Lucas*: Do you think it would bring £2? No, I do not.
1971. *By Mr. Fiddington*: How far is your land from the Common? I have some very close—within half a mile.
1972. Is that purchased land? Yes.
1973. When did you purchase it? Some not above eighteen months ago.
1974. How much did you give an acre for that? £6.
1975. Do you know Dr. Campbell's land? At Bedlam Point?—Yes.
1976. Do you know that portion that abuts on the Gladesville Road, in front of Face's paddock, nearly opposite Dr. Brereton's—I allude to that portion recently purchased from the Archbishop of Sydney? I have known that land for years.
1977. How far is that from the Common? No great distance.
1978. Does not the Common immediately adjoin it at the back? I think it does.
1979. Is that land that Dr. Campbell bought very superior to the land that immediately adjoins it? No, I do not see that it is.
1980. Are you aware what Dr. Campbell gave an acre for that land? No, I am not.
1981. If he gave £25 an acre for it —? If he did he gave three times the value of it.
1982. If he gave £25 an acre for this land immediately adjoining the Common, what reason have you for supposing that that Common land would not bring as much? Because there is nothing but rocks for hundreds of acres in spots.
1983. Do you know the paddock rented by Face, which is part of the Common, at the back of Dr. Campbell's? I know most of the ground there. That was Mr. Farnell's.
1984. You do not know this land rented by Face, which is part of the Common? No.
1985. Do you know the Gladesville Estate? Yes.
1986. Do you know that part of it which was called the Flagstaff? Yes.
1987. How far is that part of the Gladesville Estate from the nearest part of the Common, in a direct line? I should think it is not more than from half a mile to a mile; I cannot exactly say.
1988. I am only asking you as far as you can? I cannot tell where the boundary line is. I think it comes near the Parramatta River.
1989. As far as you can recollect, the Gladesville Estate is within half a mile of the Common? From half a mile to a mile.
1990. Do you know what that portion of the Gladesville Estate brought at that particular spot? Not exactly. I know it sold at a high price; but it was never the value of it; it would not fetch it now. I should say it was not half the value.
1991. What is the test of value, in your opinion, except what land will bring at auction? If it were sold now it would not fetch it.
1992. I ask you what is your idea of value? Spots near the river will always fetch more than what lies back.
1993. Notwithstanding this land being near the river, you say it was within half a mile of the Common? From half a mile to a mile.
1994. Within this short distance of from half a mile to a mile —? There is a great deal of difference between land on the river and land lying back.
1995. Do you mean to say that the land at the Flagstaff possesses a water frontage? I do not know.
1996. Does the back part of the Gladesville Estate possess a frontage to the Parramatta River? It cannot.
1997. Do you know what that land realized at public auction per acre? No.
1998. If it realized £60 an acre, do you think land within half a mile of that spot will not bring more than £1 an acre? It is no matter what it fetched. It might fetch £60 an acre, but it is not worth £10. People are not so easily sold now.
1999. You think they were more easily sold two or three years ago? Yes.
2000. What could you get for it now? You might get £10 an acre.
2001. Do you know whether any part of the Gladesville Estate could be purchased at £10 an acre? No, I do not know that there is any for sale; it is out of my way altogether.
2002. You do not know that any of it could be purchased for £50 an acre? I do not know that it is in the market.
2003. You do not know that it brought £60 an acre a few years ago? No; I know there were spots sold there very high.
2004. Do you know land in the immediate neighbourhood of the Common, belonging at one time to Mr. Ford? Very well.
2005. Do you recollect that land being sold a few years ago? Yes, I rented it for several years.
2006. You recollect it being sold by auction? Yes.
2007. What price did that land bring by auction? Some brought £20 an acre; but then it has never been paid for yet, and people are quite willing to give it up, after all the interest they have paid.
2008. Did it all bring £20 an acre? No, not half.
2009. What was the lowest price that any part brought at auction? After part was sold Mr. Ford offered the rest to myself at £7 per acre.
2010. What was the lowest price paid for any that was sold at auction? I do not recollect. I know some went very high in spots that were cut up in lots of five acres; but the greater part is not sold yet.
2011. Is there any portion of it sold? Some part was sold, but it has got back into his own hands, I believe. It has changed hands several times; it was sold on long credit.
2012. *By Mr. Lucas*: And the purchasers have forfeited their deposits? Yes, after building upon it.
- 2013.

2013. *By Mr. Piddington*: Are you sure that none was bought and paid for? I would not say.

Mr. George
Spurway.

2014. Was not a portion of it sold for £30 an acre? I believe five acres fetched that price, but that was with the improvements.

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2015. All the land that belonged to Mr. Ford was not improved? No, but most of what was sold was.

2016. Was all that was sold improved? No, and it has not been touched since.

2017. What did that portion that was not improved bring? I think it brought £12 an acre. He wanted me to buy the whole of the land, and I offered £1,000 for it. After a part of it was sold he offered the rest to me for £7 an acre.

2018. That was the refuse of the estate? There was some of the best land in it.

2019. After selling some of it for £30 an acre, he offered you the rest for £7 an acre? Yes, he sold some for £30 an acre, but that was improved, and there was a large stone barn on it.

2020. You acknowledge that a portion of it that was unimproved brought £12 an acre? Yes.

2021. How far is that portion of unimproved land from the Common? Adjoining it.

2022. What reason, then, have you to suppose that the Common land adjoining would not realize £5 an acre? Because you cannot get a piece of any size for a farm.

2023. I am not talking of making farms, but of sites for houses? I ask you what you are to do with the rest of it?

2024. *By the Chairman*: Although this land of Mr. Ford's was knocked down at £12 an acre, the purchasers did not complete their bargains? No, they got eight years' credit, at eight per cent., and they never paid the interest.

2025. The interest was not paid, and the land has gone back to the original owner? Yes.

2026. Consequently there was no sale? No.

2027. *By Mr. Piddington*: I think you are mistaken? I do not say the whole.

2028. Your statement does not apply to the whole? I think O'Brien holds a portion of it that was improved, and had an orange orchard upon it. He sold it to some doctor in Sydney, and he gave O'Brien three or four hundred pounds to get out of it.

2029. Have you bought any other land in the neighbourhood of the Common besides that for which you gave £6 an acre? I have some about half a mile from the Common.

2030. What might you have given for that land about a mile and a half from the Common? £10 an acre.

2031. Was it cleared land? It had been cleared, a deal of it, but not stumped.

2032. Was it such land as you could at once have put the plough into to plough it? No.

2033. It was bush land? Yes.

2034. The same as the Common land? Yes.

2035. Then you gave £10 an acre for land the same as the Common land, within a mile and a half of the Common? Yes, but in general it was better land than the Common.

2036. Is there any portion of the Common land as good as that for which you gave £10 an acre? Yes, that adjoining Mr. Ford's land is very good land—what is called the Five Hills; it is about the best land on the Common.

2037. Do you know that portion of the Common that adjoins the Hunter's Hill district? Yes, I have been round there; I could not go and point out exactly the spot.

2038. Do you know the new road that leads from Hunter's Hill to Ryde? I have never been along it since it has been opened.

2039. A portion of that road runs through the Common, does it not? I think it goes through Mr. Farnell's land.

2040. It also runs through the Common? It must be only a small portion then.

2041. Do you know that small portion? Yes.

2042. Is there no land suitable for gardens and villas in that neighbourhood? I say there may be small patches of five acres or so, but that is at the back part of the Common, where there is nothing to see.

2043. Do you know the value of land in the neighbourhood of Hunter's Hill for building purposes? No, I do not; I know some sold pretty high there.

2044. Is there any reason to suppose that people would not give as much for land in the neighbourhood of Hunter's Hill as they have given for other land? Yes, for they have bought all the frontage to the river.

2045. Is there no land that fronts the river? Very little.

2046. There is some? I think there is some by the Fig Tree.

2047. What reason have you to suppose that land fronting Laue Cove River would not bring as much as other land? I do not say that there are not little spots that would sell, but I am speaking of the average of the Common.

2048. You think that many lots of the Common would sell for more than £1 an acre? Some might, much more.

2049. You are quite sure that it would not bring more than £2? I am not sure that it would not.

2050. *By the Chairman*: I suppose you cannot look sufficiently far into futurity to say what it may bring twenty years hence? It would have brought more seven or eight years ago than it would now.

2051. *By Mr. Luckey*: You say you bring your fruit to market by water? Yes, by my own boat.

2052. Under any circumstances, if these bridges were erected next week, you would not avail yourself of them? No, for I bring my fruit by water.

2053. Do you think any of the inhabitants of the north-western portion of the Common, on the other side of you, would use these proposed bridges and road? No, I do not think they would.

2054.

- Mr. George Spurway.
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2054. You think they would still come by Parramatta in preference? They prefer the train and steamers; at present most of the oranges go to Parramatta to be packed, and they are then brought down by the steamers.
2055. You know the north-western extremity of the Common? I have been all over it.
2056. Do you know whether there is any land there fit for orange orchards or for cultivation as farms? There might be a little there, at the back of a person named Smith, but it is very stony, and is chiefly composed of gullies, and fit for nothing but building.
2057. Do you think, from its situation, it is such as would be sought for by persons desiring to build residences? Not at all, but there is stone in plenty.
2058. You do not use the Common for grazing purposes? No.
2059. Do you keep any stock? Yes, cattle and horses.
2060. Is the Common used by your neighbours for grazing purposes? Yes, I have seen plenty of cattle and horses there.
2061. Do cattle thrive well upon it? No; the only place where I have seen any feed upon it is adjoining Mr. Ford's, and I have seen very fine feed there—I should say for fifty or sixty acres.
2062. The cattle get enough to live on there? There is plenty of good water, and that is all. Certainly they do live off the scrub.
2063. You say you have got timber off the Common for fencing purposes? Yes.
2064. Is there any timber on the Common now for fencing purposes? There is very good timber, but it is hard to get it.
2065. Supposing you want timber for repairing your orchard or farm fencing, where do you get it? From the Common.
2066. And your neighbours do the same? Yes, we are compelled to do so; those who have got a little timber now take care of it.
2067. You say you get loam from the Common;—do you get it for the purpose of putting it round your trees, or for building purposes? For building purposes.
2068. I thought that on orange orchards light loam was applied instead of manure? I have known people who carted it off the Common to their orangeries, but I do not think it is now allowed by the trustees.
2069. Have you taken notice of any sales of property lately in the vicinity of the Common? Yes, I was offered land in the vicinity of the Common for less than £2 an acre.
2070. Unimproved land? Yes.
2071. Any fencing timber on it? Yes. It was Orme's land, and Curtis bought it at £1 17s. an acre.
2072. Do you think persons round there generally—those who have not boats—would not use this line of road if bridges were constructed? Round where I am they would not.
2073. *By Mr. Lucas:* You say some land was bought lately there for £1 17s. an acre? That is what I was told; it was offered to me at £2.
2074. And you refused to purchase it at that price? Yes.
2075. Is there much land on the Common better than that? There is some better.
2076. And some worse? Yes, plenty.
2077. How much good land do you think there is on the Common fit for cultivation? I should say from 1,000 to 1,500 acres—that would be the outside, but you would not get that in a piece.
2078. You say that you have lately given £6 an acre for land in the neighbourhood of the Common? Yes.
2079. Is there any in the Common superior to that? No.
2080. How much of the Common land should you say is equal to that? I should say 1,000 acres, but then it is not so near to the river.
2081. Then you think the 1,000 acres of land, which you say is equal to that for which you gave £5 an acre, would not bring so much because it is not so near to the river? No.
2082. What do you think this 1,000 acres would realize, supposing bridges were built and the land were sold in small lots six years hence? I have no doubt bridges would enhance the value of some parts of the Common.
2083. Do you think eight years hence, after the bridges are built, the land would bring £5 an acre? I do not think it would.
2084. I believe the whole of the land fronting Lane Cove River is very bad? I would speak as to that close to the river, but there is some there not so bad. There is a place called Buffalo Creek where there is some middling land.
2085. Supposing there were no tolls on the proposed bridges, you would still have to pay two tolls—a toll on Pymont and a toll on Glebe Island bridge? Yes.
2086. The land about the Flagstaff—is not that in a nice situation? It is one of the prime spots.
2087. That place was selected for the flagstaff because it is the highest land in the neighbourhood? Yes, and there is another spot just where I am that was used for the same purpose.
2088. To telegraph from Sydney to Parramatta? Yes.
2089. I believe you can see the Heads and the shipping come in from that spot? From our church we can see the Botany Heads very plainly.
2090. *By the Chairman:* Is there not a high road there leading to Bedlam Ferry? Yes.
2091. Do you consider that land abutting on a high road is worth more than back land? Yes, twice as much.
2092. It has been stated that the Common is the haunt of vagrants, runaway sailors, and the most abandoned prostitutes of Sydney? I never saw them there.
2093. Did you ever hear of anything of the kind? No.
2094. Do you believe it is the case? No, I do not.

Mr. James Stephenson called in and examined :—

2095. *By the Chairman*: Do you reside in the Field of Mars? I live on the Kissing Point Road.
2096. You have a large orchard? Yes.
2097. And produce a considerable quantity of fruit? Yes.
2098. How do you, generally speaking, convey your fruit to market? I mostly drive it to Pennant Hills wharf, and from there it is brought in boats to market; sometimes I sell it for shipping, and at other times I send it to the market in George-street.
2099. Do you prefer water carriage or land carriage for fruit? I prefer water carriage, as the cheapest and best; it is not a great way from my place to the wharf.
2100. Do you consider water conveyance the best for fruit? Yes, we always reckon that when we send down ripe fruit, it reaches the market in a more marketable condition when we send it by water than when we take it by land.
2101. Supposing bridges were built over Parramatta River and Iron Cove, do you think it likely you would take advantage of those bridges for the purpose of taking your produce to market? I do not think it would benefit me for that purpose, because it is a great drawback to a person coming to Sydney that there is no convenience for his horse and cart; I should always prefer going by water myself, for I can get my fruit drawn to the market from the wharf, and have no trouble with it.
2102. You can convey more by a boat than you can by a cart? Yes, I can go to market cheaper by that way.
2103. Do you think it is at all probable that these bridges would tend to improve your portion of the district? I do not think it would—the part I reside in.
2104. Do you think it will improve any portion of the district? Not that part, because the people can go either to Parramatta or to Pennant Hills wharf, or by the punt if they please; so that I do not see how it would benefit them.
2105. Is your part of the country the most productive portion of the district? It is a great part for growing fruit.
2106. Do you know the neighbourhood about Hunter's Hill? Yes.
2107. Is that a fruit-producing part? No, I should say not; I never saw any land that would produce it; it might answer for vineyards, but I do not think it would suit for fruit trees.
2108. How many acres of land do you hold? About seventy.
2109. As a commoner would you be willing to give up the Common? I do not think I have any right; I consider that I have only a life interest in the matter. I do not see that I have any right to debar those that come after me from the benefit; that is the reason I object to its being sold.
2110. You have a large family? Yes.
2111. You consider that the Common is given for them as well as for yourself? Yes, and I do not think it would be right to deprive the rising generation of the benefit of the Common.
2112. Do you know the Common land? I do, a good deal of it.
2113. What is the average quality of the land? Some is very good, and a deal is very bad, which I think could not be put to any purpose but for grazing and for timber.
2114. Have you been residing in the district a great many years? I have.
2115. How many years? Nearly forty.
2116. What do you consider to be the value of the Common, supposing the Common were sold now? It would be a very hard thing to put a value upon the Common; indeed I believe a great deal of the land, if it were brought into the market now, would not sell at all.
2117. You cannot form any idea of the probable value of the land, supposing it were sold either as a whole or in lots? If sold in allotments it would be likely to fetch more money, but as the Common stands now I do not see how, if people bought it, they could get out of it—there are no roads to it, and it is a road that makes land valuable.
2118. Is the Committee to understand you that you consider the Common to be back land having no frontage? I do not say that. I know there is some land there where there is a frontage to a road, but people would not buy the land as it is now.
2119. I imagine you do not profess to be able to look so far into futurity as to be able to say what the land may be worth ten or fifteen years hence? No, I would not form an idea, because it would be impossible.
2120. Do you know the land that formerly belonged to Mr. Rutledge, that was bought by Mr. Ross from Dr. Sherwin? Yes, I have been on the land when Dr. Sherwin was there.
2121. Was that land improved? Yes; there was a fine house, a coach-house, stabling, a large apple orchard that will one day be one of the finest in the district, and other improvements.
2122. The building, fencing, and clearing must have cost a large sum of money? Yes.
2123. Do you know what Mr. Ross gave for it? No, I do not know that I heard it; it must have cost a good sum, though it was put up in the cheap times. Certainly if a person had to put up such a house now it would cost him a good sum.
2124. Do you consider that the price that land brought is any criterion of the probable value of the Common? Of course not; that was cleared, there was a road frontage, and the roads made. It was quite a different situation altogether, and nearer to the township.
2125. Do you know Gladesville? I do.
2126. I believe there is a landing from the steamer there? Yes.
2127. It is also divided by a main road running past the Flagstaff to Bedlam Ferry and Ryde? Yes.
2128. Do you consider the circumstance of its abutting on Parramatta River and having a frontage to the road enhances the value of that land? Yes, it is so handy to the water-side.

Mr. James
Stephenson.

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- Mr. James Stephenson.
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2129. Then the price which that land might realize could be taken as no criterion of the value of Common land? No, I should say not. I know at the time that was sold people looked at the situation and the main road to the ferry; I think too it was cleared—some of it. I know that near the Flagstaff was cleared land.
2130. And the situation was adapted for building sites? Yes.
2131. Having resided in the district so long you should know if it is true, as has been stated, that the Common is a receptacle for bad characters, cattle stealers, disorderly people, and the most abandoned prostitutes of Sydney? I never heard of anything of the kind taking place.
2132. And you have been residing there forty years? Yes, at Parramatta and where I now reside.
2133. If it had been the case would you not have heard of it? Yes.
2134. *By Mr. Piddington*: When you send your fruit to Sydney do you always come yourself? No, I used to come when I was younger, but I do not now.
2135. Do you never come to Sydney yourself? I do sometimes.
2136. How do you come? Sometimes by steamer, sometimes across the punt.
2137. How far is it from your place of residence to Sydney, across the punt? I think somewhere about fourteen miles.
2138. If bridges were built, what would be the saving of distance to come from your place to Sydney by horse and cart? I should think two or three miles; I guess by the lay of the country; I used to go up and down by the boat, and I know the lay of the country, that we should save perhaps three or four miles.
2139. Do you not think the saving of three or four miles out of fourteen would be a considerable advantage? Well, it would if people would avail themselves of it and go by land, but it would not answer me, for there is the drawback that there is no convenience for a horse and cart in Sydney.
2140. I am not speaking of sending produce to Sydney, but of when you come to Sydney yourself? Yes, it would be an advantage for people to come to Sydney that way.
2141. Would not these bridges that would enable such a saving of distance to be made be a benefit to the children who may come after you? I dare say it would; if they wanted to come to Sydney they would be likely to come the nearest road.
2142. Then the bridges would benefit the rising generation if they were built? I dare say they would.
2143. Do you use the Common for grazing purposes? No, I have land of my own, and I get no benefit myself from the Common.
2144. Then the benefit you expect your children to derive from the Common is contingent upon whether they are in a different position from yourself? The view I take of it is this, that after all the people round about have cleared off their land, how are our children to get a bit of wood if they are deprived of the benefit of the Common?—I see nowhere but the Common for the rising generation to get a bit of fencing from.
2145. Do you know what the Common was granted for? I always understood it was for people to turn their cattle upon, and to get timber from for building and other purposes—not to be made a property of by anyone.
2146. Are not Commons usually set apart for the purpose of grazing? Not alone.
2147. Is not that the chief object of a Common? If a person had cattle he would naturally turn them on a Common if he had no land.
2148. Were you ever in England? Yes.
2149. Do you know anything of Commons in England? Yes.
2150. Were they not used for the purpose of grazing there? Yes.
2151. Is not that the chief purpose, to enable the inhabitants of a district who have not land to turn out their cattle? Yes.
2152. You do not use this Common for anything of the kind? No.
2153. Is the Common much used by the commoners for grazing? Yes.
2154. How many have you seen in one mob at a time? I cannot say.
2155. Have you seen a hundred? No, not in one drove.
2156. Have you seen twenty? I cannot say I have; they do not go in droves, as the feed is so scanty.
2157. How many horses have you seen in one mob on the Common? I have not seen more than four or five.
2158. Do you know how many cattle the commoners have a right to graze on the Common? No, I have no occasion to use it, so I have not looked into the law about that.
2159. You do not know how many cattle they are allowed by the trustees to graze, whether five hundred or five thousand? No, I never heard any account of that at all.
2160. You have never seen twenty head of cattle in a mob grazing upon the Common? I cannot say I have, for the feed is scanty.
2161. Is not the Common chiefly covered by young growth of timber? There is a good deal of old timber upon it.
2162. It is bush? It is bush, scrubby land, with a good deal of underwood.
2163. Not specially fitted for grazing? Not the way it is now, for the grass cannot grow for the bush.
2164. As grass will not grow on the Common, it is not of great advantage for grazing? I would not say that, for it is a great advantage for grazing, for I do not know what the people would do without it. There are little patches where they find something to pick; if that part were cleared it would make grazing land.
2165. I am speaking of the Common as it is now? There is very scanty feed there now.
2166. Do you believe that there are a great number of cattle there now? I think there are a good many.

217. What is the number you call a good many? I should say two or three hundred, from the little lots I have seen at different times. Mr. James Stephenson.
2168. How many horses? I could not tell—that is impossible.
2169. Do you know how many acres of land there are in the Common? I believe somewhere about 6,000. 18 July, 1862.
2170. How many of that 6,000 do you think could be sold for building houses? I could not say.
2171. Do you think three thousand of it, of the six, is such land as houses could be built upon? Some people like land where it is all rocks and stones.
2172. Do you think it likely half could be sold to build houses upon? I do not think it could.
2173. You do not think houses could be built upon it? They could be built, but I do not see that there is anything in the situation to attract people; they could not live on it—that is my meaning.
2174. They could not make a living out of the land? That is what I mean.
2175. Supposing people went there who did not want to make a living out of the land, what is to prevent their building houses there? They could build houses on half of it or more.
2176. Might not nearly all the land be used for building purposes? No, there are some rocks and gullies where they could not build.
2177. Out of the 6,000 acres do you think there are more than 1,000 that could not be built upon? I could not say, for I have seen people at Hunter's Hill build on the sides of rocks, and such places. A gentleman might like to build on the side of a rock perhaps.
2178. Are there not some very rocky places in the neighbourhood of Hunter's Hill built upon? Yes.
2179. Are there not some beautiful houses built upon these places? Yes.
2180. Why should not a similar class of persons build upon similar places on the Common? They might.
2181. How much of this do you think might be sold to that class gradually after the bridges were built? If it were cut up in allotments it would fetch a great deal more.
2182. I am speaking of its being cut up into allotments after these bridges were built? That would make a great deal of difference.
2183. Do you not think the class of persons who now build houses at Hunter's Hill would be likely to come on the Common and build there, if this land were for sale and the bridges were built? They might near Hunter's Hill, but I do not think they would like to go into the interior among the gullies.
2184. Some people are fond of seclusion, are they not? Yes, but I do not think they would like it among the gullies—it is so dismal there.
2185. It is a question of taste as to what is dismal, is it not? Yes.
2186. Some people live in the bush fifty miles from a neighbour? Yes, but that is from necessity, but a person selecting a place to live upon would have a little more taste.
2187. Is it not a healthy neighbourhood? Yes.
2188. Do you suffer from ill health? No; I have always said it is as healthy a part as any in the Colony.
2189. Do you not think it would be a great advantage to Sydney to be brought into easy communication with such a healthy part of the country? Yes, it would be an advantage to them if they could drive to it—if they had a bridge.
2190. Could they not build houses there? Yes, there would be no hindrance to that.
2191. Is it not the fact that a great many Sydney merchants have built houses in Burwood since the railway has been made? I dare say it may be; I do not know much of that part of the country.
2192. Have you ever been on the railway? I have been, once or twice.
2193. Do you think it improbable, if the bridges were built, that the people of Sydney would like to purchase land for building houses in the neighbourhood of Hunter's Hill or of the Flagstaff? It would induce them to buy land, for it would not be very distant from Sydney.
2194. If the population of the district were increased by bridges being built, would not that benefit the district generally? I think it would benefit the districts of Ryde and Kissing Point.
2195. You live some distance from Ryde? Yes.
2196. How far? Four miles.
2197. You would not be benefited so much as you would be if you lived at Ryde? No, for I have three advantages—I can go by Parramatta, by Pennant Hills wharf, or by the punt.
2198. From your farm, by Parramatta, what distance is it to Sydney? I should think eighteen miles.
2199. And what distance would it be, if these bridges were built, to go along the new road? I suppose I could go to Sydney then in eleven or twelve miles—eleven miles.
2200. Would not that be a saving, as compared with going round by Parramatta, of seven or eight miles? Yes, but I have no need to go round by Parramatta; supposing there were no other way than by Parramatta I would prefer going round by the bridges, and would save time and distance.
2201. *By the Chairman:* You have now steamers and sailing boats? Yes.
2202. *By Mr. Piddington:* I am speaking of roads, not of the steamer? If I were compelled to go round by Parramatta or to come by the bridges, I would come by the bridges.
2203. Do you think if these bridges were built it would tend to injure Parramatta? It would depend upon where the road opened to—if it opened out to the northern part of the country it might draw people that way.
2204. Where do you buy your supplies? At Parramatta.

- Mr. James Stephenson. 2205. If these bridges were built would you continue to buy your supplies in Parramatta? Yes, it answers for me best.
- 18 July, 1862. 2206. Then if these bridges were built it would not prevent your buying supplies from Parramatta? It would not make any difference to me.
2207. Would it make any difference to your neighbours? No.
2208. Then you acknowledge that the bridges would be an advantage to you if you wanted to come to Sydney by land? That it would be a saving of distance and time.
2209. You do not send your produce to Sydney because water conveyance is considered to be safer for fruit? It reaches the market in better condition, and I do not think it costs me so much.
2210. If the roads were made and the bridges constructed, would you come by the steamer yourself if you could come by the road? With regard to myself I could not say about that—it is so handy for me to come by the steamer—it is no distance from my farm to the wharf.
2211. If you wanted to call in a doctor from Sydney, would not the saving of distance be an advantage? Yes, but our people generally get a doctor from Parramatta.
2212. If you wanted to call in the assistance of a Sydney doctor, would not the saving of distance be an advantage? Yes, in case of life and death.
2213. People, I suppose, sometimes die in your district? Yes, but I think people out our way would not trouble their heads to go to Sydney when they could get a doctor at Parramatta.
2214. *By the Chairman*: Supposing these bridges were built, would you prefer to come to Sydney by this proposed road or by the steamer? That would depend upon whether it was more convenient; the steamer suits me better because I have no trouble with a horse.
2215. How long does it take you to come by the steamer to Sydney? About an hour and a quarter from the time I leave the wharf till I reach Sydney.
2216. How long would it take you to come by land? Two hours.

WEDNESDAY, 23 JULY, 1862.

Present:—

DR. LANG, | MR. PIDDINGTON,
MR. SMART.

ISAAC SHEPHERD, ESQ., IN THE CHAIR.

Thomas Kendall Bowden, Esq., called in and examined:—

- T. K. Bowden, Esq. 2217. *By the Chairman*: You reside at Ryde, I believe? I do.
2218. You are a landholder there? I am.
2219. How much land do you possess? About 40 acres.
- 23 July, 1862. 2220. I believe you are in the habit of coming to Sydney frequently? I come to Sydney every day.
2221. By what means do you usually travel? By the steamer.
2222. Supposing Parramatta River and Iron Cove were bridged over, so as to shorten the distance to Sydney, would you still continue to travel by water instead of by land? The distance would not be so sufficiently shortened as to make the land road preferable. It is now about twelve miles, and I think, from my measurement of the plans I have had access to, that it would not be reduced to less than eight.
2223. Do you consider that travelling by water would be far more convenient to you than travelling by the proposed road? To persons coming up and down every day, as I do, there can be no comparison between the two modes. Travelling by water is much the cheapest and the most agreeable.
2224. Do you know the Field of Mars Common? I know some portions of it.
2225. What is your opinion of the character of the land, as far as you are acquainted with it? What I have seen is very inferior.
2226. Have you seen any considerable portion of it? I took a day's ride through it.
2227. Do you consider the situation of the Common to be such as to make it desirable for villa residences, as a place of resort for gentlemen from Sydney? In my opinion it is not; I think there is not any view from it that would induce people to build there, and I think its inaccessibility, whether we have a bridge or not, would render it undesirable for villa residences for persons who have to come into Sydney every day.
2228. What do you mean by its inaccessibility? If you took the road, supposing the approach to be by bridges, the distance would be about seven or eight miles.
2229. How far is the Common from the river—do you think it sufficiently contiguous to make it desirable as a place of residence? I do not know what the distance is from Gladesville or Hunter's Hill, but I think it is not less than a mile and a half or two miles, perhaps more.
2230. Are you aware that a portion of the Common is at a considerably greater distance than two miles? I believe it is nine miles in extent.
2231. Do you think if there were additional facilities for visiting the district by land it would induce a large population to settle down on the land? No doubt it would, but I do not think the Common would be preferred as the place on which they would settle.
2232. Is the land of the Common adapted for the settling down of a population, as regards its capability for agriculture? From what I have seen, I do not think the land could be made available, that is for a man to get his living from it; a portion of it might be used as building sites, but then comes the question of distance again.

2233. As a landholder there, are you willing to give up your right to the Common? No, I T.K. Bowden, Esq.

2234. Are you not aware that in England, of late years, Parliament has passed several enclosure Acts doing away with Commons? I have looked through almost all that I could get at. ^{23 July, 1862.} The private enclosure Acts are not printed in the Statutes at large; but by the general enclosure Act and the private enclosure Acts, so far as I have seen them, the lands are enclosed for the purpose of allotment amongst the commoners. I have a short extract here which I think will show my meaning sufficiently. In the 3rd volume of Cruise's Digest there is this passage—"Commons have frequently in modern times been entirely enclosed and allotted to persons having rights of Common, in proportion to the number of cattle they have been entitled to put upon the Common, but this is usually effected by a private Act of Parliament." In the 5th volume of the same work, page 5, there is the following passage:—"Where parishes or Commons are agreed to be enclosed, a private Act is usually obtained for that purpose called an inclosure Act, of which there are a vast number. By these Acts commissioners are appointed to carry the intentions of the parties into execution, who are directed to allot and award to the parties in severalty such portions of land as are equivalent to their former portions of common fields or to their rights of Common"; and in all cases I find that has been the principle upon which Commons have been enclosed. The enclosure has never taken place without the consent of the lord of the manor or the person entitled to possession by purchase or otherwise, and the consent of two-thirds of the commoners, and then the enclosure has always been for the purpose of putting the land under cultivation. The Common has never been sold and the money appropriated to any public purposes, but the land has always been divided among the commoners in proportion to their rights.

2235. *By Mr. Piddington*: Do you know any cases in England where land has been granted by the Crown as it has been in the case of the Field of Mars Common? I believe there is no case in England similar. There is a difference between the Commons in England and here; but I take it to be this, that the rights to Commons in England have grown up in the course of ages, and are legal rights which have been acquired by certain persons over the lands of others.

2236. The quotation from Cruise's Digest does not affect the Field of Mars Common, inasmuch as the common lands in England never have been granted from the Crown? I take it it does, because by the 8th clause of the Commons Act here, it is enacted as follows:—"Persons entitled for the time being to the use of the Common as commoners thereon shall have all the same rights and remedies between themselves and against strangers as by the law of England are possessed and enjoyed by commoners on the waste lands of any manor." All persons whatsoever shall be subject to the same liabilities in relation to Commons in the Colony as if the same respectively were commoners in England." So that although Commons have not grown up slowly here as in England, the Legislature here, by this Act, has placed the Commons with reference to the commoners in exactly the same position.

2237. That is as between one commoner and another? Yes.

2238. That does not affect the right of the Parliament to legislate on the subject? In all the enclosure Acts I have seen, the rights of the commoners have been most strictly guarded.

2239. That is in cases where Commons have not been granted by the Crown but have grown up by prescription? There are no other.

2240. There is no case like this here? I take it that it is a stronger case here; the commoners have a more extensive interest in the Common here than commoners have in England, for there the right is acquired by time over the land of another, the fee simple remaining in the owner as formerly; here the land itself is vested in trustees upon trust for the commoner, so that the right here is much more full and comprehensive than in England.

2241. Whatever right the commoners here have by Act they possess in trust? No, they have the same right to the Common as you possess to your house.

2242. I do not possess my house in trust—do I possess my private property in trust? They possess the Common under a grant to trustees in trust for them, as property is frequently vested in trustees under a will.

2243. *By the Chairman*: You consider that the Field of Mars Common being held under a grant from the Crown, the commoners have a stronger case than the commoners of any Common in England? I do; I consider that the Crown having granted it, the Legislature would not resume it unless with the consent of the commoners themselves, for some such purpose as has been done in England. Any enclosure Act here must be analogous to an enclosure Act in England; if two-thirds of the commoners desired the Common to be enclosed for the purpose of agriculture, then an enclosure Act might be obtained, and the land divided and allotted among the commoners according to their interests; but there is no precedent for the alienation of a Common for the purpose of building a bridge or anything of that kind.

2244. In your opinion, there is no case on record of a Common having been diverted from its purpose but in order to be divided and brought into cultivation? I believe there is no such case.

2245. You consider that to sell the Field of Mars Common, and to appropriate the proceeds to the building of bridges, would be a violation of the grant? I believe the Legislature would not deal with it at all, except by a private Act, and then they would do it in a different capacity. They would not take it up in their legislative capacity only, but by a private Act, when the whole matter would be referred to a Select Committee. Their proceedings would be different in dealing with a case of this kind from what it would be in legislating upon a question affecting the public generally.

2246. Are you aware what amount the Pymont Bridge cost? I believe the first contract was £29,000; I drew the draft of it, but I am not quite sure whether I remember the figures correctly.

- T.K. Bowden, Esq. 2247. Was it completed for that sum? The Pyrmont Bridge alone was completed for something less, but the Pyrmont and Blackwattle Bridges and the approaches as they exist cost upwards of £70,000.
- 23 July, 1862. 2248. Are you aware whether the traffic over those bridges is sufficient to pay the interest upon the outlay? The traffic pays, I think, about three or four per cent. upon the whole outlay.
2249. It has been proposed to the Government that £40,000 should be raised for the purpose of bridging over the Parramatta River and Iron Cove, that to meet this expenditure they should issue debentures payable in ten, twenty, or thirty years, and that as security for the payment of these debentures the Field of Mars Common should be given up;—as you have some considerable business in the way of lending money, would you feel at liberty to take up these debentures on these conditions, taking the Field of Mars Common as security for the payment? That is a question I cannot well answer—it depends altogether upon what value would be attached to the Common. I have no doubt that if, upon proper inquiry, it appeared that it was sufficient security there would be no difficulty in obtaining a loan. If the Government were to issue the debentures upon their own security, I suppose they would be as readily saleable as any other debentures, but I am not aware of the value of the Common.
2250. From what you know of the Common, its situation, and the quality of the land upon it, would you consider it to be worth £40,000? Certainly not; I think parts might fetch £5, and the upper parts might fetch £1, £2, or £3 an acre. Some superior portions might bring more than £5.
2251. Therefore you would not consider the Common a good security to invest so large an amount of money in? I think the Common might bring £15,000 or £16,000.
2252. *By Mr. Piddington*: How long do you say the road from Ryde to Sydney is now, over the punt? Twelve miles.
2253. What would be the saving from Ryde to Sydney, in point of distance, if the two contemplated bridges were constructed? I do not think the saving would be more than four miles.
2254. That would be upwards of a third of the distance people have to travel now? Yes.
2255. What fare do you pay from Ryde to Sydney? 30s. a month—that is as cheap as from the Glebe.
2256. Do the steamers run every half or quarter of an hour? They make six trips a day, three up and three down.
2257. Then if you are at Ryde you can avail yourself of the steamer to Sydney only three times a day? Yes.
2258. Do you not think that a great source of inconvenience to people who might require to come to Sydney oftener than the steamers would afford them an opportunity of doing? I think it is quite sufficient for the requirements of the district; people can leave there at eight and get into Sydney by nine; they can leave at twelve and get into Sydney by one; they can leave at four and be in Sydney by five.
2259. Your opinion that the means of conveyance are sufficient for the public does not alter the fact that people are restricted to three times a day as to the means of travelling? Unless they go by land.
2260. I am speaking of steamers? Quite so.
2261. If these bridges were built they would not be so restricted? They could go when they liked, but the question would be whether they would not then go by steamers.
2262. That is a speculative opinion? My opinion is that they would not go by bridges—I think the bridges would be very little used.
2263. They might if they chose go by the bridges at any time they pleased? Yes.
2264. You have not now the opportunity of coming when you choose by the steamers? No, they leave at appointed hours.
2265. You are restricted to three times a day? Yes.
2266. Would it not be a great advantage to the district to be brought into such communication with Sydney as that the inhabitants could come into town whenever they pleased, by day or night? They can come now by the punt. I do not think four miles at the end of eight miles would make much difference.
2267. As you think the difference of four miles out of twelve miles is not much, is that the reason upon which you found the opinion that the people of Ryde would not take advantage of the bridges? I form that opinion from my acquaintance with the Ryde people, and from my knowledge of their business avocations, and I believe that those who come into Sydney every day would still come by the steamer.
2268. Are you of opinion that the people of Ryde as a body conceive that the saving of four miles out of twelve is of no consequence? I do not state that they think it of no consequence, but I say that, in my opinion, the bridges will be little used, and that for an occasional trip to Sydney the difference of distance between eight miles and twelve is of little importance.
2269. Have you ever known an instance where a road has been shortened one-third that it has had no effect upon the mode of travelling, as between the old road where people had to travel twelve miles, and the new where they had to travel but eight? I know of no road situated as this is, where there is water communication, and steamers running three times a day at a very cheap rate. You could not come to Sydney by the road, even when shortened, in less time than you can by the steamer.
2270. Do you think when two roads are open to people to travel by, one twelve and the other eight miles long, the great majority of people in this country will not prefer the shorter one? I think the water line is the shorter one.

2271. I am speaking of two roads? If you have two roads, one twelve and the other eight miles long, and equal in other respects, there can be no question that everybody would go by the eight mile road. T. K. Bowden,
Esq.
2272. You think people would prefer the road that was four miles shorter? Yes, or even a mile shorter. 23 July, 1862.
2273. Do you not think it likely to be inconvenient to the people of Ryde if they, in any emergency, wish to communicate with Sydney, and cannot do it except by steamer three times a day unless they take a long line of road? I do not think in such a case the saving of four miles would be much.
2274. I am speaking of an emergency? I will take the case of an emergency. Supposing you want a medical man, Ryde is nearer to Parramatta than to Sydney.
2275. Supposing a medical man does not reside in Parramatta and does in Sydney? You are supposing a case that does not exist.
2276. Do you know the distance from Gladesville to the nearest point of the Field of Mars Common? I do not know the nearest point, but I think it is about half a mile.
2277. Do you know that part known as the Flagstaff? Not by that name.
2278. I mean the back part of Gladesville—the high part of the land upon which the flag-staff was once placed? I do not know what distance that is from the wharf; I have travelled it up and down.
2279. I am not speaking of the distance from the wharf, but from the Common to that portion of Gladesville where there was a semaphore? I am speaking very roughly, but, so far as I recollect, it is not very much more than half a mile.
2280. Do you know that part of the Field of Mars Common enclosed as a paddock, and rented by Face? I have seen it.
2281. From that part of the Common to the nearest portion of the Gladesville Estate, how far do you conceive it to be? I do not know the boundary of the Gladesville Estate; from my knowledge of the direction of the Parramatta River, and of the direction of the line of the Common, I should fancy it was from about a mile and a half to two miles.
2282. Do you know the land Dr. Campbell has recently purchased that abuts upon the Gladesville Road, near Face's paddock? I know Face's paddock, but not the distance from the Common.
2283. You are not aware whether a part of the Common is within a hundred yards of the Gladesville Road? I do not know; it is possible a point of it may come out there.
2284. Should you think that portion of the Common within a hundred yards of Gladesville Road would not realize more than £3 an acre, supposing these bridges were first constructed? Very likely it would realize a much higher price—£7 or £8 an acre.
2285. Do you know what Dr. Campbell gave per acre for the land he purchased abutting upon the Gladesville land? I am not aware.
2286. Are you aware what the Gladesville land realized? I believe that some years ago it brought as much as £70 or £80 an acre.
2287. If a part of the Field of Mars Common is situated within half a mile of the Gladesville Estate, upon what grounds do you estimate that that portion of the Common would not bring more than £5 an acre? The Gladesville Estate abuts upon the Parramatta River.
2288. I am speaking of that portion which does not abut upon the Parramatta River? I do not know what the back portions brought at all; I know the best portions of it brought fancy prices, but if it were sold now it would not realize so much.
2289. Do you state that the back part of Gladesville did not bring so much? I am told that Mr. Manning bought all the remaining portion for £900; I do not know how many acres there were.
2290. I am speaking of the back parts that were sold in allotments? I do not know what they brought.
2291. Is not the Commons Act of New South Wales a public Act—11 Victoria, No. 31? I think it is a public Act to regulate all Commons in the Colony.
2292. As the Legislature has by a public Act regulated all the Commons of the Colony, upon what ground do you think any private Act should be introduced with reference to the Field of Mars Common? Because all Acts with reference to the enclosure of Commons are in their nature private Acts. They bring necessarily into play two functions of the Legislature—its legislative and its judicial functions. The Legislature in England, at all events, has been very guarded in any interference with private rights.
2293. Is not this a public Act of the Legislature of New South Wales, passed in 1847, providing for the regulation of Commons? The Act may be public, but the rights are those of individuals—certain rights have been conferred upon individuals.
2294. Do you use the term individual rights in the same sense in which you would apply the term to private property? Yes, exactly. The land is granted to trustees, upon trust for particular individuals forming a certain class, and the Legislature has said that these people shall have the same rights as the holders of Commons in England, and there the greatest care has been taken to protect the individual rights of commoners, so much so that there has never been an enclosure Act without the consent of two-thirds of the commoners.
2295. Are you quite positive that the consent of two-thirds of the commoners has been held to be absolutely necessary before an enclosure Act could be passed? I think the general enclosure Act—
2296. I am speaking of special enclosure Acts? I am not aware upon that point; but they have always been private Acts, and the enclosure has always been for the purpose of allotting the land among those who had Common rights. Anciently the lord of the manor got one-twentieth in consideration of his seigniorial rights, and the rector in proportion to the value of his tithes, and the commoners according to their several interests.

- T. K. Bowden, Esq.
23 July, 1862.
2297. Is not the right of the lord of the manor in England an individual right? The manor was private property, and the right of Common arose from the lord having sold or leased to tenants small portions of it which were under culture, and as they required beasts to plough and cultivate the land, they had no other place to put them except upon this waste lands, and in course of time, the rights of these tenants to place their cattle there was recognized to such an extent as to seriously interfere with the landed proprietors of Great Britain, and an Act was passed to this effect, that where the commoners had enough the lord should take the rest, but if he took too much they might knock down the whole enclosure.
2298. Do you know whether there was any insufficiency in point of law in respect to the original grants of land in this Colony that led to the Commons Regulation Act being passed in 1847? I believe that many tracts of land were appropriated in the early days of the Colony for the purpose of Commons; that in some few instances only grants were issued, but that in others no grants were issued, as I believe was the case with what is known as Sydney Common.
2299. There was an old grant in favour of the Field of Mars Common? There was an old grant issued many years ago—I forget the date.
2300. 1804? I believe it was 1804. That grant was to three individuals and their successors, not their heirs. They could have no successors, not being a corporation. When they all died the deed of grant lapsed, and the Common went back to the Crown, but subject to a *quasi* trust as the Church and School Lands—having been once granted it was a trust property, and the Crown recognized it by issuing a new grant.
2301. If Government issued debentures for the purpose of constructing these bridges, would they not be as good security as debentures issued for any other purpose? If they are Government debentures, I imagine it does not matter for what purpose they are issued.
2302. They would be no more difficult to sell than any other debentures? Unless there were some attempt to shake off the responsibility on the part of the Government, and to make the Common the security to the debenture holder for the payment of the debenture; if the credit of Government were pledged there would be no difficulty.
2303. Do you know whether there are to be any charges for passage over the contemplated bridges? I do not know what is contemplated.
2304. There are two bridges proposed to be built by the Government, one over Parramatta River and the other over Iron Cove,—do you know what charges there would be to the public? I am not aware what is contemplated. I regard any attempt to deal with this Common by the Government or Legislature as in opposition to the grant, and as an unwarrantable and unconstitutional proceeding.
2305. I am speaking of the proposed charges? I know nothing about them.
2306. How then do you arrive at the conclusion that the present mode of communicating with Sydney will be cheaper by steamer than by land? If a man had eight miles to travel he must keep a horse, and if he had no tolls to pay on these two bridges he would have to pay for crossing Pyrmont and Glebe Island Bridges and also the turnpikes; then he would have to keep his horse in Sydney, and various expenses attendant upon land travelling in that way, but if he went by the steamer he would pay his 30s. a month and there would be an end of it.
2307. I understood you to state that the Field of Mars Common does not present any advantageous sites for houses and villas? I have been upon it, and it seems to me a gloomy and dreary place. It is very rocky, and unless you go to the banks of the Lane Cove River, from most portions of it there is no water view.
2308. Do you know Hunter's Hill? Yes, well.
2309. Do you know whether houses are built there on rocky situations? Yes, but that is a very choice locality; there is the Parramatta River on one side and Lane Cove on the other. Not more than a few hundred yards across from Parramatta River is the Lane Cove River, a beautiful stream within five minutes walk of Hunter's Hill.
2310. A house built with a prospect of Lane Cove River cannot also have a prospect of Parramatta River? Certainly not, but there is a beautiful water view either way.
2311. Are you aware whether part of the Field of Mars Common does not join the Lane Cove River on the side of Hunter's Hill? I do not know what you call Hunter's Hill.
2312. I would define it rather by mentioning Mr. D. N. Joubert's house? I believe Mr. Joubert's property almost adjoins the Common—the upper portion of Mr. D. N. Joubert's.
2313. Is not Mr. D. N. Joubert's property similar in its general aspect to the part of the Common adjoining it? I do not think there is much difference in that portion.
2314. What do you think would be the value per acre of Mr. D. N. Joubert's property? I could not say; he gave about £600 for it, but I forget how many acres there were.
2315. Do you think it would bring £25 an acre if it were sold in small allotments? I do not think it would be possible to sell at that price all round.
2316. Do you think it would bring £20 an acre? I could scarcely say; I do not think so.
2317. If these bridges were built do you think it would bring £20 an acre? What it might ultimately bring if there were bridges must be a mere speculative matter; for some time I do not think it would improve much; ultimately, as population increased, it would become more valuable.
2318. Do you know that a surveyor has stated it as his opinion, that if the Field of Mars were sold it would bring from £4 to £5 an acre? It is very possible, I think, that it might bring that, if care were taken in selling it.
2319. If the Field of Mars were sold in allotments after the bridges were built, you think it would bring £4 or £5 an acre? I think it would.
2320. Do you think it would not average more than that? It might; it would depend upon the demand for land at the time. If some wealthy gentleman chose to speculate, it might do so,

2321. Do you think, taking this contingency into consideration, that if these two bridges were built and the land were sold in small allotments, that the Field of Mars would not bring £10 an acre? If a long time were taken to sell it.
2322. Say ten years? It might, but it is impossible to say what it would bring.
2323. Do you not think it would be a great inducement to the citizens of Sydney to buy small allotments of land, there if these bridges were built? I do not think so. If you suppose that the citizens of Sydney have to come to town daily to attend to their business many portions of the Common would be too remote. There may be some portions about Gladesville and Hunter's Hill tolerably near, but if they have to drive some four, five, or six miles further I do not think it would be at all suitable.
2324. *By the Chairman*: Are you aware that the surveyor who gave his opinion as to the value of the Common has not made an actual survey of the Common? I am not aware who the surveyor is.
2325. In giving his opinion that the land was worth £4 or £5 an acre, he did so without having made an actual survey of the Common? It might be just as valuable as an opinion—it could be only a speculative opinion. I do not think there is anything extravagant in supposing that ten years hence the land may bring £5 an acre.
2326. It may not bring £2? I think there is no doubt of its bringing £3, £4, or £5.
2327. *By Dr. Lang*: In what do you consider the value of the Common to the commoners to consist? The value of the Common to the commoners depends upon the value of the property itself; the whole Common is their property for certain purposes, and whatever is the value of that property, to that extent is the value of their interests.
2328. Do you consider that the Common is of any considerable value to any of the commoners at present? It is said to be worth a good many thousand pounds.
2329. *By Mr. Piddington*: For the purposes of a Common? I do not think it is used just now very much, except for the purpose of procuring timber, fencing stuff, and firewood.
2330. *By Dr. Lang*: You do not consider that it is of value to the commoners in the way of pasture? Not much at present.
2331. Is it really valuable to them in supplying them with available timber? The district is pretty thickly wooded, and many who have the right of going to it are not yet obliged to go to it; but as time rolls on, it will become more valuable and people will be obliged to go there for fuel. A gentleman told me this morning that it had cost him ten shillings a week for wood, and that he had made arrangements for getting it from the Common, when it would cost him nothing, as the man whom he kept for general purposes would go and fetch it.
2332. May it not cost him indirectly as much one way as another? It may do so.
2333. Is there much valuable timber on the Common? There is a great deal coming on. The valuable timber has been cut down. I believe what is there is being preserved in order that it may be available.
2334. Do you think if the Common remains in its present state as a Common that the young timber will be allowed to come to maturity? I think so; the extent of the Common is so great and the number of those entitled to the use of it is so comparatively limited; the whole Common is somewhere about 6,500 acres in extent, and the district entitled to its use is not more than 7,000 or 7,500.
2335. Is it the fact that some of the commoners sell the timber from the Common to Sydney woodmen? I am not aware that they do, but if they do, it is contrary to law; they have no right to do so; they steal it if they do.
2336. Supposing the bridges contemplated by certain parties in the district were to be erected, do you not think that the communication with Sydney would be very much increased and facilitated by the establishment of land conveyances—of omnibuses to run to the district? I think the distance from Ryde is too great; we should not have omnibuses travelling eight miles of road per day so frequently; in fact I do not think land conveyance, from the expense of it, could compete with water communication; I think if we want more means of communication we shall have more steamers.
2337. At all events, you consider the value of the Common to its present proprietors, the commoners, rather prospective than actual? It is a certain value to them now; but the value I put upon it is prospective rather than actual.
2338. Do you think the value of the Common to the State at present is at all to be compared with what it would be if it were subdivided and sold? I do not think the State has anything to do with it. There is a distinct grant from the Crown to trustees upon trust for certain individuals, for particular purposes, and I think the Government or the Legislature have no right to deal with the land in opposition to the terms of that grant.
2339. Therefore, whether the commoners have any real benefit from it or not, it is entirely their property? It is their property, and if it is of value of course it is a benefit to them.

T.K. Bowden,
Esq.

23 July, 1862.

Mr. Thomas Wheaton Bowden called in and examined:—

2340. *By the Chairman*: You are a land and commission agent, I believe? Yes.
2341. Some years ago you resided at Kissing Point? I did.
2342. Do you know the Field of Mars Common? Yes.
2343. Had you at that time an opportunity of becoming well acquainted with the land and its capabilities? For about seven years I was upon it, perhaps once a week, sometimes every day in the week.
2344. Then at that time you had an opportunity of knowing the Common well? Yes.
2345. Have you been over the Common lately, with the view of giving an opinion as to its value? With a view of attending this inquiry.

Mr. T. W.
Bowden.

23 July, 1862.

Mr. T. W.
Bowde.
23 July, 1862.

2346. Application has been made to the Government having reference to the construction of certain bridges across Parramatta River and Iron Cove Bay; it has been estimated that these bridges will cost £40,000, and it is proposed by the parties who promote this object that Government should take the Common as an equivalent to that expenditure;—would you, as a land agent, consider that the Common land would be equivalent to that amount? Or, in other words, do I think it would be a good bargain to the Government?

2347. Either a good or bad bargain? Were I a trustee of the Common I should certainly dissent from it.

2348. As a land agent, what is your opinion? I think the bridges would be cheaply bought at that price. If the bridges could be constructed for the present value of the Common they would be cheaply constructed, but whether the Common should be sold to pay for them is a different question.

2349. What do you consider to be the present value of the Common? The 6,000 acres and upwards, in the present state of the market, would not realize more than 30s. an acre—that would be £9,000 for the whole. If bridges worth £40,000 could be got for £9,000 they would be cheaply constructed.

2350. I do not imagine you profess to be able to look sufficiently far into futurity to say what would be the probable value in the event of these bridges being constructed? It would be enhanced in value very considerably by the erection of bridges.

2351. You estimate the Common land at present at 30s. an acre? The value, if sold now, would not exceed 30s. an acre.

2352. *By Mr. Piddington:* Do you mean in one lot? No.

2353. *By the Chairman:* If these bridges were erected, what increased value would they give the Common, do you imagine? I think it ought to enhance the value of the Common at least fifty per cent. immediately on the completion of the bridges.

2354. Do you consider much of the Common land fit for agricultural purposes? For the production of cereals, I think none of it.

2355. From its proximity to Sydney, might not persons be induced to purchase portions of it as places of residence? Very small portions indeed.

2356. I believe you are aware that at the present time steamers ply up and down the Parramatta River? Yes.

2357. Do you consider that if these bridges were made over the Parramatta River and Iron Cove Bay, so as to shorten the distance to Sydney by land, many persons would be induced to visit the district by that means, in preference to travelling by water? I can hardly say to what extent.

2358. Do you consider that water conveyance is preferable to land, or land preferable to water? I think water conveyance is the cheapest, and in fine weather the most agreeable—perhaps at all times.

2359. In your opinion, travelling by steamer is more agreeable than travelling by muddy or dusty roads? Unquestionably.

2360. Do you think the Common as a whole is adapted to the settling down of a population? That is a very general question, and I would answer it by saying that I believe portions of it might be made into orchards and portions into gardens.

2361. But from its situation and the general character of the soil, is it so situated that it could advantageously be laid out? I have said that it is not fit for the production of cereals or for agriculture strictly speaking, but that portions might be made into orchards and gardens.

2362. Having resided in the neighbourhood several years, you know the neighbourhood round the Common? I know Ryde and its neighbourhood.

2363. Is the Common land of average quality with the land in the neighbourhood of Ryde? It is inferior, very much so, speaking of it as a whole.

2364. That is, as regards the quality of the land? Yes.

2365. As regards its situation, is that equal? It is also very much inferior in point of situation, for building sites.

2366. Then you think, to take the Common as a whole, it is not to be compared with the immediate district of Ryde? Doubtless the early settlers chose the best of the land in the neighbourhood, and very little good land has been left, and the residue has become a Common, fitted only for the depasturing of stock and the production of timber.

2367. It would be no fair criterion of the value of the Common to take cases where land has brought high prices in the district? Any more than the price realized for land in George-street would be a fair criterion of the value of land in some back lane in Sydney.

2368. You have heard of Gladesville? I know Gladesville well. I have sold a large portion of the land at Gladesville.

2369. Do you consider the Common equal in point of situation to Gladesville? It cannot be compared to it for building sites. Gladesville has water frontage, and very beautiful sites for the erection of cottages on the banks of the river, in immediate proximity to the steamer wharf, while by far the greater portion of the Common is back in the bush, without views or anything that could induce people to go there.

2370. I believe there are high roads passing through the Gladesville property? There is a main road; it commences where the steamers stop, and runs through in connection with the Great Northern Road.

2371. The fact of having a high road running through the property tends to enhance its value? Yes. I have brought with me a plan of Gladesville, and also a small sketch of the Common. I sold a large portion of Gladesville on two occasions, and lately I had a portion of it through my hands.

2372. Were you able to effect a sale of the whole of the Gladesville property? It was subdivided into lots and sold on two separate days. I think there were some sixty or eighty lots to be sold the first day.

2373. I believe the proprietor of the Gladesville Estate, previous to the sale, erected a landing place for the steamers? Yes, roads were marked out, and the steamer's wharf built.
2374. On the day of sale was there not an invitation to a large party to attend, and a lunch given on the occasion? It is quite usual to give people something to eat on such an occasion; there was nothing extraordinary.
2375. Champagne? There was some refreshment, but it was not abused.
2376. At the time of this sale, notwithstanding the luncheon and champagne, you could not sell the whole? I did not expect to sell the whole at once.
2377. As that cannot be taken as a criterion of the value of the Common, I will not ask as to the price it obtained? While on the subject of prices, I may say that I lately had ten acres adjoining this estate, that belonged to Miss Glade, reserved under the name of Blanchard upon this plan (*referring to a plan produced*), that was sold in August last, with improvements, consisting of the old residence of Commodore Glade, for £200. I mention this in order that the Committee may be furnished with correct data for forming an opinion.
2378. That is part of the Gladesville Estate? Yes.
2379. And bounded by the Parramatta River? It is bounded by the Great Northern Road.
2380. *By Mr. Piddington*: Does this portion you allude to front the Parramatta River? No; but you will see from the plan that it is but a short distance from it.
2381. *By the Chairman*: It fronts the high road? Yes. That is the last sale of land I know of in the neighbourhood.
2382. *By Mr. Piddington*: What is your opinion of the probable price per acre the Field of Mars Common would produce, if the land were cut up into small allotments and were sold gradually, after the two contemplated bridges were constructed? That is looking forward some five years hence.
2383. Or ten years? I would rather decline answering the question; it is too remote.
2384. Do you think if these two bridges were constructed it would not considerably enhance the value of the Common land? I have answered that by saying that it would enhance it fifty per cent.
2385. Do you not think it would enhance the value of the land to a greater extent than fifty per cent.? No; the land for the most part lies buried in the bush, where there are no building sites. The portions near Gladesville, to which allusion has been made, fronting Lane Cove River, fronts the narrowest part, where it is very narrow and rocky, and are not very choice sites.
2386. What, in your opinion, would be the probable value per acre of that portion nearest to Hunter's Hill and Gladesville Road, if sold after these bridges were constructed? The portion is small that comes there; by far the greater portion extends away seven or eight miles off—but a very limited portion comes down there.
2387. 500 acres? I should not think so.
2388. How much would be included in that portion (*referring to the plan*)? I think about 300 acres. That I think is the best for building sites, and would fetch about £5 an acre.
2389. Does that price refer to bridges being constructed? No; if bridges were constructed it would bring fifty per cent. more.
2390. Are there not a large number of persons who prefer inland sites for houses to marine sites? I should not.
2391. Do you judge other people by your own taste? Decidedly.
2392. I ask you whether there are not a number of people who prefer inland to marine sites for their houses? If they are like myself I say there are not.
2393. Do you think the great majority of people have the same taste as yourself with regard to site? I do not say that.
2394. Are you aware whether a great number of people differ from you with regard to sites for houses? No.
2395. Do you think no one prefers an inland to a marine site? On the contrary, I know there are some people who cannot bear a salt atmosphere, from disease of the lungs or other causes, and they go back into the bush.
2396. Are there not a number of persons, whether arising from taste or from peculiar constitution, who prefer inland to marine sites? I cannot say there are; I think it is always a great advantage to have a water view.
2397. The suburbs of Sydney extend themselves very much in the neighbourhood of Newtown, do they not? Perhaps not more than they do towards Paddington and Waverley.
2398. Are there not a great many more persons living in Newtown than in Waverley? I think not, taking Paddington with Waverley; and the land is twice as valuable in one as in the other.
2399. What sort of advantage does the Common afford to the commoners? As a commoner I found it of great advantage. During my residence of seven years I kept working cattle, and they were out on the Common on all spare occasions; tired oxen were kept there, and I have known flocks of sheep to be kept there in my day.
2400. How recently are you speaking of? The seven years I am speaking of was from 1825 to 1832.
2401. Is there much cleared land on the Common now suitable to the pasturage of sheep? I think there is less now than there was then; I think there is more timber now than there was then, but the timber then was of a larger class; trees are now ten times as numerous, though much smaller.
2402. Then to the extent of the growth of the underwood and young trees, the Common is less adapted for the purposes of a Common than it was thirty-five years ago? Yes, it produces less grass.
2403. Is not that one of the principal advantages of a Common? Yes, for grazing.

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2404. Was not this granted, under the original grant, for grazing purposes? And timber rights.
2405. Are not grazing advantages the chief advantages commoners are supposed to secure? Yes, one of the chief.
2406. The Field of Mars Common does not present much advantage to the commoner for grazing purposes? Not so much as it did formerly.
2407. Do you know any extent of land that would be suitable for feeding a flock of sheep on the Field of Mars? I think a flock of sheep could be managed there—I do not mean a flock of 800 or 900, but one of 200 or 300.
2408. What proportion of the Field of Mars is suitable for a flock of sheep? I should think it is not suitable.
2409. With regard to cattle, do you know how many cattle the trustees of the Field of Mars Common authorize to graze upon the Common? I am not aware.
2410. If the entire grazing rights are limited to 400 or 500 head of cattle, do you think the grazing right is of much advantage to the commoners? I think it is not nearly now what it was formerly, but that it might be quite as good as it ever was by the underwood being kept down. If the trustees allow the underwood to grow up to the destruction of the grass, they ought to be called to account for it—that is not the fault of the Common.
2411. In order to make the Common as valuable as it was thirty-five years ago the young trees must be cut down? Yes.
2412. Would not that entail considerable expense for clearing? The longer the period it is allowed to remain the worse it will be.
2413. Taking the present condition of the Common, would it not take a considerable sum of money to clear off the underwood? It is most important for the sake of the grazing that it should be kept down.
2414. How are the trustees to find funds? I understand that the trustees have the right of leasing portions of the Common—and they do lease some of it—and have a small income of £50 or £60 a year. Now if they were to lease five times as much, they would have such an income as would enable them to keep the Common in order.
2415. To the extent that the trustees lease the Common, do they not destroy the Common for Common purposes? For the pasturage of cattle. At present a tenant occupies a small portion for a garden or orchard, and as far as his place is enclosed grass cannot grow for the commoner; but an income is derived from him which, if applied in the way I suggest, would greatly improve the Common.
2416. Then if the trustees grant leases, to that extent they destroy the Common for the purpose for which the Common was granted? To that extent they prevent the growth of grass; but—
2417. To the extent of five times as much as at present, if your suggestion were carried out, would not the Common be destroyed for Common purposes? Only to the extent of the land enclosed; but the money obtained would improve the remainder.
2418. During the time this land was enclosed under the authority of the trustees by lease, that portion of the Common would be unavailable for the purposes of grazing? Certainly.
2419. Taking 6,000 acres in one block outside of the Common, on the north, south, east, or west, would such block be much inferior or superior to the land within the bounds of the Common? On the right hand side, which I should call the north, I think the land is inferior to that of the Common to a limited extent; but on the south side, meaning towards Parramatta River, it is far superior.
2420. Then, excluding the land on the banks of the Parramatta River from consideration, a bulk equal in quantity with the bulk of the land within the boundaries of the Common on the north side would be inferior to the Common? A portion of the Common is bounded by the Lane Cove River; it terminates in a ravine broad at the commencement and then it goes up into a rocky ravine; on the Common side of the ravine the land is very bad, so it is on the opposite side till you get on to the high land known as Lane Cove. As you ascend from this ravine to the north falling upon the Lane Cove Road the land is bad, but on the main ridge of Lane Cove the land is very good again.
2421. Is the Common fenced in? Only in part by private parties abutting upon it—not one half.
2422. The north-western boundary is not fenced? No.
2423. If any person turned their cattle on the Common would they not stray away? They must be tailed.
2424. It would not be safe to turn cattle out without someone to attend upon them? Not at all.
2425. Might they not wander away to the Hawkesbury River if they chose? It is possible, but most probably they would be arrested by the residents at Lane Cove.
2426. In what way? The people would intercept them. There is a portion of barren land between the boundary of the Common and the good land at Lane Cove, and when the cattle came on to the good land they would probably be stopped.
2427. Is there no means of cattle straying away? I think they might get along the main road; it is just possible, but I think not very probable.
2428. If they could wander away for many miles I presume the pasturage of the Common is not of much value for cattle that are not tailed? It would never do to turn cattle out on the Common without someone to attend them; they must be herded at night.
2429. What is the chief advantage of the Common? That the cattle may ruminant upon it; they are not always working.
2430. Are you speaking of working cattle or of cows? Of working cattle, or it might be cows.

2431. Upon these 6,000 acres how many cattle have you seen in a mob? I have not seen many lately; when I kept cattle there I have had twenty or thirty at a time.
2432. Have you seen many horses grazing on the Common lately? No.
2433. You have not seen anything grazing on the Common lately? No.
2434. I understand you then to say, that the character of this Common is that it is unsuited for grazing purposes, but is much more suitable for building purposes? It is not the fault of the Common that it does not produce grass—that these trees are allowed to destroy the grass.
2435. Grass might grow if a certain amount of labour were bestowed upon the Common, but I am speaking of the present position of the Common;—is it now suitable for grazing purposes? It is suitable for a Common—as a place to turn out cattle to rest and to feed.
2436. Are you aware how many cattle are turned out to feed upon it? No.
2437. You do not know to what extent it is used for grazing purposes? No.
2438. You do not know how many cattle the trustees authorize the commoners to keep on the Common? No.
2439. If the trustees have not authorized 500 head of cattle to graze on the Common, is not that a small proportion of cattle to 6,000 acres? It is quite enough.
2440. Why do you think it is quite enough? Because I think 500 head of cattle could not be wholly supported by what they could find upon the Common.
2441. You do not think 500 head of cattle could be wholly supported on the Common? No, and I do not think it was ever intended that milking cows should be wholly supported by the Common.
2442. Your idea is that the whole of this Common should be limited to the grazing of 500 head of cattle? Certainly.
2443. What do you think the agistment of 500 head of cattle is worth per annum to the commoners—what is the money value? It is invaluable to any man who has half a dozen cows, as there are many who could not keep their cows unless they had permission to put them upon the Common, therefore it is invaluable to them.
2444. As a matter of fact, I believe the trustees have allowed the Common right to commoners to graze something under 500 head of cattle;—what, in your opinion, is the money value of that right? It is not easy to estimate the value to a small settler who has half a dozen cows upon which he depends in part for the comfort and support of his family, as he could not obtain food for those cows unless he had the advantage of putting them upon the Common.
2445. Do you know how many small settlers possess half a dozen cows? I do not know.
2446. You do not know whether there are ten commoners who have half a dozen cows on the Common? I have very little doubt that they have cows.
2447. You do not know? I know that some have cows.
2448. You do not know how many? No, I should think all ought to have, and without such an advantage they could not keep them.
2449. Are you of opinion that if the Common were resumed by the Legislature, and the proceeds of its sale were appropriated to the construction of these two bridges, that the commoners would not derive as great a benefit as they do at present from the Common? I cannot think so; I think their daily comforts would be infringed upon, as I have hinted already.
2450. You allude to those persons who you presume take advantage of the grazing capabilities of the Common? I allude to all persons who keep cattle for labour, or cows for milk, upon the Common; and to deprive them of the means of keeping them would be to inflict upon them a great injury, for which nothing in the shape of bridges would compensate them.
2451. You think the Common, notwithstanding its unfitness for grazing purposes, is still of such utility to the people of that part, that if bridges were constructed and roads were made to the district it would not compensate them for its loss? If the Common is not kept in the state it should be it is not the fault of the Common.
2452. What would be the expense of clearing this 6,000 acres, and of putting the Common into an improved state for grazing purposes? I could not tell. One portion would cost much more than another. One ten acres might cost so much, and another ten acres as much again, or double.
2453. You are of opinion that the Common is not in the state it ought to be? It is not.
2454. Whose fault is that? I think the money derived from the leases ought to be expended in keeping down this underwood and scrub.
2455. Who has the authority to place the Common in an improved condition—the trustees? Yes.
2456. Then it is the fault of the trustees? I do not wish to censure the trustees.
2457. Is it the fault of the commoners? I do not know —
2458. It is the fault of someone? I do not think it is the fault of the commoners; I do not think they would have the right to cut down young trees unless they had the authority of the trustees.
2459. The Common is a great advantage to the commoners? Unquestionably.
2460. And it might be greater? It might be greater.
2461. Someone is in fault? I take it to be so.
2462. But you do not know who? I do not know who.
2463. *By the Chairman:* Do you not know that ten acres is generally allowed as the run of a beast? In what locality?
2464. Upon the average, is not ten acres allowed for the pasture of a beast? I am sure that twenty acres would not depasture a beast on that Common as it is now.
2465. Mr. Piddington has commented upon portions of the Common having been leased;—are you not aware that the Act of Council empowers the trustees to lease portions of the Common? I am not aware of the power of the trustees; I have never seen the deed, and I know nothing of their powers.

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- Mr. T. W. Bowden. 2466. If the trustees have power under the Act of Council, of course they are not to be censured for having exercised it? I have no wish to censure them.
2467. You do not think it an evil to lease portions of the Common? I think if the portion I have suggested were leased, and the proceeds were applied to the improvement of the Common, it would be the means of obtaining five times as much grass as there is at present on it.
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Mr. George Miller Pope called in and examined:—

- Mr. G. M. Pope. 2468. *By the Chairman*: You reside at Ryde? Yes.
2469. How long have you been a resident in the district? The last fifteen years.
2470. You are clerk and registrar there? Yes.
- 23 July, 1862. 2471. You have also been employed to take the census and make out the electoral list? Yes.
2472. During what period did you perform that duty? In April, 1861, I took the census.
2473. What is the population within the parish of Hunter's Hill? 1801, exclusive of the inmates of the Lunatic Asylum.
2474. That includes the Municipality of Hunter's Hill? Yes.
2475. What is the population of the Municipality of Hunter's Hill? 443.
2476. Has the population increased since you came to the district of Ryde? Yes.
2477. Can you give us any information as to what the population was at the time you came? No, I cannot.
2478. I believe Hunter's Hill is formed into a Municipality? Yes.
2479. 443 are included in that Municipality? Yes.
2480. Can you state the number of male adults in that Municipality? 109.
2481. How many houses are there in the Municipality of Hunter's Hill? 95.
2482. Are there good roads leading from Ryde to Hunter's Hill? There is one now being made by the Municipality.
2483. There is no difficulty of communication between the two places? No.
2484. Can you give us any information as to the annual number of births in the District of Ryde? Yes. I began in June, 1856, and for the half-year ending 31st December of that year, there were 21; for the year 1857, 75; for 1858, 95; for 1859, 95; for 1860, 83; for 1861, 84; and for the last half-year ending 30th June, 50.
2485. So that, in point of fact, the population is increasing annually? Yes.
2486. It has been stated to the Committee that the population is decreasing;—if such a representation has been made, is that in accordance with fact? On the whole number of the population it has decreased this last year.
2487. What was the population of last year? This was the population of last year, 1,801, but several have since gone away; the number of electors is not so many.
2488. What was the number of the year before? I cannot say; I have only the population for 1861, when the census was taken, but I have the electors —
2489. I am not speaking of the electors, but of the population;—it has been stated that the population of the district is decreasing, and I wish to learn from you, as registrar, whether the population is increasing or decreasing? The number of births in 1858 and '59 were more than in 1860 and '61.
2490. But during the last half-year? There has been an increase.
2491. Has Bishop Barker ever held a confirmation in the district? Three.
2492. How many confirmations have been held in the district altogether? Four that I can recollect.
2493. It has been stated to this Committee that the Bishop visited the district for the purpose of holding a confirmation, and that he could not do so; and that the reason he could not do so was that the children had left the district? That is not the fact.
2494. Can you give the Committee any information as to the number of children who have been confirmed? In 1849, by Bishop Broughton, 62. In 1855 the first confirmation was held by the present Bishop, and 71 were then confirmed.
2495. Was there any confirmation between 1849 and 1855? No; the Bishop had gone to England and died there, and there was no Bishop in the Colony for some time. In 1859 there were 54 confirmed, and in the present year 40.
2496. Can you give the Committee any information as to how many churches and chapels there are in that district? Two Roman Catholic, two Church of England, a Wesleyan, and a Baptist Chapel now being erected.
2497. Are churches and chapels on the increase or decrease? On the increase.
2498. Are you aware whether houses are on the increase or decrease in the district? Since the year 1856 there have been 70 houses erected—25 at Hunter's Hill and 45 in the other portions of the district.
2499. So that since 1856 there has been an increase of 70 houses? Yes.
2500. I presume you know very little of the Common? I do not know much; I have been on it a few times.
2501. Would you take upon yourself to give an opinion as to the value and capabilities of the Common? No.
2502. *By Mr. Piddington*: You say since 1856, including Hunter's Hill, some 70 houses have been built in the district? Yes.
2503. Do you know that there is a project for the construction of two bridges to connect Ryde with Sydney by land? Yes.
2504. If these bridges were built, do you not think eight years from the time of their construction there would be more than 70 houses built? A great many more, I think.
2505. *By the Chairman*: That is your opinion? Yes.
2506. The other is a fact—that there have been 70 houses built? Yes.

2507. *By Mr. Piddington*: If bridges were built, do you not think the number of people in the district would increase in a greater proportion than they have done during the last seven or eight years, as well as houses? No doubt.
2508. Would it not be an advantage to the people of Ryde to be able to visit Sydney at any time of the day they might think proper? I think it would be a very great advantage.
2509. Is it not inconvenient to them to be compelled to be governed by the time the steamer runs from the wharf? It runs at very awkward hours.
2510. The steamers run only three times a day from Ryde to Sydney? Yes.
2511. Have you any idea of the saving of distance it would be from Ryde Church to Sydney by the proposed road and bridges, instead of crossing by the punt? I should say between three and four miles.
2512. What distance do you suppose it is now from Ryde Church, crossing the punt? Between 11 and 12 miles.
2513. Then the saving would be about one-third of the whole distance? About that.
2514. Are you aware of the sale of any land in the vicinity of Ryde of late years? Yes, I have known several portions of land that have been sold.
2515. Can you mention the portions, or the prices per acre of the land you recollect? Some that was sold by Mr. Farnell brought £20 or £25, I think. Some that my brother-in-law bought adjoining the Common he gave £20 an acre for.
2516. Adjoining the Common? Yes.
2517. Do you recollect any other cases? Not at present.
2518. If the Common were sold, do you think it might not be expected to bring as much or more per acre after the bridges were constructed as adjoining land has brought at the present moment? The portions of it nearest the enclosed land no doubt would—that is, where the land is good.
2519. You know the extent of the Common by report? Yes; I have not been all over it; I have been over certain portions of it.
2520. Supposing these bridges were built and the Common were gradually sold in small allotments for building, what in your idea is the price the Common would bring? I can hardly give an opinion upon that—it would depend upon the population that came to live there; the larger the population that came there the more valuable would the land become.
2521. Then you are not able, from your avocation, to form an opinion of what the land might bring? I could not say.
2522. Have you any doubt that the accommodation these bridges would afford to the inhabitants of Sydney would be considerable? It would be a great inducement to them to come that way.
2523. Do you know whether many persons take advantage of the Common at the present time for the grazing of cattle? I am not aware.
2524. Have you ever in your visits to the Common seen many cattle grazing? I do not recollect having seen them.
2525. Is there much cleared land on the portion you are acquainted with suitable for the grazing of sheep or cattle? There is no cleared land.
2526. Then for the purpose for which Commons are usually employed this does not seem to be suitable? There is no grass fit for grazing purposes.
2527. As it is not fit for grazing purposes, what benefit is it to the commoners? I cannot see that it is a benefit—it may be a benefit to a few who get wood from it.
2528. It is not a general benefit to the inhabitants of the district? No, I do not know any one who is running cattle upon it.
2529. If the land were sold and the proceeds were appropriated to the building of bridges, do you think the inhabitants would be injured in any way? No, I do not think so.
2530. Would they be benefited? I think so.
2531. *By the Chairman*: Are you aware that persons residing at the village of Ryde get their wood from the Common? I do not know that they do.
2532. Are you aware that Mr. Turner, your immediate neighbour, gets his wood there? I am not aware.
2533. In point of fact, you do not know where he gets his wood? I know who brings his wood, but I do not think it is brought from the Common.
2534. The other villagers, I suppose you do not know where they get their wood from? I know a great many people bring their wood in, and they do not say they get it from the Common.
2535. The land you refer to as having been sold by Mr. Farnell, is on the high road to Hunter's Hill? Yes, and is bounded by the Common on the back portion, I think.
2536. Do you not think the fact of land abutting on a high road tends to increase its value? Certainly.
2537. *By Mr. Piddington*: At the time the confirmation took place at Ryde, was any remark made by the Bishop with regard to the number of persons who were confirmed bearing a fair proportion to the number supposed to have been baptized? Yes; the Bishop looked at the Register, and picked out forty or fifty names of those who had been baptized so many years before, and as he found they were not present he wished to know the reason. The consequence was that Mr. Devlin and Mr. Turner went through the names and found there were only six of the number present—all the others had either died or left the district.
2538. *By the Chairman*: It does not follow that all who are baptized are confirmed? Of course not.
2539. That may have been the case in this district? Mr. Devlin went through the names, and was satisfied they had all either died or left the district.
2540. Still there is not an instance on record where the Bishop could not hold a confirmation for want of a number of children? No.

Mr. G. M.
Poppe.

23 July, 1862.

WEDNESDAY, 30 JULY, 1862.

Present:—

MR. LACKEY,	MR. PIDDINGTON,
DR. LANG,	MR. SMART.
MR. LUCAS,	MR. SUTHERLAND.

ISAAC SHEPHERD, ESQ., IN THE CHAIR.

James Pye, Esq., called in and examined:—

- James Pye,
Esq.
30 July, 1862.
2541. *By the Chairman:* I believe you are a proprietor of large orchards in the Field of Mars District, and also of several orchards in the Pennant Hills District? Yes, in the Field of Mars District and also in the Seven Hills District.
2542. Having raised several orchards of your own, you can form a pretty correct opinion as to the soil and situation best adapted to that purpose? I think I can.
2543. You have also had considerable experience in agriculture? Yes.
2544. Do you know the Field of Mars Common? I do.
2545. Do you know a gentleman of the name of Birmingham? I do.
2546. Is he a surveyor? Yes.
2547. Has he been employed by the Government as a licensed district surveyor? Yes, as a licensed surveyor, in the county of Cumberland, for some years.
2548. Are you aware whether he made a survey of the Common? I am aware he did.
2549. Have you seen the plan made by him? Yes.
2550. Have you sufficient experience of Mr. Birmingham's ability to give you confidence in his work? I have every confidence. (*The Chairman produced a plan.*)
2551. Is that the plan prepared by Mr. Birmingham? Yes, that is the plan he left at my place the other day till you sent for it.
2552. Are you aware of the number of acres marked off by Mr Birmingham as good land? Yes, I have been over the Common lately; I have ridden over it twice.
2553. I do not ask you with reference to your own knowledge, but I ask you if you have confidence in Mr. Birmingham's opinion? I have every confidence.
2554. Are you aware of the number of acres pricked off by him as good land? Yes.
2555. What is the number? About a thousand acres, I believe, of fair land.
2556. That thousand acres is not in one block, but in different portions of the Common, as pointed out in the chart? Yes.
2557. Do you consider the general character of the Common to be such as to make it a desirable place for a population to settle down upon? I do not.
2558. Could it, in your opinion, be made productive as a grain-producing district? It could not.
2559. Could a large portion of the land be made available for the formation of orchards, except at great expense? It could not.
2560. Do you consider its situation desirable for building sites? There may be some portions of it that might be made so, but at great expense.
2561. Did you see that portion of it at Lane Cove bounded by Lane Cove River? Yes.
2562. Do you consider that portion suitable for villa residences? Not without great expense.
2563. What in your opinion is the value per acre of the Common? At the present time I imagine, if it were sold, it would fetch about 15s. an acre. I form that opinion from the prices realized from the sale of land at Parramatta Domain lately.
2564. Supposing the Common were cut up in lots, do you not consider that it might realize more than that? I do not think it would, for I think there is a great portion that would not be sold at all.
2565. Do you consider that bridging the Parramatta River at or near Hunter's Hill would be the means of benefiting the people of the Field of Mars? Not generally.
2566. Do you not think the inhabitants of that district might prefer conveying their produce to Sydney by that route, in preference to taking it to Parramatta and sending it by boats or railway to Sydney? I should prefer sending it by steamer or by railway; and from conversations I have had with many persons in the district, I believe the large majority in our part of the district are of the same opinion.
2567. Have you seen the land formerly belonging to Dr. Sherwin? Yes.
2568. And sold by him to Mr. Ross? Yes.
2569. Can that be considered as anything like the average quality of the Common land? No.
2570. Can the price that land sold for, including all the improvements upon it, be taken as a guide as to what the Common would bring supposing it were sold in lots? No.
2571. Do you consider the Common, as a whole, to be equal to the land in the district of Ryde adjoining the district of the Field of Mars? Certainly not.
2572. Is it inferior or superior? The Common is inferior.
2573. Do you consider that there is any comparison between the two? Not the slightest.
2574. It has been alleged that two-thirds of the Common land is as good forest land as any in the county of Cumberland;—from your knowledge and experience of what good land is, should you say that that is the fact? Certainly not.
2575. From your observation when you were travelling over the Common land, do you consider that any portion of it can be called good forest land? Not any—not good forest land.
2576. *By Mr. Piddington:* You do not live in the Field of Mars district? I live at Parramatta.

2577. How far do you reside from the church at Ryde? Three or four miles, I think.
2578. Is it not six miles? I really do not know.
2579. You know the district—do you not know the distance from your residence to the church? I do not attend that church; I attend the church at Parramatta.
2580. From the town of Ryde, then, I will say? Eight or nine miles.
2581. Do you know the distance of the Field of Mars Common from Gladesville? I do not know it by that name.
2582. Do you know the flagstaff, where the semaphore used to be—how near to the Common is that? I really do not.
2583. From the plan before you, can you form any idea how near the Gladesville Road—that is the road to the steam wharf—is to the nearest part of the Common? It is very near to that.
2584. You have before you a plan of the Common marked out by Mr. Birmingham, the surveyor? Yes.
2585. You have every reliance upon Mr. Birmingham's opinion as a surveyor? Yes.
2586. What proportion of the Common as marked out by the surveyor on that plan is tolerably good land? The portions marked red.
2587. In the aggregate how much does that amount to? About 1,100 acres.
2588. With reference to that 1,100 acres marked by Mr. Birmingham as tolerably good land—what do you think would be the value of that land after bridges were built, if the land were sold in small allotments? I could not form an opinion as to a future time—the country alters so.
2589. Can you give an opinion to the Committee as to the price this land would produce after the erection of bridges? I could not.
2590. Have you ever heard anyone propose to sell the Common land before the erection of the bridges? I have not.
2591. Then any opinion you have given to the Committee, as to the present value of the land, has no reference to any proposal that you are aware of? No, it has not.
2592. Do you know that portion of the Gladesville Estate where the semaphore was formerly erected? I have passed it.
2593. Have you any recollection of that estate being sold by auction a few years ago? Yes.
2594. Did you ever hear the price per acre that land realized? No.
2595. Do you know anything of the sale of land in the vicinity of the Common of late years? No.
2596. You never heard anything of a sale of land belonging to Mr. Ford, the son-in-law of Mr. Small, near the Common? No.
2597. If part of the Gladesville Estate within half a mile of the Common has sold for £60 an acre within the last two or three years, unimproved, what ground have you for supposing that a portion of the Common would not realize more than 15s. an acre? The land is inferior and times are altered; people were mad then after land speculations, and many people who have put little houses and made improvements upon the land they then bought would be glad to give it up for the price of the improvements.
2598. There has been a great fluctuation in the value of land? Yes; besides the land in the county of Cumberland is naturally bad, and scores of people are now getting their eyes open, and are going off to Queensland and other places where the land is good. I believe land sales in New South Wales are done for, for many years to come.
2599. That opinion is given in reference to the agricultural or horticultural value of this land? Yes.
2600. But as sites for villas and houses—do you mean that this land is not suitable for building houses upon? I think there are many places in the county of Cumberland more suitable, of which, if they were to be sold, the people would avail themselves in preference.
2601. Were you ever at Hunter's Hill? Yes.
2602. Have you ever noticed very pretty villas there? That is a very different situation from the Common land.
2603. Do you know that a portion of Hunter's Hill joins the Common? Yes.
2604. Are you aware that a portion fronts the Lane Cove River? Yes.
2605. Do not many of these houses front the Lane Cove River? I think they front the other way.
2606. Are you aware whether the houses built front the Lane Cove River? Very few I believe, as the afternoon sun comes upon them there and makes the place like an oven.
2607. You are not aware that no houses front the Lane Cove River? No, I am not.
2608. Do you know the value of the land fronting the river—the Lane Cove River side? I do not.
2609. You know Mr. Ross's land? Yes.
2610. Is that land very superior land for agricultural purposes? It is far superior to the Common for almost any purpose, agriculture, horticulture, or any other.
2611. Is there no portion of the Common marked by Mr. Birmingham as tolerably good equal to Mr. Ross's? Not any.
2612. Will Mr. Ross's land grow maize or tobacco? Not without manure.
2613. In what respect is it then superior? There is a greater depth of soil.
2614. Is it alluvial soil? Yes, the greater part of it.
2615. Is it equal to land on the Hawkesbury or Hunter? No.
2616. Not such alluvial land as that? No.
2617. Will not alluvial land grow maize? There are two kinds of alluvial land, one is a great deal poorer than the other.
2618. Is not Mr. Ross's land situated very high? Yes.
2619. Have you any idea how many hundred feet it is above the level of the sea? No.
- 2620.

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- James Pye, Esq.
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2620. If it is 250 feet above the level of the sea, would you call it alluvial land? I call part of it alluvial land.
2621. Do you know what it brought per acre? I do not.
2622. If it is a fact that part of the land that once belonged to Mr. Ford, unimproved, sold for £10 an acre adjoining the Common, have you reason to doubt that land similar in character would bring the same price? Not to-day. That land would not bring more than £2 an acre if it were put up for sale now.
2623. Your valuation of the land is without reference to the proposed construction of bridges? Certainly.
2624. You could not give the Committee an opinion as to the value of the land after bridges were constructed? I could not.
2625. Do you know what Commons are usually granted for? For grazing and timber.
2626. Is this particular Common of much advantage for grazing? Not a great advantage—it is an advantage to a commoner to be able to turn out a cow or a horse.
2627. Have you ever seen sheep grazing on it? No, never.
2628. How many acres at the present time do you think would be necessary to graze a sheep? I cannot answer.
2629. How many acres do you think would be necessary to graze a head of horned stock? In portions of it ten would not graze one, and in others five would not.
2630. Have you visited the Common lately? I have.
2631. Is there a great deal of the Common free from underwood and small timber? A great deal is bush.
2632. If it is not cleared land can it be of great advantage for grazing purposes? Not much, but it is an advantage to people who have not land to turn out stock upon.
2633. Have you heard of many cattle grazing in one mob on the Common? No, I have not.
2634. Would you not be surprised to see a hundred head of cattle in one mob grazing upon the Common? I should.
2635. If it is unfit for grazing purposes it is of no use to the commoners? Yes, for timber, I believe, it is a great advantage.
2636. It is some advantage for timber? Yes, for firewood and fencing stuff.
2637. Then, seeing that the Common is an advantage chiefly for firewood and fencing, do you not think if bridges were substituted for the Common, the commoners would obtain an advantage in lieu of the timber? I believe that a great portion of the people would not take advantage of the bridges.
2638. Do you know how far from Ryde Church, across the punt by the main road, it is to Sydney? I do not.
2639. Do you think, if the proposed bridges were constructed—one across the Parramatta River and the other across Iron Cove—it would not shorten the distance to Sydney by land? It would.
2640. Do you think that would be an advantage to the people who reside at Ryde and to the people of Sydney? It would be an advantage to a portion of the people who live at Ryde, no doubt, and to the people of Sydney.
2641. Do you not think it would tend to encourage the inhabitants of Sydney to reside in the district, and to buy land for building purposes? I do not think it would. I think there are spots nearer Sydney more available for building.
2642. Are you aware that a great many houses have been built at Hunter's Hill within the last few years? I am not.
2643. If you happened to live at Ryde would you not be compelled to reach Sydney either by the road or by the steamer? Yes.
2644. How often do the steamers ply each day? Twice a day, I believe.
2645. Supposing the steamer plied three times a day, do you not think the bridges would afford infinitely more convenience to the public than the steamers? I think not.
2646. Would it not be an advantage to the people of Ryde to be able to come into Sydney by means of the bridges at any time they might think proper? It would be a convenience, no doubt.
2647. Where do the commoners reside who you think are opposed to the construction of these bridges? In the upper part of the Common, near Bellemy's.
2648. Then you admit that the proportion of the commoners who reside near Ryde are likely to be in favour of the bridges? Yes, they are near the spot.
2649. And a portion of those who reside in the other part are opposed to it? I think the large majority are opposed to it.
2650. A large majority of the total number of the commoners? I think so.
2651. Do you think it would at all tend to the injury of the town of Parramatta if these bridges were constructed? I do not think it would in the least; I think those who now go by the train or by the boat would continue to do so.
2652. In case the residents of Ryde or of those in the neighbourhood of the Common required medical assistance, or were compelled by urgent necessity to come to Sydney, would it not be an advantage to have a bridge that could be traversed at any hour, by night or by day? It would, no doubt.
2653. Would not the commoners have all the advantages they have at present, as well as the additional advantages that would be afforded by the proposed bridges? They would.*
2654. *By Mr. Lackey:* You have been for many years engaged in the cultivation of land, and that would enable you to form an accurate knowledge of what land is and its capabilities? Yes.

2655.

* Revised:—They would be no longer commoners.

2655. You say that you have visited the Common? Yes.
2656. And have made yourself acquainted with the particulars of Mr. Birmingham's plan of it? Yes.
2657. You say about a thousand acres might be made available? For agriculture?
2658. Yes? Not without manure; perhaps two or three hundred acres might be made available without, but the remainder would require manure.
2659. Do you think it would pay any person to undertake the purchase of that land, to clear it and manure it for the purpose of agriculture? It would not pay.
2660. Do you think any great quantity of this land is suitable for orange orchards? Very little.
2661. You are pretty well acquainted with the position and situation of various parts of this Common? Yes.
2662. Do you think it is a locality that would be sought for by persons desiring to build villa residences—I mean the Common taken in the aggregate? I think not.
2663. It is possible that near Hunter's Hill, where they have a salt water view, they might be induced to purchase? Yes, some persons might.
2664. Something has been said about the high prices land brought in this district some time back—£10, £20, and £50 an acre;—do you think any part of the Common would bring that? I do not think it would bring £5 an acre at the present time.
2665. What quantity of the Common do you think would sell altogether, if submitted to competition within two years or more? I do not think more than 2,000 acres could be sold at any price; I believe the rest will be valueless for a hundred years to come.
2666. You know Parramatta Domain? Yes.
2667. Government land was sold there recently? Yes.
2668. What has this been sold at per acre? Some for £2, some for £6, some for £5, and some for £4.
2669. Is there any Common land equal to the land of the Parramatta Domain that was sold? There were some portions of Parramatta Domain that were poor.
2670. How far is this land from railway communication? Two miles, or two miles and a half.
2671. And also from the steamer? Yes.
2672. So that the purchasers of that land have every facility for going backwards and forwards to Sydney? Yes.
2673. The situation of this land is good? Yes.
2674. It is a fine undulating, open country? Yes.
2675. Is the land suited for villa residences? Yes.
2676. Do you think it as attractive as the Field of Mars Common near Hunter's Hill? Yes.
2677. Do you think the demand for land by the general public would be greater at the Parramatta Domain than on the Field of Mars Common? Yes.
2678. Are you acquainted with a great many of the Field of Mars commoners? Yes.
2679. You are a commoner yourself? —
2680. Do you think the commoners residing on the north-western portion, about Pennant Hills and Castle Hill, are desirous for the sale of this Common? No, they are quite opposed to it.
2681. Is it your opinion, if this Common were sold and these bridges were constructed, that the commoners in this locality would avail themselves of the new route in preference to the present one? I am sure they would not.
2682. Do you think the majority, or anything like the majority, would avail themselves of it? Nothing like the majority.
2683. Do you concur in the sale of this Common? I do not.
2684. Have you had an opportunity of knowing the opinion of the commoners generally in your part of the country? Of the greater part of them.
2685. Are they opposed to it? They are opposed to it.
2686. What are the principal uses of the Common? For firewood, fencing, and to turn stock upon.
2687. That part of the country is very bare of firewood now—about Ryde and Pennant Hills? Yes, very bare.
2688. In the event of the Common being sold, I suppose it would be an inconvenience to the residents to get firewood? The greater part would have to pay for their firewood.
2689. Fencing stuff is also scarce? Yes, very scarce.
2690. That the commoners at present get from the Common? That is what it is given for.
2691. It is also a convenience for turning dry cows on? Yes, I have seen a good many grazing there at times.
2692. Are you aware whether the fact of this Common being situated as it is has been an inducement to persons to purchase land in the district? I have heard it is.
2693. Do you think it would be fair to take this Common away, for the purpose of constructing bridges across Parramatta River? I think it would be unfair.
2694. Is it your opinion that if the people of Pennant Hills, or the Government, thought it necessary that there should be bridges across Parramatta River, the proper way would be to place a sum upon the Estimates to meet such an expenditure? I think so.
2695. You are opposed to the sale of this Common for such purposes? I am.
2696. *By Mr. Piddington:* You have spoken of land having been sold in the Parramatta Domain at £2 an acre? Yes.
2697. How many miles is that land sold at £2 an acre from Hunter's Hill, by the road? I suppose ten or twelve miles.

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- James Pyc, Esq.
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2698. Then the £2 an acre is given for land situated from ten to twelve miles from that portion of the Common nearest Sydney? Yes.
2699. *By Mr. Sutherland*: Did you say ten or twelve miles from the portion nearest Sydney? Yes.
2700. The portion of the Common nearest Parramatta is some six or seven miles from Parramatta? Five or six miles from Parramatta.
2701. Where does the land lie that was sold? On the north side of Parramatta, near the Windsor Road.
2702. How many miles is that from the north-western corner of the Common? I suppose six or seven miles.
2703. How long is the Common altogether? I do not know.
2704. Then how could you tell it was ten miles? I said ten or twelve.
2705. I believe the Common is nine miles long, and six or seven put to nine would be fifteen or sixteen? It may be fifteen.
2706. You state that land was sold there at £2 an acre? As low as £2.
2707. What was the highest price obtained? Over £6.
2708. Are you not aware that there was land sold at Hen and Chickens Bay the same week for £15 an acre? Yes.
2709. That is not half the distance from Sydney, and right opposite this portion of the Common at Hunter's Hill;—suppose this land on the Common were equal in situation to that on the opposite side, would it not bring the same price? If the land and situation were as good, it is to be supposed that it would bring the same price.
2710. Then it does not follow because land at Parramatta Domain sold for £2 an acre that this land would not bring £20—quality, situation, and other things, would vary the price? Yes.
2711. You state that you are a commoner—is that for the property you hold near the water-works? Yes, at the North Rocks.
2712. Is that in the parish of the Field of Mars? Yes, the grant is in the Field of Mars.
2713. Is there no land on the Field of Mars equal to that of yours at the North Rocks? Not any.
2714. You state that the parties residing on this portion of the Common would not take advantage of this road, supposing it were made? I am sure they would not; I have conversed with a great many of them, and they say they would not.
2715. Taking the centre of the Common, would not the residents have to drive six or seven miles to Parramatta? Yes.
2716. Would they not have seven or eight miles on the average to drive to Parramatta, and then to go to Sydney by the railway? Yes.
2717. Supposing they could go direct to Sydney in seven or eight miles, do you not think they would go that direct way rather than drive seven or eight miles to Parramatta and then have to go fourteen miles by railway? Yes, if the road were as good as the other to travel on.
2718. Do you not think if there were a direct road to Sydney it would be a great advantage to small settlers and fruit-growers, who would bring their produce into Sydney instead of taking it down to the boat? They prefer water conveyance or the rail, and they take their fruit as short a distance as possible by the road. Water conveyance does not knock the fruit about so much.
2719. I think you have stated that there is no good land upon the Common at all? I do not say there is no good land; I say some could be made available.
2720. Is not the average of the land on the Common similar to the average of the land in the district around it? No, it is nothing like equal to it. I do not suppose you could choose the same quantity of land out of the county of Cumberland so poor as the 6,000 acres that form the Common.
2721. Are there not orchards at Kissing Point, and round there, on ground worse than that of the Common? There are orchards on worse ground than portions of the Common.
2722. I suppose you know Mr. Shepherd's orchard there? Yes.
2723. Is there not on the Common land as good as that of Mr. Shepherd's? A very small portion; there is a little near Bellemy's, at the west end of it.
2724. I think you have stated before, that you cannot give any idea of the expense of making these roads and bridges? No, but I have found from past experience that they mostly cost double what they are estimated at.
2725. You know this portion of the Common fronting the Lane Cove River? I have seen it, but I have not noticed it particularly; I have ridden that way.
2726. Are there not some nice spots there for villa residences? Yes, there are some parts that might be made very pretty places.
2727. Are there not some portions where there are as good sites and as pleasant views as at Hunter's Hill? I think not.
2728. Have you seen these parts round the river where it is taken up by parties? Yes.
2729. Is there no good land there? There was one place we came across, and I remarked that it was surprising to me how a man got his living off it at all; he pays a little rent.
2730. Still he makes a living, and pays a little rent? He does, but I do not know how he does it.
2731. Are there not some good orchards upon portions of the Common now? I would not say that there are any good orchards.
2732. If the land were a man's freehold property, do you not think he might make a good orchard there? It would require a good deal of money; it would be of no use for a poor man or a man of limited means to attempt it.

2733. *By the Chairman*: You have been asked the question, whether you considered that parties living equidistant from Parramatta and Sydney would not prefer going direct to Sydney rather than to Parramatta;—I would now ask you whether, if those persons had water carriage at a convenient distance, they would prefer going by these bridges to sending their produce by water? I am satisfied everyone who could avail himself of water carriage with fruit would do so.
2734. A question has also been asked you with reference to the advantage of sending to Sydney for medical assistance;—are you aware that the principal portion of the residents at Kissing Point go to Parramatta for medical assistance? I am.
2735. You stated that you consider those persons who live in the north-western portion of the district are opposed to the surrender of the Common, but that those living near Hunter's Hill were in favour of it;—are you aware whether all are in favour of it, or only some? No.
2736. Are you aware what proportion are in favour and what against? No; I am aware that those at the western end are opposed to it.
2737. As to the eastern district, Ryde, you know very little? Very little.
2738. *By Mr. Sutherland*: You state that the residents at Kissing Point go now to Parramatta for a doctor? Yes.
2739. Is it possible for them to come to Sydney for a doctor, except at those times when the steamers come twice or thrice a day? I should say not.
2740. *By the Chairman*: Are you aware that there is a ferry crossing the river at Bedlam Point? Yes.
2741. Could they not go by that ferry? Yes.

James Pye,
Esq.

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Mr. Henry Harvey called in and examined:—

2742. *By the Chairman*: I believe you are a landed proprietor in the Field of Mars? Yes.
2743. How much land do you hold? Near 300 acres.
2744. You have also a large orchard? Yes.
2745. How is your produce forwarded to Sydney? By water.
2746. Do you consider that the best mode of sending your fruit to market? Yes, it is convenient, but if it were more inconvenient it would be sent by water if possible.
2747. Do you consider it more economical as well as convenient? Decidedly.
2748. Supposing Parramatta River and Iron Cove Bay were to be bridged over, do you think people residing in your neighbourhood would take advantage of that road and bring their produce by that way to Sydney? No, they would not.
2749. Do you consider that these bridges would tend in any way to benefit that portion of the district? Not that portion.
2750. Then you consider that the bridging over of the Parramatta River at or near Hunter's Hill would give only to the people of that portion of the district any advantage that might accrue from the bridge? Yes.
2751. Have you been over the Field of Mars Common? Yes.
2752. Do you think if the Common were sold it would realize sufficient money to pay for the erection of these bridges? It must be a very cheap bridge if it did. I do not know what a bridge would cost.
2753. You cannot form any idea as to what the cost of these bridges would be? No, I have no idea.
2754. At what do you estimate the value of the Common? At the present moment?
2755. Yes? It is a difficult matter to say; I do not suppose a third of it would sell at any price.
2756. Supposing the land were cut up in lots, do you consider that a large portion of it might be sold? There are portions I have no doubt would sell.
2757. You have seen a plan of the Common? Yes. (*The witness referred to the plan produced by the Chairman.*)
2758. Supposing those portions marked there as good land were sold, what do you imagine they would bring? It is very difficult to say, because perhaps if I had land adjoining I might be disposed to buy a few acres at twice what it was worth; but if it were all brought into the market perhaps half would not sell at once.
2759. You do not think the good land could be disposed of? I do not believe it could—the whole of it.
2760. Have you seen that map before? Yes.
2761. Do you know Mr. Birmingham, the surveyor, who drew it? Yes.
2762. Do you know that he is a regularly licensed surveyor? Yes.
2763. Do you believe he is a man you could place confidence in? I do. I do not know much of surveying myself, but I believe the Surveyor General, in his evidence before a Committee of this House, gave him great credit, and said he was a clever man and capable of performing his duty well.
2764. Then you would take the description as laid down there as a correct description? I have no reason to doubt it; he has surveyed for me, and I have reason to be satisfied with him.
2765. Are you aware that the quantity of land he has marked as good land amounts to 1,100 acres? I am not aware of the quantity; in riding over the Common as we did we could not judge of the quantity.

Mr. Henry
Harvey.

30 July, 1862.

- Mr. Henry Harvey.
 20 July, 1862.
2766. Are you, as a commoner entitled to the use of the Common, willing to give up your right to the Common, for the purpose of bridging over the Parramatta River? No.
2767. Do you know the land of Dr. Sherwin recently sold to Mr. Ross? Yes.
2768. Is that similar land to the Common land? Some of the Common land is I think equal to that.
2769. Is the price that was given for that any guide as to the probable value of the Common land? No; there were improvements upon this land—a good house, and everything of that sort.
2770. Are you aware what the house cost? I did hear that Mr. Ross gave £5,000 for the property.
2771. Are you aware what the improvements cost? I think the improvements cost £3,000 of the money; the house cost about £2,000.
2772. A considerable portion of the land is cleared? Yes, and there is an orchard.
2773. All of which tended to increase the value of the place? Of course it was the improvement that gave value to the place. I forget what that land sold for when it was bought by Mr. Rutledge—I think it was 25s. an acre.
2774. You bought some land contiguous to it? Yes.
2775. How much? I think 300 acres.
2776. What did you give per acre for that land? 7s. or 7s. 3d.
2777. And that land was sold to Dr. Sherwin? I think it was; it belonged to the estate of Captain Kent, I think.
2778. Did you at any time buy any portion of Mrs. Bobart's land? Yes.
2779. Where was that land situated? About 400 yards off the Pennant Hills wharf.
2780. Near Mr. Heydon's property? Yes, opposite Mr. Heydon's.
2781. Is that land at all similar to the Common? A large portion of the land I bought was very good land—I think equal to the best of the land on the Common.
2782. As regards its situation, do you consider it desirable? It was that caused it to fetch the price it did.
2783. What price did you give for it? I think, on the average, about £22 or £23 an acre; I only bought twenty odd acres.
2784. Do you consider that the price that land brought could be taken as any criterion of the value of the Common? Not at all; I am very sorry I bought it at that price, I assure you.
2785. You would be very glad to get the same price for it? Indeed I should, after it has been fenced in.
2786. From your knowledge of the Common land, do you consider the situation adapted to villa residences? Not the portion I saw. What I have heard represented as such beautiful sites for villa residences is facing Lane Cove River, and according to my idea no one would think of buying much of that land to expend much money upon it, for they would be roasted in summer time; the face of it is all rock.
2787. Have you been over that way? I have been over that way twice.
2788. Do you not consider that persons residing in Sydney and Parramatta would be disposed to purchase portions? They might. I have seen extraordinary things in the way of people giving large sums of money for pieces of land they have fancied, but as a general thing I do not think it would be very taking for villa sites; it would not be my choice.
2789. Do you consider that the bridging over the Parramatta River would lead to the general improvement of that portion of the district where you have property? Not where I hold property; I do not think it would be any advantage about there. That portion of the district is where the greater portion of fruit and produce comes from—Mobb's and Bellemy's, the best part of the Field of Mars, and the people there would not be benefited by it.
2790. You think they would not take advantage of the bridges if they were built? No, the land carriage is against it; they do not like taking their fruit to market in a cart.
2791. How do they generally convey their produce to market? A great deal goes by steamer, a great deal by rail, and some goes by the road.
2792. They have the facility of the Parramatta River running immediately alongside? Yes.
2793. Would you, as one entitled to the use of the Common, consent to give up that right? No.
2794. Are you aware whether any considerable portion of the residents around you are averse to the surrender of the Common? I know a large portion of the people that I have spoken to about it are; in fact, they have called upon me at Parramatta, where I live, and have stated that they are averse.
2795. From what you have heard, you believe that those persons who reside in the north-western portion of the district are opposed to the surrender? Yes, all those who are opposed live in that quarter.
2796. Do you consider that in the event of these bridges being erected, they would not give the preference to that road? No, in fact it would be a disadvantage to go that way, as they would have to go farther.
2797. How far is your property from Parramatta? About three miles by water, and not much more by land; it is just opposite Blaxland's.
2798. The portion of the district around where your property lies is the productive portion of the district? It is a great deal like all the other land in the Field of Mars—it takes a great deal of labour to make it productive; in fact there is no land there to be called good. The Field of Mars land has been brought into cultivation with manure and that sort of thing, and may be made into orchards, but it is far from good.

2799. As a large landed proprietor, and a large producer of fruit, is there any additional mode you could recommend by which to benefit your district? I do not see where the road is to open to; there is no good land about Colah. I do not see how you could benefit us unless you put a bridge across the river at Blaxland's, so that we might get to the railway by a nearer road. Mr. Henry Harvey.
2800. Are you aware that land has been lately sold in the Parramatta Domain? Yes, I was at the sale. 30 July, 1862.
2801. What did it bring? £5 and £6 odd; some only fetched £2, and some £4 an acre.
2802. What was the Government minimum price? There was a portion of it sold at £2 an acre.
2803. How far was that from Parramatta? That which fetched £6 an acre from two to three miles from Parramatta, at the outside three miles with a good road to it.
2804. Would the price that land realized be a fair estimate of the probable value of the Common? That was very superior land that sold at £6 an acre; and there was some that faced the Windsor Road that fetched only £4 an acre, and one lot even less than that.
2805. Do you consider that that ought to be taken as any criterion of the probable value of the Common? No.
2806. *By Mr. Piddington:* The land you speak of that was sold at the Parramatta Domain is distant from Sydney how many miles by the road? About sixteen or seventeen miles by the road.
2807. And if bridges were constructed over the Parramatta River as proposed, what would the distance be from the Field of Mars Common to Sydney, taking the bridges and the proposed line of road? I am not sufficiently acquainted with the plan to know where the bridges are to be.
2808. One bridge is proposed to be over Parramatta River and the other over Iron Cove? That would be from the Common, as nearly as I can judge, about six or seven miles.
2809. Then what criterion can you derive from the sale of land seventeen miles from Sydney, as to the value of land but six miles from Sydney? That may be, but I am speaking of the Common generally. A portion of the land within a mile or so of the bridge may sell, but I do not believe, taking it as a whole, that a fourth would sell.
2810. You know Mr. Birmingham, who has prepared the plan before the Committee? Yes.
2811. You have a high opinion of his qualifications as a surveyor? Yes, from what I have heard of him.
2812. You are aware that Mr. Birmingham has pointed out on the Field of Mars nearly 1,100 acres of available land? Yes.
2813. With reference to that choice portion, what in your opinion would that land produce, if it were sold gradually after the bridges were constructed, as villa sites, per acre? It is almost impossible to give an opinion upon such a matter. A good deal of the land marked by Mr. Birmingham is not fit for villa sites. A good deal of it is facing to the north-east, a long ridge at the back of Mr. Ross's, which is anything but a good site.
2814. I am now alluding to the land marked out by Mr. Birmingham? I could not say from seeing it on the plan.
2815. You have no idea of the probable value the land would bring if it were sold after the bridges were constructed? Things must alter very much if half would sell at all; we have had such outrageous things in land sales that it is impossible to say what land may bring.
2816. You have done something extraordinary in land, I believe? I have lost a little money.
2817. How much did you give for the land you bought at Mrs. Bobart's sale? I think £22 or £23 an acre.
2818. You have been long resident in the Colony? Forty years.
2819. Seeing that after forty years' residence in the Colony you have given as much as £23 an acre for land not far from the Common, do you not think many people would follow your example? There is a great deal in the locality; the land I bought was near the water, level, and of comparatively good quality.
2820. How far is the land for which you gave £23 an acre from the nearest part of the Common? I dare say, as the bird flies, it would not be above two miles or two miles and a half.
2821. How long is it since you gave £23 an acre for land within two miles of the Common? I think two years last June.
2822. If these bridges were constructed, are you of opinion that none of the land of the Common within two miles of the place you mention would bring £22 an acre for any purpose? Certainly not, unless the people were mad; they could not be right in their heads to give such a price.
2823. Are you aware of any other land in the Field of Mars besides Mrs. Bobart's that has been sold of late years? No, I do not recollect at the moment.
2824. You have not a very high opinion of the Field of Mars district for wheat-growing? I do not suppose there are two thousand bushels grown in the whole district, taking in Castle Hill.
2825. The general character of the entire country is not favourable for growing wheat? By no means.
2826. Then the Field of Mars Common is not particularly worse than the rest of the country? There is some very passably good land on the Common—a small portion; how much I cannot say.
2827. The Field of Mars Common partakes of the general character of the land in the district—some good and some bad? There is a great deal of bad, and some very little good; I had no idea there was so much good.
2828. You had no idea there was so much good as Mr. Birmingham points out? No.

- Mr. Henry Harvey.
30 July, 1862.
2829. You have no doubt of Mr. Birmingham's competency to form an opinion? I have no reason to doubt it.
2830. You are a commoner? Yes, I suppose I am entitled to the right.
2831. You never applied to be acknowledged as a commoner? No, I was once appointed a trustee with Mr. Pye.
2832. What advantage is the Common to you for grazing purposes? It is no advantage to me as an individual.
2833. Do you turn out any stock upon it? No.
2834. Supposing you did, would you ever expect to find them? I was going to say, if I did I should be afraid that I should not see them again.
2835. The Common is not fenced in? Only by various persons' fences.
2836. But the Common as a whole is not fenced in? Not that I am aware.
2837. If you turn out stock without tailing them, there is nothing to prevent their going many miles? There is this one thing, that they could not get over one part of the Common without breaking their legs.
2838. There are no fences? No.
2839. Nothing to prevent cattle from straying if they are not tailed? No.
2840. Have you been on the Common of late? About a fortnight since.
2841. Is there much land free from trees suitable for the grazing of sheep? None at all.
2842. Then for grazing purposes is this land of much value to the commoners? No, only I think the people who live near it have the advantage —
2843. For grazing purposes? No.
2844. You are aware that the Common was granted for grazing purposes among other objects? Yes.
2845. Have you seen sheep or cattle grazing there? I have seen a few cattle, but I have not seen sheep.
2846. Have you seen a hundred in a mob? No; perhaps fourteen, fifteen, or twenty.
2847. Are you aware of the entire number of cattle the trustees permit to graze on the Common? No.
2848. If the trustees have not given permission for more than 500 head of cattle to graze on the Common, is not that a small number to graze on 6,000 acres? They would not live long, for it would not support them.
2849. If it is your opinion that it would not support them, of what use is it for grazing purposes? It is of no great use for grazing purposes.
2850. Then the commoners would lose little or nothing if the Common were taken away from them, in respect to the right of grazing? That would not be the most serious point.
2851. Are you acquainted with Commons in England? I know very little about them; there was one near where I lived, that they turned their geese and jackasses upon.
2852. Your recollection is sufficient to satisfy you that they were free from underwood and timber? Yes.
2853. And that they are really used for grazing purposes? Yes.
2854. For grazing purposes the Field of Mars Common is not like a Common in England? No; the inhabitants here lie wide, and many who are at a distance would not bother their heads to send their cattle to the Common.
2855. Is not the greater part of the Common covered with standing timber? There is a great deal, not to say timber, but saplings and stuff; there is no great deal of large timber.
2856. Is there much of it cleared—much green sward? No, there are a few spots let for cultivation.
2857. I understood you to say that the chief advantage of the Common to the commoners is its affording firewood? That is the chief advantage.
2858. Is that a very great advantage to the inhabitants? It is, because wood is not particularly plentiful; it is also useful for fencing.
2859. Do you know whether any parties sell wood from this Common, for the consumption of Sydney, without the knowledge of the trustees? I do not know anything of that.
2860. Do you not think they might send boats up Lane Cove River and get firewood for Sydney without paying the trustees? The wood they want in Sydney is larger wood that they can split; saplings they will hardly take as a gift; I have some that I should like to dispose of, but I cannot get anyone to take it.
2861. Do you know as a matter of fact that wood boats ply at Lane Cove River to obtain wood from the Common? They may.
2862. What particular advantage is that to the commoners? I do not know that it is any, unless they take toll.
2863. Do you know that any toll is taken? No, I do not know whether they receive any revenue from it.
2864. Do you get much fencing or use much firewood from the Common? I do not.
2865. Then the Common is no great advantage to you? None whatever.
2866. Then it is upon grounds of equity you give the opinion you have expressed? Yes, I think the principle is wrong—that it ought not to be given up. If it opened to any good country, any agricultural country, by which the general inhabitants would be benefited, then I think the people would be foolish not to give it up; but it can be no advantage, as the road would go to Bellemys and there stop; there is only the portion of land marked red that is good, all the rest consists of rocks, and you cannot get farther.
2867. Do you not think the public the best judges of what is beneficial to them? Yes, I am speaking only my own ideas.
2868. Do you know of any land in the immediate neighbourhood of the Field of Mars that has sold for upwards of £25 an acre within the last few years? No.

- 2869. Have you heard the price land brought on the Gladesville Estate? Yes, I know that when that was first in the market it was bought very cheap; it was afterwards cut up and sold at very high prices.
- 2870. If it has been given in evidence that part of the land on the Gladesville Estate within half a mile of the Common sold for £60 an acre within the last two or three years, have you reason to suppose that land in the neighbourhood of the Gladesville Estate would bring considerably less if bridges were constructed? There might be a little sold; but take it as a whole I do not think it would fetch 40s. an acre, taking the average within four miles of Gladesville.
- 2871. Are you now speaking of the land being sold before or after the building of the bridges? After the bridges are built.
- 2872. Do you know that portion of the Common rented or leased to a person of the name of Face, near Gladesville Road? I do not know whether that was pointed out to me.
- 2873. Do you know the land that Dr. Campbell purchased? Yes, I know that well.
- 2874. Do you know the portion that abuts on Gladesville Road, near Dr. Brereton's. Yes.
- 2875. Are you aware that there is some portion of the Common land within two chains of that road? Yes.
- 2876. If Dr. Campbell has given £25 an acre for land in that exact locality, what reason have you to suppose that land adjoining which is Common land would not realize nearly as much? How long is it since he bought it?
- 2877. Two or three years? That is no criterion to guide us in the present day, for I believe that half the people lost their reason in purchasing land three or four years ago; I should not be surprised if it then fetched £25 an acre, for there was a perfect rage for land at that time.
- 2878. If these bridges are built do you not think it possible another rage for land may be expected? It may burst out to a small extent, but I am afraid I shall not live to see the time—I wish I could. People find now that orange orchards are not so profitable as they thought, in consequence of the disease, and of the labour connected with them being so great, and they cannot afford to pay the enormous price for land they have done.
- 2879. Do you doubt if these bridges were built that they would increase the facility of communication with Sydney? No doubt it would be a great facility to people around Kissing Point and Gladesville.
- 2880. Are you of opinion that it would not tend to increase the number of purchasers of land in the neighbourhood of Ryde if bridges were constructed? It might, because I expect they would get it very cheap, and many persons would like to live out of town.
- 2881. Since the steamers have called at Hunter's Hill, have not the people of Sydney built houses and lived there? Yes.
- 2882. Do you not attribute that increase of population to the facility of communication afforded by the steamers? Yes.
- 2883. If the same facilities were afforded, would not the people of Sydney be likely to build upon the Common? They might upon a portion, but I do not believe they would, taking it as a whole.
- 2884. *By Mr. Lackey:* You say you have bought some land at various times in the district? Yes.
- 2885. When did you purchase that land for which you gave 7s. 3d. an acre? I think it must be about twenty years ago.
- 2886. You have bought land recently? Yes, two or three years ago.
- 2887. You gave for that about £23 an acre? Yes.
- 2888. This land for which you gave £23 an acre is near the river side? About 400 yards from Pennant Hills wharf, facing the road; it is a square block, and in a good situation.
- 2889. If the land you purchased were in the market now, what do you imagine it would fetch per acre? I do not think an offer could be got.
- 2890. You are of opinion that your land is in a much more eligible situation than the land of the Common? Yes, some of it was considered the best that was sold there.
- 2891. There was, at the time you bought this, a great desire to buy land in all parts of the country? Yes.
- 2892. You know the land that was sold in the Parramatta Domain? Yes.
- 2893. Do you think there is any of the Common land equal to that? There may be a small portion, but there was only a small portion of the land in the Domain that was good land.
- 2894. Do you think, as a matter of investment for working men of small means, the Common land would be desirable—do you think it would be purchased with a view of being cultivated? Small portions might.
- 2895. Do you think it would realize the anticipations of the persons who might buy it;—if they were to clear and bring it into cultivation is the land good enough to repay them? There is not much call for land in that way by poor people; in fact I do not see how they could get a living off this land. A poor man has no business with land.
- 2896. A man with only a small capital might, you think, employ his means with greater advantage in some other channel? I think so.
- 2897. You know of no way by which he could occupy this land so as to repay him for the necessary outlay? He must have some means to commence with, as it would cost him £8 an acre to clear it.
- 2898. Do you know anything of cotton growing? I grew a little that was shown; that did very little —
- 2899. Was it affected by the frost? Yes, the cold weather set in and prevented it from podding. If it had been put in before September it would have done very well.

Mr. Henry
Harvey.
20 July, 1862.

- Mr. Henry Harvey.
30 July, 1862.
2900. You believe the climate and soil of that part suited to cotton? No; this was a piece of land that was prepared on purpose.
2901. Was this a piece of land you bought near the Common? No, the land I bought near the Common I sold to Mr. Devlin for £25 profit on the same day.
2902. The land on which you grew the cotton, how far was it from the Common? Not more than two miles straight over.
2903. Is there any land on the Common equal to this on which you grew the cotton? Yes. This was a few rods that was dug up and manured on purpose.
2904. You have had an orange orchard for some time? Yes.
2905. Has it been very productive? Yes, till the trees have gone dead.
2906. You think the land on the Common is as good as that? Yes, about the same quality.
2907. What quantity is there of that? I was not aware that there was so much as is marked here; from riding over it I came to the conclusion that there were five or six hundred acres passable land.
2908. You rode over it? Yes.
2909. Have you been over to Lane Cove? Yes, I went over to Lane Cove River twice.
2910. What is your opinion of that portion of the Common generally, as a site for villa residences? Of course the trees obstruct the view, but I did not see anything that if it were cleared land would, I think, induce many people to build.
2911. You have been to the northern portions of the Common? Yes, but not much of late years.
2912. That would not recommend itself to you as a particularly eligible situation? That is no good at all—the northern portion of the Common.
2913. You say the Common is used for grazing stock upon it by the commoners and small farmers in the vicinity;—are you not of opinion that it is very convenient for them to run dry cows upon it where they have no paddocks of their own? Yes.
2914. Is it generally used for that by a great many of the commoners? So I am told.
2915. Have you ever used your right of cutting timber on the Common? I have had timber from the Common repeatedly.
2916. Is there much good timber on the Common now? Not a great deal—here and there is a tree; higher up, towards Bellemy's, the timber is better.
2917. Timber for farm buildings and fencing is very scarce? Yes.
2918. If the Common were held and this timber were protected, in a few years the timber would be very valuable for fencing purposes? Yes; the other day I wanted to have some fencing and the man said he could not get any.
2919. You think if the ironbark and oak saplings were preserved, in the course of years it would be very valuable when fencing stuff became scarce? Yes, if it could be preserved.
2920. You say the commoners object to the Common being taken away for the erection of these bridges? Yes, because they think the principle is wrong.
2921. Do you know how far the Homebush station is from Ryde, across by Bray's? I should suppose about three miles—it may be three miles and a half.
2922. Do you not think the convenience of the inhabitants of the northern side of the river would be consulted as much by the construction of a bridge over this part of the river, to communicate with the station at Homebush, as the convenience of the people at the southern end would be by the construction of a bridge at Five Dock? That would suit the people at Kissing Point, and I think the larger portion of the population; and the other would suit those at Gladesville.
2923. Do you think it would be more convenient to the larger portion of the residents on the northern side of the river? Yes.
2924. You have come into communication with a great many of the commoners, and believe that is the prevalent opinion? Yes; and people who are not interested in the Common have come to me and said, "You are not going to sanction the Common being taken away." They have come to the same conclusion that I have—that the principle is wrong.
2925. *By Mr. Sutherland:* You state that Homebush station is from three to three and a half miles from Ryde? I am not positive.
2926. In measuring the distance, do you take the north side of the river or Ryde Church as the starting point—I suppose the chief portion of the population is there? Yes.
2927. What is the distance from the river to Ryde Church? I suppose about half a mile; the distance to Homebush station would be about three miles and a half, or not more than four miles.
2928. What do you suppose would be the expense of making a road from there to Homebush? I have not the least idea; there would not be any great expense after you got across the river to Homebush, for it is comparatively level land.
2929. That is supposing you had to purchase no land, but it is all private property there? Yes.
2930. What is the width of the river there at the punt? It is a pretty good width, but there is not much deep water.
2931. What is the distance from Homebush station to Sydney? I think it is called six or seven miles.
2932. It is eight? It may be eight.
2933. Do you not think if there were a direct road from Sydney to Ryde Church, six miles long, that the people would prefer going by that road to going four miles to Homebush and then eight miles by rail? Yes.
2934. You think it would be a greater advantage to have a road direct to Sydney? It would suit some people, others it would not.

2935. Ryde Church is the centre of population in that district, is it not? I have no doubt it would be better for Ryde if there were a bridge where it is spoken of, at Gladesville, to go that way to Sydney, than to go the other way, for the distance from Ryde to Gladesville is not perhaps more than three miles.

Mr. Henry
Harvey.

30 July, 1862.

2936. It is six miles by the proposed road from Ryde Church into Sydney? It must be a great deal more than that if they go over Iron Cove, for after they get over that they have more than four miles to go.

2937. Take it at eight miles, but I have been informed by a surveyor that the road is only six;—do you think, if there were a road from Sydney to the centre of population, only eight miles, the people would take advantage of that road rather than go by any other? There is no question of that, if there were a good road and a good bridge to go over—if they could go that way the nearest and most comfortably.

2938. Do you not think if the road and bridge were made it would increase the population of that district very much? The facility of getting there might do that, but I do not see much inducement to draw a large population there, for the land is poor and very badly watered all round that quarter.

2939. Are there not persons getting a living and paying rent for property adjoining the Common land now? There may be, but I am not aware; I believe there are parties renting the Common land.

2940. I allude to persons renting private land? That I do not know; I know very few of the inhabitants round about that quarter. All I say is, that people could not come there to get a living; it is an elevated situation, and they might get their health.

2941. You think it is a healthy locality? It has always been considered so.

2942. And being only six or seven miles from Sydney, people would build villa residences and reside there? Yes, they might eventually, when the land is taken up nearer Sydney; but at present there are so many places nearer in the market that I think they would be chosen first. I wish there were a greater call for land, for at present we have hundreds of houses in Parramatta shut up and cannot get tenants for them.

2943. Parties buying land three miles out of Parramatta—such as you say was sold the other day—would have to travel by road some nineteen or twenty miles? If they went by the road; from the farthest part of the Domain it is about eighteen miles by railway.

2944. I am alluding to the road? The distance from Parramatta by the road is fifteen, and by the railway thirteen and a half miles.

2945. *By the Chairman:* Do you consider that the population at Ryde prefer going to Sydney by water to going by land? Some would, no doubt; some would not. If people were coming to Sydney for pleasure they would take the steamer, if for business they would take the shorter road.

2946. Do you think they would be a shorter time coming by the road than by steamer? I do not think it would be much shorter.

2947. Is not water travelling considered far preferable to land? It depends upon the facility of getting to the water.

2948. Do you know Mr. Birmingham? Yes.

2949. Are you aware that at the present moment he is unwell and unable to attend this Committee? Yes, I saw him at Parramatta.

2950. He is dangerously ill? He is unable to come here at the present time; but he says the doctor informs him that he thinks he may come next week if you should require him.

2951. *By Mr. Sutherland:* At what time can you leave Sydney to get home to-night? I am living at Parramatta.

2952. Supposing any person were living at Ryde, and were here as a witness, at what time could he get home? If he were here till a quarter past one he could not get home till the next steamer leaves, at five o'clock.

2953. He would be unable to get home until dark, whereas if there were a bridge he could go home immediately after leaving the Committee? The people of Ryde are no doubt very badly off.

2954. *By Mr. Lackey:* There would be nothing to prevent his riding home at once? If he had a horse.

2955. He could go at once and cross by the punt? Yes.

2956. *By Mr. Sutherland:* How many miles is it to go by the punt? I think it is seven miles to the punt; I think to the church ten miles.

2957. You cannot cross the punt after dark? I think not.

2958. Is there not a regulation that the man shall not loose the punt after dark? I do not know—I have been over it seldom.

FRIDAY, 5 SEPTEMBER, 1862.

Present:—

MR. COWPER,
DR. LANG,
MR. LACKEY,

MR. LUCAS,
MR. PIDDINGTON,
MR. STEWART,

MR. SUTHERLAND.

ISAAC SHEPHERD, Esq., IN THE CHAIR.

James Byrnes, Esq., called in and examined:—

2959. *By the Chairman:* I believe you are a landholder in the Parish of the Field of Mars? Yes.

2960. What number of acres do you possess? Thirty or thirty-five acres.

Jas. Byrnes,
Esq.

5 Sept., 1862.

- Jas. Byrnes,
Esq.
5 Sept., 1862.
2961. Do you claim a right of commonage over the Field of Mars Common? Yes.
2962. Have you heard of any proposition to surrender the Common to the Crown? I have.
2963. Are you aware with whom that proposition originated? No.
2964. Are you aware that there is a feeling adverse to the surrender of the Common? I am aware of that fully.
2965. Have you attended any public meetings when the subject has been canvassed? I have.
2966. What, in your opinion, is the wish of the greater portion of the producing part of the population of the district as regards giving up the Common? They are decidedly opposed to it.
2967. Have you any knowledge of the Common, as to its fitness for agricultural purposes? Some portions of it might be available for agriculture.
2968. Do you consider that a large portion might? I think not; that is, if you mean for the production of cereals and so on.
2969. Do you consider it desirable as sites for building? For business places, do you mean?
2970. Either business places or villa residences? Decidedly not for business places; as to residences, it is hard to say what people's tastes may lead them to do in a matter of that kind; but no doubt if the Common could be cut up in blocks of ten, twenty, or a hundred acres, they would be purchased by some parties as places for residence, and by others for making small orchards.
2971. Do you think it probable a large portion or the whole might be disposed of in that way? I think there is a large proportion of the Common that would hardly be taken at a gift, if persons were obliged to build upon it.
2972. What is your opinion of the value of the Common as a whole? There are some portions that I think would sell for £10 an acre, and other portions for £3 or £4 an acre, and other portions that would not sell at all.
2973. Can you give the Committee any idea what, in your opinion, the Common, of which there are about 6,000 acres, would realize as a whole? Really I could hardly say; £18,000 or £20,000 perhaps; that is, if it was cut up in small blocks and sold; but it could not be sold as a whole—no one would buy it in its present state as a whole, and if cut up into blocks only the better portions would sell just now.
2974. Have you heard the subject of bridging the Parramatta River and Long Cove Bay mooted? Yes.
2975. Is there, in your opinion, any lack of means of transit from the Field of Mars and Hunter's Hill districts to Sydney? Being a proprietor of the Parramatta steamers, I am always ready to afford them every accommodation between that part of the country and Sydney.
2976. How frequently do the steamers ply? We are only running one boat on the river now—twice in the day from Parramatta, and twice in the day from Sydney.
2977. Do you find the traffic from these districts sufficient to fully employ these boats? We have taken off two boats—they would not pay their expenses. It pays one boat, but that is all.
2978. Are there other means of transit, such as sailing boats? Yes, there has always been a number of sailing boats from the earliest period almost of the history of the country.
2979. Then you do not conceive that it is necessary for the well-being of the district that these bridges should be built, in order to give additional facilities of transit? I am not a resident in the neighbourhood, and therefore I can scarcely say what other people desire; but I do not believe that it is absolutely necessary at the present time to afford any greater facilities than the people enjoy, unless by affording greater facilities you increase the population; and that will answer my purpose very well, because it will enable us to put on another boat.
2980. Have you any idea what would be the cost of erecting these bridges? Not the slightest.
2981. Are you aware whether any great extent of country would be opened up beyond the Common, supposing greater facilities of transit were afforded? Certainly not; none of any importance or of any value.
2982. What means of transit is usually considered most desirable—land or water carriage? Water carriage I should say, unless you can get railways, which are a more rapid means of transit.
2983. Are you aware whether the residents of the northern portion of the district have any other means of transit to Sydney than by water;—have they additional facilities of transit by railroad by Parramatta? Yes, they have.
2984. Do you know whether that means of transit is taken advantage of largely by the producers of the northern portion of the Field of Mars district? Yes, very largely.
2985. Then, independent of the means of transit by water, they have steam traffic? They have the locomotive on the Parramatta railway.
2986. You can give us no idea whether in the event of the Common lands being sold they would realize sufficient to build these bridges or more? No; my own judgment is, without going into the thing, that they would fall very far short of it; in fact I am certain of that.
2987. As a commoner, having an interest in the Common, are you willing to give up your right of commonage for the purpose of building these bridges? Certainly not.
2988. What portion of the district do you imagine would be more particularly benefited by these bridges? From Gladesville down to Hunter's Hill.
2989. Do the inhabitants there produce largely, or cultivate the land to any extent? I should think not.
2990. *By Mr. Piddington:* As part proprietor of steamers touching at Kissing Point, are you an interested party in this question? Certainly not; I do not care three straws about it.
- 2991.

2991. If the proposed bridges were constructed, would they tend to diminish the number of passengers who came by the Parramatta steamers? I think not. If the bridges produced any effect at all it would be to increase the population, and therefore they would be decidedly advantageous to me, because families would prefer going up and down by the steamer to travelling either by carts or carriages on the roads. Jas. Byrnes,
Esq.
5 Sept., 1862.
2992. Have you any idea what families would prefer if they could come at any time of the day by means of the bridges to Sydney? I have never gone into the question.
2993. Have you any objection to the proposed building of these two bridges, independent of the question of the surrender of the Field of Mars Common? Not at all; if you proposed a dozen bridges I should be very glad to see them constructed.
2994. In virtue of your proprietorship of land in the district of the Field of Mars, have you acquired any grazing right upon the Common? I have always felt satisfied I had a right which I have never exercised; my tenant I believe exercises it.
2995. Do you know whether your tenant has applied to the trustees for a share of the rights of commonage? I do not know that he has.
2996. You have not applied? I think I applied, on one occasion, to Mr. Shepherd, in consequence of an advertisement I saw.
2997. Do you know to what proportion of stock you are entitled, in virtue of that application, to run on the Common? I have not the slightest idea.
2998. Then the right you possess has not been of much advantage to you? No, it goes with the land; the holder of the land exercises it.
2999. You have not concerned yourself much about it? No.
3000. You do not know whether you are entitled to run ten head of cattle or thirty? I do not know.
3001. Do you know whether you have the right to graze three head of cattle? I do not know whether I have a right to graze a calf or a cow, or a dozen.
3002. Then the value of this right to you has not been of such importance as to induce you to make much inquiry about it? Not to me as an individual.
3003. You know the Field of Mars Common? Yes, I have travelled over it hither and thither on business, but not for some years past.
3004. Do you consider the Common of much advantage to the people of the district for grazing purposes? I believe it has been of immense advantage to a number of the commoners, for grazing purposes and for other purposes.
3005. Is there much cleared land on this Common? I believe there is some that was cleared by a few squatters.
3006. Out of the 6,000 acres is there much open land fit for grazing purposes? There is a difference of opinion at all times on that point whether clear land or timbered land is the best for grazing purposes in this country. In dry seasons land pretty well shaded is decidedly better for grazing purposes in the county of Cumberland than land thoroughly cleared.
3007. I am not speaking of land thoroughly cleared, but I ask whether there is much land upon the Common sufficiently open to be of use for grazing purposes? I cannot say; I have not travelled over it recently.
3008. You do not know whether it is covered chiefly by underwood? No, I have not been over it during the last five or six years.
3009. If the Common be covered with standing timber, young or old, to a great extent, can it be available for grazing purposes? Do you mean underwood or forest timber?—If it is only forest timber I say it is decidedly better to leave it standing, but if it is covered with underwood it is perfectly useless, unless the parties interested take the trouble to destroy the underwood.
3010. Do you know how many head of stock of every description have been permitted by the trustees, on the application of the commoners, to be grazed over these 6,000 acres? I do not.
3011. Have you ever seen many head of cattle lately grazing on the Common? I have said I have not been on the Common for five years past.
3012. Have you at any time seen as many as one or two hundred cattle grazing there? I have seen a great many cattle spread over the Common at different periods in years gone by.
3013. Have you seen any large number in one place? Milch cows and cattle belonging to various parties do not collect in large mobs. Each person's cattle would keep to themselves.
3014. Have you seen many horses grazing on the Common? I have not been on the Common for five years.
3015. What is the use of the Common—what is it intended for? I have not gone into the legal question.
3016. I speak of the practical question;—do you believe this Common is of much use for grazing purposes? I think it is of much use to the small farmers; particularly to those whose properties are bordering upon the Common.
3017. For grazing purposes? Yes. Not that it will fatten cattle, of course.
3018. You do not know to what extent these small commoners do really avail themselves of the Common for grazing purposes? I do not.
3019. Is it your opinion that this Common, if cut up and sold in small blocks, might bring eighteen or twenty thousand pounds, founded upon its present condition, without the bridges? I do not think the bridges would increase its value one iota.
3020. Do you not think that building the bridges would tend to increase the population of the district? I think not. There must be greater facilities afforded to persons to induce them to go and live in places of that kind than those derived from running over bridges.

- Jas. Byrnes, Esq.
5 Sept., 1862.
3021. What better facilities do you allude to? In the first place there must be consumers for their produce.
3022. I am not speaking of producers, but simply of population—residents, persons who inhabit houses? The population would be very little indeed increased, if any, by the construction of these bridges—that is my opinion.
3023. I understood you to say that the population might be increased if other facilities were afforded;—I wish to ask what other facilities you allude to? They must find the money to enable them to turn over the soil to some effect and form orchards.
3024. Do you think these bridges would tend to benefit the inhabitants of Sydney, by bringing that district into easy communication with Sydney? I do not think so. I do not think the people of Sydney care three straws about the Field of Mars Common.
3025. Supposing the steamers were taken off, and did not touch at Kissing Point at all, would that tend to diminish the population of the district, or would it remain as it is now? There are a vast number of persons resident in the neighbourhood of Kissing Point who could not possibly leave it—their living is there—they have spent twenty, thirty, or sixty years there, and have provided their means of subsistence by their long residence and culture of the soil.
3026. My question is rather more general than your answer;—my question is, supposing the Parramatta steamers ceased to touch at Kissing Point, would that tend to diminish the population of the district? I do not think it would.
3027. Are you of opinion that increased facility of communication with a suburb in no way tends to increase the population? I do not think it does in all instances.
3028. Is not that opinion in direct contradiction to the fact in regard to the suburbs in the neighbourhood of Sydney? There is no analogy between the two cases.
3029. Do you know that the Field of Mars Common adjoins the Hunter's Hill district? Yes.
3030. Are you aware that a very great number of houses have been built within the last few years at Hunter's Hill? Yes. It is a very convenient distance from Sydney, just in the same way as Newtown is, for instance, where the omnibuses run every hour; the steamers run to and fro to Hunter's Hill, and gentlemen can reside there and get home from business early in the afternoon, and leave at a convenient hour in the morning.
3031. When the steamers cease to run to Kissing Point do they cease to produce the same effect as when touching at Hunter's Hill? Yes.
3032. How do you account for that? Simply from what I have stated. They arrive at Hunter's Hill at an early hour in the evening, and leave at a reasonable hour in the morning.
3033. What is the difference in time between the arrival and departure of the steamer at Hunter's Hill and at Kissing Point? The hours in the summer make very little difference, but in the winter season all the difference. By the time the steamer arrives at Kissing Point in the evening in winter it is dark, whereas at Hunter's Hill they arrive by daylight. During the whole winter it is exceedingly inconvenient for persons who have daily business in Sydney to reside at Kissing Point.
3034. Do you think railways tend to increase the population of a district when constructed? They have tended to decrease the population of Parramatta.
3035. I am speaking of the immediate neighbourhood of the line of railway? I give you an instance in my experience, that they have reduced the value of property in Parramatta nearly one half.
3036. *By Mr. Lucas:* And what in Liverpool? And ruined Liverpool altogether.
3037. *By Mr. Piddington:* Is not that invariably the case, that they tend to injure one part of a given line and benefit another? Yes, railways will benefit the great *termini* in the interior, and benefit Sydney, but not the towns through which they pass.
3038. Do you think the railway has not benefited Ashfield, Burwood, Kingston, and other suburbs? I think it has.
3039. Has it not benefited those suburbs in consequence of the increased facilities of communication? Solely because the persons who reside there are all business people who travel backwards and forwards to Sydney.
3040. Have business people made a vow not to live at Kissing Point? If you ran a railway to Kissing Point I believe it would increase the population.
3041. But you are satisfied the erection of these bridges would not? Yes.
3042. How do you account for that difference? By the difference in the mode of travelling, of course.
3043. The one being a more imperfect means of communication than the other? Yes.
3044. Have you ever heard of any sale of land in the immediate neighbourhood of the Field of Mars Common? Yes.
3045. Lately? Not very lately. I have known many sales there.
3046. Within what period? The only land I recollect being sold in the immediate neighbourhood was Mr. Billyard's speculation.
3047. Do you recollect how much that or any portion of it brought per acre? No.
3048. Do you remember Mrs. Bobart's land being sold? Yes.
3049. Do you recollect how much per acre that brought? No, I really forget. I suppose you know the land has remained a dead letter ever since.
3050. Do you know the land purchased by Dr. Campbell in the immediate vicinity of the Field of Mars Common? No. I have a quantity of land for sale now in the immediate neighbourhood of Mrs. Bobart's, and I cannot sell it at any price.
3051. Have you ever seen a plan of the Field of Mars Common that has been compiled by Mr. Birmingham, a surveyor? I cannot say I have.

3052. You are not aware that on that plan Mr. Birmingham has marked upwards of 1,100 acres on this Common as being tolerably good land? No. Jas. Byrnes,
Esq.
3053. Do you think any part of the land on the Field of Mars Common would be suitable for orchards? I think a considerable portion of the land would be as suitable for orchards as that now under orchards in the immediate neighbourhood. 5 Sept., 1862.
3054. What do you think is now the value per acre of land in the immediate neighbourhood of the Common that would be suitable for orchards and is not yet sold? I do not think there is any land suitable for orchards in the immediate neighbourhood that is not in the hands of small holders, except Mr. Forster's.
3055. Do you recollect Dr. Sherwin's farm? Yes, well.
3056. Do you know what that brought? I cannot remember—some unaccountable price.
3057. Some high price? Yes, the farm.
3058. Is that land of a similar character to the land within the Field of Mars Common? I think some portions of the Field of Mars Common are very similar to it.
3059. Are you aware that that land—one hundred acres—sold for £5,000? No, I am not; I am aware that the land, with all the improvements on it, sold for something like that amount. But I think Mr. Rutledge laid out £4,000 or £5,000 upon the buildings; I know he paid a very high price for his buildings there, and he also laid out an orchard.
3060. Do you know the piece of land adjoining the Common—I think it was a part of Kent's grant, sold to Mr. Ford a few years ago? I cannot say I recollect the land; I recollect the sale.
3061. Do you know what price it fetched? No. You must bear in mind that anything that was done in the purchase of land a few years ago was done when people were perfectly mad with reference to land; I have myself been as great a fool as anybody in buying land at that time.
3062. I think you said that the steamers calling at Kissing Point exercised no influence upon the population of the district? I do not think they do. I may tell you as a fact, that I have known persons go to reside in the neighbourhood of Ryde, believing that the Parramatta steamer would enable them to get backwards and forwards to their business at a proper hour to and from Sydney, and they have discovered very soon afterwards that it was inconvenient to them, and have left it.
3063. Was that mistake to be attributed to the inconvenient hours at which the steamer touches at Ryde? Perhaps a steamer running direct to and from Ryde at different hours might afford them greater facilities than they have at present.
3064. A steamer running every half-hour would afford sufficient facilities? It might, but it would not to a very great extent increase the population even then.
3065. If bridges were built so that people could travel backwards and forwards as they pleased at any hours of the day or night, do you not think that would tend to increase the number of people residing in the district? I do not think it would.
3066. *By Mr. Stewart:* Do you know anything of the country between the Common and the Hawkesbury? I have travelled over some portions of it.
3067. Do you think there is any extent of country there that would be opened up if this communication was afforded? There is a large extent of rocky, miserable country, full of deep ravines.
3068. Not likely to be brought into cultivation? Certainly not. I believe all the land available for cultivation between the Common and the Hawkesbury has been already taken up, or nearly so.
3069. It is stated by some of the parties petitioning, that there are 960,000 acres of land between the Common and the Hawkesbury that would be opened up by the means of communication afforded by these bridges;—from your knowledge of the country you do not think any considerable proportion of that land would be available? I am sure it would not—quite certain.
3070. Then you think the advantage of these bridges would be confined to the immediate neighbourhood of Hunter's Hill and the Common? I am perfectly satisfied about that.
3071. Would the residents of Pennant Hills and Dural, who now use the communication by way of Parramatta, still continue to do so, in preference to that by way of Hunter's Hill, if the bridges were constructed? They have always used that by Parramatta even when there was no locomotive between Parramatta and Sydney; they invariably took their produce down by carts and drays to Sydney.
3072. You think a considerable number of them would still continue to use that road? I am pretty certain they would.
3073. Even to those who would be nearer the bridges, would boats afford better facilities for conveying their produce to market? I think for conveying fruit to Sydney boats are decidedly better than carts.
3074. And they would be used even if this road was opened up? I think so. They are used now to some extent in preference to the steamers, although we have taken fruit at about the same price.
3075. *By Dr. Lang:* Supposing it should be found impracticable to obtain the surrender of the Common for the purpose of constructing bridges, do you think it would materially promote the interests of the inhabitants in the neighbourhood of Hunter's Hill and that side of the river, if a bridge were erected across Iron Cove and the punt placed where Mr. Langley, on his map, recommended its being placed? I think it would be a great accommodation to the Hunter's Hill people who wish to be in Sydney to a later hour in the evening than the departure of the steamer will admit of.
3076. Do you think the erection of a bridge across Iron Cove would be an important improvement for the inhabitants of both sides of the river? I do not know anything at all of the country between Five Dock (where Mr. Langley suggested placing the punt) and Sydney.
- 3077.

- Jas. Byrnes, Esq.
5 Sept., 1862.
3077. They are both desirable improvements, whether they can be effected in the way contemplated or not? I should have no objection to the improvements, as far as I am concerned, but I do not think that if the tolls were to be taken on the bridges, they would for the next fifty years pay the expenses of the man engaged to receive them, unless the population increases very much.
3078. You do not appear to think any of these improvements would tend to increase the population? I think just about Hunter's Hill—which seems to be a fashionable spot for gentlemen to reside in who have business in Sydney—it might increase the population.
3079. *By Mr. Lucas*: Do not the commoners get firewood on the Common? I believe they do.
3080. They also get timber for building and fencing purposes? They do.
3081. Those are even greater privileges than their grazing rights? Yes, I think they are of very great importance.
3082. If the Common were sold it would cost these people a considerable amount for firewood and timber? I do not know where a number of the little farmers would get their firewood except from the Common.
3083. Business people do not like to go beyond a certain distance from Sydney? No.
3084. Is it not found that notwithstanding the railway few business people go to live in Parramatta? No business people from Sydney go to live in Parramatta; I believe I am the only person in the habit of leaving Parramatta every morning for business.
3085. That is because you have been resident in Parramatta for many years? And do not think proper to give it up.
3086. Is it not a fact that business people will not go further than Burwood? Yes, I think they have pretty nearly all left the train by the time it arrives at Burwood.
3087. You said you were aware of Mrs. Bobart's property being sold;—are you also aware of the purchasers in many cases having forfeited their deposits? I have heard of it.
3088. Has any of the property been improved since? No, I am not aware of it.
3089. Speaking of the property of Dr. Sherwin, which was said to have been sold for £5,000, there are about one hundred acres of it? About one hundred acres.
3090. I think you said the buildings on it cost £4,000 or £5,000? If my memory serves me right, Mr. Rutledge told me so.
3091. At what time were these buildings erected—when labour and materials were cheap, or when they were high? I think the materials were in great measure obtained on the spot.
3092. At the time Dr. Sherwin sold this place for £5,000, could the buildings and improvements have been put upon it for £5,000? No, I am sure they could not.
3093. In that case the ground and the improvements were sold for less than the improvements alone would have cost? Yes, at that time.
3094. Of course you know nothing of the line of road from the proposed bridges to Sydney? I saw a sketch of it.
3095. You signed a petition against surrendering the Field of Mars Common? Yes.
3096. Have you the same objection to surrendering it as when you signed that petition, and for the same reasons as set forth there? I have the strongest possible objection to surrendering the Common for the purpose of constructing bridges that will be of very little or no advantage to the great majority of the commoners.
3097. Is it not a fact that by sailing boats and other ways the producers round the Field of Mars Common can get their produce to Sydney cheaper than any other persons within the same distance of Sydney either by rail or otherwise? Yes, I am sure they can.

Edward Orpen Moriarty, Esq., Engineer-in-Chief for Harbours and River Navigation, called in and examined:—

- E. O. Moriarty, Esq.
5 Sept., 1862.
3098. *By the Chairman*: Have you seen any plans of the bridges proposed to be erected over the Parramatta River and Long Cove? I saw some plans of iron bridges that were left at my office.
3099. Are those (*handing plans to witness*) the plans of the bridges you have seen? Yes.
3100. Have you made or caused to be made any estimate of the cost of those bridges? No.
3101. Have you considered as to the cost of any other bridges that might be erected over the Parramatta River? I have made a rough estimate; of course without having a design before me it could only be an approximation.
3102. Have you caused soundings and borings to be taken on the Parramatta River? Yes.
3103. Do you consider the bridges you have made an estimate of more desirable than those shown on the plan I have put before you? I think they are. I do not think either of these at all suitable; they show stone piers, but in the places where it is proposed to build these bridges the borings show from 30 to 40 feet of mud in some parts, so that it would be almost impossible to found these piers.
3104. *By Mr. Lucas*: Thirty or forty feet of mud below the present bottom of the river? Yes; the depth of mud varies, of course. (*The witness produced a plan.*) This shows 25 feet of mud in one place and 26 feet in another; that is on the Parramatta River.
3105. *By Mr. Piddington*: What is the most shallow depth of mud below the bottom of the river before you come to the rock? About 10 feet.
3106. It varies from 10 feet to 26? Yes, on the river; in Long Cove it is still deeper, there being as much as 38 feet of mud.

E. O.
Moriarty,
Esq.
5 Sept. 1862.

3107. *By the Chairman*: Will you have the goodness to give the Committee the benefit of the estimate you have made of the bridges that you considered more desirable than these on stone piers? I estimate the cost of an iron bridge, on iron piles, across the Parramatta River, at about £40,000, and of a bridge across Long Cove Creek at about £22,000; the latter would be a timber bridge. I think the bridge over the river should be an iron bridge, because it would be necessary to keep open the navigation, by making it sufficiently high to let the steamers pass under it without inconvenience.

3108. Are you aware that sailing vessels also ply to and fro? I propose in the estimate of £40,000 to put a swivel to enable occasional sailing vessels to pass up; but on ordinary occasions the steamers, by lowering their funnels, could pass under it.

3109. Are their funnels so formed that that could be done? Not now, but they can easily be made so.

3110. Have you included the cost of the approaches to these bridges? Merely the stone abutments.

3111. Your estimate has nothing whatever to do with the approaches on the roads leading to the bridges? No.

3112. *By Mr. Lucas*: What would be the lowest sum per mile for which such a road as the Pymont road could be made? Without including any cutting, about £2,000 a mile, merely for forming and metalling.

3113. *By the Chairman*: So that independently of the road these bridges would cost upwards of £60,000? £65,000, putting the bridge over Iron Cove down at £25,000, which would be a liberal estimate.

3114. And you consider that these are the cheapest bridges that could be constructed at these places? Of course you could construct cheaper bridges, but I do not think it would be advisable to construct bridges on the Parramatta River that the steamers could not go under at all times, or without a swivel to enable occasional sailing vessels to pass.

3115. Can you give any idea of the probable cost of these iron bridges as shown on the plan I have laid before you? I should say the stone piers alone would cost some £50,000 or £60,000, on such a bottom as that. They are not suitable for the purpose at all.

3116. *By Mr. Piddington*: You have no doubt an iron pile bridge might be constructed over the Parramatta River for £40,000 that would turn out a tolerably durable construction? Yes.

3117. And you think the estimate you have made of the cost of a timber bridge at Iron Cove is a liberal one? Yes.

3118. *By Mr. Stewart*: You allude to the steamers lowering their funnels;—are you aware that the Parramatta steamers are usually sea-going steamers capable of running on the coast? Yes; there is no reason why they should not do so though they might be able to lower their funnels.

3119. Do you know of any instance of the steamers plying on the Thames being sea-going steamers? As a general rule they are not; but there are steamers there capable of lowering their funnels which are very much more important vessels than the Parramatta boats.

3120. They cannot keep up fixed masts or sails? No.

3121. The bridge you propose would not admit the passage of the present steamers with their masts fixed? No, they would have to take their masts out. I propose giving a headway of eighteen feet from high water mark on the Parramatta River to the under side of the bridge.

3122. Would that be quite equal to the height of the bridges in London? I think the London bridges are higher.

3123. This bridge would interfere with sea-going steamers? They could not pass under it with their masts fixed; but I have explained that I have made provision to enable larger vessels to pass through a swivel arch.

3124. *By Mr. Piddington*: The swivel arch would enable all steamers to pass that are likely to go up the Parramatta River? Yes.

3125. *By the Chairman*: That would involve the necessity of having men constantly in attendance to open the swivel? The toll collector, I should suppose, could do that. I think in any case a bridge of that kind would require a man to look after it.

3126. *By Mr. Stewart*: Do you know the description of vessels that carry the blue metal for the streets? The stone ballast boats, yes.

3127. They have masts considerably higher than eighteen feet? I should think they would be higher.

3128. They would require to alter their rig or to have the bridge opened? Yes. We might possibly keep the bridge higher by lengthening the piles.

3129. That would increase the expense? Yes.

3130. Would the bridge be equally firm? Yes, I think so.

3131. *By Mr. Lucas*: Making the bridge higher would merely involve the expense of lengthening the piles—the superstructure would cost no more? No.

3132. *By the Chairman*: Would not the approaches in that case be attended with extra expense? No, they would probably be cheaper, because on looking at the section they seem very high.

3133. Then it would cost £65,000 to erect these bridges, independently of roads and approaches? I do not think it would be safe to estimate them at less. These are liberal estimates; I think they can be put up for the money, but I should not like to limit myself to less.

Frederick William Birmingham, Esq., called in and examined :—

F. W.
Birmingham,
Esq.
5 Sept., 1862.

3134. *By the Chairman* : You are a surveyor by profession? Yes.
3135. Are you a Government surveyor? No.
3136. Have you been employed by the Government? I have.
3137. Do you hold a license now as a licensed surveyor? No, I resigned some three years ago. I left the Colony and returned.
3138. Were you employed by the trustees of the Field of Mars Common to survey the Common lands? Yes.
3139. Did you do it? I did.
3140. Did you make a plan of it? Yes.
3141. Will you have the goodness to produce the plan you made? (*Plan produced.*)
3142. In surveying the Common, did you ascertain the general character of the soil? Yes, I know the Common well.
3143. Will you have the goodness to give the Committee the advantage of anything you know in reference to the Common? The Common contains a total of 6,235 acres, out of which about 5,127 acres, more or less, are very poor land—miserable land—jeebungs, rocks, and scrub, and some parts forest land; that is, land covered with wood, generally scrub; and 1,108 acres are what I term medium land, that is, land fit for agriculture by using manure and going to considerable expense.
3144. *By Mr. Lucas* : Is there any good agricultural land? No.
3145. *By the Chairman* : When was this survey made? In 1857.
3146. Are you aware whether the Government surveyor, at the time he surveyed the Common, made any estimate as to the quantity of good land in it? I am not aware that he did. Mr. Galloway, about fifteen years ago, was sent to adjust all the farms round the Common, and mark out the boundaries. There were at that time considerable discrepancies and complaints, and Sir Thomas Mitchell sent Mr. Galloway for the purpose of adjusting the boundaries. Mr. Galloway then showed that several encroachments had been made by little settlers or squatters as they might be termed—a few small portions here and there, generally along the waterside, because they were more convenient for boating purposes.
3147. What is the description of timber growing on the Common? The same as the general run of timber in the county of Cumberland—gum, ironbark, blackbutt, &c.
3148. At the time you made the survey, was there any considerable quantity of good timber on the Common? It was principally young timber. I remarked in several places that it has been picked over. No doubt there will be excellent timber there in some fifty or sixty years time, if it is allowed to grow.
3149. I see upon your map some portions coloured—what is intended by that? These portions (*pointing to the map*) are what I consider medium agricultural land—useful land for subsisting on.
3150. The other portions of the Common you do not consider adapted for agriculture? They are merely fit for cattle to run on.
3151. What is your opinion as regards the situation of the Common for building purposes? You can of course build anywhere, but it would be a very expensive matter on some parts of it along Lane Cove, some two or three miles up from the Parramatta River. It seems to me to be a very inconvenient place; it is very rocky, and you would have to go to a very great expense to make a place anything like comfortable.
3152. From your knowledge of the Common, do you imagine it could be cut up into allotments and sold to advantage? I think it could be cut up, but I do not think people would buy it to cultivate.
3153. Is it capable of being cut up advantageously? It could be cut up and a certain amount of money got for it.
3154. What do you consider the Common is worth in the present state of things? I consider that the larger portion I spoke of, 5,127 acres, is not worth more than 5s. an acre. I myself would not fence it in if I got it.
3155. What do you consider the portions you have marked off as medium land would be worth? Near the Parramatta River about £6 an acre, and the upper part £4 an acre—say a medium value of £5 an acre on 1,108 acres, and 5s. an acre on 5,127 acres; that is to say,—poor land, 5,127 acres at 5s., £1,281 15s.; medium land, 1,108 acres at a medium value of £5 per acre, £5,540; giving the total value of the Common as £6,821 15s.; and this amount would not cover more than one-fourteenth of the money that must be expended to build the contemplated bridges and make the road. It is not honestly worth a farthing more I think.
3156. Do you know anything of the value of land in the county of Cumberland? Yes, I have known a piece of land some two miles and three-quarters out of Parramatta, sold for £6 an acre.
3157. What is the upset price now of Government land in the Parramatta Domain? I think some of it is as low as £2 an acre within two miles of Parramatta.
3158. Do you consider that the contiguity of land to a town tends to increase its value? Yes, the nearer to the centres of population the more valuable the land. The land I speak of is more convenient to Sydney in point of time than this Common land, because they have the railway; it is within seventeen miles of Sydney, and is as good as the best land on the Common.
3159. From your knowledge of the Common, having surveyed it, do you think there would be any difficulty in laying it out in small lots? No, not more than having to clamber up and down some places in running the lines. I have had to catch hold of a tree and slide down some places near Lane Cove.
3160. It would be necessary to form roads through the Common? Yes, I have been considering

sidering the roads. To do justice to the allotments on the Common, it would take more money to make the roads so as to take carts from them to the roads already in use, than could be got for the land at the present day.

3161. Do you mean as regards the making or laying out of the roads? I mean if the allotments were laid out by a surveyor, then some of the parties could not get to market unless you spent more money on the roads than you would get from the sale of the land; the gullies are too deep and the country too wild and rugged.

3162. Do you know the land abutting on the Common in the neighbourhood round it? I know some of it.

3163. The district of Ryde, for instance? I am not particularly acquainted with the land about Ryde.

3164. Do you know the district of the Field of Mars about Mr. Forster's? Yes.

3165. What is the description of the land there? Some of it is of a medium class. I marked out for the Government one time what was considered for some years to be part of the Common, some five hundred acres, on the Field of Mars; and at a very dear time, when people were going mad about land, some of it fetched as high as £7 an acre, but some of it only £4 10s.; and that land was as good as the medium land on the Common, and joins the Common near Mr. Mobbs. I cut it up into ten or eleven portions six or seven years ago, when people were running wild for land.

3166. *By Mr. Lucas:* Two persons were opposing each other? Yes.

3167. *By the Chairman:* You know the country beyond the Common? Yes, I have been encamped in it, and have picked ten or twelve acres here and there from amongst the rocks for parties that wanted it from the Government.

3168. What is the general description of the land between the Common and the Hawkesbury River? Horrid bad—miserably wretched country.

3169. Not a country adapted for agriculture? It will never be an agricultural country unless you import the soil to make it so.

3170. If there were additional facilities of communication, would it ever become so? The money might as well be thrown into the river; it will never be a good country.

3171. It has been stated by parties who presume to know the country, that in the event of these bridges being erected, "an immense tract of country between the Parramatta River and the Hunter, containing about 1,500 square miles, or 960,000 acres of Crown Lands, now totally useless and unavailable, because they are inaccessible either by land or by water, would then be brought within reach of Sydney by a few hours' drive." From your knowledge as a surveyor, is there that quantity of land that could be made available? No doubt there is that quantity of land, but it is miserable land; you could not pick out in the northern and eastern part of the country five thousand acres of even medium land all the way to the Hawkesbury.

3172. Out of nearly a million of acres? No. It is the worst land I have seen, except the south side of Port Hacking.

3173. *By Mr. Lucas:* Is it of the same character as the south side of Port Hacking? It is not so bad.

3174. Is the land between the Common and the Hawkesbury of the same character as the barren parts of the Common itself? Yes.

3175. *By the Chairman:* Is not the land between the Common and the Hawkesbury exceedingly mountainous? Yes, wild barren gullies.

3176. Do you know by what means the producers in the district to the north of the Common convey their produce to market? Generally by the road to Parramatta, where they either take the steamer or the railway, or continue on by the road.

3177. Is there not a road from the Northern Districts by St. Leonard's? There is a road, but it passes through the Common, and there it is very bad.

3178. Have you ever heard the question of bridging the Parramatta River mooted? I have.

3179. From your knowledge of the lay of the country, do you consider that that would be highly advantageous to the people? It might be advantageous to the people who reside very near the bridges within a radius of say half a mile, or perhaps less—a quarter of a mile; it would increase the value of their property a little.

3180. Are these parties the producing portion of the community? There are not many on the Parramatta River that may be considered producers; the producers are more inland, and their way is generally by Parramatta.

3181. You consider that the producing portion of the community lay in the northern portion of the district? Yes, from three to seven or even nine miles from the river.

3182. They convey their produce by Parramatta? Yes, to it and through it.

3183. You do not consider that the bridging of the river would tend to benefit them? Not the northern people; it would benefit some just close round where you make the bridge.

3184. *By Mr. Piddington:* How far from the site of the bridge, on the northern side of the Parramatta River, do you think its influence would extend in benefiting the inhabitants of the district? Half a mile. Of course there would be an influence for some distance further, but it would be very slight.

3185. Do you not think it likely that persons might live a mile from the bridge and yet find it of very great advantage to them? No, I do not. The majority of the people who live on the Parramatta River are on the south side,* and they do not want a bridge.†

3186. Are you of opinion that if the bridge was constructed it would not tend to encourage the settlement of population on the north side? There is nothing to settle upon; nearly every acre of good land is in occupation, and getting poorer every year. Some parties do not consider their holdings worth having, I believe.

3187.

* Revised:—Are beyond the western side of the Common.

† INSERTED (on revision):—The Bedlam ferry ought to be sufficient, and if not so, could be made so by having a steam punt.

F. W.
Birmingham,
Esq.

5 Sept., 1862.

3187. I am not speaking of the productive quality of the soil for growing wheat, but for villa residences;—do you think the Field of Mars Common is not suitable for villa residences? No, it is not.
3188. Do you know that portion of the Common that nearly adjoins the Gladesville Road, near Dr. Campbell's? I have not been east of the boundary of the Common—not Bedlam way.
3189. You know part of the Common that is fenced in, near the Gladesville Road—I believe some one of the name of Face rents it? Yes.
3190. What do you think is the value of that land per acre? I do not know what value others may set upon it. I know there is a small portion of land very near the Common here (*pointing to the map*) which is considered worth about £10 an acre.
3191. Do you know the property called Gladesville? No, I have not gone further south than the boundary of the Common.
3192. Were you ever at Hunter's Hill? No.
3193. Then you are a stranger to that part of the district? I am a stranger to the south-east end.
3194. Where are the places situated that you have marked on this plan as tolerably good land? Some at the north end of the Common, some at the western end; the eastern end of the Common is all miserable land with the exception of one or two small patches.
3195. How many spots of tolerably good land have you marked on this plan of yours? Eight, of any importance.
3196. Are these spots distributed through the whole area of the Common in different places? Yes.
3197. There is one portion here marked "393"—what does that mean? 393 acres.
3198. On what part of the Common is that situated? The northern part.
3199. There is another of 75 acres—how far distant is that from the 393 acres? About 108 chains.
3200. There is a third portion of 333 acres—how far is that from the second? About three-quarters of a mile.
3201. There is a fourth portion of 138 acres—that is some distance from the last mentioned? About seven-eighths of a mile.
3202. There is a fifth portion marked 99 acres—how far is that from the last? About three-quarters of a mile.
3203. Altogether there are eight different portions of tolerably good land? Yes.*
3204. What is the distance from the extreme end of this plan, where you have marked a certain amount of good land, to the other end, where you have also marked a certain amount of good land? Eight miles.
3205. You find good land both at one end of the Common and the other? You find pieces of good land.
3206. Do not these pieces exist at one end as well as the other? Yes.
3207. And in the middle of the Common? Well, it is the side verging towards the middle—the western side.
3208. In all parts of the Common you have marked good land? I do not know what you term all parts; there are pieces of medium land here and there.
3209. How much do these eight different portions of land in all parts of the Common amount to in the aggregate? 1,108 acres.
3210. Do you think the land suitable for orchards? Yes, but you can hardly make the whole country into orchards; people cannot live by oranges alone.
3211. Would these portions of land on the Common that you have marked as tolerably good land be fit for the growth of orange trees? Part of it would, if cleared and properly worked.
3212. What other purposes would it be fit for? It might grow peas or beans sometimes, potatoes, corn, and many other things, no doubt. It is medium agricultural land.
3213. Is not that the quality of land in most other situations—medium agricultural land? Not at all. There is land in other parts of the Colony of which 100 acres is worth 5,000 of this land.
3214. We are now speaking of medium agricultural land? That is a sort of land I would not like to cultivate, because I would be a loser by it, and so would any other man. Such land soon becomes impoverished.
3215. Do you not think this land might be cultivated for orchards or gardens by gentlemen who might purchase it for villa residences? It could be done, no doubt; it could be turned to any purpose if you can find the gentlemen with money who would do it.
3216. Have you any reason to doubt that a certain portion of this Common would be purchased for villa residences if the bridges were built? I do not think it would; it would cost quite a fortune to make some of these places into comfortable residences.
3217. Do you apply that opinion to what you call medium agricultural land? If a man built down there (*pointing to the plan*), he would build in a hole.
3218. Do you know a place called the Glebe, near Sydney? Yes.
3219. Have you never seen houses there built in holes? I have seen houses built there, but I did not take particular notice of them. I dare say some of the holes have been partly filled up.
3220. *By Mr. Stewart:* Does your allusion to medium land mean general agricultural land, or in comparison with other land in this district? It is as to general agricultural land.
3221. Not comparing it with the immediate neighbourhood? No.
3222. I think you said that if roads were cut to communicate with the various parts of the Common, it would cost as much as the estate would realize? Yes; to do justice to the parties

* ADDED (on revision):—And all these forming the 1,108 acres of medium land before mentioned.

parties to whom it might be sold, there ought to be fully £6,000 expended for roads, if not more.

3223. *By Dr. Lang:* Do you think the interests of the commoners at the one extremity of the Common are identical with those at the other extremity—those near Hunter's Hill as compared with those near Pennant Hills? I do not know the rules and regulations, but I believe each commoner has an equal interest in the Common.

3224. That is not what I mean. Supposing the inhabitants of one extremity of the Common were favourable to the alienation of it for the purpose of securing the construction of these bridges, while those at the other extremity were opposed to any such surrender, do you think it would be practicable to make a subdivision of the Common between the different parishes interested in it? It would be practicable, but I do not know whether it would be advisable or not. It would be like robbing Peter to pay Paul, or worse than selling the Common to build a bridge.*

3225. Do you see any difficulty in subdividing the Common so as to give the different parishes their proportions? It can be subdivided, no doubt.

3226. *By Mr. Sutherland:* You stated that the commoners went by Parramatta mostly with their produce? The northern portion of them do. They are within a few miles of Parramatta. The centre of the Common is within about five miles of Parramatta.

3227. Is not the centre of the Common about the same distance from the Parramatta River at Parramatta and at the spot where it is proposed to erect the bridge? Yes, the northern end of the Common is about nine miles from the bridge.

3228. And from the bridge to Sydney, how far is it? About five miles.

3229. Then one half of the Common, from the centre of the Common, would be within about nine miles from Sydney? Yes.

3230. What would be the distance from the centre of the Common to Sydney, by way of Parramatta? About nineteen miles by the road.

3231. Do you think the people would use the nineteen mile road in preference to the nine mile road? I do not know; it would depend upon their produce. I know they take the river generally.

3232. Supposing they want to take fruit by the river, are they not at the river in four and a half miles from the centre of the Common? They can go in four and a half or five miles.

3233. And they are then within four miles of Sydney, by water? Less than five miles.

3234. It would be less than five miles from Sydney by taking the bridge road? No, not from the centre of the Common.

3235. From the water I mean? Yes.

3236. Whereas going from the centre of the Common by way of Parramatta, they would have to go five miles to Parramatta, and then they would be fifteen miles from Sydney in place of five? About fifteen.

3237. And they would either have to come those fifteen miles by water or railway or road? Yes.

3238. Then do you not think that whether coming by road or by water they would take the line to the bridge as a general rule, having only four or five miles to go from this point to Sydney, either by road or water, whereas they would have the same distance to go to Parramatta as to the bridge, and then fifteen miles by road or by water? I do not think they would. They have a very good road into Parramatta, and they get their goods nice and easy by the railway, which saves them the time that it would take to go into Sydney by the other line.

3239. Then you believe they would rather go fifteen miles than five? They do it at present, and I believe they would continue to do it from what conversation I have had with them.

3240. They must be old-fashioned people, that cannot get out of the old track? Some of them are; and there is a great interest in Parramatta that I think ought not to be broken down.

3241. Do you think the parties who are opposing this proposal have an interest in Parramatta? A great deal of labour and an immense sum of money have been expended in Parramatta, and if it were possible to induce people to go this new way, no doubt it would injure all that district.

3242. You think it would injure Parramatta materially if these people came the nearest road to Sydney? To some extent I think it would if you could induce the people from the northern part of the Common to go your road, but not materially, because there is not interest enough about there to injure it materially.

3243. Do you not think this portion of the Common (*pointing to the map*) might be laid off in villa sites? It is not fit for villa sites.

3244. Are there not many nice houses there close to the Common now? When you go back from that there are no sites. All this eastern side is a barren ridge, and it would cost too much money to make a comfortable place there.

3245. You do not think it likely ever to be taken up for villa sites, not being suitable? It is not suitable for villa sites—that is my firm opinion.

3246. *By the Chairman:* I presume you know the distance from the Common to the Parramatta River? I believe it is only from the very southernmost part of the Common somewhere about a mile.

3247. The Parramatta River runs parallel with the Common? Nearly parallel to the southern end of the Common; the Common lies north-west and south-east; the river easterly and westerly.

3248.

* INSERTED (on revision):—That is to say—robbing Peter to give Paul one fourteenth of a sum which is requisite to build him bridges, &c., &c.

F. W.
Birmingham,
Esq.

5 Sept., 1862.

F. W.
Birmingham,
Esq.
5 Sept., 1862.

3248. Are you aware whether there are roads leading out in that direction? There is a road to Bedlam Ferry.

3249. So that persons living near the Common are under no necessity of going to Sydney from the Common by way of Parramatta, when they can go by Bedlam Ferry? No; and I think from the centre of the Common they would take the way by Parramatta at the present time, because there is a good road into Parramatta and a railway to Sydney.

James Byrnes, Esq., re-examined:—

Jas. Byrnes,
Esq.
5 Sept., 1862.

3250. *By Dr. Lang:* As it is pretty evident that the interests of the commoners at the two extremities of the Common are different from each other, do you think they would be opposed to a subdivision of the Common among the different parishes that have a right to the commonage; one portion to Hunter's Hill, another to Ryde, and another to Pennant Hills? I do not think there would be any objection to that.

3251. And then leave the different parishes to do with their portions as they please? I can hardly say about that, but I think there would be no objection to a division of it. For my part I should have no objection, and I do not think the people on the extreme north of the Common would have any objection; nor do I think the Ryde people would, at least I fancy not. I would approve of a plan of that kind very much indeed, because all these country places will establish municipalities sooner or later, and in that case I think it would be a great advantage to the three different localities to divide this Common.

3252. You do not think they have any interests in common that would be affected by such a division? I do not think they have.

3253. You think it would be positively advantageous to the different parishes to have each its own portion of the Common? I think so, and set at rest at once this question.

3254. *By the Chairman:* Are you aware in what way the Common is granted? I can hardly say I am aware of the manner in which the new grant is issued, but I remember something of the old grant. I believe it was granted to the proprietors of the farms in the Field of Mars and Eastern Farms District—something of that kind.

3255. The new grant is not a copy of the old one, inasmuch as it grants a larger portion of land, and to certain persons in trust for certain purposes;—would you advocate the surrender of the grant? No; I think those having commonage rights would serve their own purposes if they would agree amongst themselves to allow the Government, in conjunction with the trustees, to make a division of the Common in the way suggested by Dr. Lang.

3256. Supposing the trustees themselves were adverse to such a surrender? That I have nothing to do with. I think a plan of that kind would be a benefit to the whole district. In the event of this division taking place, I would suggest that the three districts should establish their municipal institutions, and let their respective portions of the Common be placed in the hands of their Municipal Council for municipal purposes, keeping in mind, of course, the purpose for which it was originally granted.

3257. *By Mr. Piddington:* Do you not think the village of Ryde and its neighbourhood would be susceptible of considerable improvement if a municipality were established? I do.

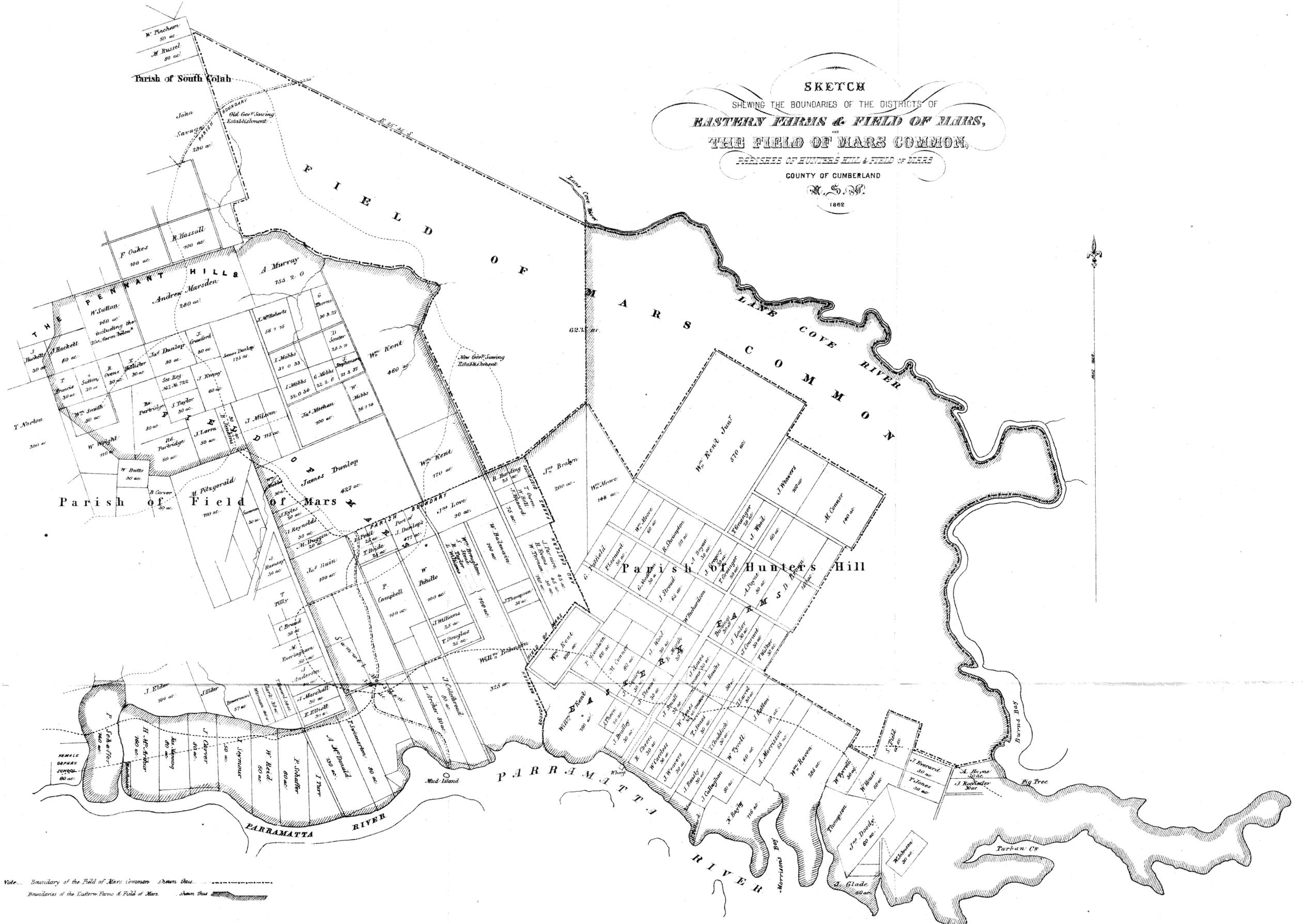
SKETCH
 SHEWING THE BOUNDARIES OF THE DISTRICTS OF
EASTERN FARMS & FIELD OF MARS,
 AND
THE FIELD OF MARS COMMON,

PARISHES OF HUNTERS HILL & FIELD OF MARS

COUNTY OF CUMBERLAND

A. S. S.

1862



Note: Boundary of the Field of Mars Common shown thus
 Boundary of the Eastern Farms & Field of Mars shown thus

SCALE OF 40 CHAINS TO AN INCH

Surveyor General's Office,
 Sydney, June, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ABATTOIRS, GLEBE ISLAND.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 10 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 10th June, 1862, That there be laid upon the Table of this House, a Return shewing,—

“ (1.) The Revenue derived from the Abattoirs on Glebe
“ Island, during the year 1861, and the first five months
“ of 1862.

“ (2.) The number of Slaughter-houses required for Beef, the
“ number of Slaughter-houses required for Mutton, let in
“ each year, specifying the names of the Tenants, and the
“ rent paid by each, also the number unlet of each.

“ (3.) The expense incurred by the Government, during the
“ year 1861, on account of the Abattoirs.”

(*Mr. Raper.*)

ABATTOIRS, GLEBE ISLAND.

No. 1.

RETURN of Revenue derived from the Abattoirs, Glebe Island, 1861.

		£	s.	d.
	To Amount received and paid into the Colonial Treasury, for Slaughtering and Inspecting Fees	416	16	2
	Punt and Bridge Tolls, also paid into Treasury	744	13	2
	The following Beef Houses were let as follows :—			
Nos. 1, 2, 3.	H. Bell, at £150	450	0	0
4.	Edward Flood, six months ending 31st December, at £250	125	0	0
5.	Thomas Rice	151	0	0
6.	Reserved for Public .. .. .	.....	
7, 8.	C. J. Marsden, at £155	310	0	0
9, 10, 11.	Charles York, at £171	513	0	0
12.	Charles Williams	151	0	0
	The following Mutton Houses were let as follows :—			
13.	T. Fitzpatrick	101	0	0
14.	Henry Bell	100	0	0
15.	James Young	101	0	0
16, 17.	C. J. Marsden, at £100	200	0	0
18, 19, 20, 21.	One reserved, the other three unlet .. .. .	.....	
22.	Thomas Sullivan	100	0	0
23.	R. Woodham	101	0	0
24.	C. Williams	100	0	0
	Also during 1861 :—			
	H. Baker, Refreshment House	151	0	0
	Duncan Campbell, Manure Tank	8	0	0
	TOTAL REVENUE DURING 1861	£ 3,823	9	4

ABATTOIRS, GLEBE ISLAND.

3

No. 2.

		£ s. d.	
The following are the Beef Houses let from 1st January to 31st May, 1862:—			
No. 1.	Charles Williams, at per annum £150	62	10 0
2.	Alfred Davis,	62	10 0
3.	Charles York,	62	10 0
4.	P. Cain,	62	10 0
5.	John R. Raine,	62	10 0
6, 7, 8.	One reserved; two unlet .. .. .	.....	.....
9.	Charles York, at per annum £150.. .. .	62	10 0
10, 11.	Unlet .. .. .	.....	.....
12.	H. Bell, at per annum, £150	62	10 0
The following are the Mutton Houses let during the last-mentioned period:—			
No. 13.	Ehude Gale, at per annum £80	33	6 8
14.	Charles Williams	31	5 0
15.	Henry Levy	32	1 8
Of the remainder of the Mutton Houses one was reserved, the others unlet.			
Also, during the last-mentioned period, the following Revenue was derived:—			
	H. Dudley, Refreshment House, at per annum £101	42	1 8
	Duncan Campbell, Manure Tank,	2	1 8
	Bridge Tolls from 1st to 21st January	55	10 2
	Rent of Bridge from January 21st to 31st May	322	8 0
		956	4 10
	Slaughtering and Inspecting Fees during the last-mentioned time	352	9 0
TOTAL DURING YEAR 1862		£	1,308 13 10

N.B.—The reserved Beef Abattoir and one of those unlet have been in constant use during the five months, as also has been the reserved Mutton Abattoirs, thus leaving three Beef and eight Mutton Abattoirs unoccupied during the last-mentioned time.

No. 3.

RETURN shewing the Expense incurred by the Government, during the Year 1861, on account of the Glebe Island Abattoirs.

	£ s. d.	£ s. d.
Salary of Inspector	250 0 0	
Forage Allowance to Inspector	50 0 0	
Salary of Assistant Inspector	150 0 0	
Contingent Expenses, Repairs to Water Works	41 0 10	491 0 10
Salaries of Men working the Punts	628 0 0	
Contingent Expenses.. .. .	524 8 9	1,152 8 9
TOTAL	£	1,643 9 7

Office of Engineer-in-Chief
for Harbours and Rivers,
9 June, 1862.

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1862.

1862.

Legislative Assembly.

NEW SOUTH WALES.

PUBLIC ABATTOIRS AT GLEBE ISLAND.

(AMENDED ORDERS AND REGULATIONS.)

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

AMENDED Orders and Regulations concerning the Public Abattoirs at Glebe Island, made by His Excellency the Governor-in-Chief, with the advice of the Executive Council, under the Act of Council, 14 Victoria, No. 36.

*Department of Public Works,
Sydney, 31 October, 1861.*

1. The lease of each slaughter-house shall be put up for sale by public auction, annually, at an upset price of £150 per annum for each beef slaughter-house, and £75 per annum for each mutton slaughter-house.

2. Leases of two slaughter-houses, one beef and one mutton, shall not be sold by public auction; but the said slaughter-houses shall be retained in the hands of the Government, for the use of persons desirous of slaughtering therein.

3. Parties desirous of using the slaughter-houses referred to in paragraph 2, shall be permitted to do so in order of priority of application to the Inspector of Abattoirs, or to the Assistant Inspector of Abattoirs, and on payment of the following fees:—

	s.	d.
For every ox, cow, bull, heifer, steer, or calf, (in addition to an inspecting fee of 3d.)	1	6
For every sheep or lamb	0	3
For every head of swine	0	6

4. No person or persons shall slaughter or attempt to slaughter in the houses referred to in paragraphs 2 and 3 without the sanction of the Inspector or Assistant Inspector of Abattoirs.

5. No fees whatever shall be paid by parties holding leases of slaughter-houses, except an inspecting fee of 3d. for each head of horned cattle slaughtered.

6. All fees shall be paid to the Inspector or Assistant Inspector of Abattoirs on demand, who shall pay the same into the Colonial Treasury, under such directions as he or they shall from time to time receive from the Secretary for Public Works.

7. Printed receipts shall be demanded by, and given to, all parties paying any fees.

8. The Secretary for Public Works may in his discretion allot to any person or persons holding the lease of a slaughter-house, the use during such lease of an allotment of ground upon Glebe Island, for the purposes of a piggery and stable, with or without rent as he may determine.

9. All horned cattle shall be driven in and yarded before 8 A.M.

10. No person shall take into any slaughter-house animals which have died of disease, or shall refuse or neglect, when ordered by the Inspector of Abattoirs, to remove and destroy at once diseased cattle, or shall slaughter for food diseased cattle, or expose for sale diseased meat.

11. No hide of horned cattle if slaughtered without previous inspection by the Inspector or Assistant Inspector of Abattoirs, or spleen of horned cattle or carcase of any animal whether inspected before slaughtered or not, shall be removed from any slaughter-house until after inspection by the Inspector or Assistant Inspector of Abattoirs.

12. All blood, filth, and offal shall be removed; and each slaughter-house shall be thoroughly cleansed to the satisfaction of the Inspector of Abattoirs, daily, before 8 P.M.

13. The premises attached to, and the roadways in front and rear of each slaughter-house must be kept clean by the lessee of each slaughter-house, to the satisfaction of the Inspector of Abattoirs.

14. No meat shall be blown in any slaughter-house; and if any meat be found blown in any slaughter-house, the lessee of such house, or the owner of such meat, if the house be not leased, shall be held to be the person liable.

15. No wines, malt, or spirituous liquors shall be brought upon Glebe Island.

16. No cattle, sheep, or pig, or other animal shall be slaughtered, nor shall any meat be exposed for sale, between midnight of any Saturday and midnight of any Sunday, between the 1st of May and the 31st of October in any year; nor shall any cattle, sheep, or pig, or other animal be slaughtered, nor shall any meat be exposed for sale, between the hours of 10 A.M. and 5 P.M. upon any Sunday, between the 1st of November and the 30th of April in any year.

17. The lease of the tank to contain the blood of the slaughtered animals and the washings of the slaughter-houses, shall also be sold annually by public auction; if not so disposed of, the contents shall be removed in such other manner as may be deemed expedient.

18. The lessee shall remove the contents of the tank once in every twenty-four hours, and, if taken off the Island, the contents must be removed in covered carts or covered casks.

19. The lessee shall also keep clean the roadway in front of, over, and immediately around the tank, to the satisfaction of the Inspector of Abattoirs.

20. The Inspector or Assistant Inspector of Abattoirs may enter the slaughter-houses or premises attached thereto, and may examine the tank, whenever either he or they may think fit, and no person shall obstruct, delay, or hinder his or their so doing, or shall otherwise obstruct, delay, or hinder him or them in the execution of their duty.

21. Any person or persons offending against any of the Orders and Regulations contained in paragraphs, 4, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, and 20, shall for each and every offence forfeit and pay a sum not exceeding five pounds.

W. M. ARNOLD.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CATTLE DISEASE PREVENTION ACT.
(STATEMENT RESPECTING PAYMENTS UNDER.)

Ordered by the Legislative Assembly to be Printed, 26 June, 1862.

A STATEMENT of the mode pursued in determining the payments which have been made under the "Cattle Disease Prevention Act."

On the 30th September, 1861, in a Letter of Instructions to Mr. Bruce, it was decided that cattle destroyed under the "Cattle Disease Prevention Act" should be classed as under and over twelve months old, and paid for at the rate of 10s. for all under, and 30s. for all over that age. This rate was accordingly observed in the calculations up to the 2nd November last, when, in accordance with a suggestion from Mr. Bruce, leave was given that from that date all cattle should be classed as under or over two years old; but the compensation to be made remained the same, taking the alteration of their ages into consideration. Mr. Bruce proposed, in order to arrive at a fair average of how many of the cattle were over twelve months, of the cattle classed as under two years, that the number be divided by 2, adding $2\frac{1}{2}$ per cent. to the quotient for those under twelve months, and deducting the same percentage for those over twelve months. This rule was observed with regard to cattle slaughtered between that date and 22nd November.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CATTLE DISEASE PREVENTION ACT.

(STATEMENT OF COMPENSATION CLAIMED UNDER.)

Ordered by the Legislative Assembly to be Printed, 4 July, 1862.

STATEMENT of Compensation claimed for Cattle Slaughtered under the Cattle Disease Prevention Act of 1861.

PREVIOUS TO 22 NOVEMBER, 1861.		AMOUNT DUE FOR COMPENSATION.	AMOUNT PAID.	BALANCE DUE.
Over 12 months, @ 30s. each.	Under 12 months @ 10s. each.			
3,858	378	£6,021 0 0	5,804 0 0	217 0 0
Since 22 November.				
3,345	356	5,195 10 0	.....	5,195 10 0
		£11,216 10 0	5,804 0 0	5,412 10 0

AMOUNTS due for Slaughtering and Burning.

NUMBER.		AMOUNT DUE.	AMOUNT PAID.	BALANCE DUE.
Over 12 months, @ 5s.	Under 12 months @ 3s.			
6,390	1,365	£1,802 5 0	1,508 1 0	294 4 0

*Department of Lands,
Sydney, 4 July, 1862.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PROCLAMATIONS RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

In pursuance of the power vested in the Governor, with the advice of the Executive Council, by the "*Cattle Disease Prevention Act of 1861*," and in furtherance of the Regulations issued under the said Act, and bearing date the twenty-fourth day of December, 1861, I, the Right Honorable SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, declare the following Lands or Runs to be in Quarantine, within the meaning and for the purposes of the said Act, viz. :—

Pomegoland,	Uranah Reserve,
Berry Jerry,	Bathena,
Bullenbong,	Cockigiedong, and
Uranah Creek Station,	Coonong.

Given under my Hand and Seal, at Government House, Sydney, this fourteenth day of January, in the year of Our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,
JOHN ROBERTSON.

GOD SAVE THE QUEEN !

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

In pursuance of the power vested in the Governor, with the advice of the Executive Council, by the "*Cattle Disease Prevention Act of 1861*," I, the Right Honorable SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, declare that all Lands or Runs placed in Quarantine, for the purposes of the said Act, are hereby released from such Quarantine.

Given under my Hand and Seal, at Government House, Sydney, this twentieth day of March, in the year of Our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,
JOHN ROBERTSON.

GOD SAVE THE QUEEN !

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS by an Act passed in the twenty-fourth year of Her Majesty's Reign, intituled, "*An Act to regulate the importation of Cattle, for the purpose of preventing the introduction of contagious or infectious disorders, and to prevent the propagation thereof in the Colony,*" it is amongst other things enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, to make such Regulations respecting any horned cattle as may be deemed necessary for preventing the introduction or propagation of any contagious or infectious disorders, whether by submitting such cattle to any specified system of Quarantine, or by the destruction of any such cattle found or suspected to be infected; and whereas by my Proclamation of the twenty-fourth December, one thousand eight hundred and sixty-one, I made and issued certain Regulations for the purpose aforesaid: Now, therefore, I, the Right Honorable SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this Proclamation, make the following Regulations, in substitution of the Regulations contained in such Proclamation, preserving nevertheless all things done, or commenced to be done thereunder, viz. :—

1. The Minister for Lands shall have authority to appoint such and so many persons as to him shall seem fit, to be Cattle Inspectors, or Assistants to such Inspectors; and all Inspectors so appointed, and their Assistants, and all Inspectors and Assistants already appointed under the Proclamation last quoted, shall have power to enter upon any land or any run for the purpose of examining the horned cattle thereon, and, subject to the instruction of the Minister for Lands, to slaughter and destroy any cattle found to be, or suspected to be infected with the disease known as Pleuro-pneumonia.

2. In cases, however, where it may be considered necessary to slaughter cattle for inspection, without the delay necessary for reference to the Minister for Lands, they may be so slaughtered by the Inspector or his Assistants without such authority: Provided that not more than five head of cattle shall be so slaughtered at one time out of the same herd or on the same run or farm, but in the case of cattle travelling, including draught oxen, any number found to be infected may be so slaughtered.

3. Any District or portion of land found or believed to be infected may, if thought desirable, have its boundaries defined in a Proclamation in the *Government Gazette*, to be issued by the Governor, with the advice of the Executive Council, and shall, by such Proclamation, be declared to be under Quarantine; and after such Proclamation, no horned cattle shall be removed therefrom until such District or portion of land shall have been again released from Quarantine.

4. Stock within any lands so under Quarantine may be removed from one part of such proclaimed land to another, provided there be first obtained from an Inspector, or his Assistant, a certificate that the stock so intended to be removed does not then present symptoms of the existence of the disease.

5. All stock removed from one part of such proclaimed land to another, without such certificate, may be destroyed by the owner, occupier, or licensee of any land or run on to which they may be driven, either by himself or his servants or assistants.

6. The owner or occupier of any land, or the licensee of any runs not proclaimed under Quarantine, shall be at liberty, by himself or his servants or assistants, to slay and destroy any horned cattle found or suspected to be infected with Pleuro-pneumonia which may stray or be driven on to his land or run, from any land or run placed under Quarantine as aforesaid during the continuance of such Quarantine, and the like powers may be exercised by any Inspector or his Assistant.

7. In any case where cattle are being driven or removed from any one place to any other place in this Colony, and it shall be found that some or any of such cattle are infected, or suspected to be infected with Pleuro-pneumonia, it shall be lawful for any Inspector or his Assistant to issue an order in writing, to arrest the further progress of the entire herd, and again to repeal such order: And it shall be lawful for any person whomsoever to destroy as suspected to be infected the whole or any portion of such herd which may be found at a greater distance than three miles from the place where they were so arrested, so long as such order remains unrepealed.

8. Neither the owner nor occupier of any land, nor the licensee of any run, shall be at liberty to impound horned cattle from land proclaimed under Quarantine, nor from any lands or runs within ten miles of such proclaimed land.

Given under my Hand and Seal, at Government House, Sydney, this twentieth day of March, in the year of Our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,

JOHN ROBERTSON.

GOD SAVE THE QUEEN!

PROCLAMATION.

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS by an Act passed in the twenty-fourth year of Her Majesty's Reign, intituled "*An Act to regulate the importation of Cattle for the purpose of preventing the introduction of contagious or infectious disorders, and to prevent the propagation thereof in the Colony,*" it is amongst other things enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, to prohibit the importation or introduction into the Colony or into any Port thereof, from any specified place, and for any specified time, of any horned cattle, and to authorize the destruction of any such cattle as may be introduced contrary to such prohibition: And whereas the disease known or described as Pleuro-pneumonia has appeared amongst horned cattle in certain parts of the neighbouring Colony of Victoria, and it is necessary to take measures to prevent the introduction into this Colony of the said disease: Now, therefore, I, SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, prohibit the importation or introduction into this Colony, or into any Port thereof, of any horned cattle whatsoever from the Colony of Victoria, or from any part thereof, for and during the full term of six calendar months, to be computed from the date of this Proclamation, except only such horned cattle as may cross the River Murray at one or other of the undermentioned places, and shall have been there examined by an Inspector or officer duly appointed in that behalf by the Government of New South Wales, and certified by such officer to be free from such disease: That is to say, at Albury, at Moama, at Swan Hill, and at Euston respectively: And I do further notify and proclaim that, in pursuance of the provisions of the said Act, all horned cattle imported into the Colony contrary to this Proclamation, may be seized, and shall be forfeited in like manner as any contraband goods liable to be seized and forfeited under any law relating to the Customs; and every person concerned in importing or introducing, or in attempting to import or introduce any cattle in violation of this Proclamation, will for every such offence, upon conviction thereof, be liable to a fine not exceeding fifty pounds, and not less than ten pounds, to be recovered as in the said Act is provided.

Given under my Hand and Seal, at Government House, Sydney, this ninth day of May, in the year of Our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,

JOHN ROBERTSON.

GOD SAVE THE QUEEN!

1862.

LEGISLATIVE ASSEMBLY,
NEW SOUTH WALES:

PLEURO-PNEUMONIA.

(PROCLAMATION RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 6 June, 1862.

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS by an Act passed in the twenty-fourth year of Her Majesty's Reign, intituled "*An Act to regulate the Importation of Cattle for the purpose of preventing the introduction of contagious or infectious disorders, and to prevent the propagation thereof in the Colony,*" it is amongst other things enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, to prohibit the importation or introduction into the Colony or into any Port thereof, from any specified place, and for any specified time, of any horned cattle, and to authorize the destruction of any such cattle as may be introduced contrary to such prohibition: And whereas the disease known or described as Pleuro-pneumonia has appeared amongst horned cattle in certain parts of the neighbouring Colony of Victoria, and it is necessary to take measures to prevent the introduction into this Colony of the said disease: Now, therefore, I, SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, prohibit the importation or introduction into this Colony, or into any Port thereof, of any horned cattle whatsoever from the Colony of Victoria, or from any part thereof, for and during the full term of six calendar months, to be computed from the date of this Proclamation, except only such horned cattle as may cross the River Murray at one or other of the undermentioned places, and shall have been there examined by an Inspector or officer duly appointed in that behalf by the Government of New South Wales, and certified by such officer to be free from such disease: That is to say, at Mulwalla and at Chowella, on the Murray River, near the boundary line of New South Wales and South Australia, being in addition to the places named in the Proclamation of 9th ultimo: And I do further notify and proclaim that, in pursuance of the provisions of the said Act, all horned cattle imported into the Colony contrary to this Proclamation, may be seized, and shall be forfeited in like manner as any contraband goods liable to be seized and forfeited under any law relating to the Customs; and every person concerned in importing or introducing, or in attempting to import or introduce any cattle in violation of this Proclamation, will for every such offence, upon conviction thereof, be liable to a fine not exceeding Fifty Pounds, and not less than Ten Pounds, to be recovered as in the said Act is provided.

Given under my Hand and Seal, at Government House, Sydney, this second day of June, in the year of our Lord one thousand eight hundred and sixty-two, and in the twenty-fifth year of Her Majesty's Reign.

(L.S.) JOHN YOUNG.

By His Excellency's Command,

JOHN ROBERTSON.

GOD SAVE THE QUEEN!

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PROCLAMATION RESPECTING.)

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

PROCLAMATION.

By His Excellency the Right Honorable SIR JOHN YOUNG, Baronet, Knight Commander of the Most Honorable Order of the Bath, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Captain General and Governor-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

WHEREAS by an Act passed in the twenty-fourth year of Her Majesty's reign, intituled "*An Act to regulate the Importation of Cattle for the purpose of preventing the introduction of contagious or infectious disorders, and to prevent the propagation thereof in the Colony,*" it is amongst other things enacted, that it shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation, to prohibit the importation or introduction into the Colony or into any port thereof, from any specified place, and for any specified time, of any horned cattle, and to authorize the destruction of any such cattle as may be introduced contrary to such prohibition: And whereas the disease known or described as Pleuro-pneumonia has appeared amongst horned cattle in certain parts of the neighbouring Colony of Victoria, and it is necessary to take measures to prevent the introduction into this Colony of the said disease: Now, therefore, I, SIR JOHN YOUNG, Baronet, the Governor aforesaid, with the advice of the Executive Council, do, by this my Proclamation, prohibit the importation or introduction into this Colony, or into any port thereof, of any horned cattle whatsoever from the Colony of Victoria, or from any part thereof, for and during the full term of six calendar months, to be computed from the date of this Proclamation, except only such horned cattle as may cross the River Murray at one or other of the undermentioned places, or, in the discretion of the Inspector, at any point within twelve miles of such place, and shall have been there examined by an Inspector or officer duly appointed in that behalf by the Government of New South Wales, and certified by such officer to be free from such disease: That is to say, at Albury, at Corowa, at Moama, at Euston, at Wentworth, and at Swan Hill, and when the latter named place is flooded, at Toolibuc: And I do further notify and proclaim that, in pursuance of the provisions of the said Act, all horned cattle imported into the Colony contrary to this Proclamation may be seized, and shall be forfeited in like manner as any contraband goods liable to be seized and forfeited under any law relating to the Customs; and every person concerned in importing or introducing, or in attempting to import or introduce, any cattle in violation of this Proclamation will, for every such offence, upon conviction thereof, be liable to a fine not exceeding fifty pounds and not less than ten pounds, to be recovered as in the said Act is provided.

Given under my Hand and Seal, at Government House, Sydney, this second day of December, in the year of Our Lord one thousand eight hundred and sixty-two, and in the twenty-sixth year of Her Majesty's Reign.

(L.S.)

JOHN YOUNG.

By His Excellency's Command,
JOHN ROBERTSON.

GOD SAVE THE QUEEN!

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

—
PLEURO-PNEUMONIA.
 (REPORT RELATIVE TO INOCULATION OF CATTLE.)

—
Ordered by the Legislative Assembly to be Printed, 13 August, 1862.

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REPORT by the Inspector, on the Inoculation of 830 head of Cattle, in the Southern Districts of the Colony, between the 17th May and 8th June, 1862.

1. *State of the cattle before inoculation.*

The cattle belonged to two different stations, which, for the sake of brevity, may be called herd No. 1 and herd No. 2.

About 300 of those operated upon belonged to herd No. 1, which was a breeding and fattening one, and were in the habit, with some 250 head of other cattle, of depasturing on a piece of ground about three miles square; and during the three weeks previous to the date of this experiment, about 20 cattle running on this beat had died of Pleuro-pneumonia, while a good many of those that were inoculated showed symptoms of being diseased, and a few were unmistakably so.

The remaining 530 head, belonging to herd No. 2, which is also a breeding and fattening station, were made up of about 400 weaners from all parts of the run, and 130 head of mixed cattle from one side of it. Although several of the weaners appeared diseased, no deaths were reported as having occurred amongst them, while among the mixed cattle, six head had died within three weeks of the time when the inoculation was commenced.

The cattle inoculated in herd No. 1 were mostly milkers or their increase, which ran near the station, and those of herd No. 2 were principally kept in a large paddock till the effects of inoculation left them.

2. *Pen or crush used in inoculating.*

In inoculating the cattle of herd No. 1, a forcing yard and pen were used very similar to the yards and spaying bails common throughout the country, and in such a yard and bail five hands could, in the spring or summer season, inoculate 200 head of mixed cattle in a day, by inserting a portion of diseased lung in the tail, and nearly a hundred more by using a thread saturated with virus.

When, however, a whole herd, or even as many as a thousand head had to be inoculated, it would save time and expense to erect a small forcing yard, with a five-railed, six feet high pen, of eight or ten pannels in length, and two feet six inches wide inside. The posts to be round, and to be morticed through and through, with the mortices worked close to the inner side of the post, so as that when put up the sides of the post may not project further into the pen than the rails. The posts to be three feet in and eight feet out of the ground, with caps on each pair across the pen. A pen made of round rails will be found much more convenient and safe to work at than if they were split, is less liable to injure the cattle, and would cost less for the erection. The pen should of course be logged, and have the proper gates and fastenings at each end. This is similar to the place used at station No. 2, and was found to answer well, the number got through in a day being considerably greater than at No. 1.

3. *The sort of lung used.*

The cattle belonging to both herds were, in this instance, inoculated with portions of the same lungs; and in every case the lung used was that of a beast which had either died of Pleuro-pneumonia, or was so badly affected as to be unable to rise.

As it had been said that it was more dangerous to use the hepatized or marbled portion of the same lung than the congested, experiments were made to test the correctness of this statement, by inoculating some with the hepatized portion—part of which was even partially putrid or decomposed—and some with the congested and sound portion; but the result would, in this case at least, go to show that there are no grounds for such an opinion, as nearly all the cattle operated upon were similarly affected, and some inoculated with the inflamed or sound portion of the lung swelled up in the hind quarters, and died in the same way as those which had been inoculated with the hepatized or marbled portion of the lung. As, however, further trials might establish the correctness of such an opinion, and as inoculation with the congested portion seems sufficiently powerful in its effects, it would be well in the meantime to use that, in preference to hepatized lung.

The owner of herd No. 2, again, in inoculating, either mashed up the diseased lung, part of which was hepatized and part sound and congested, and with the liquid saturated the thread he inserted in the tail, or made an incision in it, into which he dropped a little of this liquid. He thus used both sorts together.

The lungs were those of three full-grown cattle, from four to seven years old, and of a steer about twenty months old; but although it was carefully looked for—from it having been said that such would be the case—no difference was observable in the effects produced by using the lungs of the young steer from those resulting from inoculation with the lungs of the grown cattle. It was probably the case, however, that the steer was, at that age, too old to cause any perceptible difference in the effects; and that inoculation with the lungs of a calf under twelve months of age would show a different and milder result.

It would also be useful to test, by experiment, whether the sort of disease under which the animal was labouring when killed (whether mild or virulent), or the stage of it at which the lung was when used, had the most influence on the effects of the inoculation.

4. *Mode of inoculation.*

On the cattle of herd No. 1 the operation was performed, as recommended by Mr. Brown, by inserting a thin piece of lung in the tails of the cattle, in the following manner:—Thin slices about the thickness of a sixpence were clipped with a sharp round-pointed scissors from the congested, sound, and hepatized portions of a diseased lung, and put on a board and cut with a knife into bits of about $\frac{3}{8}$ to $\frac{5}{8}$ of an inch in length, and $\frac{1}{8}$ of an inch in width. These bits, again, and a small wooden pointer, were placed ready for use on a plate or piece of tin.

Then, the hair having been closely clipped all round the tail from the portion of it commencing at about two inches from the point or tip, and extending upwards for about two or three inches more, the tip of the tail was firmly held in the left hand, with the upper or outer side upwards, and the point of the knife (which was in the right hand, with the flat side upwards and the edge towards the body of the beast) was then inserted in the tail, between the skin and the flesh, about three inches from the tip or point, and passed horizontally through it; the wound made by the point of the knife protruding being, in an ordinary sized animal, about half an inch apart from that made by its insertion. The blade of the knife used was about five inches in length, and broader for about three inches from the point than nearer the handle, where it was purposely blunted. Having made the incision by pushing the knife through the tail as described, the knife, instead of being withdrawn, was turned in the wound so as that the back rested on the body of the tail, while the blunted face was turned up against the portion of skin thus separated from the rest, and an opening made in this manner for the insertion, by means of the wooden pointer, of the bit of lung which had been prepared as stated. On the lung being thus placed in the wound, the thumb of the left hand was placed against the edge of the incision next the operator, to prevent the lung from coming out, and the knife withdrawn with the right.

This is not exactly as recommended by Mr. Brown. He advised that two longitudinal slits should be made in the skin of the tail, a little apart from each other, and that the portion of the skin between them should be detached, and the bit of lung placed under the detached skin. It was found, however, after inoculating about fifty head, that this mode was not only tedious but dangerous; for in making the slits, as recommended—even when the back of the knife was turned downwards and the skin ripped up—the moving of the animal frequently caused the point of the knife to penetrate too deeply, and to wound the tail in a dangerous manner, whereby it is now evident that several deaths have occurred.

About

About 400 head of herd No. 2, again, were inoculated with a thread of twine saturated with virus, drawn, by means of a spaying needle, through the tail, at the proper spot, a portion of the twine being cut off and left like a seton in the tail; while about 130 head were done by dropping a little of the virus into an incision made in the tail near its tip.

5. *Effects of the inoculation.*

On a few of the cattle of herd No. 1 the swelling in the tail began to be observable about the fifth day, and in the majority of them about the tenth. On some, again, the swelling was not perceptible till the fifteenth or eighteenth days, while about 20 head were scarcely perceptibly swollen at all.

The extent of swelling in those cattle on which no dangerous or fatal effects followed, ranged from an apparent stiffness in the tail, with a barely perceptible increase in its thickness, to an enlargement of half its natural girth. This swelling, however, most frequently amounted to an increase of barely a fourth of its ordinary thickness; and the seat was generally immediately above the inoculation wound, for two, three, and sometimes four inches upwards, growing gradually less as it ascended.

Shortly after these swellings were observable, scabs began to be formed around the inoculation wounds; where the swelling was at all considerable the scabs sometimes quite encircled the tail, while in other cases they only covered half its circumference, and in such cases they were some two or three inches in length.

Under these scabs there were collections of matter, greater or less according to the size of the scab; where the swelling had been barely perceptible the scab was small, and little or no matter to be seen under it.

A considerable number of these cattle have lost a portion of their tails, generally from the first joint above the inoculation wound; and it is probable that a fourth in all will lose a portion of this appendage.

Where no dangerous or fatal effects followed the swelling, its subsiding, like its rising, took place at irregular intervals of from twenty to thirty-five days from the date of inoculation.

In the case of those, again, that were dangerously or fatally affected—eight head of the former and fifteen head of the latter—the swelling first appeared at the root or but of the tail, and very quickly afterwards—generally in the course of the following day—began to extend to the hind quarters of the animal, under and around the root of the tail, and in some few cases up on to the rump. This swelling was very considerable, making the but or root of the tail double its ordinary thickness, and raising the affected portions of the hind quarters at least two inches over their ordinary level.

So long as this swelling was confined to the but of the tail and the portions of the rump above the mouth of the rectum no fatal effects followed; and the animals, though apparently very sick for five or six days, kept feeding a little, and were relieved so soon as the swelling broke and suppuration took place.

In those, again, in which the swelling spread from the root of the tail downwards till it apparently quite choked the rectum, and in some even the urethra, extending, as it did in a few cases, down between the hips and the thighs to the belly, the effects were always fatal.

This swelling was very considerable all over the parts indicated, but especially at the points of the rump near the fundament, and between the hips. It completely blocked up the external openings of the fæcal and also of the urinary passages, in the case of heifers.

When cut into, the protuberance was found to form a callous cartilaginous coating over the healthy flesh, varying in thickness from half an inch between the hips—where there were also gatherings of blood and matter—to that of three inches around the but of the tail and beneath it. This callous coating evidently increased in hardness the longer it existed; and in appearance, and consistency under the knife, it exactly resembled that part of the brisket of a bullock that is cut open when he is slaughtered, its extent being clearly defined throughout from that of the healthy flesh.

The inoculated cattle of herd No. 1 that died were opened. With the exception of those of a calf which died of the disease, their lungs were of the natural size, without any symptoms of Pleuro-pneumonia, and full of blood, as is usual in the case of animals that die without being bled. The only noticeable features were the very dark colour of the blood, and the rapidity with which decomposition set in; as before stated, the rectum and urethra were visibly choked up.

Except in the case of those cattle that were dangerously or fatally affected, the inoculation while running its course was comparatively easy on them, and will throw them back very little, if any, in condition. A good many appeared dull and crawling for a week or ten days during the height of the inoculation, but they continued to feed nearly as hearty as ever. Several working bullocks, too, which were inoculated on the 30th of May last, among cattle No. 1, and on which the operation took a most decided effect, have been regularly at work ever since, without showing the least sign of weakness or ailing.

Out of 300 head of cattle belonging to herd No. 1, 15 in all have died from the effects of inoculation, and all from excessive swelling. The following tabulated form will give full particulars as to the classes and ages, the sort of lung used in each case, and the number of days between the date of the inoculation and death:—

No.

PLEURO-PNEUMONIA.

No.	Description.	Age in Months.	Date of Inoculation.	No. inoculated at that date.	Description of Lung used.	Date of Death.	No. of Days between inoculation and death.	Percentage of Deaths in each lot.
			1862.			1862.		
1	Spotted cow	30	} May 17	} 29	} That of a full-grown beast; one half done with congested and the other with hepatized portions	June 15	29	} 13½
1	Spotted heifer	16				" 21	35	
1	Ditto	14				" 23	37	
1	Light strawberry steer	13				" 27	41	
1	Red and white poley heifer	18	} " 28	} 68	} Also with lung of full-grown beast, part of which was hepatized; most of the congested portion used	" 27	30	} 7½
1	Brindle steer calf.....	12				" 29	32	
1	Brown ox	36				" 30	33	
1	Red bald steer	28				" 30	33	
1	Red-sided poley heifer	22				" 30	33	
1	White heifer calf.....	11	} " 30	} 83	} Lung of the same description as above of a 20 months steer; used congested portion....	" 27	28	} 3½
1	Red and white steer ..	15				" 28	29	
1	Strawberry heifer	18				July 3	34	
1	Light ditto	14	June 1	43	} The same lung as last .	June 30	29	} 2
1	White heifer calf.....	10	} " 8	} 77		July 3	27	
1	Light strawberry steer	15				" 5	29	
15								

The effects of the inoculation on the cattle of herd No. 2, again, have been very mild indeed. Only some eight or ten head of them have been perceptibly swollen at the root of the tail, and none of them dangerously so. About a fourth of them showed little or no symptoms of swelling beyond an apparent stiffness or curl in the tail, and a very small scab over the inoculation wound, while the tails of about one-half of them were decidedly, though slightly swollen, with a larger scab over the wound; and in the remaining fourth, the tail for several inches in length was increased by the swelling from a fourth to a half of its ordinary thickness. About a hundred head are likely to lose a portion of their tails. These cattle in their general appearance and habits seemed still less affected than those of herd No. 1 by the inoculation. It was considered that those inoculated with the thread showed more decided symptoms of being effectually inoculated than without it.

6. Inoculation with lung and with virus contrasted.

From the facts now stated it will be seen that the contrast between the effects produced by the same lung, used on the same day, and on the same class of cattle at station No. 1, compared with those that followed at station No. 2, is very great, and that the inoculation was either overdone at No. 1 or underdone at No. 2.

That it was overdone in the case of herd No. 1 there can be little doubt; but, as will afterwards be pointed out, the deaths that took place among these cattle are not solely or even chiefly attributable to the use of lung instead of virus, or to the overdose of virus thus carried into the system of the animal, but to the wounding of the tail.

It is still, therefore, to some extent a matter for consideration, especially as a larger proportion of the inoculated cattle of herd No. 2 continue to exhibit symptoms of the disease, whether, in the present state of our knowledge of the proper height of inoculation in all cases, it is the safer course, when cattle are dying on a run, to inoculate the herd with the virus as at No. 2, and be uncertain whether or not the operation has taken the proper effect on them all, or to employ a smaller quantity of lung than was used in this case, and taking care not to wound the tail, to inoculate as in herd No. 1, in which the operation took so decided and general effect.

As, however, the results of the inoculation performed in this neighbourhood in January last, with the thread saturated with virus, still continue favourable to that mode of inoculation—none of the cattle then inoculated having died, although running among those which were lately carried off by the disease—it seems advisable to inoculate as in the case of herd No. 2, with the thread and virus.

7. Cause of dangerous swelling.

This dangerous, and sometimes fatal swelling in the case of herd No. 1, might arise from any of the following different causes, viz. :—

1. Injuring the arteries, muscles, or bones of the tail, when making the incision for the insertion of the lung.

This might happen through adopting a system of inoculation which brought the knife too close to the bone, by using too large a knife, by the carelessness of the operator, or through the unsteadiness of the animal while being operated on.

2. Inoculating with improper lung.

As before stated, some hold putrid or decomposed hepatized lung to be dangerous; others forbid the use of even sound hepatization; some object, again, to the sound or slightly congested portion of a lung in any part of which there was hepatization; and some assert that the lung of an old or full-grown beast is dangerous and not to be used.

3. Inoculating with lung instead of virus.

It seems not improbable that the bit of lung thus placed in the tail, while undergoing the decomposition which must necessarily set in, would be liable in some cases to engender mortification.

4. Inserting too large a quantity of virus.

There is no doubt but that the quantity of virus conveyed into the system of the animal by this mode of inoculation, was many times greater than by using the saturated thread.

5. The cold, wet, frosty weather.

During the time the inoculation has been running its course there has been a succession of cold, wet days, and frosty nights.

As the very same lung was used in both herds, the same class of cattle operated upon, and the inoculation, in several instances, performed on the very same day, the cause must lie either in (No. 1) the injuring of the tail, (No. 3) the using lung instead of virus, or (No. 4) the employing too large a quantity of virus; and it seems most probable that in this instance Nos. 3 and 4 aided, but that No. 1 was the chief cause of these dangerous swellings, as the following facts go to show:—

A much larger number of the lot of cattle first inoculated was injured in the tail by the knife than in any of the others; and the per centage of deaths in this lot was very much the greatest—being $13\frac{1}{4}$ per cent., the next about $7\frac{1}{4}$ per cent., the next about $3\frac{1}{2}$ per cent., the next about $2\frac{1}{2}$ per cent., and the next about 2 per cent. Those injuries chiefly arose from the mode in which the operation was performed, in the first lot, and part of the second. It was done as recommended by Mr. Brown, and as sufficient care was not taken by some of the parties operating, the point of the knife frequently penetrated deeply into the tail, when making the longitudinal slits in the skin, in large cattle in some instances to the bone, and in small beasts frequently so.

The greater portion, again, of the cattle that died from excessive swelling were calves or young beasts under twenty months of age; and it can be easily seen that their tails, from their smallness, would be much more liable to be injured internally in this way than those of grown cattle, especially as there was generally considerable difficulty in keeping small beasts steady in the pen.

And further, the tails of those cattle which were affected with dangerous swelling, always appeared dried and shrivelled up around the inoculation wound, showing no signs of the discharge that was so evident in those cattle which did not suffer; and when examined it was found that in a portion of the tail, from the inoculation wound upwards, the muscles and arteries were quite black and dead, and that portion of the tail quite stiff. It would seem, therefore, that a very violent inflammation had destroyed that part of the tail; and it is to be presumed that such an inflammation would not have taken place there, in exceptional cases, unless that portion of the tail had received injuries from the knife, which in the rest of the cattle not suffering in this way it escaped.

This withering up of the tail, from whatever cause it may arise, evidently destroys its circulation, and stops the discharge from the inoculation wound; and it is to the stoppage of this discharge that we have to look for the immediate cause of the excessive swelling.

8. *Remedy for excessive swelling.*

As the effects of the most mild and careful inoculation are sometimes dangerous, it is necessary to consider how these effects may be best counteracted.

The first dangerous symptom that can, in such a case, be noticed, is this withering or shrivelling up of the tail near the inoculation wound; and this is easily noticeable, to a close observer, before the swelling sets in at the but or root of the tail. On its taking place the animal should be brought in and examined; and if a portion of the tail is found to be dead, and no discharge coming from it, it would be advisable, commencing immediately above the inoculation wound, to cut off piece by piece of this withered portion (which would drop off even if the animal recovered) till the blood flowed freely from the stump. This would not only allay the inflammation, but might also create an opening for the discharge.

Should this blood-letting not prove effectual, there is little doubt but a strong supuration at the affected parts would, as in any other case of local inflammation, prove so, provided the swelling had not been of so long standing as would kill the animal before the remedy could take effect.

Where the cattle were worth the trouble, they might be cured even after the swelling had reached a dangerous extent, by ripping open the skin and cutting away the callous flesh, when the proper dressing could be applied and the skin sewed up.

9. *General results of experiment.*

The general results in these two herds continue to show that inoculation is, at any rate, the means of lessening the number of deaths from Pleuro-pneumonia in a herd where that disease exists; for during the time that it has in these two instances been running its course, out of perhaps 250 head belonging to the beat on which the cattle of herd No. 1 were in the habit of depasturing before being inoculated, some fifteen beasts have died from Pleuro-pneumonia, and in herd No. 2 several deaths have also been reported.

On the other hand, one inoculated beast has died of the disease in herd No. 1, and two in herd No. 2. In these three cases the animals were known to be diseased when inoculated; and, from the appearance of their lungs after death, it would seem that the disease must have had too strong a hold on them to be arrested by inoculation, as they were almost wholly hepatized. The beast in herd No. 1 died on the tenth day after its inoculation, and those in herd No. 2, on the thirty-fifth and thirty-seventh days.

Besides this comparative absence of fresh cases of disease and deaths among the cattle which have been inoculated, the appearance of those animals which were evidently diseased when operated upon is, up to this time, completely in favour of the efficacy of inoculation in their case also, for they seem improving in appearance and condition. But although this part of the subject is to be further tested, by killing and examining a few head of those that were decidedly affected and now seem recovering, it has been deemed advisable to allow a few weeks longer to elapse from the date of the inoculation before making the experiment.

10. *Modes of inoculation recommended.*

Although the per centage of deaths has, in the case of No. 1, been much greater among the young cattle than the old or grown beasts, this difference was never before observable; and there is no doubt but that the cause of the deaths of the young cattle can in future be avoided, and that it will be found even safer, as well as more convenient, to inoculate the calves.

In whichever way the operation is performed, or whatever sort of pen is used in inoculating, the tail ought to be kept steady; and where cattle (especially small beasts and calves) do not pack so closely in the pen that they cannot move, their heads should be roped to a rail of the pen; and the operation should, like spaying, be steadily and carefully performed, and not bustled and hurried over as cutting and branding generally is.

Till further information and experience be obtained on the subject, it would be surest and safest to use the virus from a mixture of the sound and congested portions with that from the hepatized or marbled parts of the lung of a calf from six to ten months old; and if such a choice were practicable, that of an animal which had been lingeringly or mildly affected should be preferred. It would seem, however, from all the experience of this district, that a mixture of these portions of the lung of a full-grown beast may also be safely used, and should be so without scruple, where the disease begins to show itself and the other description of lung cannot be at once procured.

The operation should be performed by drawing a thick soft thread of twine, well saturated with virus, through the tail, between two and three inches from the tip or point, by means of a spaying needle, or what would be better, with a needle made of the same shape and material, but twice the length and broader in the blade, to make a larger opening for encouraging the discharge that ought to come from the wound. The tail should be closely clipped around the proper spot; and the string may be saturated either by drawing it repeatedly through a piece of lung containing a mixture of the proper sorts, or by mashing the lung up and steeping the twine in the liquid. In operating, the needle should be carefully inserted between the skin and the flesh, quite away from the muscles and arteries; and the wound made by its insertion and that where it protrudes should be very little more than a quarter of an inch apart.

Making a slight incision in the tail, and placing a drop of virus in the wound, is a somewhat more expeditious mode than using the needle and saturated thread; but it is not nearly so certain, as the blood from the wound is apt to carry off the virus before it has done its work.

If, again, it should be resolved to inoculate with lung, young cattle or calves ought not to be practised upon. The smallest possible bit of lung should be used, and the greatest care should be taken not to wound the tail, when making the incision with the knife for the insertion of the lung. A narrow thin-bladed knife, with the point turned up like a spaying needle should be used.

It would not be advisable to inoculate a whole herd at once; and unless the disease was making rapid progress on a station, no more cattle than could be afterwards seen daily till the effects of the inoculation have begun to subside, should be operated upon at one time. In this way any cattle dangerously affected with swelling, or showing symptoms of the inoculation having missed, could be seen and cared for.

In inoculating it is not safe to operate on some, and leave others in the same mob or running on the same ground uninoculated; for cattle have frequently been observed to lick the tails of those that were inoculated; and there are also other ways in which the virus from the tails of those that were inoculated might be conveyed to the lungs of uninoculated cattle mixing with them, whereby those that were sound would run very great risk of being infected.

Vaccination, also, with the matter from the tails of some of those that were inoculated, has been tried on fifteen head, and with decided effect, so far as the usual symptoms attending effective inoculation is concerned; but the operation was too lately performed for the results to be yet obtainable.

ALEX. BRUCE,
Inspector of Cattle.

Ten Mile Creek,
17th July, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. SAMUEL BOWLER.
(PETITION OF.)

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

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

The Petition of Samuel Bowler, of the Ten Mile Creek Run, in the Murrumbidgee
District and Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner is the occupant of the Ten Mile Creek Run, in the Murrumbidgee District.

That the said run is a small one, used by your Petitioner for fattening purposes only. That the disease called pleuro-pneumonia having been prevalent in the Murrumbidgee District, the Inspector appointed by the Government ordered that all the cattle on the run should be destroyed, and they have been destroyed accordingly.

That the number of cattle destroyed was one thousand one hundred and ninety-eight, consisting of speyed cows and bullocks, two-thirds and upwards being male stock, and fifty-four head under two years old. Very few of these cattle were really diseased, though many were reported to have been so by the sub-inspector employed by Mr. Bruce.

Eight months since your Petitioner purchased cattle for the station, at two pounds five shillings per head.

The lowest price for which your Petitioner sold cattle was five pounds per head, whilst he has sold a considerable number at eight pounds. Five hundred of the cattle destroyed were fit for the market, and, ere this, would have been sold, and prices averaging from four pounds to five pounds would have easily been obtained for them.

Your Petitioner will be a great loser if the Government only allows him at the rate of thirty shillings per head for cattle over two years; such a sum will not enable him to put on the run a sufficient number of sheep to be of any benefit to him.

Your Petitioner therefore humbly prays your Honorable House to take the circumstances detailed by your Petitioner into your favourable consideration, and to grant such relief to your Petitioner as your Honorable House will consider fit.

And your Petitioner will ever pray, &c.

SAMUEL BOWLER.

Dated this 20th day of January, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF GEORGE BARDWELL.)

Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of George Bardwell, of Ten Mile Creek, in the Colony of New South Wales, Squatter,—

HUMBLY SHEWETH:—

That your Petitioner is the occupant of a Run at the Ten Mile Creek, Little Billabong, in the Murrumbidgee District.

That your Petitioner's Run was, on or about the twenty-second day of October, one thousand eight hundred and sixty-one, placed in quarantine, by virtue of the Proclamation relating to the Pleuro-pneumonia disease, and was continued thus for several months.

That at the time of your Petitioner's Run being placed in quarantine, your Petitioner had sold sixty head of fat cattle, at four pounds ten shillings per head, fifteen of which only had been delivered; your Petitioner, by reason of his Run being so placed, being then unable to deliver the remainder.

That your Petitioner was also prevented from selling thirty other head of fat cattle, all of which he might have at the time sold for four pounds ten shillings per head.

That when the Run was released from quarantine, the market price for fat cattle had been reduced, and your Petitioner was unable to obtain more than two pounds five shillings per head for his cattle; in fact, he sold these seventy-five head of cattle for that price.

Your Petitioner is in a position to show that none of his cattle were affected with the disease Pleuro-pneumonia, they having been examined by the Pleuro-pneumonia Commissioner stationed on the Murray by the Victorian Government, and pronounced by him to be quite free from that disease.

Your Petitioner has been a considerable loser by his Run having been thus placed in quarantine.

Your Petitioner, therefore, humbly prays that your Honorable House will make inquiry into the loss your Petitioner has sustained, and grant to him such relief as to your Honorable House may seem meet.

And your Petitioner will ever pray, &c.

GEORGE BARDWELL.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF JOHN PURTELL.)

Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of John Purtell, of Ten Mile Creek, in the Murrumbidgee District, and Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioner is the occupant of the Ten Mile Creek and Mountain Creek Runs, in the Murrumbidgee District: That the said Runs are used by your Petitioner for breeding and fattening cattle.

That the disease among cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said Runs of Ten Mile Creek and Mountain Creek were, on or about the 26th day of November last, placed under quarantine by the Inspector, and so remained until the 20th day of March, 1862.

That at the time the said Runs were so placed under quarantine, there were on them, belonging to your Petitioner, upwards of two hundred fat cattle fit for the market, and which were under offer to a purchaser, at five pounds per head.

That your Petitioner had besides, one hundred and fifty other cattle fattening in a paddock leased by him from Mrs. Anne Green, Billy Bong, which was also placed under quarantine, on or about the 8th day of October, 1861, until the 20th day of March, 1862.

That your Petitioner was thus, for over five months in the one case, and about four months in the other, unable to remove any of his cattle, although they were fit for market, whereby he was prevented from disposing of them at a much better price than he could afterwards obtain when the interdict was removed.

That as the interdict was not removed until the best of the season was over, the cattle had fallen off in condition, and at the removal of such interdict only 175 were fit for the market.

That your Petitioner will thus be at a loss, through depreciation in the price obtained for his fat cattle, and through the reduction in the number fit for market, of £1,286 5s. and upwards, occasioned by the operation of the quarantine.

Your Petitioner, therefore, humbly prays your Honorable House to take the circumstances now detailed by your Petitioner into your favourable consideration, and to grant to your Petitioner such relief as to your Honorable House may seem fit.

And your Petitioner will ever pray, &c.

JOHN PURTELL.

Dated the 29th day of July, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF WILLIAM RIAL.)

Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of William Ryall, of Four Mile Creek, in the Murrumbidgee District, and Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner is the licensed occupant of the Four Mile Creek Run, in the Murrumbidgee District.

That the said Run is used by your Petitioner for breeding and fattening purposes.

That the disease among cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said Four Mile Creek Run was, on or about the twenty-sixth day of November, 1861, placed under quarantine by the Inspector, and remained so until the 20th day of March, 1862.

That at the time of the said Run being so placed under quarantine, there were thereon upwards of 125 head of cattle, fat and fit for the market.

That 100 head of the said cattle were sold to Charles Engelhardt, butcher, of Albury, at the rate of four pounds ten shillings for bullocks, and four pounds for cows.

That your Petitioner, in consequence of the said Run being in quarantine, was unable to deliver the said cattle, and that in consequence of such non-delivery, the sale of the said cattle was lost to your Petitioner.

That as the interdiction was not removed until the best of the season had long past, the cattle had so fallen off in condition, that when they could be removed from the said Run there were only forty-eight head fat, and the market price had fallen to two pounds five shillings.

That your Petitioner will thus be at a loss, through depreciation in the market price obtainable for cattle, and through the reduction in the number of cattle fat and fit for the market, of £392 12s. 6d. and upwards, occasioned through the operation of the quarantine.

Your Petitioner, therefore, humbly prays your Honorable House to take the circumstances now detailed by your Petitioner into your favourable consideration, and to grant your Petitioner such relief as your Honorable House may consider fit.

And your Petitioner will ever pray, &c.

WM. RIAL.

Dated the 29th day of July, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF JOHN COX.)

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

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

The Petition of John Cox, of Pulletop and Mangoplar, in the Murrumbidgee District, and Colony of New S. Wales,—

HUMBLY SHEWETH:—

That your Petitioner is, along with Mr. John Keane, the joint occupant of the Pulletop Run, and along with Mr. Charles Crisp, the joint occupants of the Mangoplar Run, both in the Murrumbidgee District.

That the said Runs were used by your Petitioner and his co-occupants principally for the purpose of breeding and fattening cattle.

That the disease among cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said Runs of Pulletop and Mangoplar were, on or about the twenty-sixth day of November and twenty-fourth day of December, 1861, respectively, placed under quarantine by the Inspector, and through Proclamation in the *Government Gazette*, and remained so until the twentieth day of March, 1862.

That at the time the said Runs were so held under quarantine, there were on them belonging to your Petitioner, upwards of four hundred head of fat cattle, fit for the market, which your Petitioner wished to dispose of.

That your Petitioner was thus, for nearly four months in the one case and three months in the other, unable to remove any of his cattle, although they were fit for market; whereby he was prevented from disposing of them at a much better price than he could afterwards obtain, when the interdict was removed.

That as the interdict was not withdrawn until the best of the season was over, the cattle had fallen off in condition, so that when they could be removed, there was scarcely one-third of the cattle fit to be disposed of which could have been mustered two months previously; only one hundred and thirty in all being procurable when the quarantine was removed.

That your Petitioner will thus be at a loss, through depreciation in price obtained for his fat cattle, and through the reduction in numbers fit for market, of one thousand and fifty pounds (£1,050) and upwards, occasioned through the operation of the quarantine.

Your Petitioner, therefore, humbly prays your Honorable House to take the circumstances now detailed by your Petitioner, into your favourable consideration, and to grant such relief to your Petitioner as your Honorable House will consider fit.

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

JOHN COX.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF CHARLES CRISP.)

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

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

The Petition of Charles Crisp, of Mangoplar, in the Murrumbidgee District, and Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner is, along with Mr. John Cox, the joint occupant of the Mangoplar Run, in the Murrumbidgee District.

That the said Run was used by your Petitioner and his co-occupant, principally for the purpose of breeding and fattening cattle.

That the disease among cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said Run of Mangoplar was, on or about the twenty-fourth day of December, 1861, placed under quarantine by the Inspector, and through Proclamation in the *Government Gazette*, and remained so until the twentieth day of March, 1862.

That at the time the said Run was so held under quarantine, there were on it, belonging to your Petitioner, upwards of three hundred head of fat cattle, fit for the market, which your Petitioner wished to dispose of.

That your Petitioner was thus for nearly three months unable to remove any of his cattle, although they were fit for market; whereby he was prevented from disposing of them at a much better price than he could afterwards obtain when the interdict was removed.

That as the interdict was not withdrawn until the best of the season was over, the cattle had fallen off in condition, so that when they could be removed, there were not more than one-third of the cattle fit to be disposed of which could have been mustered two months previously, only one hundred head in all being procurable when the quarantine was removed.

That your Petitioner will thus be at a loss, through depreciation in price obtained for his fat cattle, and through reduction in numbers fit for market, of seven hundred and eighty-seven pounds, ten shillings (£787 10s.) and upwards, occasioned through the operation of the quarantine.

Your Petitioner, therefore, humbly prays your Honorable House to take the circumstances now detailed by your Petitioner into your favourable consideration, and to grant such relief to your Petitioner as your Honorable House will consider fit.

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

CHARLES L. CRISP.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF JOHN KEANE.)

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

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

The Petition of John Keane, of Pulletop, in the Murrumbidgee District, and Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioner is, along with Mr. John Cox, the joint occupant of the Pulletop Run, in the Murrumbidgee District.

That the said Run was used by your Petitioner and his co-occupant principally for the purpose of breeding and fattening cattle.

That the disease among cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said Run of Pulletop was, on or about the twenty-sixth day of November, 1861, placed under quarantine by the Inspector, and through Proclamation in the *Government Gazette*, and remained so until the twentieth day of March, 1862.

That at the time the said Run was so held under quarantine, there were on it, belonging to your Petitioner, upwards of two hundred head of fat cattle fit for the market, which your Petitioner wished to dispose of.

That your Petitioner was thus for nearly four months unable to remove any of his cattle, although they were fit for market; whereby he was prevented from disposing of them at a much better price than he could afterwards obtain, when the interdiction was removed.

That as the interdiction was not withdrawn until the best of the season was over, the cattle had fallen off in condition; so that when they could be removed, there was scarcely one-third of the cattle fit to be disposed of which could have been mustered two months previously; only sixty-six head in all being procurable when the quarantine was removed.

That your Petitioner will thus be at a loss, through depreciation in price obtained for his fat cattle, and through the reduction in numbers fit for market, of five hundred and twenty-five pounds (£525) and upwards, occasioned through the operation of the quarantine.

Your Petitioner, therefore, humbly prays your Honorable House to take the circumstances now detailed by your Petitioner into your favourable consideration, and to grant such relief to your Petitioner as your Honorable House will consider fit.

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

JOHN KEANE.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF JAMES M'LAURIN.)

Received by the Legislative Assembly, 2 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of James M'Laurin, of Yarra Yarra, in the Murrumbidgee District, and Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioner is a member of the firm of James M'Laurin and Sons.

That the said James M'Laurin and Sons have been for some time, and are now, the occupants of the Yarra Yarra Run, in the Murrumbidgee District.

That the said James M'Laurin and Sons in March, one thousand eight hundred and sixty, purchased the Yarra Yarra Run, with four thousand head of cattle, for the sum of twenty-two thousand five hundred pounds.

That in August, one thousand eight hundred and sixty-one, the disease Pleuro-pneumonia appeared amongst the cattle, and in October and the following months, six thousand three hundred and five head of cattle of the said firm, were destroyed under the Proclamations relating to the disease and the instructions given to the Inspector.

That the value of the cattle thus destroyed your Petitioner reckons as follows:—

6 bulls, at 50 guineas each	£315	0	0
5 working bullocks, at £5 each.....	25	0	0
1,100 breeding cows, at £3 10s. each	3,850	0	0
450 milking cows, at £5 each	2,250	0	0
1,500 fat cattle, at £4 each	6,000	0	0
1,352 store cattle, over 2 yrs. old, at £2 10s. each	4,380	0	0
946 young cattle, under 2 yrs. old and over one year, at £2 each	1,892	0	0
946 calves, under twelve months, at £1 10s. each	1,420	0	0
	<u>£20,132</u>	<u>0</u>	<u>0</u>

This calculation makes a total loss to your Petitioner and his partners of twenty thousand one hundred and thirty-two pounds.

That your Petitioner's valuation is on a low scale, as the firm to which he belongs have never sold fat cattle on the Yarra Yarra Run, before the destruction of their herd, for less than four pounds, and they have realized as high as seven pounds; and the firm are now selling, at their stations on the Lower Murray, cows of the same breed as the cattle destroyed, at five pounds seven shillings and sixpence, and bullocks at seven pounds seven shillings and sixpence.

That the cattle destroyed were generally of a fine description. The firm had on the run two celebrated imported Durham bulls, purchased at two hundred and fifty pounds each, and a large number of the stock destroyed were by these. Of the cattle destroyed there were five bulls by an imported Hereford bull, and one Van Diemen's Land bred Hereford bull. The working bullocks were of the ordinary kind. The breeding cows were principally picked and collected from several stations belonging to your Petitioner and his partners, specially for breeding purposes. The principal portion of the milking cows were from the celebrated Glenlee herd. The fat cattle were chiefly young four year old bullocks and spayed cows, a large number by imported bulls. The store cattle were spayed cows and young bullocks. The young cattle and calves were by imported bulls and the stock of imported bulls.

That from the time of the destruction of the cattle until July last, a period of about eleven months, the Yarra Yarra Run has almost been useless to your Petitioner and his partners, and they estimate their loss in this respect and the interest of money at about three thousand pounds.

That although the run was thus almost useless, M'Laurin and Sons during the time paid the Yarra Yarra license and assessment, amounting to one hundred and sixty pounds.

That the Messieurs M'Laurin and Sons, although they had repeatedly applied to the Government for compensation, and had represented the great loss they were sustaining in consequence of the delay in payment of the allowance to which they were justly and legally entitled, did not receive any compensation until the latter end of July last.

That the Messieurs M'Laurin and Sons, in June and July last, received from the Government the sum of eight thousand seven hundred and fifty-nine pounds ten shillings, being according to the rule allowed by the Government, but far from being sufficient to compensate your Petitioner's firm for the great loss they had sustained.

Your Petitioner therefore humbly prays that your Honorable House will take his case and that of his partners into consideration, and grant such relief to them as to your Honorable House may seem meet.

And your Petitioner will ever pray, &c.

JAMES M'LAURIN.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF JOHN MORRICE.)

Received by the Legislative Assembly, 2 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of John Morrice, of Berrima, in the Colony of New South Wales, Grazier,—

RESPECTFULLY SHEWETH:—

That your Petitioner is the occupant of the Mullingandra Run, in the Murrumbidgee District, in the Colony of New South Wales.

That the said run was used by your Petitioner for the purpose of breeding and fattening cattle.

That the disease amongst cattle called Pleuro-pneumonia having been prevalent in the neighbourhood, the said run of Mullingandra was, about the month of November, one thousand eight hundred and sixty-one, placed under quarantine by the Inspector and Proclamation in the *Government Gazette*, and remained so until about the month of March, one thousand eight hundred and sixty-two.

That at the time the said run was so held under quarantine, there were on it belonging to your Petitioner, a number of fat cattle and a number of superior bred bulls, some of which your Petitioner had contracted to sell.

That your Petitioner was thus, for nearly four months, unable to remove any of his cattle, whereby he was prevented disposing of them at a much better price than he could afterwards obtain when the interdict was removed. And that by reason of the injury attaching to the stock generally, through having been placed in quarantine, your Petitioner was unable to sell the bulls at any price.

That as the interdict was not withdrawn until the best of the season was over, the cattle had fallen off in condition; so that when they could be removed, few of them were fit to be disposed of.

That your Petitioner will thus be at a loss, through depreciation in price of fat cattle, total depreciation of value of the bulls, and deterioration in value of milch cows, of five hundred pounds and upwards, and all through the operation of the quarantine.

That notwithstanding the serious loss sustained by reason of the quarantine, your Petitioner was compelled to pay rent and assessment to the Government.

Your Petitioner therefore humbly prays that your Honorable House will take the premises into your favourable consideration, and grant to your Petitioner such relief as to your Honorable House shall seem meet.

And your Petitioner will ever pray.

JOHN MORRICE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PLEURO-PNEUMONIA.

(PETITION OF WILLIAM HENRY WILLIAMS.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of William Henry Williams, of the Little Billabong Station, in the Murrumbidgee District, Squatter,—

HUMBLY SHEWETH:—

That your Petitioner is the occupier of the Little Billabong Run, in the Murrumbidgee District.

That the said Run was put in quarantine by order of the Pleuro-pneumonia Commissioner, it being the District alleged to be affected by the disease of Pleuro-pneumonia.

That it remained in quarantine for several months, during which time the cattle belonging to your Petitioner deteriorated in value, and the prices for stock became much decreased.

That at the time your Petitioner's Run was placed in quarantine he had about eight hundred head of cattle; and not being able to dispose of them, he was necessitated to mortgage his stock and station at a heavy cost and interest.

That your Petitioner had also one hundred and forty head of cattle placed on his Run on fattening terms; he was however obliged to return the cattle to the owner without their being fat, and consequently without his receiving payment.

That your Petitioner has been a loser, he calculates, to the extent of one thousand pounds, by his Run having been placed in quarantine.

Your Petitioner, therefore, humbly prays that your Honorable House will take the circumstances of the hardships of his case into its favourable consideration, and grant to him such relief as to it may seem expedient and just.

And your Petitioner will ever pray, &c.

WILLIAM HENRY WILLIAMS.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

SLAUGHTER OF CATTLE UNDER CATTLE DISEASE
PREVENTION ACT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

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

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 2s. 7d.]

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1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 41. TUESDAY, 5 AUGUST, 1862.

10. Slaughter of Cattle under Cattle Disease Prevention Act:—Mr. Rusden moved, pursuant to notice,—
- (1.) That a Select Committee, with power to send for Persons and Papers, be appointed to consider and report upon the circumstances connected with the Slaughter of Cattle, by the authority of the Government, under the Cattle Disease Prevention Act, 24th Victoria, No. 11.
 - (2.) That such Committee consist of Mr. Cowper, Mr. Hay, Mr. W. Forster, Mr. Mate, Mr. Raper, Mr. Morrice, Mr. Leary, Mr. Gordon, Mr. Dickson, and the Mover.
- Debate ensued.
- And Mr. Robertson demanding that the said Committee be appointed by Ballot,—
- Question,—(1.) That a Select Committee, with power to send for Persons and Papers, be appointed to consider and Report upon the circumstances connected with the Slaughter of Cattle, by the authority of the Government, under the Cattle Disease Prevention Act, 24th Victoria, No. 11,—put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed:—Mr. Rusden, Mr. Hay, Mr. Mate, Mr. Robertson, Mr. Cowper, Mr. Gordon, Mr. Leary, Mr. W. Forster, Mr. Dickson, and Mr. Raper.

VOTES, No. 54. WEDNESDAY, 27 AUGUST, 1862.

3. Pleuro-pneumonia:—
- (1.) Mr. Mate presented the undermentioned Petitions, representing, respectively, that the Petitioners have sustained considerable loss in consequence of the operation of the Regulations relating to Pleuro-pneumonia, and praying relief:—
 - (1.) From Charles Crisp, of Mangoplar, in the Murrumbidgee District.
 - (2.) From John Cox, of Pulletop and Mangoplar, in the Murrumbidgee District.
 - (3.) From John Keane, of Pulletop, in the Murrumbidgee District.
 Petitions, on motion of Mr. Mate, received, and referred to the Select Committee, now sitting, on Slaughter of Cattle, under the Cattle Disease Prevention Act.
 - (2.) Mr. Mate then, *with the concurrence of the House*, moved (without Notice), That that the Petition of Mrs. Anne Greene, of Billy Bong, ordered by this House to be printed on 20th January last, and the Petitions of William Rial, George Bardwell, and John Purtell, presented by him on the 5th August, be referred to the Select Committee appointed to consider and report upon the Slaughter of Cattle by authority of the Government, under the Cattle Disease Prevention Act.
- Question put and passed.

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

11. Pleuro-pneumonia:—
- (1.) Mr. Mate presented the undermentioned Petitions, representing, respectively, that the Petitioners have sustained considerable loss in consequence of the operation of the Regulations relating to Pleuro-pneumonia:—
 - (1.) From John Morrice, of Berrima.
 - (2.) From James M'Laurin, of Yarra Yarra, in the Murrumbidgee District.
 Petitions, on motion of Mr. Mate, received, and referred to the Select Committee, now sitting, on Slaughter of Cattle under Cattle Disease Prevention Act.
 - (2.) Mr. Mate then, *with the concurrence of the House*, moved (without notice), That the Petition of Samuel Bowler, on the same subject, presented to this House on 28th May, and ordered to be printed on the 29th May last, be also referred to the said Committee.
- Question put and passed.

VOTES,

VOTES, No. 67. THURSDAY, 18 SEPTEMBER, 1862.

4. Pleuro-pneumonia :—

(1.) Mr. Mate presented a Petition from William Henry Williams, of Little Billabong Station, in the Murrumbidgee District, Squatter, representing that he has sustained considerable loss in consequence of his Run having been placed in Quarantine, under the Regulations respecting Pleuro-pneumonia,—and praying relief.

Petition received.

(2.) Mr. Mate then, *with the concurrence of the House*, moved (without notice), That the Petition of William Henry Williams be referred to the Select Committee appointed to inquire into, and report upon, the Slaughter of Cattle ordered by the Government, under the Cattle Disease Prevention Act.

Question put and passed.

VOTES, No. 109. TUESDAY, 2 DECEMBER, 1862.

2. Slaughter of Cattle under Cattle Disease Prevention Act :—Mr. Gordon, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee, appointed on the 5th August last, to consider and report upon this subject,—together with Appendix.
- Ordered to be printed.
-

1862.

SLAUGHTER OF CATTLE UNDER CATTLE DISEASE
PREVENTION ACT.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th August last, "to consider and report upon the circumstances connected with the Slaughter of Cattle, by the authority of the Government, under the Cattle Disease Prevention Act, 24th Victoria, No. 11,"—with power to send for persons and papers," and to whom were referred, on the 27th of the same month, Petitions from Charles Crisp, John Cox, John Keane, Mrs. Anne Greene, William Rial, George Bardwell, and John Purtell; to whom were referred, on the 2nd September last, Petitions from John Morrice, James M'Laurin, and Samuel Bowler; and to whom were also referred, on the 28th of the same month, the "Petition of William Henry Williams,"—have agreed to the following Report:—

Your Committee, to whom several Petitions have been referred by your Honorable House, have carefully considered the merits of each, in every case where the Petitioner or his Agent has appeared before them; and having examined the parties named in the margin,* and a number of documents obtained from the Government, are of opinion that some of the Petitioners are entitled to compensation.

*Mr. M. Fitzpatrick,
Mr. A. Bruce,
Mr. J. Morrice, M.P.,
Mr. G. Bardwell,
Mr. W. Rial,
Mr. J. Purtell,
Mr. G. H. Greene,
Mr. J. M'Laurin,
Mr. H. J. Bowler,
Mr. J. Pottis.

Although the placing of a large area of country under Quarantine may have been very beneficial to the community at large, yet by such restriction individual interests have suffered, and several cases of hardship have occurred, where the owners were prevented from taking mobs of fat cattle to market, some of which had actually been sold and could not be taken away, and before the prohibition was removed the price of fat stock had fallen considerably.

Your Committee recommend that Messrs. Bardwell, Rial, Purtell, and Mrs. Greene, in consequence of the losses which they have sustained, should be exempted from paying rent and assessment for two years.

The

The Petitions of Messrs. M'Laurin and Bowler demand a separate notice, as they are for further compensation for cattle destroyed by order of the Government; and in their case, your Committee are of opinion, that although a certain remuneration has been given to them for the destruction of their cattle, yet there is always a great loss and considerable expense incurred in breaking-in cattle to a run by herding, which prevents their fattening, and consequently the proprietor derives no benefit from the sale of stock for a long period of time.

According to the evidence given, both by Mr. Pottie and Mr. Bruce, with reference to the dissemination of Pleuro-pneumonia by infection and contagion, it would not be judicious to place sound cattle upon diseased runs, until they had remained sufficiently long empty as to prevent the possibility of any chance of infection.

The difficulty of obtaining suitable stock, free from disease, and the great distance which, in all probability, the cattle would be required to travel when procured, would also prolong the time when the stations could not be turned to any account.

Under the circumstances, your Committee recommend that Messrs. M'Laurin and Bowler should not be charged rent or assessment for three years, so as to allow them full time to re-stock their runs, and to derive some advantage from them.

With reference to the course which the Government thought proper to pursue for the purpose of arresting the progress of Pleuro-pneumonia, it appears to your Committee, that in consequence of the great alarm and dread which prevailed, especially among the settlers, when it first made its appearance, the Government was fully justified in taking such steps, with a view not only to check its progress, but also to suppress it, as, from the knowledge they then possessed, were best calculated to effect the purpose; and so anxious were the stockholders that the most active and energetic measures should be adopted, that a meeting was held at Ten Mile Creek, on 19th October, 1861, when a Resolution was proposed and carried unanimously, to the following effect:—"That this meeting, after
" mature deliberation, is convinced that the only effectual means of
" stopping the spread of the disease called Pleuro-pneumonia is to
" destroy the entire portion of the herd amongst which diseased
" cattle have been found, as it has been proved by experience that it
" is impossible to detect the disease in its early stages."

When the disease became general throughout the herds of Messrs. M'Laurin and Bowler's cattle, the Government, finding that any attempt to check the disease by picking out the diseased cattle from the sound would be futile, and that a great deal of time would be lost, determined that the same stringent measures should be adopted with regard to this disease as were followed under the "Scab in Sheep Act," and decided on the total destruction and consumption by fire of all the cattle on these two stations, with a view to eradicate the disease at once; but in consequence of a portion of the cattle in
each

each of these herds having been brought, a short time previously, from other stations at a considerable distance and in different directions, to which some of them returned, the infection was spread by them wherever they went, and (when it was ascertained that the disease was no longer confined to these two runs,) it was deemed necessary to prohibit the passage of horned cattle throughout infected stations, and also the impounding of cattle from all infected lands and those adjoining.

A Special Commission was authorized by your Honorable House, on the 23rd November, 1861, to which a Veterinary Surgeon was attached, to inquire into Pleuro-pneumonia, to report upon the best means of staying the disease, and to consider what land, if any, should be placed under Quarantine.

The Members of the Board, after a minute and careful examination of the District, finding that the disease had extended over a much greater area of country than they anticipated, recommended that the removal of cattle be prevented from a great part of the Murrumbidgee District to any other part of New South Wales; and when traced continuously to Albury, the interdict was extended so as to enable the occupants of runs previously under Quarantine to send their fat stock to the Victorian market.

The Commissioners, after a close inspection of a large tract of country, where they found symptoms of disease in all the herds, expressed their regret, in their letter of the 4th January, that owing to the unexpected wide spread of the disease, they were unable to ascertain its precise limits or to suggest the means of effectually arresting its progress, much less of eradicating it; and they believed it to be highly infectious and contagious, and that in its early stages it was so insidious as to escape the notice of all but practised eyes.

Your Committee, having devoted the most careful attention to the investigation of the subject, are of opinion, that, although the steps adopted by the Government had not the effect of exterminating Pleuro-pneumonia, yet that the destruction of the herds where it first made its appearance, and at the time when it was most virulent (taking into consideration the small number in each which were found to be sound), tended materially to check its progress; but in consequence of the extensive intercourse from Victoria by teams of working bullocks and by stray cattle, the infection was scattered and carried into various parts. When the Government ascertained that the disease was no longer confined to a narrow compass, orders were given for the destruction of such cattle only as were diseased, or supposed to be so.

Your Committee cannot conclude their Report without some reference to Inoculation; and from the evidence which has been given by Messrs. Pottie and Bruce, and several other parties who have tried it, apparently, with great success in both diseased and sound cattle, it appears to your Committee, that if it is judiciously performed

performed at an early stage of the disease, there will be no necessity, in future, to resort to the destruction of infected cattle, unless they are attacked very severely; and they strongly recommend, as a preventive, that the increase should be inoculated while young. But sufficient time has not elapsed since the operations were performed to test their efficacy, so as to warrant your Committee in giving a decided expression of opinion whether Inoculation can be considered as a cure or a preventive, or both.

HUGH GORDON,
Chairman.

*Legislative Assembly Chamber,
Sydney, 2 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 28 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Rusden,	|	Mr. Robertson,
Mr. Gordon,	|	Mr. Leary,
Mr. Raper,	|	Mr. Mate,
	Mr. Hay.	

Mr. Rusden called to the Chair.

The following Papers before the Committee:—

Votes, No. 41 (Entry 10), containing Resolution of the House appointing the Committee.

Copies of the Cattle Disease Prevention Act, 24 Vic., No. 11.

The several Petitions *referred*.

Committee deliberated as to their course of procedure.

It was Resolved,—

- (1.) That Mr. Fitzpatrick, the Under Secretary for Lands, be summoned to attend the Committee, to produce all the Papers and Telegrams relating to the Slaughter of Cattle under the Cattle Disease Prevention Act, relative to Pleuro-pneumonia.
- (2.) That the following gentlemen be requested to attend and give evidence, viz., Messrs. Bruce, Day, Pottie, M'Laurin, Bowler, Morrice, and all the persons who have sent in Petitions for compensation in the case of Pleuro-pneumonia (which have been referred to the Committee); but, that Mr. George Greene be requested to attend instead of his mother, Mrs. Anne Greene.

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

THURSDAY, 4 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rusden in the Chair.

Mr. Robertson,	|	Mr. Mate,
	Mr. Hay.	

The Chairman laid before the Committee the following Telegram, from George Day, of Albury, to Clerk of Legislative Assembly, in answer to summons:—

"I am willing to attend summons of Select Committee on 16th, to inquire into "slaughter of diseased cattle, provided my expenses are paid and loss of time."

Mr. M. Fitzpatrick, *Under Secretary for Lands*, examined.

Witness *produced*, for the temporary service of the Committee, the Papers and Telegrams relating to the slaughter of cattle under the Cattle Disease Prevention Act.

Witness withdrew.

Paper, entitled "Review of Measures adopted by the Government of New South Wales, to eradicate Pleuro-pneumonia, and Inquiry into the causes of their Failure—1862," read at length by the Chairman.

Committee deliberated.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

TUESDAY, 16 SEPTEMBER, 1862.

MEMBERS PRESENT—

Mr. Rusden in the Chair.

Mr. Mate,	|	Mr. Gordon,
Mr. Raper,	|	Mr. Leary,
Mr. Robertson,	|	Mr. Hay.

Committee met pursuant to summons.

Mr. Alexander Bruce, *Inspector of Cattle*, examined.

Several documents handed in. (*Vide List of Separate Appendix.*)

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

WEDNESDAY, 17 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rusden in the Chair.

Mr. Gordon,		Mr. Leary,
Mr. Raper,	|	Mr. Mate,
Mr. Hay,		Mr. Robertson.

Committee deliberated.

Mr. Alexander Bruce, called in and further examined.

Several Letters, Telegrams, and other Papers, handed in by witness. (*Vide List of Separate Appendix.*)

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

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rusden in the Chair.

Mr. Mate,		Mr. Gordon,
Mr. Leary,	|	Mr. Raper,
Mr. Hay,		Mr. Robertson.

Further Papers relative to the subject under inquiry, received from the Under Secretary for Lands, and laid before the Committee.

Mr. Alexander Bruce further examined.

Several Papers handed in. (*Vide List of Separate Appendix.*)

Mr. John Morrice, M.P., and Mr. George Bardwell examined.

Paper handed in by last witness. (*Vide List of Appendix.*)

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

TUESDAY, 23 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rusden in the Chair.

Mr. Hay,		Mr. Mate,
Mr. Gordon,	|	Mr. Leary,
	Mr. Raper.	

Mr. William Rial, Mr. John Purtell, and Mr. George Greene, severally examined.

Mr. George Bardwell further examined.

Mr. Morrice, M.P., further examined.

Several Papers handed in. (*Vide List of Appendix.*)

Mr. Greene suggested his being allowed to supplement his Evidence by appending certain documents in proof of statements made by him before the Committee.

Permission granted.

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

WEDNESDAY, 24 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Rusden in the Chair.

Mr. Hay,		Mr. Raper,
Mr. Gordon,	|	Mr. Leary,
Mr. Mate,		Mr. Robertson.

Mr. J. M'Laurin examined.

Several Papers handed in. (*Vide List of Appendix.*)

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

TUESDAY, 30 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Gordon,		Mr. Leary,
Mr. Mate,	|	Mr. Raper,
	Mr. Hay.	

Mr. Gordon, in the absence of Mr. Rusden, called to the Chair.

Chairman drew the attention of the Committee to a letter received by the Clerk from Mr. Rusden, dated Legislative Chambers, 24 September, 1862, regretting that most urgent business takes him for a short time into the country, and hoping the Committee will accept his apology for unavoidable absence, and elect a Chairman in his stead;—

Whereupon, Mr. Gordon was duly elected Chairman.

Mr. Henry J. Bowler called in and examined.

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

FRIDAY,

FRIDAY, 3 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Gordon in the Chair.

Mr. Leary,	|	Mr. Mate,
	Mr. Hay.	

Mr. John Pottie called in and examined.

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

WEDNESDAY, 8 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Gordon in the Chair.

Mr. Hay,	|	Mr. Mate,
Mr. Leary,		Mr. Raper.

Mr. Alexander Bruce further examined.

Several Papers read and handed in. (*Vide List of Separate Appendix.*)

Ordered, That all the Papers handed in by Mr. Bruce be arranged chronologically in a Separate Appendix.

[Adjourned.]

FRIDAY, 17 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Gordon in the Chair.

Mr. Leary,	|	Mr. Mate,
	Mr. Raper.	

Chairman laid before the Committee a letter he had received from Mr. Henry Bowler, requesting to be re-examined upon certain portions of evidence given by him before the Committee.

And Mr. Bowler being called in, and submitting a Schedule of alterations and amendments,—

Strangers were requested to withdraw.

Committee considered the several alterations suggested, and decided upon admitting some and rejecting others.

The Clerk instructed to correct the evidence accordingly.

Mr. Bowler called in and informed of the decision of the Committee.

[Adjourned.]

TUESDAY, 25 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Gordon,		Mr. Leary.
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In the absence of a Quorum, the Meeting, called for this day, lapsed.

[To be called for Thursday next, at *Eleven* o'clock.]

THURSDAY, 27 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Gordon in the Chair.

Mr. Leary,	|	Mr. Raper,
	Mr. Robertson.	

Committee met pursuant to summons.

Chairman laid before the Committee a Letter, from the Under Secretary for Lands to the Chairman of the Committee, dated 22 October, 1862, forwarding copy of a Letter received from Mr. Cattle Inspector Bruce, suggesting certain experiments to be made for testing Inoculation as a remedy for Pleuro-pneumonia.

Committee

Committee deliberated as to the several claims of the Petitioners.
 Certain heads of Report agreed upon.
 Chairman to prepare Draft Report, and printed copies to be *circulated* prior to next meeting.

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

TUESDAY, 2 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Gordon in the Chair.

Mr. Robertson, | Mr. Mate,
 Mr. Raper.

Chairman laid before the Committee Draft Report,—printed copies having been previously *circulated*.

Draft Report read 1^o.
 Same read 2^o, paragraph by paragraph.
 Paragraphs 1, 2, and 3 read and agreed to.
 Paragraph 4 read, *verbally* amended, and agreed to.
 Paragraphs 5 to 13 read and agreed to.
 Paragraph 14 read and considered.
 Motion made and *Question*,—That the Paragraph as read stand part of the Report,—

put.

Committee divided.
 Aye, 1. | Noes, 2.
 Mr. Raper. | Mr. Robertson,
 Mr. Mate.

Paragraph struck out.
 Paragraph 15 read and agreed to.
 Motion made and *Question*,—That this Report be the Report of the Committee,—
agreed to.
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LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

SLAUGHTER OF CATTLE UNDER CATTLE DISEASE PREVENTION ACT.

THURSDAY, 4 SEPTEMBER, 1862.

Present :—

MR. MATE, MR. ROBERTSON, MR. RUSDEN.

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

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

- 1. By the Chairman: You have been summoned to attend before this Committee, in order that you may produce certain papers and correspondence having reference to the subject of Pleuro-pneumonia, that this Committee has been appointed to inquire into;—do you now produce those papers? I do.
2. These are all the papers connected with the subject? Yes, practically the whole correspondence is complete; everything at all required for giving a history of the case will be found here; though, in a correspondence running over the last eighteen months, it is unavoidable that, in the short time I have had to arrange them, the continuity should be somewhat broken.
3. Is the correspondence very voluminous? In our department we do not consider a box full of papers to be a very voluminous correspondence; I do not mean to imply by this that there is anything excessively voluminous about them; but the remark I made had reference to the short notice I received, which has prevented me from properly arranging the papers in their regular order of date. If these papers had been asked for by the House, under a notice of motion, we should have had a longer time to prepare them in; the matter also is still going on, and even since I came into the room I have received some papers of importance to the case.
4. The Committee had no intention of hurrying you;—if the papers are incomplete, we can put off their receipt for a week if you wish? As far as our department is concerned, the papers I have here are all that will be required to give a complete history of the case.
5. The Committee will have no questions to ask you until after we have read over these documents, and perhaps not then, if we find the statements made to be so clear as to require no elucidation from you? These papers contain the whole of the information possessed by the department. There is one paper from Mr. Bruce, to which I would particularly draw your attention in the first instance, as it contains a very clear and succinct account of the origin and progress of the disease, and of the course adopted by the Government with reference to it.

Michael Fitzpatrick, Esq. 4 Sept., 1862.

TUESDAY, 16 SEPTEMBER, 1862.

Present:—

MR. GORDON,
MR. HAY,
MR. LEARY,MR. MATE,
MR. RAPER,
MR. ROBERTSON.

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

Alexander Bruce, Esq., called in and examined:—

Alexander Bruce, Esq. 6. *By the Chairman*: You were appointed by the Government, Chief Inspector, under the Pleuro-pneumonia Act? Yes.

16 Sept., 1862. 7. And you are still Chief Inspector? I am.

8. Will you be good enough to favour the Committee with an account of the whole circumstances connected with pleuro-pneumonia since you have held the inspectorship, stating the time you were appointed, and what you have done since? In the end of August, 1861, there was a meeting held at Ten Mile Creek, by the settlers, to take into consideration what steps they would adopt to stop the spread of pleuro-pneumonia, at which meeting Mr. Mate attended. It was a numerous meeting for the district. Mr. Mate, who had been in communication with the Government upon the subject, read a telegram from the Secretary for Lands asking whether he knew any party that he could recommend as inspector, and he mentioned me; but he left it to the meeting to say whether they would endorse his view of that matter or not. The meeting agreed to his suggestion, and recommended me to the Secretary for Lands as inspector. On or about the 5th September (*vide Separate Appendix 2*) I received a telegram from the Secretary for Lands, stating that I had been appointed inspector, and requesting me to report upon the disease. I reported according to instructions. A copy of that Report I beg to hand in. (*The witness handed in the same. Vide Separate Appendix 4.*) From that time till the 30th September I continued to inspect the cattle in the neighbourhood of Ten Mile Creek. On the 18th September I made the following Report. (*The witness handed in the same. Vide Separate Appendix 7.*) After making the suggestions contained in my Report, I received instructions from the Secretary for Lands, dated 30th September, 1861. The instructions were authorizing me to enter upon any lands, to examine cattle; to cause any cattle which I might suppose to be infected with the disease, to be killed and to be consumed with fire; to intimate to the parties who destroyed the cattle that they would be paid for doing so, and directing me and my assistants to keep an account of such cattle destroyed; authorizing me to intimate to the owners of cattle so destroyed, that the Government would pay 30s. per head for all over twelve months old, and 10s. per head for all under that age; no proprietor to receive compensation who did not give notice of the existence of disease on his run; authorizing me to employ two stockmen to assist in carrying out my instructions, at the rate stated, 10s. a day; authorizing me to stop cattle and bullock teams from travelling; to prohibit impounding of cattle from infected runs; to prohibit the dairying of cattle on infected runs; instructing me to give notice, by placards and through the local press, of the runs, or parts of runs that I might consider it desirable to place under quarantine; requesting me to prepare draft regulations under the Cattle Disease Prevention Act; stating that the Government were deeply anxious that every possible means should be tried to eradicate the disease, and that the sum of £200 was placed at my disposal, to be expended in carrying out this object, in cases where I would be unable to apply for direct authority to the Secretary for Lands. I was also informed that the Inspectors under the Scab Act for Deniliquin and Albury would be appointed sub-inspectors of cattle, to assist me in carrying out these instructions, and that they would receive £100 per annum, irrespective of the salary they received as scab inspectors. It was also stated that the Chief Constables at Albury, Deniliquin, Hay, Wentworth, and Gundagai would be authorized to act under the 4th clause of the Act 24th Victoria, No. 11. These instructions were to be published in the local newspapers by the Government.

9. *By Mr. Hay*: Can you furnish the Committee with a copy of those instructions? Yes. (*Vide Separate Appendix 9.*) On receiving these instructions I made a systematic inspection of the cattle on the Yarra Yarra Run, and during the course of that inspection I found the disease increasing on the run. I made a report to the Government, on classification, on the 11th October, 1861. (*The witness handed in the same. Vide Separate Appendix 10.*) On the 21st October I made a further report to the Government. (*The witness handed in the same. Vide Separate Appendix 11.*) From that date till the 26th October I continued to pick out and kill diseased cattle on the Yarra Yarra Run, when I again reported to the Government. (*The witness handed in the report. Vide Separate Appendix 13.*)

10. With reference to your letter of 21st October,—what instructions did you receive? I received a telegram dated the 31st October, and a letter following on it, dated the 2nd November. (*The witness handed in the same. Vide Separate Appendices 14 and 15.*) I had some communication with the Secretary for Lands regarding the appointment of parties who would assist me in drawing this boundary line, and I suggested that one of the parties should be appointed by the settlers and one be named by me. This suggestion was approved, and Mr. Meyer was appointed by the Government, and Mr. George Day by the settlers, at a meeting held at Ten Mile Creek, on the 14th November.

11. Did you commence slaughtering the cattle, both diseased and sound, on the Yarra Yarra Run, upon the instructions of the Secretary for Lands? Yes.

12. That would come in about this date? Before this meeting; I believe I commenced killing indiscriminately about the 8th November. Alexander Bruce, Esq.
13. *By Mr. Hay*: Were you present at that meeting? I was.
14. Was that the first meeting of the settlers held in connection with the subject? No, 16 Sept., 1862. about the fourth meeting, I think.
15. Have you been present at all those meetings? Up to that time.
16. How was Mr. Day appointed by that meeting? He was nominated by one settler and seconded by another, and he was unanimously, or almost unanimously appointed.
17. Do you recollect who nominated him? I do not.
18. Did you announce at that meeting the appointment of Mr. Meyer, the other Commissioner? I did—Mr. Meyer was present.
19. It was understood that Mr. Meyer was the Commissioner appointed by the Government to act along with Mr. Day and yourself? Yes.
20. Was there any expression of disapproval at the appointment of Mr. Meyer, or did it meet with the concurrence of those who were present? With their entire concurrence; they expressed themselves to that effect. It was said by some of them, that if Mr. Meyer had not been appointed by the Government they would have proposed that he should act for them. I then proceeded, in conjunction with Mr. Meyer and Mr. Day, to fix an imaginary line round the infected country, and with that view we examined Mr. Bowler's Ten-mile Creek Run, and came to the conclusion that the entire run was to come within the infected boundary.
21. *By the Chairman*: Mr. Bowler's adjoins the Yarra Yarra Run? It does.
22. *By Mr. Raper*: You recommended to the Government the expediency of killing all the cattle on the Yarra Yarra Run? I recommended to the Government the expediency of killing every mob of cattle in which a diseased beast was found.
23. That was the case in the Yarra Yarra Run? Yes.
24. You also recommended to the Government that all the cattle within this boundary should be killed? It came to that.
25. And the Government gave you instructions to carry out your views? Yes.
26. *By the Chairman*: Did you, on the 8th September, address a letter to the Secretary for Lands, enclosing a rough sketch of the district? I did. (*The witness handed in the same. Vide Separate Appendix 3.*)
27. What shows the positions of the different runs? Yes.
28. This (*pointing to the sketch*) is Samuel Bowler's run of which you are now speaking? Yes. We came to the conclusion that that would come within the infected boundary, and Mr. Bowler received an intimation accordingly. With reference to the proceedings of Messrs. Day, Meyer, and myself, I beg to hand in a letter addressed by us to the Secretary for Lands, dated 26th November, 1861. (*The witness handed in the same. Vide Separate Appendix 30.*)
29. *By Mr. Hay*: Previous to writing that letter of the 26th November, had you sent telegrams to the Secretary for Lands? Yes, which I now hand in. (*The witness handed in the same. Vide Separate Appendices 24 and 25.*)
30. Did you receive any reply? Yes. (*The witness handed in the same. Vide Separate Appendices 26, 27, 28, 29.*)
31. *By the Chairman*: In your telegram marked (25) you ask, "Shall the cattle which are being destroyed at Yarra Yarra and Mr. Bowler's still continue to be killed?" Did you receive an answer to that telegram? Yes, I sent a telegram, dated 28th November, which I beg to hand in. (*The witness handed in the same. Vide Separate Appendix 31.*) To which I received this reply. (*The witness handed in the same. Vide Separate Appendix 32.*) Any further steps that were taken by me were in conjunction with the Commissioners.
32. You consider the telegram which has just been read to authorize the continued destruction of Mr. M'Laurin's cattle? Yes; on the arrival of Mr. Garland and Mr. Pottie we proceeded to Yarra Yarra, when Mr. Pottie examined a number of cattle which were being killed, and pronounced them all more or less diseased. We then went to Messrs. Purtell and Dalton's Ten Mile Creek Run, where we found several cases of the disease. Thence we proceeded to Mullangandra, and in three instances found the disease there. From Mullangandra we went to Mr. Hore's, Cumberoona, and there also found the disease.
33. *By Mr. Leary*: What was the date of the arrival of these gentlemen? On or about the 29th November.
34. What was the day on which they inspected the cattle at Yarra Yarra, when the cattle were being killed? I think it was on the subsequent day, which was Saturday, they went to Yarra Yarra.
35. Were these cattle being killed in consequence of an order you had previously given? Yes, in consequence of an order given by me about the 8th November.
36. Which you had never countermanded? Which I had never countermanded.
37. *By Mr. Hay*: When was the first communication sent by the Commission? The 30th November.
38. That was the day after the arrival of Messrs. Garland and Pottie? Yes.
39. Is that letter signed by you? By Messrs. Garland, Day, Meyer, and myself. (*The witness handed in the same. Vide Separate Appendix 33.*)
40. *By the Chairman*: You state that quarantine would not prevent fat stock going to Victoria? No.
41. And that it would prevent them going to the Lachlan Gold Fields? Yes.
42. I thought quarantine did prevent fat stock going to Victoria? Previously, when a run not on the border was put under quarantine, and the country between that run and the border was still free from the disease.
43. Your letter seemed to imply that quarantine would not prevent fat stock going to Victoria? Not from the Murrumbidgee district, because that district adjoined Victoria. 44.

Alexander
Bruce, Esq.
16 Sept., 1862.

44. *By Mr. Hay*: You returned to Ten Mile Creek on the 30th? Yes.
45. And wrote this communication? Yes.
46. You had received a telegram, you say, on the previous day from the Secretary for Lands? Yes.
47. Did you show that telegram to the rest of the Commissioners? I cannot say that I did; I have no recollection of having done so, but I believe I did, because I was in the habit of showing them everything I got.
48. You are not quite certain? I am certain in this way—that I showed them all my correspondence, and I am certain also that if I had got a letter that day I would have showed it them, but I do not recollect having done so.
49. Did you consider it to be your duty particularly to give directions with regard to the killing of stock and carrying out of the regulations? Yes.
50. Do you recollect whether it was the subject of discussion in the Commission, either before or after Messrs. Garland and Pottie's arrival, whether the remainder of Messrs. M'Laurin's and of Mr. Bowler's cattle should be killed? I know I discussed it with Mr. Day. I could not positively say that the thing was brought before the board.*
51. As a matter of business? As a matter of business.
52. You discussed it with Mr. Day? Yes.
53. Was that on the day you received the telegram from the Secretary for Lands, the 29th? We were discussing it before.
54. Before the receipt of the telegram? We had information to that effect, before the telegram arrived, in the *Sydney Morning Herald*, where it was reported that Mr. Cowper had stated in the House that parties would in future be paid for their cattle only what the House would allow. That paper arrived at Ten Mile Creek on the Wednesday.
55. You observed that it had been the subject of discussion, but you, in conjunction with Messrs. Day and Meyer, sent a telegram to the Secretary for Lands, in which you expressly desire instructions upon that point? You will see that that was before the arrival of Mr. Garland and Mr. Pottie.
56. Having sent that telegram, did you get another in reply to that, upon the 29th of the month? Yes.
57. What I want to know is, whether you discussed this subject in connection with the telegram you received in reply to the telegram forwarded by you, Mr. Day, and Mr. Meyer;—you had sent a direct query to the Secretary for Lands by telegraph, and had got an answer to that;—I want to know whether you discussed that subject in connection with the answer you got to that question?† I believe I did, but I have no recollection of the matter having been brought before the Board.
58. Did you discuss it with Mr. Meyer or Mr. Day, or with both? With Mr. Day.
59. Did you come to any conclusion as to the import of the answer you got to this question? Yes.
60. What was the conclusion you came to? That the destruction of these herds was to be continued. I understood, and it was so understood by Mr. Day, that it was an answer in the affirmative to my question.
61. But it was not referred by you, as a matter of business, to the new Commission? I believe not. I think in one or two instances matters of that sort were laid by me before them for advice, but there was a sort of line drawn between what was the duty of the Commission and what was my duty as inspector.
62. Then you took the responsibility, not having defended yourself by any positive recommendation from the Commission? No.
63. *By Mr. Leary*: Had you received instructions a very long time before that from the Government to destroy these two herds? Yes.
64. Did that influence you in the determination to continue the destruction, even after that telegram? If I were to give my own opinion, it would be, that I understood there was a sort of bargain between the Government and these parties, and that if the parties wished to go on killing after my order had been given, the Government could not stay the killing.
65. *By Mr. Hay*: You have said you considered that there was a sort of compact entered into with the Government by these parties the destruction of whose cattle had been commenced, and that in virtue of that it was necessary to complete the destruction of the herds;—is that what I understood you to say? Unless the parties assented on both sides.
66. Did you put it to Messrs. M'Laurin, or to Mr. Bowler, whether they would assent? I put it to Mr. Bowler.
67. Did you put it to Messrs. M'Laurin and to Mr. Bowler, whether they would consent to stay the slaughter of their cattle? I did not put it to Mr. M'Laurin, but I asked Mr. Bowler whether he wished to make any communication to the Government to that effect—whether he wished an endeavour to be made to stop the killing of the cattle.
68. How long had you been killing Mr. Bowler's cattle at this time? About 300 head were killed.
69. On the 29th November? It was before that time—it was on our return from Kyeamba.
70. Did you put it to Mr. Bowler, whether he would consent to the destruction of his cattle at that particular stage? Yes; it was on the Sunday following our being at Kyeamba, about the 23rd or 24th.

71.

* ADDED (on revision):—Although it must have been, because the Board, on or about the 5th of December, instructed me to send notices (which I did) to the settlers in the Ten Mile Creek district, requesting them to meet on a certain day at Yarra Yarra and assist in completing the destruction of the cattle there.

† NOTE (on revision):—Certainly I recollect having a long discussion with Messrs. Meyer and Day at Kyeamba, and the telegram without date was sent in after that discussion. These gentlemen both considered the Yarra Yarra and Mr. Bowler's herds thoroughly diseased.

71. What question did you put to him? Whether, under the circumstances, he would approve of my telegraphing to Government to see whether the killing of the cattle would be stopped; and he said the best of the cattle were killed, and that I ought to kill the bad ones.
72. But after that did you telegraph in these words, "Shall the cattle which are being destroyed at Yarra Yarra, and at Mr. Bowler's, still continue to be killed"? Yes, after that.*
73. And did you then receive an answer from the Secretary for Lands? Yes.
74. Now, if you considered that a compact had been entered into such as you have described, what was the good of asking the question? That was only my own private opinion that I stated in reply to Mr. Leary; I was acting according to instructions.
75. Having asked the question, in conjunction with Mr. Day and Mr. Meyer, "Shall the cattle which are being destroyed at Yarra Yarra and Mr. Bowler's still continue to be killed?" and having received an answer on the 29th, that the cattle diseased, or supposed to be diseased, were those only that were to be destroyed—did you give any intimation of that answer to Mr. M'Laurin or to Mr. Bowler? No.
76. You did not refer the question, in any way, directly and positively for the advice of the Commissioners newly appointed, as to whether the cattle should continue to be destroyed? I believe, as I have said, that I consulted them on it, but I have no recollection.
77. You say you consulted Mr. Day? I talked the subject over with Mr. Day.
78. Did he agree with you that Messrs. Bowler's and M'Laurin's cattle should continue to be destroyed, notwithstanding the telegram? He thought Mr. Bowler's should not be killed, and spoke to him on the subject; and I believe Mr. Bowler stated in reply the same as he did to me.
79. *By Mr. Gordon:* How many cattle of Mr. Bowler's were destroyed altogether? About 1,300 head.
80. *By the Chairman:* With regard to this compact with the Government, what led you to suppose that there was such a thing as a compact between these gentlemen and the Government, with reference to the slaughter of their cattle? Because in Mr. Bowler's case, according to his statement, the best of his cattle were destroyed, and the rest of the herd would be rendered almost valueless.
81. That hardly applies to the word "compact"? Perhaps I am not right in giving such an opinion, but that was my private opinion.
82. You have no reason to suppose that there was any written document in the nature of an agreement? No, it was merely my opinion. From Mr. Hore's we proceeded to Table-top all together, and found the disease on Mr. Mitchell's run; and then to the neighbourhood of Albury, where we found a case of the disease. Then we were a few days in Albury communicating with the Secretary for Lands, and came to the conclusion of proceeding in the direction of Wagga Wagga, as we considered it important to try if the disease had extended towards the Murrumbidgee. From Albury we went to Mangobola, and there also found the disease; then to Mr. Burke's, Sandy Creek, and there also found the disease; from that to Wagga Wagga, where several cases of the disease were found amongst the pound cattle. We then separated; Mr. Garland, Mr. Pottie, and the inspector going to Mr. White's, on the Levels, north of the Murrumbidgee, and Messrs. Day and Meyer towards the Columba and Billybong Creeks. A case of the disease was found at Mr. White's, and Messrs. Day and Meyer also traced it from Wagga Wagga to the Columba and the Uraua Creeks. The Commissioners then met in Albury, and telegraphed the result to the Secretary for Lands. I now beg to hand in the several reports made by the Commission, dated respectively 4th, 12th, and 20th December. (*The witness handed in the same. Vide Separate Appendices 34, 37, 39.*)

Alexander
Bruce, Esq.
16 Sept., 1862.

WEDNESDAY, 17 SEPTEMBER, 1862.

Present:—

MR. GORDON,	MR. MATE,
MR. HAY,	MR. RAPER,
MR. LEARY,	MR. ROBERTSON.

FRANCIS TOWNSEND RUSDEN, Esq., IN THE CHAIR.

Alexander Bruce, Esq., again called in and further examined:—

83. *By the Chairman:* Will you now resume your statement at the point at which you left off yesterday? In my statement yesterday I omitted to lay before the Committee several telegrams and letters which I found among my papers, and which I now beg to produce. (*The witness handed in several letters and telegrams. Vide Separate Appendices 5, 16, 17, 18, 19, 20, 21, 22, 23.*) I now beg to hand in the final report of the Commission, also a return of cattle killed on account of pleuro-pneumonia, a return of cattle slaughtered by order of the Commission, for the purpose of investigations, and the report of Mr. Pottie. (*The witness handed in the same. Vide Separate Appendices 43, 44, 45, 46.*)
84. *By Mr. Hay:* When you were appointed Inspector under the Act, was there no proclamation in force? There was no proclamation beyond the prohibition against cattle coming from Victoria.

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85.

* Revised:—No, before. We telegraphed at Kyeamba on 21st November, and I saw Mr. Bowler on 24th.

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85. No proclamation with reference to the treatment of disease within the Colony? No; I believe the first proclamation was that in December, with regard to the treatment of the disease.
86. When was the first notice of your appointment as Inspector published in the *Government Gazette*? It must have been then, I think.
87. Is that the date (*handing to the witness a Government Gazette, dated 24th December, 1861*)? Yes.
88. Your appointment, I suppose, was by letter from the Secretary for Lands? By telegram of the 5th September. I may mention, that my appointment was published in the local papers after the 30th of September, although not in the *Gazette*.
89. Then when was the first proclamation of the country included within the quarantine boundaries? That is the first you hold in your hand. (*The 24th December.*)
90. Previous to that were those lines placed in quarantine practically? Yes, and published in the local papers and by placard.
91. But not by proclamation in the *Gazette*? Not in the *Gazette*.
92. *By the Chairman*: Will you state, if you please, what you did after the 4th January? After the breaking up of the Commission, and until the 20th of that month, I was employed in making up an account of the cattle destroyed; and on the 20th I rendered an account to the Secretary for Lands, which I beg to hand in. (*The witness handed in the same. Vide Separate Appendix 47.*) There were no cattle killed after the 18th January. This is a complete return, with the exception of a few killed for inspection in different parts of the country since.
93. Did you slaughter the whole of Messrs. M'Laurin's and Mr. Bowler's cattle by the 18th January? The whole of Mr. Bowler's cattle, with the exception of some in a paddock that were inspected and found sound, and some few head of Mr. M'Laurin's cattle that he had as a tailing mob getting in the wild cattle that were being destroyed. These were not slaughtered.
94. Finally, then, in consequence of what did you refrain from slaughtering these two remnants of Messrs. M'Laurin's and Bowler's cattle? Because it was getting tedious; it was a job that could not be completed.
95. Was it in consequence of any instructions from the Secretary for Lands? No.
96. In consequence of any representations from the owners? No.
97. *By Mr. Leary*: Could you have got them in? We could not have got them all in.
98. *By the Chairman*: I suppose the tailing mob could have been got in, and might have been destroyed? They might have been slaughtered.
99. Was there any reason for not destroying them? No reason whatever.
100. Surely these must have been badly infected indeed if they were mixed with those that were got in and slaughtered? One reason why they were not was, that there was a paddock into which they could be put.
101. Do you know the state of those cattle now? These were the cattle which were inoculated.
102. All of them? Yes; there were only 150 or 170 head.
103. How have they done since? They nearly all got well; some have been killed, and some have been sold fat.
104. *By Mr. Hay*: Was it in accordance with the recommendation of the Commission that you refrained from killing the remainder of Messrs. M'Laurin's and Bowler's cattle? Those of Mr. Bowler's that were in the paddock was in accordance with the opinion of the Commission, because they knew of the cattle being there. We considered the subject, and decided that it was not necessary to kill them.
105. *By Mr. Gordon*: What number might there be—100, 200, or 300? Not 200, but above 100. There was a recommendation by the Commissioners that a few cattle should be left for meat for station use, both at Yarra Yarra and at Mr. Bowler's.
106. *By the Chairman*: You are still inspector, and do I understand that all diseased cattle are not now slaughtered? They are not slaughtered.
107. You do not slaughter any? I have no authority to slaughter above five head without getting authority from the Secretary for Lands.
108. When was that regulation published? On the 20th March.
109. Did you send a note to Mr. M'Laurin, to the effect that you had received a letter from Sydney, instructing you not to kill any more cattle, and that that was the reason you stayed the further killing? I got no note from Sydney. I might have sent a note to that effect.
110. Do you remember whether you did or not? I believe I worded it to that effect.
111. With reference to the cattle of Mr. Bowler, was not the reason of your not killing the remnant, that they were not mixing with the general herd? Yes; they had been in the paddock a considerable time.
112. *By Mr. Hay*: Did not the Commissioners, in their report, state that it was inexpedient to slaughter whole herds or mobs of cattle? Yes.
113. And the recommendation of the Commissioners contemplated the killing only of cattle that were either diseased or suspected to be diseased? Yes.
114. Were you acting with that view at the time you allowed the fag end of these herds to remain unslaughtered—was it on that principle you spared them? It was understood by the Commissioners that that herd was to be killed.
115. Then although it does not say anything about these herds in the report, you think it was understood that those two herds were not to come under the scope of that? I am quite sure that was the opinion of the Commission.
116. Why did you not carry out their view? Because I could not kill the whole, and the expenses were going on, while only a few head of wild cattle were being got in every day.

Alexander
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17 Sept., 1862.

117. That reason, it appears to me, does not apply to those that were in the paddock, as they, I presume, could have been easily got at? It was the opinion of the Commissioners that those in the paddock ought not to be killed; and as to the others, I considered that there were so few got in every day, when the men were out collecting them, that it was desirable to stop the killing of them. The cattle they were tailing with I brought under the head of the few that were to be left for the use of the station, for meat, and to be put in the paddock.
118. Then did you get no alteration of your instructions, in consequence of the report of the Commissioners, until the 20th March? Yes, the proclamation of December was in consequence of the report of the Commissioners. There was a further proclamation issued between the 24th December and the 20th of March, authorizing settlers to destroy straggling cattle coming on their runs from the diseased country.
119. Did that contain any instructions to you, or had you any other fresh instructions except what were contained in the proclamation you alluded to just now, up to the 20th March? It gave me no instructions beyond those contained in the proclamation of the 24th December.
120. *By the Chairman:* You have just stated that the cattle ceased to be slaughtered after the 18th January, and that you had instructions;—when did you receive instructions not to continue slaughtering? I did not receive instructions.
121. I thought you said you were told by the Secretary for Lands not to destroy more than five head without letting him know? That was in the 2nd clause of the proclamation in the *Gazette* of the 20th March.
122. Did you cease slaughtering of your own motion—without instructions from the Government? Yes.
123. What was the reason of the cattle in the paddocks not being killed? It was put as a general question before the Commission, whether cattle so situated were to be treated as cattle on open runs.
124. Had you that in black and white? No, but it was before the Commission on more than one occasion.
125. *By Mr. Leary:* Did the Commission inform either of these parties, Messrs. M'Laurin or Mr. Bowler, to the effect you now state? I believe they did, because, if I recollect right, it was brought forward by either of those parties who had their cattle in the paddock.
126. *By Mr. Hay:* The Commission then informed them *vis à voce*? The party who owned the cattle in the paddock applied to the Commission to see if they would exempt these cattle.
127. The Commissioners were not inspectors—they had nothing to do with it? No, they were not inspectors, but it was brought before the Commission.
128. Did the Commissioners, as a Commission, give such authority? I do not think I could say that exactly, as it is not on record; there is no note of it in writing.
129. Was it not through you, as inspector, that the Government dealt with individuals? Yes.
130. *By Mr. Leary:* The matter was brought before the Commission, and you were guided by what the Commission said? Yes.
131. *By Mr. Hay:* In so far as these cattle of Mr. Bowler's were concerned? Yes.
132. Not in regard to Mr. M'Laurin's cattle? No. I beg to hand in a copy of a letter sent by me to the Secretary for Lands, dated 27th January, 1862. (*The witness handed in the same. Vide Separate Appendix 48.*)
133. *By the Chairman:* What have been your duties since the 20th March;—have you been making up your books, and attending to the inoculation of cattle? Yes; I have also been in Sydney, Goulburn, and Deniliquin.
134. Still acting as inspector in cases of pleuro-pneumonia? Yes.
135. Has that inoculation answered very successfully? Yes.
136. You have still continued it? Yes.
137. Did you not send a report to the Government, stating the particulars of the inoculation, and how it had succeeded? Yes.
138. Has that report been published as a parliamentary paper? I have heard that it has.
139. *By Mr. Hay:* Does that contain a complete account of your experiments in inoculation? Yes.
140. Your opinion of inoculation, as to its effects in cases of pleuro-pneumonia, is very favourable? Yes; I may mention that the practice is becoming very prevalent in the Murray district, for the prevention of the disease.
141. *By the Chairman:* What is the present state of the country in your district with regard to pleuro-pneumonia? There are comparatively few cattle dying.
142. Has not the virulence of the disease passed away? Certainly the virulence of the disease is passing away.
143. Is it spreading over a greater extent of country than that you put under quarantine? I cannot say of my own personal knowledge that it is.
144. Have you recently been inspecting cattle suffering under it in other districts? Yes, in and near Goulburn, in the neighbourhood of Mutbilly, near Yass.
145. Also at Liverpool? Not at Liverpool.
146. Can you state whether persons generally inoculate if they see cattle suffering under this disease, or apparently suffering? Yes, they generally do; it is becoming the practice.
147. *By Mr. Hay:* Then, with the exception of these cases near Goulburn and at other parts of the Sydney road, are you aware of pleuro-pneumonia having extended beyond that portion of the country which was included within the boundaries of the quarantine proclaimed by Government? The inspector of Gundagai reported to me, verbally, as I passed, that he had found a great many cases in the district, and down towards Wagga Wagga from Gundagai.
148. Is that lately? Lately, as I came through.

- Alexander Bruce, Esq.
17 Sept., 1862.
149. Were they bad cases? He said they were.
150. Who is the inspector there? Mr. Centauri.
151. Has he been long inspector? Not long—a few months.
152. Is he a veterinary surgeon? He is.
153. Where does he come from? He was some years in Melbourne or Geelong, as a veterinary surgeon, and afterwards in Hobart Town.
154. He is now appointed as inspector at Gundagai? Yes.
155. Have you received any other reports from inspectors, of cattle being infected beyond the limits of the proclamation? Yes; I also saw the inspector at Goulburn, Mr. Kennett, who tells me that the disease is all round Goulburn at different parts.
156. Did you see the disease yourself in the neighbourhood of Goulburn? I did; very bad cases.
157. How long ago is that? In the month of February.
158. Have you heard from the inspector that it still exists there? Yes, and in other parts of that district.
159. Does the inspector report that many deaths have taken place there? Not many deaths.
160. Does the inspector at Gundagai? Not many deaths.
161. What is the state of the disease adjoining Yarra Yarra, and the district included in that quarantine? A few beasts were dying upon the runs; lately, within the last month or six weeks, there have been fewer deaths than there were in the middle of winter.
162. Then do I understand that it has not been very fatal in that district? It has not been very fatal; it was most fatal at Ten Mile Creek.
163. Have they inoculated to any extent in that particular part of the country? Mr. Green has inoculated about 1,000, and Mr. Bardwell has inoculated about 200.
164. Are we to understand that recently, where they have not been inoculated, a considerable proportion of the cattle affected by pleuro-pneumonia have not died—that the cases have not been fatal? They have not been fatal.
165. The cattle have recovered? The cattle have recovered in a great many instances.
166. The disease, as it now exists, is not so virulent as when it first appeared? No, unless the cattle are driven about, or suffer from any cause; if they are allowed plenty of food, and are kept quiet, it does not seem in the first instance to be so very fatal.
167. You think hardship of any kind, severe weather, yarding, or knocking about in any way, is calculated to increase the virulence of the disease when it appears? Decidedly, in the first season it comes among them.
168. You think the more the cattle are allowed to remain at rest, the less they are disturbed, so much the better? So much the better.
169. Do you know anything about the state of the disease on the other side of the border? I do. I happen to have a letter now from a party who has been all through the district between Goulburn and the Ovens, and he tells me that in every open run in that part the disease has been pretty severe, but that the fenced runs are generally safe from it.

FRIDAY, 19 SEPTEMBER, 1862.

Present:—

MR. GORDON,	MR. HAY,
MR. MATE,	MR. RAPER,
MR. ROBERTSON,	MR. LEARY.

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

Alexander Bruce, Esq., called in and again examined:—

- Alexander Bruce, Esq.
19 Sept., 1862.
170. *By the Chairman:* Were there not certain public meetings held with regard to Pleuro-pneumonia? Yes, at Ten Mile Creek.
171. And accounts of these meetings were forwarded to the Government? Yes.
172. The document I now show you is an account of one of these meetings, held on the 21st August, 1861? It is. (*Vide Separate Appendix 1.*)
173. You wish to hand this in, as an account of the second meeting? Yes. (*Vide Separate Appendix 6.*)
174. Were you present at that meeting? I was. That account is in my handwriting.
175. There was a third meeting on the 25th September? Yes.
176. Who was in the chair? Mr. William Green.
177. This document is an account of that meeting? Yes. (*Vide Separate Appendix 8.*)
178. The other document is an account of the fourth meeting? Yes. I think it was held on the 19th October. (*Vide Separate Appendix 12.*)

J. Morrice, Esq., M.L.A., called in and examined:—

- J. Morrice, Esq., M.L.A.
19 Sept., 1862.
179. *By the Chairman:* This is your petition, is it not? It is.
180. I dare say it is a correct copy? No doubt.
181. Was not this part of the country (referred to in the petition) placed under quarantine at the request of the stockholders in that neighbourhood? At the request, I believe, of some of them.
182.

182. You were not one? No.
183. Did you make any remonstrance at the time? I did.
184. To whom? To the Minister for Lands—not in writing, but verbally.
185. Were any diseased cattle found upon your run? Well, all the information I have upon the matter is from my son (who was there at the time) and my own overseer. They told me that several cattle on my station belonging to Mr. M'Laurin were killed.
186. These were amongst your own cattle? Yes. But that there was only one in which they could see symptoms of the disease, and this was killed at a sheep station between my station and the station of Mr. John Hore.
187. Diseased cattle were never found on your run then? No.
188. Why then were cattle killed on your run, if none were found to be diseased—whose were they? They killed some of mine and some of Mr. M'Laurin's—Mr. M'Laurin's first, I believe.
189. Had these cattle been long on your run? Some of them had, I believe.
190. Can you say for a fact how long? Some of them for upwards of two years.
191. They were strangers, or what are called stragglers? Yes.
192. And amongst these of Mr. M'Laurin's were any found to be diseased? From information afforded me by my son and my overseer, I believe there was no disease but in this one which was killed on the boundary, among cattle of Mr. John Hore.
193. Were those cattle belonging to you that were killed found to be diseased? I believe not—my people say not.
194. What does the inspector say? The inspector said they were diseased.
195. Was it not on your own run that a spayed cow, supposed to be diseased, was killed? No, on Mr. Hore's. I believe he told me that the inspectors came to inspect his cattle, and he went with them himself. They came to a cow that he had spayed about a fortnight before, and they pronounced her to be diseased, and he declared she was not diseased. They showed him their authority to kill diseased cattle, and he then said, "This cow I have only spayed a fortnight ago." The cow was opened, and he says she was not diseased. He says that then they promised they would not kill any more, that they were satisfied, and that they would leave his place. He was, however, under the impression that they would not, and he said if he knew that they would not, he would accompany them. But he found out, I do not know how exactly, that they had killed a fine fat cow—one of the best on the run. He went and saw the cow, and said she was a very fine one, without any disease in her at all.
196. What inspectors did this? I think he said Mr. Bruce was one. I cannot say exactly, but I know he said inspectors, and that if they had told him they were going to kill this cow he would have driven her into a stockyard near the inn, so as either to have sold the carcass or given it away.
197. Did the quarantine apply merely to New South Wales, or apply also to cattle going to Melbourne? I received a written notice from Mr. Bruce, previous to being gazetted, forbidding me from removing a beast at all off the run without his permission.
198. To any place? Anywhere. That document I have not here, but I can find it. This notice was served on the station, and forwarded to me by my superintendent.
199. But I find, on perusing these papers, that it was the intention of the Government to allow cattle to go to Victoria as long as the runs reached the Victorian boundary, because it was contemplated at one time to let the cattle cross at Albury;—when the inspectors found the disease had extended there, you say you received a formal notice not to remove them anywhere? Yes.
200. Would your market be New South Wales or Melbourne? Melbourne.
201. *By Mr. Robertson*: Did you remove any? No, not until lately.
202. *By the Chairman*: Not until the quarantine was taken off in March? No.
203. You did not remove any until lately, you say? No.
204. *By Mr. Robertson*: Were they fat? They were.
205. *By Mr. Hay*: In that account you heard from Mr. Hore, did the circumstances occur before or after the appointment of the Commissioners? It was after.
206. I do not mean the inspectors? No.
207. Were the four Commissioners present at the time? I cannot say.
208. Was Mr. Paulding present? I think so; I am not sure.
209. Were you about to remove cattle at the time you received this notice from Mr. Bruce? Well, I had sold some to a Melbourne butcher.
210. Who was he? Mr. Dumfries. He had taken away one lot just a few days before Mr. Bruce served this notice. He told my son, some short time before, that he would take all that we had fat, any more that we may have.
211. But did he positively purchase them? He did not positively purchase any more than he took away, but he told my son he would take all we had, or may have, that would be fat. The price of the lot that he took away then was £5 a head for the cows, and £6 for the bullocks.
212. Did he take cows from the whole of the herd? He did.
213. There was no contract then for the delivery of more? No, except that he told my son that he would take all that we had fat, or may have. He always took our cattle.
214. And he took what he could then? Just at that time all that were fat.
215. Then what evidence have you to show what fat cattle you had on the run in the interval between that time and the removal of the quarantine? I cannot say now, exactly.
216. Have you not been there yourself? No.
217. Have you sold any of the bulls? No. I had sold twenty to Mr. Shepherd here, and in consequence of the run being placed in quarantine he afterwards refused to take them; and, indeed, I would not wish him to take them under the circumstances.

J. Morrice,
Esq., M.L.A.
19 Sept., 1862.

J. Morrice,
Esq., M.L.A.

19 Sept., 1862.

218. Do you know for certain that it was on account of the quarantine that he refused to take them, or was it on account of the reputation that part of the country had obtained of being infected with the disease;—do you know that Mr. Shepherd was induced to refuse to take them on account of the quarantine, or on account of the disease having broken out so violently in that quarter? He said he would not take them after that. I cannot say whether it was on account of the quarantine, or the disease being there.

219. You did not attempt to remove them? No.

220. Mr. Shepherd did not demand the bulls from you? No.

221. You did not fail to complete the contract, then, on account of the quarantine? No; Mr. Shepherd said he could not take them.

222. Then it was not on account of the quarantine? I do not know whether it was or was not.

223. It was not on account of the quarantine that he did not ask you to deliver the bulls? I took it to be on account of the Commissioners reporting that the disease was on my run; I do not believe there was any disease there, or has been until this day, for there have been none dead or sick, and no disease has been found among them.

224. Have you any evidence to bring to show that? I have no witnesses just here, but I could bring them; I can bring my son and my overseer.

225. You can say nothing to that effect of your own knowledge? Only from what my son and my overseers told me. I was very anxious to find out whether any disease had been found among my cattle.

226. How many were slaughtered? I was under the impression that it was nine, but Mr. Bruce says only six or seven. My overseer says, the first that was killed he intended to have taken to his own house for use, thinking it was a fine beast, when to his astonishment he found it shot.

227. Do you know anything about the price of cattle between the months of November and March? I did not sell any; but for what I sold now I got £4 5s. per head.

228. Did you not happen to hear that cattle were remarkably low in price in Victoria last year? Yes.

229. Are you not aware that the prices are much better now? I think the prices are something higher.

230. Is it not the general impression that they are a great deal better? I cannot say, except that the last price I heard about the Murray was £3.

231. Are you not aware that many whose runs were not placed in quarantine found it impossible to sell cattle at any price at that time, and who have since sold cattle that they could not sell then? I am aware that at that time cattle were not very saleable.

232. At what time was it that you first made these representations to the Secretary for Lands that you speak of, protesting against the quarantine? From the commencement; for I was constantly receiving letters from my superintendent there, and disease being in that quarter, I was anxious to know whether it was among my cattle, or likely to be among them, so that I might as soon as possible try to remedy the evil. The letters I kept receiving from them told me not to put myself to the slightest trouble, as there was nothing the matter with the cattle, that they were thriving and fattening every day; I was at no trouble myself, but receiving these letters I was annoyed that my station was put under quarantine without any necessity for it.

233. Then you first protested when your station was put in quarantine? Long before. Before I had heard of quarantine, Mr. Morris said that my station would be put in quarantine.

234. And you protested in anticipation? Yes, from that time I protested.

235. You say you did not send any written protest or communication to the Secretary for Lands? No, I think not, but I do not remember any.

236. Do you not think, in a matter of this kind, it would be exceedingly desirable to do so? I may have done so, but I cannot say positively that I did write to him; I think I did.

237. You did write? Yes.

238. Have you a copy of that communication? No.

239. What was the nature of the communication—was it protesting against the measures taken as to quarantine generally, or protesting against quarantine as far as your own particular run was concerned? I cannot remember exactly, but I think I recommended what plan I thought would be the best to take.

240. You have not got a copy of your communication? No.

241. *By the Chairman*: Was yours a breeding or a fattening area? Both. I had a large paddock for fattening, the other part for breeding.

242. You did not buy store cattle for fattening? No.

243. How many did your herd consist of? About 2,000 head.

244. How many fat cattle did Mr. Dumfries take away previous to the run being put in quarantine? About 300, or close upon it.

245. *By Mr. Robertson*: He took all that were fat? He took all that he could get at that time.

246. *By the Chairman*: What would be the average number of fat cattle that the herd would yield (these 300 having been taken away) for the next three months? It ought to yield that many more.

247. A herd of 2,000? I think so. It depends upon the time of the year. If it is in the spring months, they will get fat more quickly than they would in the winter months.

248. Can you say how many he has taken now? I cannot say; he has taken them in different lots. I had sold, at the same time, twenty cows and twenty heifers. The heifers were sold at £4 per head, and the cows at £6.

249. As springers? Yes. The party refused to take them, and of course I did not wish to force him. The station having been put in quarantine, I thought it was no use doing so.
250. *By Mr. Robertson:* With regard to these fat bullocks you sold, you say, about 300, being all you had fat at that time;—when would there be a probability of any more being ready? That was just about the end of winter when he took the last lot, and the fattening season was coming on.
251. What time would that be? He took the last lot some time in October.
252. When would the next lot be ready? From one to six months after.
253. But within six months the quarantine was taken off? But in the meantime different lots had got fat.
254. In three months after, how many were ready? 50 or 100.
255. Was the price better three months after that, when the quarantine was released? No, I think not; it was about the same, I think. When the quarantine was released, they were at the lowest.
256. Now what was the depreciation in price between the time when they would be fat and the time when they could be sent to market? I think they sold at £3 a head at that time.
257. And what did they sell for when the quarantine was over? I say I sell them now at £4.
258. What would have been the price at two months after? I cannot say exactly.
259. What you would lose is the difference in the price of the cattle? Yes.
260. Then as the price increased in the meantime, your loss does not seem to have been much upon the fat bullocks? Yes; but since the quarantine has been taken off, I was compelled to keep them, in order to get a fair price.
261. You say you sold some bulls? Yes.
262. And that the quarantine had some effect in preventing their delivery? It had that effect.
263. But you cut the bulls? Yes.
264. Why? Because the character of my stock was injured, and I could not sell them after.
265. Was it not desirable to keep the bulls until the quarantine was taken off? I did not know when it would be taken off. Cutting them reduced their value, of course.
266. But that was your own action? But I knew that the quarantine being on would lead to a report that the cattle were diseased, and that I should not be able to sell them.
267. Then it was the expectation of a report that the cattle were diseased, rather than the quarantine, that caused you to cut the bullocks? Yes. Many of them were six and eight months old, others older, some two years.
268. What would be the depreciation in value between the bull at six months and the bull at twelve months, because the quarantine only lasted six months? They would not be worth anything to me after, because no person would buy after the report of the disease being among them.
269. Then it would be the report of the disease being among them, and not the quarantine, that would cause the loss? Both.
270. The report of the cattle being diseased would render the bulls less saleable, and the quarantine would only delay the taking of them away;—what is your loss? I cannot say.
271. Would not the six months during which you had to keep them increase the value to as great an extent as the quarantine would depreciate it? Of course, in consequence of the station being put under quarantine as diseased, no person would buy them.
272. Then, with regard to the cows, to whom did you sell the cows? To a person of the name of Burns.
273. When were you to deliver them? About that time.
274. How many? Twenty cows and twenty heifers.
275. What price? I sold the cows at £6 per head, and the heifers at £4.
276. At the end of the quarantine what was the increase? I cannot say.
277. Had you got some good choice for dairy purposes? No person would buy them only to put them into a paddock to fatten.
278. Were they worth £4 10s.? No, no one would give more than £3 10s.
279. And you lost that? Yes.
280. That is the extreme it could possibly be? Between £3 and £5 for the cows, and between £4 5s. and £6 for the bullocks.
281. Now we have ascertained what you lost, be kind enough to tell us what you gained;—is it not a fact that at the time when this action on the part of the Government was taken, the pastoral proprietors of that part of the country were in a great state of anxiety and alarm for the safety of their cattle property? I think they were.
282. Would not that anxiety and alarm depreciate the value of the property there in the market? I cannot say. I do not think it would, unless disease was actually amongst the herd.
283. Is it not possible that some people might be unreasonable enough to say, whilst desirous of buying cattle, "We cannot give you so much for your cattle, because they are diseased"? They might.
284. Then, in that way, the property was depreciated in value? It would in that way.
285. You are aware that the alarm exhibited was so great that a law for checking this disease was passed through the Legislative Assembly in one night, and also through the other branch of the Legislature in one night? Yes.
286. Were you there? Yes.
287. Did you take exception to it in the House? Yes, I protested against the manner of slaughtering cattle.

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288. You are aware that we were not slaughtering them, and therefore you could not protest against it;—when this Bill, authorizing the destruction of the cattle, passed the Assembly, did not you, like other proprietors of stock, consent to its passing? Oh, yes.
289. When the Bill was passing, you had it in your own hands to prevent its passing? Yes.
290. You are aware that if you had objected to the suspension of the Standing Orders the Bill could not have passed as it did? Yes, I am aware of that.
291. You did not object? I did not, but I did not agree to the passing of a law for placing a person's station in quarantine, and killing his cattle without them being diseased.
292. Was there not a power given in that Bill to place stations in quarantine and to destroy cattle? Not unless diseased.
293. Was there not a power to appoint inspectors to determine whether cattle were diseased or not? Yes.
294. Is it at all likely that this extraordinary, this tremendous power would have been given to the Government, unless there was some great occasion for alarm on the minds of the owners of this property—would this have been done in ordinary times? I think not.
295. It was done, then, with the consent of yourself, as a general benefit, for the protection of property? Yes, but it was to kill only diseased cattle.
296. I want to know how much you benefited by it? I have benefited nothing, but lost by it.
297. I want to know whether that alarm still exists in the minds of the proprietors of that property? I do not think the same alarm exists, because they are more accustomed to the disease than before.
298. What more do they know about it? They know there is no great harm in it.
299. Have they learned how to deal with it? They know better how to deal with it.
300. They have learned to deal with the stock when they take this disease? I think they do.
301. What do they know? I believe a few individuals inoculate.
302. Are you of opinion that the appointment of inspectors by the Government has had a beneficial effect in supplying a means of treating this disease? Well, I do not think their action has been very beneficial.
303. Are you not aware that the chief of these gentlemen is a man of very great experience in these matters? I dare say Mr. Bruce has gained experience at other people's expense.
304. Are you aware how he was appointed? I was not aware until now.
305. Did you ever object to his appointment, or have you been able to show his inefficiency in any regard? I have always complained that he placed my station wrongly under quarantine.
306. Have you seen anything to show his inefficiency or inability? No, I do not know anything but that.
307. Was Mr. Pottie, the veterinary surgeon, present when your own and Mr. Hore's cattle were destroyed? I do not know. Some of mine were killed at different times.
308. You know that Mr. Pottie was there? Yes, from information I have received.
309. Was £6 for bullocks, and £5 for cows, the price you obtained for the first cattle you sold at that particular sale? Yes.
310. Were not some of the bullocks sold at a lower price? Not to my knowledge.
311. Do you say that they were not? No.
312. Can you say that they were not; because, unless you can say that such was not the case, your evidence will not be of importance in favour of the £6;—were not some of these cattle sold at a lower price? Not that I am aware of.
313. Is the gentleman to whom you sold them here to give evidence in your behalf? No.
314. What knowledge have you of the price that was obtained for them? I heard it from my son.
315. Were not some of the cows sold at a lower price? I cannot recollect that they were. They might have been at the sale.
316. Is it not a practice in the sale of cattle to say, here are 150 at such and such a price, 100 at another price, say £6, and another 50, say at £5? He was to take everything fat—cows at £5, bullocks at £6.
317. Are you sure that that was the arrangement? Yes. My son might throw in half a dozen.
318. Not ten? I do not know. It was part of my written instructions not to take less, and they were sold at that price.
319. I am informed that you did get less, and very considerably less, for some of these cattle, both bullocks and cows? Well, it may be, I will not say positively.
320. *By Mr. Leary:* How long was it before your station was put in quarantine that you sold these cattle to Dumfries, that you speak of—was it a month? I scarcely think it was so long.
321. You have just stated that you made a contract with Mr. Dumfries, that he was to take all the fat cattle you had at the price you name—that is, £6 for bullocks and £5 for cows? Yes.
322. Was that a fair price? Yes, it was a good price at the time.
323. Was it not the highest price given? What he was accustomed to give us was £6 for cows and £7 for bullocks.
324. Was it not the highest price given for cattle at that time? It may have been.
325. Do you not know that it was? At that time it was.
326. For cattle of that description? Yes.
327. If, then, that was the highest price given at that time, and was a good price, I presume you would take care to get rid of every fat beast you had at the time? At that time he got every beast I had that was fit for the butcher, but some more would be ready in a month from that time.

328. Do not cattle vary much in price in different seasons? The price I always got before was £6 for cows and £7 for bullocks. I have got as high as £10 a head.

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329. Would you not have been glad to sell all that you had fat at that price? I did sell all I could.

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330. You did sell every fat beast on the run? All that were fit for the butcher; but in one month, two months, and three months, other lots would be fat.

331. Were not cattle afterwards reduced in price? Yes.

332. Very considerably? Yes.

333. If you had had fat cattle, would you have sold them at the reduced price obtaining after that? When the quarantine was taken off they were at the lowest price, and I would not sell until the prices got better.

334. You say prices were considerably reduced after this sale of fat cattle;—now, would you have sold at the reduced price, or would you have waited with a prospect of the price getting up? It was a short time after the quarantine was taken off.

335. But when you had some other cattle for sale were not the prices lower? I cannot say for that.

336. Can you say positively, that, independent of the quarantine, and during that six months, they sold some fat cattle? I did not attempt to sell, because of the quarantine.

337. Could you or would you have sold at the prices then going? Certainly, at some of the prices; not at the prices when the quarantine was taken off, because they were then at the very lowest.

338. You stated that some cattle on your run, bearing Mr. M'Laurin's brand, were killed? So I am informed.

339. These cattle of Mr. M'Laurin's had been stragglers for some time? Some of them.

340. Had any of them come recently on your run? Some of them came on to my run as I came through; they had only been there an hour or so. I afterwards received a letter from Mr. James Osborne, who happened to be at the station when the cattle were put in the yard; he wrote down to say, knowing that I was interested in the matter, that these beasts were as sound and healthy as any he had seen in his life.

341. *By Mr. Hay*: Mr. M'Laurin's cattle? Yes.

342. *By Mr. Gordon*: What distance is your station from Mr. M'Laurin's? I suppose about twenty-five or thirty miles.

343. Does one station join the other? No, there are two or three between.

344. Do you purchase cattle for the purpose of fattening? Sometimes.

345. Did you last season? No, it has been some time ago.

346. How many fat cattle out of the 2,000 do you expect to sell in the year? I have a fattening paddock, and at the time of the quarantine I had some 600 head fattening.

347. Of what size is the paddock? About twenty-five square miles.

348. *By Mr. Hay*: You did not answer the question of Mr. Gordon? My son says, that after Mr. Dumfries had taken what he could, then he expected, within the next six months, to have 300 head off it.

349. As a general piece of management, how many fat cattle per annum, out of a breeding herd of 2,000, would you expect? Well, I can scarcely answer you that; I should say, somewhere between 300 and 400 head annually. But on my station the Government is constantly making reserves, and I try to fatten off the cattle to get rid of them; and therefore I ought to get a larger quantity on that account.

350. *By the Chairman*: Did you spay many cows? I did.

351. *By Mr. Hay*: How many calves did you brand last year? I do not know.

352. You do not know what your increase is? No, my son has that management.

353. *By Mr. Gordon*: You say you had 2,000 before the run was placed in quarantine—how many have you now? About the same number; at a rough calculation that is about the number.

354. How many fat cattle did you sell the year previous? I generally sell from 200 to 400 head; it depends altogether on the season.

355. *By Mr. Robertson*: You sold 300 just before the station was put in quarantine? About that.

356. How many are now fat? I have sold all that are fat now.

357. How many have you sold since? I cannot tell.

358. A hundred head, do you think? More.

359. A hundred and fifty head? I should say so.

360. And so you get 450 in the year of the quarantine? How is that?

361. You say you sold 300 before the quarantine and 150 after? That is the case.

362. *By Mr. Leary*: In what months do you generally sell your cattle? When I can.

363. What is the season when the cattle are generally fat? I sell them whenever I can meet with a market; I have no particular time. Generally you will have more fat cattle from Christmas downwards, and I generally sell them about that time, or whenever, in fact, that I can.

364. Would not a herd like yours, of different ages, have lots getting fat together at various periods? I have been in the habit of buying up all the steers I can, two or three years of age, with a great many male cattle amongst them, and they remain there and grow up to bullocks; so that I have a large increase.

Mr. George Bardwell called in and examined:—

- Mr. George Bardwell.
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365. *By the Chairman*: Your run was placed under quarantine? Yes.
366. On the 22nd October? Yes.
367. And when was the quarantine taken off? I think about four or five months afterwards.
368. You believe it was about the 20th of March? Yes.
369. Was your run adjoining Mr. McLaurin's? No, it was adjoining Mr. Bowler's.
370. Were any diseased cattle found on your run? Well, I believe only one. This beast was killed by Mr. Bruce on a portion of my run, a mile and a half from where my cattle run (the township dividing it), and I heard it was diseased.
371. Were any of these killed? Not at that time.
372. At any time? Afterwards Mr. Bruce, Mr. Day, and Mr. Meyer came and killed three of mine on the run, and three or four belonging to other parties.
373. Were they diseased? It is said they were, but I pronounced them not.
374. You do not think they were? No.
375. Was your market the Melbourne market? No; Beechworth and the Ovens.
376. The Victorian market? Yes.
377. Did you make any attempt to remove any of your cattle after your run was placed in quarantine? No.
378. What was the amount of the loss you suppose you sustained? About £170 or £180.
379. You say in your petition, that you are in a position to show, from an examination in Victoria, that none of the animals were diseased with pleuro-pneumonia? Those were fat cattle that were sold previously.
380. It refers to fat cattle that were sent away; but do you mean to say that one of the Victorian Commissioners examined the whole herd? No; the fat cattle that were taken away.
381. But that would not apply to the herd on your run? No.
382. And you consider that your loss is about £180? Yes.
383. Had you sold any of these cattle? Sixty head. I had delivered fifteen head, and the rest were to be taken when the party had killed those.
384. What did you sell the fifteen head for? £4 10s. per head.
385. And were you to be paid the same price for the rest? Yes.
386. And what did you get for them? I scarcely realized £2 5s. a head for them.
387. That would make the loss something over £100? Yes.
388. *By Mr. Raper*: Do you say that none of the cattle killed on your run by the Commissioners were diseased? Yes.
389. Did you see them examine the cattle they killed? Yes.
390. And did they say they were diseased? Yes.
391. Were any cattle killed on your run by Mr. Pottie, the veterinary surgeon? Not that I am aware of.
392. Did you see any cattle killed and examined by Mr. Pottie? No.
393. Did you hear that there was a difference of opinion between Mr. Pottie and the Commissioners, as to the nature of the disease? No.
394. *By Mr. Hay*: When did you sell these other thirty head of cattle? Well, I cannot guess now, but it was about March when I sold the next.
395. Did you sell them at the same time that you sold the remaining portion of the sixt? No, some time after.
396. When did you take the forty-five head away? I do not recollect; I have not the date with me. I received a certificate from Mr. Smith, the party I sold them to.
397. Do you not recollect the month? No.
398. *By the Chairman*: It was after the quarantine was taken off? Yes.
399. *By Mr. Hay*: Do you think you could get the certificate of Mr. Smith with reference to the forty-five head? I think so.
400. That would be important, to show the result of Mr. Smith's examination of the cattle, and the date of the sale? I sent it to Mr. —, and he may have mislaid it.
401. Mr. Smith only examined the cattle, I presume, as they passed—he did not kill any of them? No; I think I have the certificate from Mr. Smith at the present time.
402. Where did Mr. Smith examine the cattle? At the River Murray.
403. How did they happen to be there then? I was crossing with them, and had to get a certificate, to satisfy the Victorian Government that they were sound when they crossed.
404. And you put in this certificate? Yes. (*Vide Appendix.*)
405. Is it signed? No, but it is a certificate.
406. You observed the date—the 4th of February? Yes, the 4th February.
407. Was not that in the time of the quarantine? The quarantine was taken off at that time.
408. What, in February? It must have been; I was allowed to remove the cattle, and I did not do so before.
409. You cannot explain it any further? No, but I am fully satisfied that the quarantine was off before I attempted to remove them. The quarantine was taken off to the Murray at that time, but not from the other parts of New South Wales.
410. Do you know at what time it was extended to the Murray? I do not; it must have been a short time before.
411. Then, in point of fact, you were not prevented from removing your fat cattle on the 4th February? No.
412. That reduces the period during which you were prevented from removing these cattle? Yes.

413. *By Mr. Mate*: Did you receive this document from Mr. Smith? Yes, from Mr. Smith himself. Mr. George
Bardwell.
414. You are certain that it is his handwriting? Yes.
415. *By Mr. Hay*: I see that on the 24th December there was issued a proclamation which proclaimed a quarantine including the whole country between your station and the River Murray at Albury? Yes. 19 Sept., 1862.
416. From the date of that proclamation your road would be open to take cattle to Victoria? Yes.
417. Then you state in your petition that on the 22nd of October your run was placed under quarantine? Yes.
418. How did you learn this? Mr. Bruce came to the yard whilst I was collecting cattle to take away, and intimated it to me verbally, and in three days afterwards I saw it in the Albury papers.
419. He intimated it to you verbally? Yes, he said I could not take away the cattle.
420. Had you any mustered at that time? I had a part of them mustered.
421. And he intimated to you that you could not take them away? Yes, and the next time I heard of the quarantine was from the subsequent publication of the Albury papers.
422. In what form was the notice in the paper—who did it purport to be signed by? I have no recollection, but I fancy it was by Mr. Bruce.
423. You never saw any proclamation? No; I think there was a proclamation in the paper, but I will not be positive.
424. How did you learn that the quarantine was extended to Albury, so as to admit of your cattle being taken across the River Murray? The first I heard of it was from Mr. Rial, who had a letter from Mr. Bruce stating that he might remove his cattle.
425. Did you have any notice? No.
426. Did you see the notice in the Albury paper? I will not be sure that I did.
427. In point of fact, it appears that the quarantine was extended by proclamation of the 24th of December, and shortly after that you would learn that you were at liberty to take your cattle to Albury? I believe I did.
428. In fact, the time during which you were prevented from removing your cattle was reduced to two months—that is, from the 22nd of October to some date not later than the 24th of December? Yes.
429. The loss you consider you suffered was through being prevented by Mr. Bruce from taking away these cattle at the time when he spoke to you? Yes, to this party of whom I have spoken.
430. Were the other thirty fat at the time? They were marketable at that time.
431. But you think you could have obtained the same price (£4 10s.) for them? I think so, without difficulty; good cattle, I believe, were fetching about £5 at that time.
432. Would you have taken them away at that time? I certainly should, some time before the quarantine was taken off.
433. But at the time it was put on? I was then collecting all the cattle I could get to take away.
434. And did not the price of cattle fall after the 1st of October? The prices came down to about £3.
435. *By Mr. Gordon*: Why did you not collect the thirty head then? I cannot say; perhaps he was not prepared to take them away, or something of that sort.
436. *By Mr. Hay*: As a fact, were any strange cattle on your run? There were none killed, I believe. Mr. Bruce, Mr. Meyer, and Mr. Day came round and killed three of mine, pronouncing them diseased; but I should say they were not diseased. There were two taken to the water-hole to wash the lungs before any symptoms could be seen, and then only as described; Mr. H. Bowler saw these.
437. What month was that in? When Mr. Day and Mr. Meyer were appointed.
438. These were your own cattle? Yes; but there were three strange cattle, belonging to the township, killed on my run at the same time.
439. And what about them? I believe they were not diseased; and there was one of Mr. Bowler's also killed, which I consider was not diseased.
440. Do you think there were any strange cattle infected with pleuro-pneumonia upon your run? No one killed any that were diseased whilst I was present; what Mr. Bruce did by himself I do not know; he never called on me to kill any previous to that time.
441. Do you know the appearance infected cattle present? Yes, the general symptoms; I have some slight knowledge of the disease.
442. Can you make a good guess? Not in the first stage; in the second and third I can form a good idea.
443. At the same time, did you see any strange cattle on your run? None but those that had been there for some time.
444. Did you see any affected with pleuro-pneumonia? No.
445. Were there any of Mr. M'Laurin's there? None of his diseased herd.
446. Is your station upon the main road? Part of it.
447. The main road passes through your station? Yes.
448. There is, I suppose, a considerable traffic by working bullocks along the road? There was some, but to what extent I do not know, as I live some distance from the road.
449. Was there any particular reason for your not availing yourself of the extension of the quarantine to Albury to remove your cattle as soon as it took place, as you do not seem to have removed them for some months after? The prices of cattle were low at that time, and there was a chance of their getting better; that is the reason I did not remove them before.
450. Suppose it was in the beginning of December that the extension of the reserve to the Murray

Mr. George
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Murray was proclaimed, do you mean to say that the prices of cattle at that time were very low? Very low at that time.

451. And therefore, there was only little more than a month between the time of the extension and the time when the quarantine was first established? Yes.

452. In fact, it was just "touch and go" as to the sale of cattle, at the time the quarantine was established? Yes.

453. The principal thing you rely upon is this, the sale of the cattle you had in the yard when Mr. Bruce came? Yes.

454. You did not think of inquiring, I suppose, whether Mr. Bruce had the power of inspecting them? I believe he said he had the power; I heard a person remark that Mr. Bruce had said, if he refused to allow his cattle to be destroyed he would go to the police and give them in charge; I heard that myself, I believe.

455. You took it for granted that he had the power to place your run in quarantine at that time? I did.

456. You did not inquire into the necessity of a proclamation? I went to Albury to get a lawyer's advice, and he thought it was best not to remove the cattle.

457. You took the advice of a solicitor, and he advised you not to remove your cattle? Yes.

458. You did not know the grounds he had for giving that advice? No.

459. You did not know whether he had ascertained that a proclamation had been issued? No.

460. You stated what Mr. Bruce had communicated to you, and asked his advice upon it? Yes.

461. That must have been even before you saw the notice in the Albury paper? About the same day.

462. Then the solicitor was aware of the notice in the paper at the time he gave you this advice? I think he was.

463. Did you see much of the pleuro-pneumonia up there in that neighbourhood—did you see any cattle killed at the Yarra Yarra? I saw some killed in the lock-up on Mr. M'Laurin's run, but not on the other side of the range where his residence is.

464. You saw them on the southern side of the range? Yes; I considered them bad; they were part of the tailing mob.

465. Were they diseased? Some of them were, but some not quite so bad; I only saw two or three of them killed.

466. Did you see many of them about, either Mr. M'Laurin's or Mr. Bowler's? There were some stragglers there from Mr. Bowler's herd, and one or two of mine afterwards came there.

467. Did you think there was much cause for great alarm at that time? I cannot exactly say.

468. You were much frightened, were you not? I cannot say I was; I did not wish my cattle to be killed.

469. Did you wish the cattle of others to be killed? No.

470. Were you not at some of the meetings of settlers that took place? Yes.

471. Were you at any meeting of settlers where any resolution was come to recommending that diseased cattle should be slaughtered? I think I was.

472. I suppose you were a consenting party to that resolution? I think I was a consenting party to Mr. M'Laurin's being killed.

473. Do you recollect a meeting which took place at Ten Mile Creek on the 19th October, when a resolution was passed unfavourable to the establishment of a quarantine? I think I was.

474. I think that resolution was adopted unanimously? I think I was present at that meeting.

475. Do you recollect that at that meeting a resolution was proposed to this effect: "That this meeting, after mature deliberation, is convinced that the only effectual means of stopping the spread of the disease known as pleuro-pneumonia is to destroy the entire portion of the herd in which diseased cattle have been found, as it is proved by experience that it is impossible to stay the disease in its early stages?" I was present, but I almost forget the resolution.

476. I presume you must have been in a considerable state of alarm with regard to this disease, before a resolution of that kind would be carried amongst the settlers? I must confess they were in a considerable state of alarm in the district.

477. Did you conceive that Mr. M'Laurin, having had a large number of cattle destroyed for which he was about to receive a compensation, that you admit was not very high, was likely to suffer by the carrying out of a resolution of that kind? I cannot exactly say.

478. Supposing that some diseased cattle were in your herd, would you have cared to have had them all destroyed at the same rate of compensation that Mr. M'Laurin was to receive? I must confess I should not, because many of mine were store cattle, and I consider them to be worth considerably more than 30s. a head.

479. Under these circumstances, would you have been willing to have sacrificed your cattle for the good of the country? I cannot answer that.

480. Would you have been satisfied with the compensation? It is a difficult question to answer at the present time.

481. Supposing diseased cattle had been found in your herd, would you have been satisfied if the whole herd had been destroyed in accordance with the terms of that resolution? No, I do not think I should have been satisfied.

482. Would you not have been a much greater sufferer for the purpose of preventing the spread of the disease than you actually have been, and would you rather have lost the sale of these forty-five head of fat cattle than have had all your cattle destroyed, subject to the same compensation as was allowed to Mr. M'Laurin? I certainly should not have liked to have had my cattle destroyed; I believe I should have been a very considerable loser by it.

483.

483. There seems to have been a wonderful unanimity among the settlers as to the destruction of Mr. M'Laurin's cattle—did you hear anyone protest against that? I do not think I did—not at that time.
484. It was considered as on the whole advisable to prevent injury to the neighbours? I believe it was at that time. Mr. George
Bardwell.
485. *By Mr. Leary*: Do you know the character of Mr. Bowler's and Mr. M'Laurin's cattle? Well, I cannot say that I know Mr. M'Laurin's; I have not been there for several years; but I know the character of Mr. Bowler's cattle much better.
486. What is the character of Mr. Bowler's fattening or breeding herd? His fattening herd is from the Mitta Mitta.
487. It is a good herd? Generally.
488. What was about the value at the time they were slaughtered? Considerably over the 30s. per head, I should imagine.
489. Were there some of his cattle worth £5 a head? It would depend upon the market price at the time.
490. Were Mr. Bowler's as good cattle as yours? I think the general herd was nearly as good as mine, or quite.
491. You said that most of yours were store cattle, and that if the herd were destroyed you would be a considerable loser at a compensation of 30s. a head? Yes.
492. The inference is, that if there were a great number of fat cattle you would be a still greater loser? Yes, just so.
493. If the disease had been found forty miles from your run, would it be harsh to the neighbouring squatters to prevent the diseased cattle from passing through your run? I think not.
494. It would not have been harsh to place certain runs under quarantine to prevent the spread of the disease? I should think it a good arrangement if the cattle were proved to be diseased.
495. But diseased cattle were found near your run? Yes.
496. And you think it would be a proper precaution to put runs in quarantine in the neighbourhood of the disease, lest the disease might spread? Yes. Runs only upon which diseased cattle are found should be placed under quarantine.
497. Was not your run close to Mr. M'Laurin's and Mr. Bowler's? Yes, but there is an almost impassable range between us, and the cattle never go over there.
498. But you say Mr. Bruce declared some of your cattle to be diseased? This was nearly a month after the run was placed in quarantine.
499. *By Mr. Raper*: You say there were some cattle on or close to your run that were infected with the disease;—do you say you saw some cattle killed near your run that were infected with the disease? Four miles from my place; that is, four miles beyond the boundaries of my run.
500. The only cattle that you saw diseased were those you saw washed at the waterhole? Yes, but I think one was not diseased. There were two washed at the waterhole to endeavour to discover symptoms, but I consider they were not diseased.
501. When the lungs were washed at the waterhole, I suppose the spots were very small? A trifle larger than pins' heads.
502. Who killed these cattle? Mr. Bruce, Mr. Meyer, and Mr. Day.
503. Mr. Pottie was not there? No, it was previous to his coming up.
504. You never heard any difference of opinion as to the appearance of the disease, between Mr. Pottie and the Commissioners? I cannot say; I never attended with the Commissioners.
505. *By Mr. Hay*: What is your opinion with regard to the state of that part of the country as to pleuro-pneumonia at the present time—do you think the disease is now in existence there? I think there is now pleuro-pneumonia in the district, but not to any great extent.
506. During this winter has it been at all bad at any particular time? I think not; I do not remember seeing it violent.
507. Have you seen anything of the practice of inoculation? Yes, I have inoculated 200 head myself.
508. And what was your opinion of its effect? That it is a prevention.
509. You think it is? Yes.
510. Did you lose many cattle in the process? Only one out of about 130. The others I have more recently done.
511. Does it disfigure the cattle much? Some of them; some few lose their tails.
512. How do you operate? By making an incision in the lower part of the tail, about an inch from the end, endeavouring not to cut the bone, then taking a string dipped in the diseased matter from the lung, and drawing it through the incision, then tying it. Sometimes I scrape a little from the lung and put it in the incision. I did some that seemed to be affected on Mr. Bowler's run. They had got up to his swamp and could not walk home. After I had done them they seemed to be better.
513. *By Mr. Raper*: Does it affect their tails? Some of them lose their tails, which drop off; but many of them are not at all disfigured by inoculation.
514. You do not think this loss of the tail would reduce the price of a fat bullock? No, I think not.
515. *By the Chairman*: On the day you were collecting the cattle for market did you see any diseased beast on your run? None, I think, whatever.
516. Did you not on that day bring to pound a beast diseased, which was running among your cattle, and say you believed it to be diseased? I have no recollection of it.
517. Are you aware that two heifers taken from your cattle were killed and found to be diseased? If they were it was unknown to me.

- Mr. George
Bardwell.
19 Sept., 1862.
518. What might be the number of your herd? About 300 at that time.
519. You said you had no cattle that died from the disease? Not at that time, none whatever.
520. Did you receive a notice in December that you could send cattle to Victoria? No.
521. From any inspector whatever? From none whatever. At least I have no recollection of having had one.
522. Had you sold these cattle to the person you were dealing with, or were you collecting for a chance market? I was collecting for a chance market, as the time had nearly expired. It would have been up in a few days when Mr. Bruce stopped me. I was collecting afterwards for a chance market.
523. *By Mr. Hay*: At the time you were stopped? The person I was dealing with would take part of the cattle, but I was obliged to take away all I could get.
524. *By the Chairman*: How many did you sell to him, and how many would you have for the chance market if he would not take all? He was to take forty-five head, but he could not take them all at once.
525. He was to kill so many in the month? Yes.
526. And you were collecting for a chance market, with a view to getting them away before the quarantine was established? Yes.
527. He took away what he could, and you retained the others for a chance market? Yes.
528. *By Mr. Gordon*: How many head did he require in the month? About fifteen head a month.
529. And you had forty-five head still left? Yes.
530. That would extend over three months? Yes; in some weeks he would kill more, in some less, but the average was fifteen head a month.
531. *By Mr. Leary*: I think I understood from you that you had sold these cattle to this party? Yes, I had to deliver them.
532. *By Mr. Gordon*: You did not offer him these cattle, or any portion of them, after the quarantine was taken off? No.
533. Do you not think he was entitled to a portion of them? Cattle were then much lower, and he did not wish to purchase at the original price, and the contract was then broken.

APPENDIX.

Albury, 4 February, 1862.

I certify that I have examined a mob of fat cattle, numbering fifty-two head, the property of Mr. Geo. Bardwell, and can find no symptoms of pleuro-pneumonia amongst them.

TUESDAY, 23 SEPTEMBER, 1862.

Present:—

MR. GORDON,	|	MR. LEARY,
MR. HAY,	|	MR. MATE,
	MR. RAPER.	

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

Mr. William Rial called in and examined:—

- Mr. W. Rial.
23 Sept., 1862.
534. *By the Chairman*: You sent in a petition for compensation for cattle put under quarantine? Yes.
535. How far was your run from Mr. M'Laurin's? Adjoining.
536. When did you receive notice that your station was under quarantine? I did not receive any notice; I only saw it in the *Border Post*.
537. Are you aware that notices were sent in some instances? No, I am not.
538. The injury you complain of is, that you could not sell 100 head of fat cattle that you had previously agreed to sell? Yes; I have a memorandum of the agreement with me. (*The witness handed in the same. Vide Appendix A.*)
539. Was that the only injury you sustained? I had 400 head of store cattle, which I wanted to make sale of, and I was prevented by the quarantine.
540. Your petition does not state that? No, it was not put in. After the quarantine was removed I sold twenty head, of which I have a memorandum, and that shows that they were not diseased. (*The witness handed in the same. Vide Appendix B.*)
541. What is the extent of your run? It is only a small run—a licensed run.
542. How many head of cattle have you? A good many of my cattle are on my brother-in-law's run, Mr. Williams'—about 800.
543. How many were on your own run? From 500 to 600 on my own run.
544. Is it a good run? Yes, a very good run.
545. A good fattening run? Yes, it fattens very well. It is mostly a dairy run; I keep a dairy.
546. How many fat cattle do you usually sell off a year? This is now the third year since I sold any. The year before last I sold only thirteen.
547. You had, then, more at this time for sale than you usually have? Yes.

548.

548. Were you at any of the meetings of the settlers and squatters? Yes.
549. You were one of those parties? Yes.
550. Do your cattle mix much with the Yarra Yarra cattle? Yes; they could not be off 23 Sept., 1862. Mr. W. Rial.
551. Did you lose many by pleuro-pneumonia? Not one.
552. Is it not strange that you should not have lost one, when all these cattle were said to be so diseased? I have not lost one, nor have any shown any symptoms.
553. Were any of yours slaughtered? Yes.
554. By whom? By Mr. M'Laurin; some that were running along with his cattle, and I did not wish to have them taken home.
555. How many were there? I believe there were nine head altogether.
556. As I understand you, your cattle run through and through a good deal with Mr. M'Laurin's? Yes.
557. Do you not know the exact date when your run was put under quarantine? No, I do not.*
558. You say in your petition, that your run was placed under quarantine on or about the 26th of November, and you say also that it remained so until the 20th of March, but we find, from previous evidence, that the restriction was taken off, so far as cattle going to Albury or across to Victoria were concerned, on the 24th December? After all the stations were put in quarantine to Albury, I received a note from Mr. Bruce that I could take my cattle to Albury or to Victoria.
559. Do you know the date of that letter? No. I have left it at home. I am no scholar.
560. Was it not early in December? I think it was some time in the beginning of December.
561. So that your run appears to have been under quarantine only four days in November, and about the 5th December you received notice that you could take them to Albury, so that there were not more than nine days during which you were prevented taking your cattle to Albury;—is that the case? Yes.†
562. By Mr. Hay: Do you know when you did take them to Albury? No, directly I received Mr. Bruce's letter; but I could not say to a day or two.
563. Could you say to a week? No.
564. Could you say whether it was early in December? I received the letter on Saturday—I could not say the date.
565. By the Chairman: Your market was usually Albury? Albury or Beechworth.
566. The latter being across the Victoria boundary? Yes.
567. You say you did not lose any by the disease? I did not; but when I took them to Albury I could not get half the price for them I had previously sold them for, there were so many cattle going to market.
568. By Mr. Hay: Did you deliver any of the cattle that were sold to Mr. Engelhardt? I did, but not at the same price that he had engaged to give me at first.
569. They were sold, as I see by the paper you have handed in, on the 31st October? Yes.
570. You did not deliver, in the interval between the 31st October and the 26th November? No; when I was going Mr. Bruce came on the run and stopped me from taking them away; this was on the 4th November. He said they were not allowed to be removed.
571. At what time was that? Four or five days after I sold them.
572. That was before you received this notice of the 26th November? Yes.
573. He came on the run personally? I sent for him to come and inspect the cattle before I took them away; he came, and could see no disease, but he would not allow me to take them away.
574. Did he give you any written notice? No, a verbal notice. There were three or four witnesses; Mr. Williams was there.
575. Were the cattle collected? No, I was on the run, and my two boys were going to collect them.
576. At what time should the cattle have been delivered to Mr. Engelhardt according to the agreement? They ought to have been delivered to Mr. Engelhardt about six days after that agreement.
577. Then what you complain of is—not what you have stated in your petition, that you were prevented by the quarantine which was placed on your stock on the 26th November, from delivering them, but by Mr. Bruce's interference previous to that date—it was that lost you the sale of your cattle? Yes.
578. It was not in consequence of your run being placed under quarantine, as stated in the petition? If they had not been put in quarantine I could have delivered them. I considered my run placed under quarantine from the time Mr. Bruce gave me notice on the 4th November not to remove my cattle.
579. You say they must have been delivered within five or six days of the date of sale? Yes.
580. But this was before the 26th November, when the run was put under quarantine by written notice;—what you now complain of is, that you were prevented from removing them by the direction of Mr. Bruce? Yes.
581. Were the cattle really fat at this time? Yes, they were very good then.

582.

* NOTE (on revision):—Mr. Bruce came to my residence on the 4th November, 1861, and gave me verbal notice that I was not to remove any cattle from my run.

† ADDED (on revision):—From the 4th November, the time of Mr. Bruce giving me notice, to the 24th December, when the restrictions were taken off, is a period of fifty days, during which I was prevented from taking my cattle to Albury.

Mr. W. Rial. 582. You did not think it necessary then that Mr. Bruce should give you any written notice of quarantine on the part of the Government? I did not know how he was instructed to act.

23 Sept., 1862.

583. Did you not think of requiring some formal notice from a man who came upon your run, and pretended to prevent you from taking your cattle wherever you liked? I asked him if he could see any disease amongst them; he said he could not; but that they must be infected with the disease, from running with Mr. M'Laurin's cattle.

584. Did he positively enjoin you not to take them away? Yes; I said I would take them away, and he said if I did I would put myself in the power of the law; and I was persuaded by Mr. Williams not to take them away, but to leave them.

585. *By the Chairman*: Were you aware of the power of the law? No.

586. Were you not aware that two or three parties crossed with cattle, and that the law was powerless to prevent them? No.

587. *By Mr. Hay*: Did you consult any lawyers about it? No.

588. I suppose at that time you hardly expected the price of cattle would fall so rapidly? They were falling every day, for everyone who was out of quarantine was taking his cattle away, and selling at any price he could get for them.

589. You have not sold any store cattle, have you? No.

590. These store cattle you wished to sell were not store cattle running on your own run? They were cattle running on my own run, as well as on my brother-in-law's, and Mr. M'Laurin's.

591. You would not have wished to have taken away cattle that were on Mr. M'Laurin's run? I wanted to take them away.

592. You would not have taken them away after it was evident there was so much pleuro-pneumonia on his run? That was why I could not.

593. Suppose the law had not interfered, or Mr. Bruce had not interfered, and you had sold cattle which had been running on Mr. M'Laurin's run, and had delivered them, if pleuro-pneumonia had afterwards broken out on the run to which they were taken, you would have been liable for damages? There were very few on Mr. M'Laurin's run, and those that were, were not fit for store cattle.

594. Were Mr. M'Laurin's cattle, in your opinion, infected with pleuro-pneumonia at that time to any extent? I was there only once, at the time of the burning of the cattle.

595. I am asking you your opinion of Mr. M'Laurin's cattle from what you did see? What I saw were very bad.

596. From pleuro-pneumonia? What they term pleuro-pneumonia—it was a disease I never saw before in my life.

597. Did it seem to be a very virulent disease? Yes.

598. Would you have thought it safe to take away cattle from a run where such a disease was prevailing? This was before it broke out that I wanted to sell them; I never offered any for sale afterwards, till the last three months.

599. Do you mean to say that it had not broken out on Mr. M'Laurin's run in November, when Mr. Bruce spoke to you? It had then, viz., 4th November.

600. You were not prevented from taking them away before that time? No.

601. The disease was among Mr. M'Laurin's cattle in November? Yes.

602. Was there any disease on your brother-in-law's run? I believe some have been killed there—some few.

603. In November? No; I think it was after November they were killed.

604. Do you remember when the Commissioners came up—Messrs. Garland and Pottie? Yes.

605. Was it before that? I am not certain whether there was not one beast killed before that, or just after; I saw one killed.

606. Has there been any pleuro-pneumonia on your run at all? I never saw any of it, either on my own or anyone else's.

607. How many of these 400 head of store cattle had there been upon your own run? I suppose about 200 head on my own run, and the remainder chiefly on my brother-in-law's run.

608. I think you said the cattle on your own run did not number above 500 head? Yes.

609. And about 200 store cattle were on your own run? Yes.

610. And the rest were on your brother-in-law's and the surrounding runs? Very few were on anyone else's, except Mr. Robertson's run, where Mr. Dean lived at one time, between me and Mr. Robertson's.

611. Did you get paid for those nine head that were slaughtered on Mr. M'Laurin's run? I believe Mr. Mate has got it for me.

612. Were any of your cattle killed by the Pleuro-pneumonia Inspectors or Commissioners at any time? No, they never came to examine them.

613. *By the Chairman*: You say you attended the meetings? Yes, the first two meetings; there were two meetings, I believe, at which I was not present.

614. At one of those meetings, was there any proposition to put these runs under quarantine? I believe there was; but I believe it was spoken against, on account of its preventing their fat cattle from being taken away.

615. *By Mr. Leary*: Do you know how many days there were between the time when you got notice from Mr. Bruce not to deliver your cattle and the day on which you received notice that your run was put in quarantine? Fifty days from the 4th November to 24th December.

616. Were there any cattle slaughtered on your run that had the disease? Not one, to my knowledge.

617. You say that the Commissioners did not come on your station? No; I told Mr. Bruce, at the second meeting, to come and inspect them, but he never came. It was advertised in the *Border Post* that no verbal application would be received, that applications must be made by letter; and then my brother-in-law wrote to him to inspect the cattle; but he did not come. Mr. W. Bial.
23 Sept., 1862.
618. Although he did not come to inspect the cattle, still he sent notice that the run was put in quarantine? He did not send me notice. I saw that in the *Border Post*, and had verbal notice from Mr. Bruce on the 4th November.
619. Have you never had notice that your cattle were in quarantine? No, except as above.
620. Then your only knowledge of the run being in quarantine was through the paper? Yes, except as above.
621. The inspector never went on your run to see whether your cattle were diseased, and that it was necessary to put the run in quarantine? No.
622. *By Mr. Gordon*: How do you make up your loss to be £392 12s. 6d.? By subtracting the price I obtained for the cattle from what I originally sold them for.
623. You sold the cattle to be delivered at a certain time—some at £4, and some at £4 10s.? Yes.
624. How many head at £4? Twenty, and eighty at £4 10s.
625. Have you sold any of these cattle since? Yes, forty-eight head, and the most I got for them was £2 7s. 6d. and £2 5s.
626. What have you done with the remainder? They are on the run still.
627. What do you value them at, according to the present price of cattle? I do not know what they are worth now.
628. *By Mr. Hay*: Do you think you could get £2 10s. a head for those that were fat at that time? I think I could.
629. *By Mr. Gordon*: Could you get £3? No, you could not get more than that for fat cattle at Albury.
630. *By Mr. Mate*: Are they fat now? No; we had a very bad summer and a bad winter.
631. *By Mr. Gordon*: Is that all the loss you have sustained? Yes; that, and not being allowed to remove my store cattle.
632. During the period of how many days? We could not sell store cattle then at any price.
633. How long were you prevented by the interdict from removing them? When we were put in quarantine we could not sell at any price—people would not buy them.
634. For the 100 head of cattle, according to your own statement, you would have received about £440; you have sold forty-eight for £108, you value the rest at £130, making £238; so that that would leave a sum of £202, instead of £392 12s. 6d.;—what do you suppose is the real value of the cattle remaining at the present moment? They are not worth above £2 5s., if I could get even that.
635. Fat cattle ought to be worth £2 10s.? Fat cattle at Albury are not worth above £3.
636. *By Mr. Raper*: If you had sold those cattle, and received the money, do you think you would have got other cattle in the place of them—could you have turned your money to account? There would have been more if it had not been for the season.
637. *By Mr. Leary*: You say fat cattle are valued at only £3? That was what the butchers offered me a few days before I came away.
638. Had you any fat cattle? A few.
639. Have you not heard of fat cattle being recently sold at £5 a head? Yes.
640. You mean, then, that you could get but £3 a head for your cattle? Yes.
641. When you had sold these cattle to Mr. Engelhardt on the 31st October, you had to deliver them in six days? Yes.
642. You did not deliver them within six days? I could not, because Mr. Bruce stopped me, viz., on the 4th November.
643. *By Mr. Gordon*: Was £4 10s. the highest price for fat cattle when you sold? No.
644. Was it a fair price? Cattle were going at £5 and £6 at the time, but I sold mine in order that I might get rid of them, for fear they should catch the disease.
645. *By Mr. Hay*: Cattle run a good deal through one another on the different runs in that quarter? Yes.
646. It is impossible to keep cattle on their own run anywhere about that part of the country? You cannot.
647. The natural boundaries are not favourable? The cattle must come to certain places to water, and there they mix.
648. All herds of cattle up the river do mix more or less? Yes.
649. For instance, Mr. M'Laurin's cattle would mix to a considerable extent with all the surrounding herds? Yes, there is scarcely a herd but the cattle are mixed.
650. Mr. M'Laurin's used to mix a good deal with the whole of the surrounding cattle? Yes.
651. Yarra Yarra is a very large run? Yes.
652. Surrounded by a considerable number of runs? ———
653. Have Mr. Bowler's cattle mixed more or less with the cattle on all the runs round about? I do not know about Mr. Bowler's; they are away from me altogether.
654. Mr. Bowler's run lies on the other side of Mr. M'Laurin's? Yes, near Albury.
655. Were there many of Mr. M'Laurin's on your run? A good many down the creek; they had to come there to water at the Four Mile Creek—there was no other water.
656. Did you ever know any of these cattle of Mr. M'Laurin's that went through your run, and watered at Four Mile Creek, to exhibit symptoms of pleuro-pneumonia? I never did.
657. Were some of them slaughtered? All they could get were slaughtered.

- Mr. W. Rial. 658. Those that were upon your run? Yes.
 659. *By Mr. Leary*: Would you have considered it wise of the Government to have allowed
 23 Sept., 1862. Mr. M'Laurin's cattle to have been sold to have passed through your run, on their way to
 Albury? I should not.
 660. You would have feared that your cattle might catch the disease? Yes. I do not think
 Mr. M'Laurin would have attempted such a thing.
 661. Do you know the herd of Mr. Bowler? I never was among Mr. Bowler's.
 662. You know Mr. M'Laurin's cattle? Yes.
 663. What kind of cattle are they? Very good cattle.
 664. What do you think their value was, about? I could not say, for I have never been in
 the habit of selling cattle in any quantity.

APPENDIX.

A.

Albury, 2 September, 1862.

I HEREBY certify that I was present at the agreement (a verbal one) made between Rial and Engelhardt,
 and that the notes on the back of this slip were taken by me at the time of agreement, and that the
 terms of the agreement were in accordance with those notes.

JAMES T. FALLON.

AGREEMENT between Engelhardt and Rial.—Cows, £4 per head; bullocks, £4 10s. To be paid by
 bills at one month.

20 cows.....	80
60 bullocks, £4 10s.....	270
	<u>£350</u>

31 October, 1861.

B.

Albury, 20 March, 1862.

I PURCHASED twenty head of cattle from Mr. William Rial, on the 11th day of December, 1861, and
 slaughtered them at Albury. I hereby certify that I made a minute examination after slaughter, and
 could not discover the slightest trace of disease of any kind in them.

CHARLES ENGELHARDT.

Mr. John Purtell called in and examined:—

- Mr. John Purtell. 665. *By the Chairman*: Your run is close to Mr. M'Laurin's, is it not? No, it is about
 eight miles further on.
 666. Did your cattle mix with his? Not that I am aware of.
 23 Sept., 1862. 667. Is there any natural boundary that prevents their coming on, such as a range? Yes,
 there is a steep range.
 668. So that your cattle would not be likely to mix? No.
 669. You say you had about 200 head of fat cattle fit for market? 300; 200 in one
 place, and 100 in a paddock for fattening. I was not by when the petition was drawn out.
 670. You had about 300 head of fat cattle fit for market? Yes.
 671. Were these sold to any party? They were.
 672. And he did not take them? No.
 673. Who was he? A man named Dunphy; he bought cattle from Mr. Morrice, of
 Mullangandra.
 674. Where does he live? At the Buckland, beyond Beechworth, on the Victorian side.
 675. You had an agreement with him? Yes, a verbal agreement; he deals pretty often
 with me.
 676. What was the date on which you sold them to him? Either on the 16th or the 18th
 November, I would not be sure which.
 677. When was your run placed in quarantine? In November; but the paddock where
 100 head of my cattle were was put under restriction early in October.
 678. Do you know the date? (*The witness handed in a letter. Vide Appendix A.*)
 679. The notice you have now handed in would have prevented your delivering these
 cattle? Yes.
 680. You would have had to collect them after the date you mention? I was preparing for
 collecting them when I got the notice. I met Mr. Bruce as I was returning from Albury,
 after seeing Mr. Dunphy, and he told me to hold back for a few days—that he was going to
 open a road to Dora Dora.
 681. What was the price at which you agreed to sell these cattle? £5, and £4 10s. for
 cows.
 682. Was that the usual price? That was the price going at the time.
 683. Were any of your cattle found diseased? I left them; I resigned them to Mr. Bruce.
 I was out one day when they shot nine.
 684. Was that the number slaughtered? No.
 685. How many were killed? I never kept an account. I left it all to Mr. Bruce, the
 inspector; I did not trouble my head about them when once I had given the cattle over
 to him. 686.

686. About what time did you get notice that the quarantine was taken off your run? Mr. Bruce was only about a mile or a mile and a half off, and if I wanted any information I used to go to him. Mr. John Purcell.
687. Do you know when the quarantine was taken off? I do not rightly know. 23 Sept., 1862.
688. Have you sold any of these cattle since? 185 head of cattle, at £2 12s. 6d.
689. At what time? I think about the 10th May.
690. You had not sold any previously, from the time of making the agreement with Mr. Dunphy up to this date? No; in fact I never troubled my head with the cattle after I had resigned them to their charge.
691. Did any of your cattle die of pleuro-pneumonia? Yes, there were some killed.
692. Without reference to those that were killed, had you any deaths among the cattle? The inspector killed all, with the exception of one I killed myself; this was after their being taken out of quarantine.
693. You do not understand my question;—did you find any cattle on your run dying of the disease? No, I did not.
694. They were killed, they did not die themselves of the disease? No, they were killed.
695. You say there was a beast killed recently? Yes.
696. Was there disease among them lately? Yes, five or six died—we inoculated 260, and about twenty head of them died; I think it was from inoculation most of them; died I do not think above two or three died of the disease; we did it very severely; we tried it to obtain experience.
697. Do you think it answers? I have great faith in it; I think it is a very good system. I see the cattle thrive remarkably well after it—better than they did before.
698. Do they not lose their tails? We do not mind that; it saves the trouble of branding them.
699. *By Mr. Hay:* You do not say anything in your petition about having sold 300 head of cattle—you mentioned that some of these fat cattle were under offer? I was not by at the writing out of the petition; I left the matter in the hands of my solicitor, and I went off to see the butcher who had bought the cattle, and to get an affidavit from him.
700. The cattle were then actually sold? Yes; I could make an affidavit of that. I had sold the man cattle before, and he could take my word; he had not seen the cattle, but agreed to take them at what I say.
701. Was a time fixed for the delivery of the cattle? He did not fix a particular day; but he said he would take them out in six or seven days. As I expected to be put in quarantine, I said, "Do not mind till I return and see Mr. Bruce, and when I see Mr. Bruce I will write back;" and I then wrote back to him not to come out.
702. When did you learn from Mr. Bruce that he had opened a road for you? I do not rightly know, the cattle were getting so low that I was not very particular.
703. Was it early in December when Mr. Bruce mentioned to you that he had opened a road? I do not remember.
704. You do not remember when Mr Bruce told you that you might deliver your cattle? No.
705. It might have been in December? It might.
706. It might have been early in December? It might.
707. It might have been shortly after Mr. Bruce sent this notice? It might; I would not like to say what I could not make an affidavit of.
708. You say that very few of your cattle died of pleuro-pneumonia? Yes, I left it to the inspectors themselves; I went out only one day with them.
709. I am not speaking of their slaughtering, but I suppose you frequently looked through your cattle and saw whether they were alive or dead; you think very few of them died? I do; there might have been a dozen—I do not think there were.
710. How many do you think died of the effects of inoculation? About fifteen or sixteen. I would have been satisfied to have lost five per cent.; but we did them the wrong way; we did it to have experience.
711. You afterwards had a better system? Yes, we made a slit in the tail, and took the worst of the lung and put it under the skin.
712. If so few cattle died of pleuro-pneumonia, what makes you take so much trouble to kill them by inoculation? To prevent them from getting it again.
713. If so few die, what is the use of running the risk? I wanted to get experience of it. I saw from the papers that it was a first-rate thing to do it.
714. Did you think it a first-rate thing when you lost about a dozen from pleuro-pneumonia, and in order to get rid of it you resorted to inoculation, by which you killed sixteen? Mr. Bruce is there, and he will give his opinion.
715. You must think this a very bad disease, to have slaughtered so many in order to prevent its spread? I never was frightened of it in the least. I was satisfied that I must lose a few. I was not frightened of it; I was more annoyed at not being able to get the rest to market.
716. Did you not inoculate 260 at the risk of killing them? Yes, and I intend to do the rest when I go home, to prevent the cattle taking it.
717. You do not think inoculation is worse than the disease? No, it was our own fault; we need not have lost one in every hundred if it had been done as it ought to have been.
718. Are you not, in point of fact, aware that you could have removed any of your cattle, so as to have delivered them in Victoria, from a period very early in December? Yes. I am aware I could, when they opened the quarantine to the Murray.
719. Therefore, if you were prevented from moving cattle only between the 24th November and the date of this communication from Mr. Bruce, you could have been prevented only for a very few days? There must be a mistake on some side or other.

Mr. John
Partell.
23 Sept., 1862.

720. If, then, the prohibition commenced on the 24th November, and you were allowed to remove them, so that they could be delivered across the Murray early in December, that could not have been a long time? That could not have been a long time; perhaps a week makes a great difference in the sale of fat cattle.

721. In point of fact, you say you were waiting until Mr. Bruce should open a road? Yes.

722. And he did open a road early in December? Yes.

723. Is there any run between yours and Mr. M'Laurin's? Yes; Mr. Bowler's, Mr. Bardwell's, and part of Mrs. Greene's.

724. That is to say, you do not bound Mr. M'Laurin's? No.

725. You bound Mrs. Greene's? Yes.

726. Was pleuro-pneumonia on Mrs. Greene's run? I cannot say, only from what I hear; I was not by at the killing.

727. You cannot say, from your own knowledge, whether there was upon Mr. Bowler's run? Yes, I was up and down there killing cattle.

728. You think there was pleuro-pneumonia upon that run? Yes.

729. Was there any upon Mr. Bardwell's? The cattle looked very healthy on Mr. Bardwell's. They were very good—nice cattle. I did not see any disease there; but I believe I heard of one being killed.

730. *By Mr. Gordon*: Did you attend the meetings held by the squatters? Yes.

731. Did you approve of the proceedings? I did in one respect; in another I did not.

732. In what respect? I did not hold with them in having the cattle slaughtered. I was the only one opposed to that.

733. Did you approve of their being kept in quarantine? There was no meeting held for that; they were all opposed to that.

734. You state in your petition, that you were prevented for five months from the removal of cattle? I was not by, as I have stated, when the petition was drawn up by the solicitor.

735. You say you had 150 other cattle fattening on a paddock leased to you by Mrs. Greene? Yes.

736. How long did they remain in that paddock? I had the paddock for twelve months.

737. Did the same cattle remain there twelve months? If I liked they could; I was not bound to take them out.

738. Did you take any out? I took some that I sold—forty-five head.

739. How many were there left after you took out forty-five—did any die in that paddock? Not one.

740. Did the price of fat cattle fall within six weeks, or five weeks, from £5 to £2 10s.? The prices were falling every week. I might meet a person as I was going to market who had got a high price for his cattle, and I might get a low price.

741. The time I am alluding to is that between the latter end of November and the first week in December? I could not say; I was not there.

742. How do you make out the sum of £1,286 5s., stated in your petition? I did not make it out at all; I was not there; I did not mention any sum at all; I only gave a rough sketch of the petition to be drawn out; I left the amount to be awarded, to the House.

743. *By Mr. Raper*: You say you went but once on your land with the Commissioners to inspect the cattle? Only once with the three inspectors.

744. What took place then? As soon as they saw a beast that they thought diseased, the orders were to shoot it.

745. What symptoms did it display—did it appear to you to be diseased? It did not.

746. Was it lean or fat? Some that were killed were lean, some were fat.

747. How many did you kill during the time you were out? Nine were shot, I believe.

748. Do you know what pleuro-pneumonia is now when you see it? Yes.

749. Were there any symptoms of pleuro-pneumonia in any bullock of yours that was opened? Not that I saw.

750. You do not think that the nine that were killed while you were out with the inspectors were diseased? I do not think there was one.

751. *By Mr. Gordon*: Could you not see anything the matter with them when they were alive? Not a bit; if I had seen anything the matter with them I would send word to Mr. Bruce.

752. At the time these nine were killed, you did not observe anything the matter with them when they were alive? No.

753. *By Mr. Leary*: They might as well have killed 900 as nine? They might have killed the herd—I would not have prevented them.

754. Do you think, from the symptoms shown by those that were killed, they were equally entitled to have killed any others? Just the same.

755. Do you know Mr. Morrice's cattle? Yes, I do; they are adjoining mine.

756. What description of cattle are they? Very good cattle.

757. Is there any disease on his run? Not that ever I heard of.

758. You have never seen any? No.

759. *By Mr. Gordon*: Where did you see the disease at all? At Mr. M'Laurin's place; that was the first I saw of it.

760. There was no mistake in those cattle? No, it was enough to frighten a man to look at them.

761. I thought you said you were not afraid? I was not afraid, but that is no reason why plenty more would not be.

762. *By Mr. Leary*: You have stated that at the end of November you had an offer for 200 fat cattle from Mr. Dunphy? Yes.

763. Is he a butcher at Albury? No, at the Buckland.

764. Did you accept his offer? Yes.

765.

765. When were you to have delivered the cattle? About six days after, one part of them, not the whole.
766. Was there a special agreement? No.
767. Why then do you say six days? It was five or six days.
768. Tell us about this offer—how did he make this offer—did he ask you how many fat cattle you had, and did you say you had 200? I said I had 300.
769. Did he then offer you a certain price for them? He said he would take 200 of them at a certain price, and he said according to my description he would take them.
770. When did he say he would take them? As soon as I went home.
771. Did he not mention any particular time? No.
772. A few days after that the station was put in quarantine? I met Mr. Bruce the same day coming out, as I have already stated.
773. A few days after—some ten or eleven days—you got information from Mr. Bruce that you could send cattle across the border? No, I did not receive any notice from Mr. Bruce.
774. Are you not aware that in the early part of December you were permitted to send cattle across the border? No.
775. Are you not now aware that, if you had liked, you could have sent cattle across the border early in December? I am aware that they could be sent, but I do not think it was within such a short time.
776. Are you aware now, of your own knowledge, or from what you have heard from reliable authority, that in the early part of December you could have sent your cattle across the border? I am aware that they could be sent, but I am not certain of the date.
777. Are you aware whether it was in December at all? No. I knew there was a road open.
778. You knew generally things that transpired about these matters—you knew what took place about these meetings, and you frequently saw Mr. Bruce? Generally almost every other day.
779. Can you state that you never received information from Mr. Bruce or any other source, that you could send your cattle across the border in December? He was quite close to me, and he might have left a notice with my sons.
780. Were you not aware of it yourself? No.
781. You have spoken about some cattle that were killed by Mr. Bruce? Yes.
782. Were they opened—dissected? Part of them.
783. Did you see the lungs? Yes.
784. Were both lungs perfectly healthy of all the beasts? Yes, of every one of them.
785. You say you saw some of Mr. Bowler's cattle opened? Yes.
786. Were the lungs of those diseased? Yes, of some of them.
787. Very much? Yes.
788. Did you see any of Mr. M'Laurin's cattle dissected? Yes.
789. Did they all appear diseased? Yes.
790. The whole of them? I was not very much acquainted with it; this was the first time I saw the pleuro-pneumonia. I saw the cattle, but I was no judge at that time.
791. Did many of Mr. Bowler's cattle die? I do not know that any died, except what they brought in and killed; there might have been an odd one.
792. You are quite positive there was not a beast of yours that was killed and opened, that showed symptoms of disease, as far as your knowledge goes? Not of these nine.
793. What kind of cattle are Mr. Bowler's? First-rate.
794. What should you say is about their value? I have seen worse cattle bring £5 and £6 a head.
795. Has he a large number of fat cattle? Yes.
796. And spayed cows? Yes.
797. What kind are Mr. M'Laurin's? First-rate.
798. All good cattle? All good cattle—those I saw killed.
799. You say that this petition was got up by some solicitor, who made a bad case for you? Yes, I was not by at the time.
800. This petition does not state the facts, or the amount of your losses, accurately? No; I told him not to put down the amount of loss, but to leave that to the House; only to state the number of cattle I had sold at such a price.
801. Would you have thought it proper for Government to have allowed Mr. M'Laurin to have sent his cattle through your run, it being known that they were diseased? I would not have stopped Mr. M'Laurin.
802. You would not have thought it wise of the Government to have allowed Mr. M'Laurin to drive his cattle, they being known to be diseased, through your run? No.
803. You would then have thought it a proper thing to have put Mr. M'Laurin's and Mr. Bowler's stations under quarantine? Yes, or any run where the cattle were diseased.
804. I suppose you would not allow any cattle to pass through your run, on account of the disease? No.
805. But you would not think it any harm to drive your cattle through other people's runs? I think no man should be allowed to drive diseased cattle through another person's run. (*The witness handed in a notice from Mr. Bruce; vide Appendix A: also, a memorandum signed G. H. Greene; vide Appendix B.*)
806. *By Mr. Raper:* Were many of the cattle that were in the paddock fat? Yes.
807. *By Mr. Leary:* How many of the 300 that were fat could you muster? I could not say now, but in about six weeks if I get eighty of them I will be satisfied.
808. The remaining portion, if they were fat, you could get £6 a head for? Yes.
809. Then you will get £1 a head more for them than you would have done if you had sold

Mr. John Partell.

23 Sept., 1862.

Mr. John
Purtell,
23 Sept., 1862.

them at the time you have referred to? If I could have taken them down to Melbourne at that time I could have got £8 a head for them.

810. *By the Chairman:* What was the date on which the lease of this paddock expired? 26th of May.

811. Were most of your cattle fat at the time of your run being placed in quarantine? A good many of them.

812. *By Mr. Gordon:* Were they not fat afterwards? No.

813. How was that? We had a very bad summer—the latter end of it.

814. It was not the quarantine that made them poor, but the dry weather? No, it was the quarantine making me keep on so many in the paddock.

815. *By the Chairman:* What is the season of the year at which cattle in that part of the country are generally fit for market—from November up to what time does the season last? Up to the latter end of February.

APPENDIX.

A.

*Ten Mile Creek,
24 November, 1861.*

Sir,

As pleuro-pneumonia has been found among your cattle, I have to inform you that none of them can be removed till permission be given to do so by the Special Commission lately appointed by Government on this disease.

Yours, &c.,
ALEX. BRUCE,
Inspector.

Mr. John Purtell,
Ten Mile Creek.

B.

Billabong.

I HEREBY certify that I have received £150 from Mr. Purtell, of Ten Mile Creek, as payment in full of one year's rent for a fattening paddock for his cattle.

G. H. GREENE.

Mr. George Henry Greene called in and examined:—

Mr. G. H.
Greene,
23 Sept., 1862.

816. *By the Chairman:* You are the son of the lady who has petitioned the Assembly? Yes.

817. Were these 500 head of cattle sold to any person? They were sold to Mr. Macartney.

818. Where does he reside? He resides within a few miles of Wangaratta, at Oxley Plains.

819. In Victoria? Yes.

820. Was it a verbal or a written agreement? It was a verbal agreement. The number at the time was not specified, excepting that he was to take all the fat cattle, and, from the appearance of the cattle, we gathered that there were that number, or more. The number was not specified, but he agreed to take all that were fat within three months.

821. You have sold some of those cattle since? Yes; there were none sold at the time this petition was drawn out, but there have been some sold since.

822. When were they sold? In March and April, principally. The price obtained for them is not exactly the same as that stated in the petition, the discrepancy arising from the fact that the petition was drawn out before the cattle were sold. That will make a slight difference in the actual loss.

823. What price did you get? £2 10s. all round.

824. For 500? We could only sell 400, as we had a very bad autumn, and the cattle had fallen off in condition considerably. We sold 425 cows and bullocks, about equal sexes.

825. That was the whole number that you sold off your run? Yes.

826. What is the general season of the year with you when your cattle are fat—when you make sales? Cattle are very good with us—in fact, they are best—about Christmas and the month following. It is always an object to sell early in spring, as prices are much higher. Cattle are now fattening fast.

827. Were your cattle affected with pleuro-pneumonia? I never saw any pleuro-pneumonia at this time—at least none of the cattle ever died of it on the run. I was out constantly on the run, and I never found that any died from the disease.

828. Would the prevalence of the disease in a herd have any effect upon the fat stock in a herd? In some cases, I have seen very fat cattle suffering greatly from the disease, while others that seemed to all outward appearance not to be affected at all, and thrive remarkably well, proved, on examination, to be diseased also.

829. It would not prevent cattle from becoming fat? I think it would not make much difference, from what I saw on the other side of the Murray. Those that were very bad fell off quickly, but it would not make much difference in the number of fat cattle in a large herd.

830. You speak, in your petition, of a mob of cattle that you were prevented from delivering, in consequence of one steer being affected with pleuro-pneumonia;—where was that steer found?

found? I was not present, but I heard the place minutely described. It was some place near Ten Mile Creek, on Mr. Bardwell's run—a narrow strip on the Ten Mile Creek; I believe it was there he was found.

Mr. G. H.
Greene.

831. Do you know upon what camp he was found? Yes, I believe so, from the description.

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832. What is the name of the camp? I don't know; it may have some name, but I do not know it.

833. This steer, when you were collecting your fat cattle, was driven in with them? No, I believe he was killed when he was found.

834. When you were collecting your fat cattle he was found among them, and was killed on the spot? I believe he was found by the inspector, Mr. Bruce, and some others, and I gathered from what I was told that he was taken away and killed.

835. Do you know where he was taken to? No, I do not; he may have been killed close to the spot.

836. How far was this from your run where this steer was found—your petition states about one mile from the boundary? I should think that was correct,—my brother was there.

837. Are you the Mr. Greene, or was it your brother, who was present at the meetings that were held, and proposed certain resolutions? I was at some, and my brother was at one or two of them, I am not sure which.

838. I think either one or other of you proposed or seconded some of the resolutions passed at the meeting? Yes, the day the steer was killed, a meeting was held at Ten Mile Creek; my brother was there.

839. It was not the wish of the cattle owners in that neighbourhood that the runs should be placed in quarantine? No, they would rather have had the cattle supposed to be infected killed, than that the healthy ones should be prevented being sold as fat cattle.

840. *By Mr. Leary:* Was there not a recommendation sent to Government, at one of those meetings, that where disease was found in a herd, the whole herd should be destroyed—were not you and one of your brothers at that meeting, and did you not join in the resolution? My brother was at the meeting you speak of, but that was not the sense of the resolution you refer to. As far as I recollect, it was this: that if diseased cattle were found in any particular mob, that mob was to be destroyed, without reference to brand. If it were a mixed lot, the whole should be killed, rather than the whole herd should be placed in quarantine.

841. Was this steer, to which you have referred, dissected after it was killed? It was opened.

842. Had it the disease of pleuro-pneumonia? I heard it was diseased; I was not present.

843. Then, according to the resolution, the whole of your herd should have been destroyed? No, the whole of that particular mob in which this steer was found.

844. *By the Chairman:* You have a dairy which you let to some person? Yes.

845. Did any cows die on that dairy of pleuro-pneumonia? I am not aware of it; there was one cow shot which was supposed to have the disease, but when they opened her they found her to be affected by a disease called the rot, a disease perfectly distinct from pleuro-pneumonia.

846. Was that lately? No, that was a year ago.

847. Did the inspector kill any cows at the dairy there? Not that I am aware of.

848. Were any working bullocks belonging to the dairyman killed in consequence of being affected by pleuro-pneumonia? I heard something about it, but I could not say for certain; I heard that some were either infected or killed, but I could not remember the date.

849. Have you made new terms with the dairyman? Yes, I have had to compromise the matter with him.

850. What was the manner in which you compromised? I received notice of action from his solicitor, Mr. Allman, threatening me with an action—£500 damages—for not carrying out my part of the agreement, when, in reality, I did nothing to prevent his going on with the dairy. Things were likely to be unpleasant, and I determined, to get rid of this annoyance and avoid litigation, to do away with the old agreement, and make a fresh one which would satisfy him. By this compromise I am at the loss of the rent that was due when the dairy was stopped, and the difference between the rent I am now paid and that which should have been paid according to the old agreement.

851. In fact, you gave up the rent? I gave up the original agreement, and made such alterations as the lessee of the dairy considered were sufficient to compensate him, on his giving up his claim for £500.

852. *By Mr. Hay:* I think you should state the nature of this fresh agreement, so as to show the actual loss you sustained? According to the first agreement, we were to supply him with 250 cows—there were to be that number on the run; for the first year he was to pay us £50, and for the two following years £100 a year; and he was to be paid for his improvements at the end of the third year, the value of them to be settled by arbitration. As the agreement stands now, I have to supply him with the same number of cattle, and he gives me £50 a year for two years, one year having gone without rent. There is another part of the agreement which should be taken into consideration, namely, that if the disease breaks out among the dairy cows, so as to make it necessary to discontinue the dairy, I have to pay for the utensils, and improvements, &c. I have all the risk, so that the losses are greater than the mere loss of rent.

853. The loss in rent would be £150? £150 in rent alone.

854. *By Mr. Leary:* If there is no disease there will be no further loss? If everything goes on smoothly, and the rent is paid.

855. The only risk is, that the disease may break out? If the disease kills some of the cattle, I shall have to relieve the dairyman from this agreement.

856.

- Mr. G. H. Greene.
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856. Have you inoculated any of your cattle? I have inoculated a mob of weaners—about 500 head.
857. Were any of those weaners diseased? I do not think they were—I did not observe it when I inoculated them. There were also a few grown cattle which were killed in the paddock.
858. Have you seen any inoculated that were diseased? Yes, some that I imagined were diseased.
859. What has been the result? Sometimes they have been better, sometimes worse. I do not know whether the warmth of the weather has had any effect; I have seen some that were apparently very bad that have afterwards thriven very well in the spring.
860. What is your opinion generally of inoculation—do you think it is a cure for the disease? From my own experience I could not say much. I do not think the disease is so virulent as it was.
861. What is your reason for thinking the disease is dying out? In my position I am working off the cattle. If I were breeding cattle I would certainly continue the inoculation.
862. I presume, then, that you think the risk is not very great of your cattle becoming diseased if you have so much faith in inoculation? I have not a great deal of faith in it, there are so many conflicting opinions. Some say that there is great damage done to the constitution of cattle by inoculation, that cows fall off in their milk, and that there is less chance of rearing the next calf.
863. *By Mr. Hay*: Do you observe that inoculation has any effect in injuring the constitution? No, I have not; on the contrary, I have seen cattle that have been inoculated fatten very quickly after.
864. You have seen that? Yes.
865. So far as your experience goes, if the inoculation is properly performed, it does not do much injury to the beast? No, so far as I can judge from my own experience, it does not.
866. In fact, as far as your experience goes, the beast generally appears to thrive very well? I think so, as a rule.
867. It is possible that it may remove some virus that is operating unfavourably upon the animal? It might act as a counter-irritant.
868. And so get rid of anything that might prevent its thriving if there were any disease? Perhaps so.
869. *By the Chairman*: Do you not think if it had been tried before, that all the slaughter of cattle which has taken place would have been unnecessary—I see that Mr. Bruce recommends to the Government, as early as September, the adoption of inoculation;—if it had been tried then, do you not think that a great deal of the loss which has been incurred might have been avoided? I think so; the slaughter might have been avoided even without inoculation, and things would have been better, as they have been slaughtered in such a wholesale way.†
870. You say the cattle were sold to Mr. Macartney? Yes.
871. Is your brother a partner of Mr. Macartney? Yes.
872. With regard to this steer that was found, you were not collecting fat cattle that day? Not that day.
873. A few days after? The day after.
874. You were not out when that steer was found? No.
875. The steer was found among your cattle? Yes. I do not know whether there were many cattle of ours there—there were some; it was a mixed mob that always ran together.
876. *By Mr. Hay*: Did you say that it was proposed to take any cattle from that particular mob as a portion of the cattle to be delivered to Mr. Macartney? I think the chances are, that if that mob had been noticed it would have been driven to the camp we were cutting out on. I think the fat cattle out of that mob would have gone.
877. Supposing that beast had been diseased,—according to the resolution passed at the meeting, not only would the cattle have been prevented from being taken away from the run, but the whole of that mob would have been destroyed? According to the resolution, the whole of that mob would have been destroyed.
878. Can you tell us exactly the time at which you were first prevented from moving these cattle? We were stopped on the 21st October. We had half the cattle collected, and the others in the camp. We were to start that evening or early the following morning.
879. That was two days after the finding of this beast? Yes, two days after.
880. How long did your herd remain in quarantine? As well as I can recollect, till the end of December.
881. That is, to the time when the proclamation was issued extending the radius of the quarantine to Albury? Yes.
882. Are you sure that you, or some one on the station, did not get notice from the inspector previous to that—in the early part of the month of December? I think not, but I am not certain; Mr. Bruce, I think, did write me word, but I forget the exact date; I think it was the end of December.
883. It might have been early in December? It might.
884. Are you aware that some cattle were taken from the adjoining runs early in December? I do not know of any; they might have been taken without my knowing.
885. You have seen a document referred to in the course of the evidence of Mr. Rial, stating that cattle had been slaughtered at Albury on the 11th? Yes.
886. Do you think this was such an agreement that, supposing your brother had been in
no

* NOTE (on revision) :—I am not aware of this question having been asked.

† NOTE (on revision) :—No good was likely to be the result of such a wholesale slaughter.

no way connected with Mr. Macartney, could, in the face of a falling market, have been enforced? I think it might have been enforced.

887. You are aware that the market for fat cattle fell very rapidly? Yes; we expected that.

888. I suppose 100 head of cattle out of the 500 that you estimate as being fat at that time, which still remained unsold, you expect to get a pretty fair price for them? Yes, the greater number of them ought to be fat.

889. If they are fat now, you will get about as much now for them as you originally sold them for? I could sell fat cattle now at £4 and £5 for cows and bullocks, if I were to deliver them.

890. At that time you do not think there was any pleuro-pneumonia among your cattle? I do not think there was.

891. Has there been pleuro-pneumonia on the run or in the herd since? There is a little now—at least I believe so. I have been away, and have been only once on the run during the last three months.

892. Have you been much upon the run since the period referred to—November last year? Yes, I was on it a great deal in autumn.

893. Do you think that any considerable number of cattle have died from pleuro-pneumonia altogether? I am certain at that time (last autumn) none were dying, for I called the attention of Mr. Burcher (who was taking the fat cattle) to them, who saw every beast on the run mustered.

894. When do you think the disease first began to affect the cattle on your run? I did not see anything of it till the cold weather at the beginning of last winter, about four months ago. I know we had then one or two deaths.

895. Was it that gave you the idea of inoculating? Yes, I should not have thought of inoculating until the disease did show itself.

896. Did you see anything of pleuro-pneumonia upon the adjoining runs—upon Mr. M'Laurin's? Yes; I was there pretty often.

897. Were Mr. M'Laurin's very much diseased? Some few were, but the greater portion of the herd seemed to be very healthy; but even of those that seemed healthy there were some very bad.

898. Did you see many of the mob that had been tailed through the winter? Yes, several times.

899. Were they, as a rule, very bad? A great many were quite different from the rest of the herd.

900. It was among these that the disease was most virulent? Yes.

901. You think the whole of that mob ought to have been killed, at any rate? Yes, they had been kept by themselves.

902. Did you see anything of Mr. Bowler's? Very little; scarcely anything.

903. *By Mr. Leary*: What kind of cattle were Mr. M'Laurin's? The herd generally?

904. Yes? What I saw were very good cattle.

905. And Mr. Bowler's? I believe good cattle, but I have seen very little of them.

906. Was the winter very wet? I was away from the station the greater part of the winter; it was very wet in Victoria.

907. I am speaking of the winter before last? That was decidedly a severe winter; we had a great deal of wet, cold weather.

John Morrice, Esq., M.P., further examined:—

908. *By the Chairman*: You wish to hand in a paper corroborative of some part of your previous evidence? Yes, and I wish to make some little correction in the evidence I previously gave. This is the paper I alluded to; it is a notice from Mr. Bruce, that the cattle were put under quarantine. (*The witness handed in the same. Vide Appendix.*) I did not expect to be examined when the Committee last met, my name not being on the paper, or I should have been better prepared.

909. Will you state what you wish to add, or explain, with reference to your previous evidence? Mr. Robertson asked me, if there were not more cattle sold at a lower price than Mr. Dunphy had agreed to take. On further consideration I have called to memory, that while Mr. Dunphy was taking delivery of the cattle, my son wrote, after Mr. Dunphy had taken all he wished to take, that he thought if I would offer some more at a reduced price he would take them. I wrote back to my son to say he might do as he liked, and I believe there was some slight reduction made, but I do not think a great many head were taken. There is another portion I wish to correct: I think what I stated here was, that the difference of price should be from £3 10s., but at the time the quarantine was taken off, cattle were at about £3, and I think it ought to be from £3 to £5 for cows, and from £3 to £6 for bullocks. That was the calculation I made upon it at the time. With regard to the bulls I allude to in my petition, I had been in the habit of selling them at from £10 to £25 before, and these were cattle that were particularly well bred, principally from Durham bred cattle, imported by Mr. Henry Osborne of Illawarra. The bulls were from pure bred cows by pure bred bulls. I would just like to read a passage or two from a letter I received from my son; he is on his way from Albury, and in about ten days I expect he will be in Berrima. This letter is dated 21st August, 1862. He says, "I know this much, that the inspectors know nothing of the disease; as a proof, they went to Burnt Hut Camp, killed two or three, pronounced them diseased, and said the whole
"camp

Mr. G. H.
Greene.

23 Sept., 1862.

J. Morrice,
Esq., M.L.A.

23 Sept., 1862.

J. Morrice, Esq., M.L.A. "camp of cattle had it very bad, and that they would not live three weeks longer. Now we have never had a beast die with the disease. Well, the cattle look as healthy now as ever they did."

23 Sept., 1862. 910. *By Mr. Hay*: Was your son there at the time when the inspectors went to Burnt Hut Camp? I do not know; but however he will be here himself in a short time, when the Committee can examine him if they please.

911. You do not think he was there at the time he speaks of? No. Here is another letter I received from him, dated 2nd September:—"I have taken particular notice of the cattle since I came up, and I must say that they appear as healthy as ever they did."

912. *By the Chairman*: That is alluding to their health this year? Yes. This is a letter I received this morning; it is dated the 18th:—"I have found out, that although Mr. Bruce put the whole run under interdict, that he or anyone else never inspected the cattle in the paddock; in fact, never went inside the paddock." That is the fattening paddock I alluded to, of some five-and-twenty or thirty square miles, that I had 600 head of cattle feeding in, and these are all put under quarantine. I wish also to state, that from the time I received that notice from Mr. Bruce, I never had any instructions that I could remove the beasts from there, till I saw in the *Government Gazette* that the quarantine was withdrawn.

913. *By Mr. Hay*: Did you not see the proclamation of the 24th December, which stated that a large tract of country, extending from your run to the Murray, was included in the general scope of the quarantine? Yes, that it was all under quarantine.

914. That gave you access to the Murray? No, I was forbidden to remove a beast off my run, and how could I take a beast across the river?

915. You could take them to the river? No, I was directed by that notice not to remove a beast from my run.

916. Did you not see the proclamation of the 24th December? I cannot say I know what that proclamation was.

917. That proclamation included a tract of country the boundary of which was the River Murray—it, in fact, extended the district under quarantine to the River Murray? Yes, but I was directed not to remove a beast off my station until further notice from Mr. Bruce.

918. And you religiously observed that? I did.

919. You have never got any express notice yet, I suppose? No further than that by the proclamation all the stations are relieved from quarantine.

920. Why did you take notice of one proclamation and not of the other? Because one did not relieve the station from quarantine; it only states that the boundary was extended to Victoria, and I had a notice that I was not to remove a beast.

921. You still looked upon yourself as under quarantine? I did. Until the quarantine was removed I never shifted a beast, and I wrote up to my men not to sell a single beast.

922. The price was very low? After that it was.

APPENDIX.

Ten Mile Creek,
24 November, 1861.

Sir,

As Superintendent for Mr. Morrice, I beg to inform you, that as pleuro-pneumonia has been found among his cattle, none of them can be removed till permission be given you to do so by the Special Commission, lately appointed by Government, on this disease.

Mr. Robert Hamilton,
Mullangandra.

Yours, &c.,
ALEX. BRUCE,
Inspector.

Mr. George Bardwell further examined:—

Mr. George Bardwell 923. *By Mr. Raper*: Did you get any notice from the Commissioners that your cattle were intended to be slaughtered? Yes.

23 Sept., 1862. 924. Was it a verbal notice? It was a written notice from Mr. Bruce, and was signed by the other two inspectors. (*The witness handed in the same. Vide Appendix A.*)

925. By that letter it is left optional with you whether you would kill or not? Yes.

926. What took place to prevent that being carried out? Mr. Bruce sent me word that my cattle were to be destroyed, and inquired whether I would destroy them, or whether the Government should; and as I thought it necessary that they should be destroyed, and that I could not prevent it, I sent him word in writing that I was willing, if they were to be destroyed, that Government should do it, and asked for a fortnight to gather them. I received another notice from Mr. Bruce, a few days afterwards, that he would be prepared to take them the following Monday. That was giving me only a week—a week less than I required. (*The witness handed in the note. Vide Appendix B.*) Mr. Bruce, after looking through these 40,000 head of cattle, said he was not going to take any further action in it.

927. Did you collect your cattle? No, and I did not intend to collect them then; I left it to Mr. Bruce.

928. *By Mr. Hay*: In fact, you did not agree to destroy them yourself? No; but when Mr. Bruce sent me notice, I thought if I resisted I should get no compensation whatever.

929. You did not agree to destroy them for Government? No.

930. You allowed them to destroy them as they best could? They did not do so. (*The witness handed in two memoranda. Vide Appendices C and D.*)

APPENDIX.

APPENDIX.

A.

Ten Mile Creek,
18 November, 1861.

Mr. George
Bardwell.

23 Sept., 1862.

Sir,

Having carefully inspected the different mobs of cattle on your run at Ten Mile Creek—five head of which we killed and found more or less diseased—we have hereby to inform you that we consider the said run infected; and accordingly decide that all cattle now depasturing thereon, or that may come on any part of such run within four months from this date, must be at once destroyed, in terms of instructions from Government to the Inspector, of 30th September last, with the exception of six head of milch cows, which you may in the meantime retain for your family's use; and further, we have to request that you will inform the Inspector, in writing, by the bearer, whether or not you agree to destroy such cattle at the prices allowed by Government, in numbers not less than 100 head per day.

Mr. George Bardwell,
Ten Mile Creek.

ALEX. BRUCE, Inspector.
GEORGE DAY, }
S. A. MEYER, } Commissioners.

B.

Ten Mile Creek,
19 November, 1861.

Sir,

I beg to acknowledge the receipt of your letter of yesterday's date, and to inform you, that as you decline to destroy your cattle yourself, a party will be ready to take delivery of them from you at 9 a.m. on Monday next for that purpose.

Your obedient servant,
ALEX. BRUCE,
Inspector.

Mr. Geo. Bardwell,
Ten Mile Creek.

C.

Yabba,
August, 1862.

I HEREBY certify that pleuro-pneumonia first made its appearance on Yabba, Mitta Mitta River, in the Colony of Victoria, in the month of October, 1861, and that the cattle of Messrs. M'Laurin, Brothers, were removed from that station in the month of March, 1861.

And I further declare, that none of my cattle inside my paddocks were ever infected with the disease, but that it was confined to those cattle running outside on the run, through which diseased teams of working bullocks were in the habit of passing, on their way up and down, to and from Snowy Creek Diggings.

A. PATON.

To Norman P. Lockhart, Esq.,
Inspector of Sheep and Cattle, Albury.

Signed in the presence of the undersigned, }
this 8th day of September, 1862. }
JOHN ROPER.

D.

Beechworth,
6 February, 1862.

I HEREBY certify that I have this day bought of Mr. George Bardwell fifty-two head of fat cattle for £115 10s.

WILLIAM F. SMITH.

WEDNESDAY, 24 SEPTEMBER, 1862.

Present:—

MR. GORDON,
MR. LEARY,

MR. HAY,
MR. MATE,

MR. RAPER.

FRANCIS TOWNSEND RUSDEN, ESQ., IN THE CHAIR.

James M'Laurin, Esq., called in and examined:—

931. *By the Chairman*: Did you present a petition to the Legislative Assembly? I did.
932. Is this your petition (*handing the Petition before the Committee to the witness*)? Yes, that is my petition, and that is my signature attached.

J. M'Laurin,
Esq.

24 Sept., 1862.

933. Will you state how you believe pleuro-pneumonia came upon your run? I started from Albury about the latter part of February, 1861, for the cattle in which the disease first made its appearance; they were running upon the Mitta Mitta, in Victoria; I assisted to collect them and to drive them to Yarra Yarra, a distance of about sixty miles or thereabout. These cattle were tailed while at Yarra Yarra, from the month of March, 1861, to the month of August. On or about the 8th August I was about starting the cattle to one of the lower stations.

934. From Yarra Yarra again? From Yarra Yarra again. These cattle were tailing at the head station at Yarra Yarra, for the purpose of being drafted before they were sent away to the lower station, at ———. Two young bullocks out of that number were left out on the run at night. The person who was tailing them told me, when he had put them in the paddock, there were two bullocks sick, and that he had left them out; I went out

next

J. M'Laurin, Esq.
 24 Sept., 1862. next morning to see these two bullocks, and found both of them dead; I then examined them, and found they were diseased with a disease I had never seen before. I burned these cattle; I —

935. *By Mr. Hay*: Did you examine them internally? I did. I then had business of importance that called me to Albury, and before leaving I gave instructions to the stock-keepers, if they saw any cattle sick, to put them in the three-rail weaning paddock, and let them remain there till I returned, and to take the tailing cattle back to the lock-up, where they had been tailed some time previous. On my return from Albury, in the course of a few days, I shot, I think, about eight head of these cattle that were left in the paddock; I found them all diseased; I opened, examined, and burned them. In the course of a day or two afterwards, my brother Robert and I went out to see these cattle where they were tailing; we then found some more of these cattle sick, apparently suffering from this disease. I also killed some of these at that time, and examined and burned them. I continued to kill and examine any that I saw bad for some time afterwards, until I went, in company with Mr. Greene, to let Mr. Mate know of it, who was residing at his place at Tarcutta, a distance of about forty miles.

936. At what time was this? I think the 15th or 16th August.

937. *By the Chairman*: You first saw the disease on the 9th August, and this was the 15th? Yes, the 8th or 9th. Mr. Mate then telegraphed to Mr. Robertson. There was then a meeting held at Ten Mile Creek, at which Mr. Mate presided. Certain resolutions were come to, which are now in the possession of the Committee. It has been the opinion of a great many, that the yards in which the cattle were tailed were in a very bad state, and small. The cattle were tailed during the day, and paddocked at night in a large paddock of about thirty acres, within a mile or a mile and a half of the home station, up to the month of June.

938. What was the number of cattle herding? From 600 to 700.

939. Then they were not put into a yard, but into a herding paddock? They were first put into this paddock, and from March up to June—I cannot say exactly the date when they were taken out of the yard, but in June some time. I do not know when they were taken out of the herding paddock.

940. I understood you that they were not yarded at all at night when they were first brought on to the station? A week or ten days after they came on to the station they were put there, when they were taken to a yard at a place called Wantagong, about five miles away.

941. *By Mr. Hay*: Which is the Lock-up? At the head of Ten Mile Creek.

942. Is that the paddock where you spoke of their being put into at night at the Lock-up? Yes, that is the yard so much has been said about.

943. That is the yard about a mile from the head station? No, it is about seven miles away; this Wantagong is another yard.

944. We have not come to the Lock-up yard yet? No. Wantagong yard is 165 yards by 105, divided into three, situated on a dry stony ridge—a new yard.

945. They were first herded in a paddock of thirty acres, and secondly in this paddock, after June? Yes. They remained there for some time. I think about the latter end of July, on account of the grass getting a little bare round them, they were shifted to this yard called the Lock-up, the third place. This Lock-up yard is a tailing paddock, a three-railed paddock, forty panel square.

946. *By Mr. Gordon*: At night they were placed there? Yes. From that they were tailing for about a week or ten days at the head station. They tailed out during the day, and were put into a large weaning paddock at night, and there the disease first made its appearance. I had shifted them in from the Lock-up, with the view of sending them down the river.

947. In the weaning paddock? Yes.

948. *By the Chairman*: Was that the first herding paddock? No, another weaning paddock of about 100 acres; it may be more or less, but I think it is about 100 acres.

949. Will you state what happened after these resolutions were passed? We continued in the same way, killing any cattle we might see diseased; but from the first meeting I think Mr. Bruce generally attended—we sent him word, and he generally attended with two or three neighbouring squatters.

950. When you killed any? When we killed any, unless they were killed on the run. If we saw any bad on the run we killed them without any neighbours being present; but when any were killed at the Lock-up, where these cattle were tailing, we had two neighbours present.

951. I understood you that none were killed at the Lock-up? I shifted the cattle back when the disease did break out.

952. *By Mr. Leary*: How was it that Mr. Bruce came to inspect your cattle? I think it was on account of the resolution passed at that meeting.

953. Before he was appointed by the Government? When he was recommended by the meeting.

954. Was Mr. Bruce after this appointed inspector by the Government? Yes.

955. What did Mr. Bruce do in respect to your cattle? After Mr. Bruce was appointed, either my brother or myself, sometimes one and sometimes the other, accompanied him all over the run, to see if there were any diseased cattle among the herd; and any diseased cattle that were found among the herd were destroyed.

956. Did you find disease all through your cattle? There were diseased animals found in almost every part of the run, from the fact that some of the cattle that had been tailing had been dropped and had mixed with the rest. If cattle got poor they were let go on the run.

957. How many cattle were there altogether on your run when the disease broke out? Very near 7,000. J. M'Laurin, Esq.
958. How many were discovered by Mr. Bruce, yourself, and your neighbour squatters, to be diseased? A few in each mob, perhaps one or two. I have gone out and found not more than one, after riding among a great number of cattle. 24 Sept., 1862.
959. *By the Chairman:* It was casually spread through the whole of them? Yes. I may also state that these cattle that were tailing at the Lock-up were put into a large paddock, so that it was impossible for them to get out. We put them in to see if any of them would get better, as we did not know exactly what steps would be taken. We had about 200 horses tailed out, and the cattle then put into this paddock to give them the run of it. It was a large paddock of four or five thousand acres. These cattle remained in this paddock till they were all destroyed.
960. Will you now state when the order came for the destruction of the cattle, and what was done about it—what was done by the Government in regard to the destruction of your herd? This is a copy of the instructions I received from Mr. Bruce. (*The witness handed in the same. Vide Appendix A.*)
961. This letter says, "I hope you will not remain longer in Albury than you find it actually necessary, as I should like to begin killing, and I cannot do so until you are on the ground";—there was something before this; what arrangement was made between you and the Government with regard to the killing? There was nothing before that.
962. Who has inserted the date in pencil? I have—it was not dated; I believe it came about that time. I then received this letter from Mr. Bruce. (*The witness handed in the same. Vide Appendix B.*)
963. What number had been killed up to this time, the 8th November;—this is the very thing I was asking for; here is a direct intimation to you, that the whole herd of cattle were to be destroyed—I suppose merely the diseased had been destroyed before? Yes.
964. How many diseased had been killed up to the 8th November? I think 182 over twelve months old, and three head of cattle under twelve months.
965. That would make the total 185? Yes.
966. Then this intimation to you is, that from this date the whole herd is to be destroyed? Yes. We killed a considerable number—we killed any cattle we saw diseased. My brother and myself were determined, if we could have prevented the spread of the disease by killing the cattle, we would do so.
967. But you found it was growing upon you—that you could not keep it down? Yes. Among these tailing cattle, in some instances, the cattle were taken ill and died, and others were getting better.
968. *By Mr. Raper:* Did you observe many instances of their getting better? Yes, a good many while the cattle were in the paddock.
969. *By Mr. Robertson:* You have put in a paper showing the terms on which the Government intended to carry on the destruction of your cattle;—did you object to that destruction? No.
970. Did you remonstrate against the arrangements being made for the destruction of your property? No.
971. Are you of opinion that the destruction of your herd had any beneficial effect in preventing the spread of pleuro-pneumonia? That is a question I cannot answer very well, but I have very little doubt that it must have prevented the spread of pleuro-pneumonia in that part of the country. I am satisfied of this, that the cattle we killed were killed with the view of stopping the disease.
972. That was the reason you did not object—you looked upon it as a necessity to kill them? Of course I would have been willing to have killed a considerable number to have prevented the risk of disease of that kind spreading, but I should not have been willing to kill my whole herd.
973. *By Mr. Raper:* Would you have killed any you saw recovering? No.
974. *By Mr. Leary:* Would you have killed any but diseased cattle if Government had not made the order they did for the destruction of the whole herd? No.
975. *By Mr. Robertson:* Had many cattle died during that winter in that neighbourhood? No, there was only one bullock that I was informed had died about a fortnight before the cattle came into the head station. Of course, it is not an unusual thing for cattle to die, and I did not therefore examine that bullock—indeed I did not see him.
976. You say you do not think very many would have died, but would not those that remained alive—a great many of them—have been deteriorated in value by having suffered from the disease? If a beast is fat it does not matter whether it is diseased or not; the butchers will give the same for it. I have sold some cattle since that were inoculated for the disease.
977. Would there not have been a much less number of fat cattle on that run than under ordinary circumstances, in consequence of the appearance of the disease? I think the disease has a tendency to fatten them after they get over it.
978. At the time your cattle were killed by authority of the Government, what price do you think was their market value, if they were sold there and then by auction, per head? At auction it is hard to say; I never sold any at auction.
979. What was the market price of the cattle on the ground? It depends upon whether people are obliged to sell their cattle or not. They are generally low at that season of the year.
980. Supposing the run, with the cattle, had been sold, what depreciation would there have been in the value of the cattle? Supposing I had forced the cattle into the market?
981. Supposing you had sold them at Mori's, with their reputation, what would have been the

- J. M'Laurin, Esq.
24 Sept., 1862.
- the depreciation in the value of them, as compared with what the value would have been four months before the discovery of the disease? I cannot say.
982. Would it have been £2 a head? I should not say that. I know, in some cases, cattle have been diseased as badly as ours; they were not killed, and they have since been sold at fair prices.
983. I am asking what the cattle would have sold for at the time? It is impossible to say. I could not say unless I had offered them for sale at the time.
984. Would you not have sold them for fifty per cent. less than you would have sold them three months before the disease broke out? I think I have stated in my petition as nearly what I considered the value of the cattle as possible.
985. What was their value before the disease broke out? How can I tell when I did not offer them? I know I sold fat cattle before the disease broke out for £4 and £5, and I have sold fat cattle since for £3 and £3 10s.*
986. They were not all fat cattle that were killed;—what was the herd worth before the discovery of the disease? It is hard for me to say. I know what squatters considered cattle worth when they recommended that 50s. a head should be paid for those that were killed.
987. Perhaps they wanted their own killed? I do not know. They might have been squatters who had no cattle; they might have had sheep.
988. If you want the Committee to come to some estimation of your loss from the killing of these cattle, you must give us the value of the cattle at the time they were killed? I value my cattle in my petition at what I consider them to be worth. In the first place there were six bulls killed; I value those bulls at fifty guineas each.
989. With the disease? I do not think they were diseased.
990. Though they were among a diseased herd, they were worth fifty guineas? That is not the way to get at the value of cattle. If you go and force it into the market, I do not suppose you will get the value of anything. I consider that if I had the bulls now, I would not take under fifty guineas for each of them.
991. How much do you think you would have had to pay for insuring their lives during the period up till now? I have four now; I have not insured their lives, and I would not take fifty guineas each for them. There is one bull I paid eighty-five guineas for in Melbourne, besides the cost of taking him up.
992. *By Mr. Mate:* Although disease was on your run, you still valued these bulls at fifty guineas? I did.
993. *By Mr. Robertson:* Although the squatters, at this meeting at which you were present, recommended, and you did not object, the payment of 50s. a head, you now claim £20,000 from Government for the destruction of your cattle;—you were present? I was there.
994. You were one of these squatters? Yes.
995. You must have been in rather a different state of mind then, as to the value of these cattle, than your present one, for then you seem to have thought about 50s. a head would have been a sufficient compensation, and now you have some visions of £50? It was proposed that 50s. a head should be given for all cattle over twelve months.
996. How many cattle were there killed? 6,305.
997. At 50s. a head, would that amount to the £20,000 you ask for in your petition? Then there are the young cattle, valued at 30s. a head.
998. You were paid for all? Yes, at 30s. a head.
999. However, you were present at that meeting, and approved of that rate? I thought, like a great many others, that something ought to be done, and certainly, if I could have stopped the disease by killing 400 or 500 head of cattle, I would have done so, even though I did not receive a shilling for them.
1000. Then the steps taken by the Government, and which were fully explained at the meeting, met with your entire concurrence? I thought, of course, if the destruction of the cattle were ordered, we ought to kill them; at the same time I thought the sum named was very low, and that we should suffer a very great loss.
1001. Did you not consider, in the then state of affairs, that the most beneficial course for yourself even was to take 30s. a head and be done with the cattle? It was not left to me to consider.
1002. There was no objection made? It was generally believed that if the cattle were killed, the price recommended by parties in that neighbourhood would be given. That was thought generally to be the value of herds in that part of the country.
1003. They being the owners of the cattle? I do not know that that had anything to do with it. I was at that meeting; but, as I said before, I would rather have killed 400 or 500 head than have allowed the disease to spread, as it was not then a general thing, but confined to one or two herds; but a man cannot be expected entirely to sacrifice himself for the benefit of the whole country.
1004. Is not your father the proprietor of these cattle? Yes; the firm goes by the name of James M'Laurin and Sons. I am a member of the firm; my father is very old, and takes no active part in the business.
1005. Was it not, among those squatters who took an interest in these matters generally, looked upon, at the time the Government destroyed these cattle, that it was beneficial to you and Mr. Bowler to consume and destroy them? I do not think it could have been beneficial to us, but it might be to them. When they found their own herds were saved, they soon petitioned against further steps being taken.
1006. I have had some questions forwarded to me by some one—I do not think they are of much importance, but as it is desirable this should be a full inquiry, I will ask you two or three

* NOTE (on revision):—£5 and £3 5s.

- three of them;—how many cattle of those destroyed formed a portion of those on the old J. McLaurin, run of the Rev. Mr. Therry? About 1,450.
1007. How many years have these cattle been without being mustered? I mean the IJT brand—they were branded. J. McLaurin,
Esq.
24 Sept., 1862.
1008. How many years were they without being mustered? I cannot say.
1009. Were they not so wild that it was almost impossible to put them in the yard? No, they were not.
1010. Were they not very wild indeed? A portion of the cattle on one part of the run were very wild.
1011. What proportion? I cannot say the number there may be there, for you can only get a look at them now and then, if you gallop very fast. These were all quiet cattle, with the exception of about 90, or say 100 head, that were not considered so good as the others.
1012. Had not pretty well all the 1,450, from long neglect, become inferior? No, they were very fine cattle.
1013. *By Mr. Leary:* Are there very many unbranded cattle on the Yarra Yarra—cattle supposed to have belonged to the Rev. Mr. Therry? I do not think there were many; it is impossible to tell.
1014. *By Mr. Hay:* How many of these cattle that were paid for as being over two years old were unbranded cattle? There were very few over two years old that we got unbranded.
1015. Could you say about how many? No, I could not. I do not think there were fifty.
1016. Might there have been fifty? Of all that were got over that age there might be fifty.
1017. These were got in from wild mobs? They were branded IJT; our brand is —
1018. *By Mr. Gordon:* I understood you they were unbranded? They might have been got in; for when we bought the station Mr. Day had not branded them for six or eight months, and we then branded up.
1019. *By Mr. Hay:* You put your own brand upon them? Yes.
1020. How many of these, being over two years, that were mustered and branded by you at the time of taking delivery of the station, were among those that you destroyed? I do not think there were fifty.
1021. How many were slaughtered over two years old, being at that time without any brand? Very, very few.
1022. There were some? There may have been a few at one portion of the run where there were some — cattle joined with them.
1023. How many do you suppose? Perhaps not half a dozen.
1024. *By Mr. Robertson:* How many stags were there? When we got the station at first we shot a number of these cattle.
1025. Then you had previously begun the work of destroying them? Yes, of course. What was the use of a lot of wild cattle? How could you breed good cattle if you had a lot of such wretches coming down at night among the cows? We shot a good many when we first took the station.
1026. How many stags were there on your run among those that were paid for? I suppose in every herd there may be a few stags, but I do not suppose there were any more among my herd than among others in the neighbourhood.
1027. They had not been so neglected in branding? I do not call a twelvemonths old bull a stag.
1028. I should call one of eighteen months? I should not, until it was two years and a half, or three years. If you go to New England to buy cattle, one-half or more are such cattle.
1029. Are not stags of that kind given in, in New England—is not that the practice? I never went to New England to buy cattle, but I have known £3 10s. and £4 to be given for stags.
1030. For working bullocks? For fattening.
1031. Would you like to buy them? Not at the present time.
1032. Was not disease known to exist in the neighbourhood of Yabba station, in Victoria, before you brought your cattle over? No; if I had known that the disease was in any part of that country, or likely to be in it, or if I had thought there would have been the least chance of my cattle having it, I would not have taken them over, for I was offered £3 10s. for the principal part of the cattle upon the run.
1033. Did not some of the neighbouring proprietors of stock near Yarra Yarra entreat of you not to bring these cattle home? Most decidedly not, for the disease was unknown in that part of the country when I was there. I collected the cattle myself, and assisted to bring them home myself, and I knew nothing of the existence of the disease.
1034. *By the Chairman:* That was at Mitta Mitta? Yes. My cattle crossed about two months before I heard of the disease.
1035. *By Mr. Robertson:* You are sure that none of your neighbours in New South Wales pointed out to you the undesirability of bringing these cattle over, in consequence of the disease? I am perfectly certain that I never heard it mooted.
1036. Have you other stations? Yes.
1037. Very extensive, are they not? Not very.
1038. In New South Wales? Yes.
1039. My reason for asking you is this:—Would not the steps taken by the Government here for restraining the spread of the disease be beneficial to you, as regards your other establishments? If the disease had been confined wholly and solely to our establishment it might have been of some benefit to us, but the Commissioners found it spread over the whole country—

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- country—a hundred miles from our station it was fully as bad. Now all the disease seems to be traced from Yarra Yarra—
1040. You say it seems to be traced from Yarra Yarra? According to a great many people—simply because we took the most active steps to suppress the disease, to let the Government and the squatters know of its existence, and to prevent the spread of it by killing our cattle.
1041. How far are your other stations away from Yarra Yarra? Nearly 200 miles.
1042. Has the disease been seen there? I am not aware that it has; but I know that people about Koolong and the Lower Billabong, after their cattle have been reported diseased, have been allowed to drive them along the Deniliquin Road, where the cattle are all sound, or are supposed to be. I may also remark, that a very smart look-out was kept by squatters on the border after the Prohibition Act was passed, but I am sorry to say that no steps have been taken in the neighbourhood of Albury to prevent cattle or bullock teams from travelling.
1043. I see you state that about 6,300 head of your cattle have been destroyed? Yes.
1044. You got 30s. a head for them, did you not? Yes, for all over twelve months.
1045. You joined in recommending that 50s. a head should be paid to the owners of stock for the cattle destroyed? Yes; because that was the general opinion of the meeting, and I thought if our property were destroyed to save the country, we should get something near its value.
1046. *By Mr. Hay:* £20,000 was the total value of the cattle slaughtered? Yes.
1047. From that has to be deducted the amount received? Yes, £8,759.
1048. The difference between the compensation you received, of 30s. a head, and 50s., would come to about £6,300? Yes. I think anyone who knew anything about cattle would, if he had seen, have said they were very good.
1049. What were you paid for those under twelve months? 10s.
1050. These amounted, as stated here, to 946? Yes.
1051. What was recommended at that meeting for those under twelve months? 30s. I do not know whether the meeting proposed that those under two years or those under one year should be paid for at the rate of 30s.
1052. I see 946 under two years old and over one year old—what did you receive for them? 30s.
1053. You were paid 30s. for all over one year old? Yes.
1054. And 10s. for all under one? Yes.
1055. So that you received for the 6,345 at the rate of 30s., excepting 946, for which you received 10s.? Yes.
1056. Did any of your cattle remain unslaughtered? About 500.*
1057. What were they? A mixed lot, the same as the general herd were.
1058. Have you had them through your hands since—have you done anything to them? Yes, I have inoculated them.
1059. Were they in the paddock? They were for some time.
1060. Have they all been inoculated? They have all been inoculated, with the exception, it may be, of one or two that may have been overlooked.
1061. Are there any mobs of the wild cattle you have alluded to of the old IJT herd still out? Yes.
1062. You are not able to collect the whole of those wild mobs? It would take a very long time to do it.
1063. You were not able to do it at the time they slaughtered the herds? No, we killed some.
1064. But you did not succeed in killing the whole? No, when Mr. Bruce instructed us not to kill any more cattle, I think we were killing them at the time.
1065. You were killing them? Yes, and a good number of quiet cattle came in with them.
1066. There are still a good many that have not been got in? Yes.
1067. These are above the 300 you have mentioned? Yes, there are about 300 head of quiet cattle, — bullocks, and twelve or fourteen broken-in milking cows; the others are a mixed lot.
1068. These outlying cattle that are very wild—do they ever get fat? Yes, there are some of the IJT brand as fat as any in the Colony, but it is almost impossible to get them in. If we want a chase to get some beef, we can go among a mob of these, twelve or fourteen miles from the head station, and kill a bullock.
1069. How do you think the disease originated in the Yarra Yarra herd? I was at a loss for a long time to know how it originated, but having heard that a strange bullock had been killed that was in a very bad state, and on being opened was found to have lost one lung, I made inquiry of the man that was tailing whether he had seen that bullock or not, and he said that it, with others, had frequently been among the cattle—that it was running close to the Wantagong yard.
1070. Were you aware, personally of your own knowledge, that working bullocks crossed at Albury from Victoria after the proclamation prohibiting them? I did not see any cattle cross it, but I have been told by men working for me; in fact, I was told it at Albury, that drays had come across, but no bullocks.
1071. How did the drays cross? By punt. I went down to the river and saw the drays, but there were no bullocks.
1072. These drays disappeared from the road? Yes, and I believe the greater number of them went on to Goulburn.
1073. Then you believe that the prohibition was evaded at the township of Albury? Yes,
I

I have heard several men, upon whom I could rely, state that both teams and cattle have crossed there. J. M. Laurin,
Esq.

1074. You know that disease has appeared on the Yabba Run since you removed these cattle?

Yes. (*The witness handed in a letter. Vide Appendix C.*)

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1075. Is that from the persons who bought the station from you? Yes.

1076. What did they buy with the station? They bought the station without stock; they had about 300 or 400 head of cattle on the station of their own.

1077. Had these cattle been on the station before when it was your property? Yes.

1078. They had these cattle running with yours before you sold the station? Yes, they were bred on the station.

1079. The same as the cattle you removed? Yes.

1080. Both Messrs. Paton's and your cattle ran together—you took yours away, and sold the station to the Messrs. Paton? Yes; there were a few, about forty head of my cattle, which I could not gather, and I sold them separately afterwards—when I found that I could not take them to Yarra Yarra, in consequence of this Act—at £2 10s. each, to the parties who bought the Yabba station.

1081. *By Mr. Gordon:* Is it not probable that some of the cattle you took to Yarra Yarra found their way back again to Yabba Station? I do not think any of them found their way back; I believe one or two were seen on a person's run at ——— but I do not think they ever got back to Yabba Station, for the cattle were tailed. There were none of that last mob of cattle, with the exception of any that might have got lame or poor.

1082. *By Mr. Hay:* Do you know if there has been any disease, or much disease, broken out subsequently between Yabba Station and the Murray, and along the route you brought your cattle? Before.

1083. Was there any before? None before. I am told there has disease on some of those runs broken out lately; but that may be accounted for by the teams that are continually passing from Melbourne and the Mitta Mitta.

1084. From what you heard and saw of the disease, on its first appearance, you were a good deal alarmed? I was.

1085. You felt that it was likely to be a very disastrous thing if it got fairly ahead, not only to yourself, but to the Colony generally? Yes, I thought it an awful thing for the Colony generally; and with a view of keeping it out of my own herds and of the Colony, I killed the cattle in which I observed any appearance of the disease.

1086. The first two cattle you saw actually died of the disease? Yes; I wondered to see two young fine bullocks die so suddenly, and I had heard of the disease spreading through Victoria.

1087. Did many more of the cattle die without being slaughtered? No, not many; I do not think altogether there were above thirty or forty head died.

1088. Of these 185 you have spoken of as being the proximate number killed previous to the commencement of the wholesale destruction, were most of them very bad? Generally speaking, they were really bad.

1089. You think they would have died, most of them? I cannot say that, for I have seen cattle, so bad that you would think recovery hopeless, get over the disease. There was one cow that I was going to shoot, to show Mr. Bowler and Mr. Henty the disease in a bad form; as I was about to shoot it moved away; another came up that was very bad, and I shot her, and the other escaped. The cow that escaped was one I knew well, and at the time of the wholesale destruction she was quite fat, and upon opening her I found one lung entirely gone, while the other was quite right.

1090. The cow which you knew perfectly well, although so bad to all appearance, recovered from the disease? Yes.

1091. Judging with the light you then had, would you have said that all those 185 would have died? Of course I thought they would have died.

1092. That is to say, that the disease had so virulent an appearance that at that time you would not have expected recovery to take place? Yes; besides I had heard in Victoria that if the really bad were killed, the infection would not spread so rapidly among the others, and for that reason I would kill the cattle to try and stay the disease.

1093. At that time you supposed the disease was much more fatal in its character than you have since ascertained it to be? I began to see, from the fact of some of these cattle getting better when they were put in the paddock, that it was likely they would recover and get fat.

1094. You were not quite so frightened of the disease as you had been? No, for I saw inoculation had been tried at the Cape of Good Hope, and I certainly would have tried that.

1095. You also saw that recoveries were more frequent than you at first thought probable, apart from inoculation? Yes.

1096. Still, even now, would you, in bad cases, if you had the disease appear in a herd of cattle belonging to you, notwithstanding the probability of the individual cattle recovering, rather kill those that were first attacked than run the risk of the disease spreading, by means of those cattle, through your herd? If I saw one or two, or perhaps a dozen, in that way, and thought I could stop the disease, I would kill them; but I have seen so much of the disease now, that I do not think I should be disposed to kill in every case. I have seen cattle, so bad that they have not been able to walk into the yard, afterwards get fat. Some of the worst cases get better, and where the cattle do not appear so bad they sometimes die.

1097. Do you believe the disease to be communicable to other cattle by diseased cattle? I think it would be very hard for a person to tell—I have seen it in so many forms. I have

J. M'Laurin, Esq. have seen cattle along with diseased cattle that have had nothing the matter with them, while others that have been away from diseased cattle I have found very bad.

24 Sept., 1862. 1098. I suppose in any case of contagious disease among stock, except in case of scab, which is communicated by means of animalculæ, disease does not necessarily communicate itself in all instances? No; perhaps the system may not be prepared to receive it.

1099. The animal may not be predisposed to receive the virus, whatever it is? Just so. I was once under the belief that the cattle caught it from feeding on a particular kind of grass.

1100. Do you know the disease of catarrh in sheep? No, I never had anything to do with sheep.

1101. You would now rather kill animals that appeared very bad, than run the risk of the disease being communicated to the whole herd? I would rather try inoculation. I have seen some cattle so bad that they could hardly walk before inoculation, that afterwards have been cured and become fat.

1102. Then, in your opinion, inoculation is not only a preventive, but is an actual curative? In several cases I have seen it act in that way; I have either inoculated the beast myself, or seen it inoculated. It has been killed perhaps a couple of months afterwards, when I have examined it and found it cured.

1103. Then, from what you know now, instead of killing any animals infected by pleuro-pneumonia, you would inoculate them? I would inoculate them, certainly.

1104. Then, would you inoculate all cattle that were likely to come in contact with diseased cattle? Yes; if I had a herd of cattle, and saw disease break out only in two or three, I would kill them to get the lung, and then I would inoculate as many as possible through the herd.

1105. Those you have seen recover after inoculation might have recovered without inoculation? Yes. There was a cow so bad when the cattle were being killed, that she was not able to walk into the yard; she had a calf with her also diseased. The calf was killed; but we had no means of killing the cow at the time, and she was left in the paddock. A short time afterwards she was seen, and in good condition; in fact, in the course of the summer she got pretty fat. When I was inoculating the others I inoculated her, and have since sold her, fat. I knew the cow well, so that there could be no mistake.

1106. Does the disease attack the calves? Yes.

1107. Does it attack them very young? Yes; in fact I have seen some of them bad before they were calved.

1108. Is the disease, as it has appeared lately, as virulent as it was when it first broke out at Yarra Yarra? I have not seen much of it, but I think people, when it appears among their herds, do not care to say much about it.

1109. You think the settlers keep it dark? Yes, I think perhaps that is the best policy, judging from the experience I have gained.

1110. You think, as far as your own interest was concerned, you rather made a mistake when you published the fact that your cattle were diseased? I think it appears so. If I had done the best I could with my stock, and had kept the disease secret, my name would not have been so associated with it, and I should not have suffered as I have done.

1111. *By the Chairman:* Do you think these proceedings of the Government have been perfectly useless? No, I think the steps that were taken at first were perfectly justifiable, for it was believed by every person in our part of the country that it was a very fatal disease.

1112. *By Mr. Hay:* When you said, in answer to my question, that you thought you had made a mistake, you meant as far as regarded your self interest? Yes; perhaps not as far as the public are concerned.

1113. You must consider that you did right, as far as the public are concerned, whatever may have been the upshot, in informing the Government of the appearance of the disease? I thought it my duty to do so. I did not know what steps would be taken.

1114. You thought it right that the public should be aware that the disease was there, whatever steps might be taken? I was not aware that the disease had ever been discovered in New South Wales before, and I thought if that were the first place that it had appeared in, steps should be taken as soon as possible to check it.

1115. You were willing to take any steps in order to prevent the spread of the disease? Yes, it appears so, when my brother and myself killed so many head of cattle in order to check it; but certainly we should not have thought of killing 6,000 head of cattle for the benefit of the country; we did not think the country could expect that, without giving us a fair valuation for them. I would have been perfectly willing to have lost or killed a great number if we could have stopped it.

1116. As things were then, you may be said to have tacitly agreed to the proposal to slaughter cattle, which was adopted at the meeting of settlers, provided a compensation of £2 10s. were paid for all over twelve months old, and £1 10s. for all under twelve months? Yes; that was considered about the fair value, considering the loss and the expense of breaking in fresh cattle; as anyone acquainted with cattle well knows that a return cannot be expected from a run newly stocked, in less than eighteen months.

1117. That was about £1 a head more than you actually got? Yes.

1118. You hardly expected at that time that persons having cattle killed should be reimbursed to the full value of the cattle, calculated at the rate which they might have been worth if no disease had appeared at all? At the time these meetings were held, the deterioration in the value of the cattle was taken into consideration.

1119. The value of cattle must have been deteriorated by the appearance of the disease in the district? Yes, for a short time.

1120. You could not then say how long that deterioration might continue? Not at J. McLaurin, that time. Esq.
1121. Even now do you not think, for store purposes, the value of cattle bred in that district is affected by so much disease having appeared there? Yes; if we wanted to sell store cattle we should not get so much for them. 24 Sept., 1862.
1122. Do the cattle in that part of the country run a good deal together—are the boundaries strictly maintained—do cattle trespass from one run to another? I believe they mix a great deal; but our cattle, I think, considering they were so large a lot, were very well on our own run, for generally we had two or three men after them.
1123. On some sides the boundaries are not very definite? We have marked trees on one side of our run.
1124. Cattle, particularly those a little wild, do not respect those marked trees? Certainly not.
1125. They run together, and camp together, to a certain extent? Yes.
1126. The cattle which have been a considerable time on the Yarra Yarra Run—some of these mobs of which you have spoken—camp about these ridges, and occasionally go on the opposite slopes, and others mix with them? I think those bred on Yarra Yarra are generally well on their own run. The Dora Dora and Mr. Robertson's mixed on those hills; but generally the herd of cattle were well on their own run.
1127. Supposing your run had been put in quarantine, and no other, would that have been effectual, do you think, to have prevented the spread of the contagion, supposing the disease to be contagious? I do not think it possible. What do the cattle care about quarantine? They may go on your run at night.
1128. So that it would not have been effectual to have put the runs, where cattle were badly diseased, simply in quarantine? We did what we could to put our cattle in quarantine, for we put our cattle in paddock up to the time that action was taken by the Government.
1129. So that if cattle were to be prevented from carrying disease out of that portion of the country, would it not have been necessary to include within quarantine something more than your run, even though the disease had not manifested itself in any other cattle than yours? I think it would. I think it would have been impossible to have prevented its spread unless other stations had been put in quarantine.
1130. It could only have been done by taking a wide circle, so as to include the whole tract of country within which the disease was likely to be? Yes. There is another thing I would refer to: It appears from the report that the disease is found nearly everywhere from Wagga Wagga, along Koolong, and Billabong; now I question whether either our cattle or Mr. Bowler's were found within fifty miles of those places.
1131. Are you not aware that some of Mr. Bowler's cattle had been purchased at no distant time back, and brought from the country beyond the Murrumbidgee? Yes.
1132. Is it not likely that some of these might have gone back? I think, generally speaking, cattle make back for the run where they are bred, but it is impossible that these cattle could have made for ——— and Billabong, where there are fenced runs.
1133. Might they have made for Wagga Wagga? Yes, but the disease was found a long way beyond Wagga Wagga, out by Billabong.
1134. As far as Wagga Wagga is concerned, they might have made for that place? That was almost their direct road home.
1135. You have nothing to show how the disease got to Koolong? No.
1136. You do not know how many cattle died at Koolong? No, and I do not suppose any other person does; as I imagine those who had the disease on their stations did not want to let other people know.
1137. *By the Chairman:* Are you aware that the disease has been found at Penrith, Goulburn, and Liverpool? I have been told so.
1138. *By Mr. Hay:* It is very easy to suppose that it may have been communicated to all those places from Victoria? I think it is very likely, if it could have been traced, that it might have been traced to have been brought from Victoria by bullock teams.
1139. There are plenty of teams of working bullocks to Lambing Flat, Goulburn, and in all directions? Yes, there are teams continually going on to Lambing Flat, Forbes, Beechworth, and all those places.
1140. Have you any stock upon this run besides the few hundred cattle that were left? I have a few sheep.
1141. How long is it since you purchased the sheep? About the latter end of May.
1142. How many have you of them? About 4,000.
1143. Is the run, then, very slightly stocked? Yes, there is very little on it, and has been ever since. There were a few ———
1144. Do you consider that it is well adapted for sheep? No; it is not a run I would purchase for sheep if I had to purchase.
1145. It is not a run you could depend upon in all seasons for maintaining sheep in health? I do not think, from what I know, that it is healthy for sheep; it is rather too rank, and, generally speaking, these hills are not so good as low country.
1146. Is it a good cattle station? Yes.
1147. Is it a station on which cattle can be easily broken-in to the run? No, there are so many cattle in the neighbourhood.
1148. I suppose you have not made up your mind what to do with the station? No; I have received so little from the Government that it will not go far to do anything with it.
1149. I suppose it will take some time before you can get a mob of cattle thoroughly broken in to the run? Yes, eighteen months.
1150. During which time you cannot anticipate any great return? No, I could not sell off fat cattle under twelve or eighteen months.

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1151. Being a cattle run, you would have greater difficulty than you would if it were a sheep run, in consequence of the difficulty of breaking-in new stock to the run? Of course.
1152. There are no portions of your boundaries fenced, are there? No, we have a large paddock fenced, but no portion of our boundary.
1153. If there were any chance of being reimbursed for fencing, would you be disposed to fence it, so as to facilitate your operations in taking steps to stock it? I think I would. A run such as that of Mr. Bowler's, now that the cattle are killed off, is almost valueless. Anyone accustomed to cattle knows the great loss there is in breaking-in cattle; perhaps having to go a hundred miles after cattle. If your run is fenced in, you are not troubled with losses, and get a return much sooner.
1154. In fact, you would have nothing to do but to purchase your cattle and put them on the run? If the run were fenced.
1155. Have the Government made any reduction of rent or assessment? I have applied to them, and I believe they are likely to refund the license and assessment.
1156. For what amount of rent and assessment did you apply? For the rent and assessment of Yarra Yarra—£160.
1157. For last year's? Yes.
1158. Will a year, under the circumstances, cover the period of time during which you will have derived no advantage from it? I do not think it will. I do not think we can derive much advantage from it for two years and a half from last September. We have lost a year; and if we go and purchase cattle, it will be eighteen months before we can depend upon getting much from the station.
1159. Your experience with regard to pleuro-pneumonia, from all the experience you have had, is that we ought to rely on inoculation? I think it is more to be depended upon than anything I know of for this disease. There is another thing I may also state with regard to the disease. When the disease first broke out there were some cattle in the same paddock, that had never been mixed with the diseased ones before, and in two months and a fortnight they were in a very bad state of disease. These cattle were in the most favourable circumstances; they were never yarded or anything of that sort, but were running in an open paddock. There were eight or nine head of Dora Dora cattle, and when these were slaughtered on the 9th of November, they were found to be in a very bad state of disease; one was found dead that had died of the disease.
1160. Do you recollect anything of the price of cattle about the time the disease broke out on your run? About the time the disease broke out, cattle sold very well.
1161. Did the price of cattle fall much in the course of the season? Yes, the price came down in Melbourne and Beechworth.
1162. Was the price very low last summer? Yes, lower than it had been for some time.
1163. About what time, so far as you can recollect, do you think they fell so low? I think about Christmas. Not having cattle to sell, of course I did not take so much notice of the markets, but I know the price fell considerably. The disease being in that part of the country, and people wishing to sell their cattle, might account for the price being so low; but even in Melbourne it was lower than it had been for some time.
1164. Were not the prices almost ruinous to cattle holders in that part of the country where there was no pleuro-pneumonia at all? Yes.
1165. Then last season you are aware that the prices which were received for fat cattle, even from stations not affected by pleuro-pneumonia, were such as to make it extremely difficult for those at all encumbered with debt, as cattle holders frequently are, to escape ruin? Yes, if they were forced to sell. It appears that through the summer cattle were very low indeed.
1166. Did you see many of the cattle that were examined by Mr. Bruce and the other inspectors, from time to time, upon your own station, for instance? Yes, I saw a great many of them; I was present when the principal portion of them were killed and examined.
1167. You consider now that you have a pretty good knowledge of pleuro-pneumonia in all its stages? Yes; at least I have seen a great deal of it.
1168. Have you seen a great many cattle examined? Yes.
1169. What is your opinion with regard to the decision of the inspectors as to the existence of pleuro-pneumonia in those animals that they examined—do you think they were generally right or wrong, in the early period of the disease, in deciding whether an animal was or was not diseased? I am only acquainted with Mr. Bruce, and the sub-inspector, Mr. Gordon. Mr. Gordon latterly was generally at the station when cattle were killed. Mr. Day and Mr. Meyer I do not know.
1170. I will limit the question to Mr. Bruce? Mr. Bruce certainly ought to have known whether a beast was diseased or not, and from what I have seen of him I should say he was competent to form a correct opinion; but it is a disease very hard to detect in the early stages. A beast may be far advanced in pleuro-pneumonia, and it will be hardly observable; while, on the other hand, one may appear very bad and be less affected by the disease.
1171. When it is killed is there much difficulty then? If a beast is really bad there can be no mistake, if a man has once seen the disease, although there may be a difference of opinion in the earlier stages. I am not a veterinary surgeon, or capable of judging of the disease in its earlier stages, but when it is more advanced, the lung presents an appearance different from any I have seen in any other disease.
1172. Do you think, then, that Mr. Bruce was likely to make many mistakes as to the existence of pleuro-pneumonia, after the beast was slaughtered and examined internally? I think if Mr. Bruce had a beast killed and examined him internally he could make no mistake, if the disease were far advanced.
1173. What I want to know is, whether, from all the opportunities you have had of observing Mr. Bruce's proceedings, you think he was a pretty safe authority, after he had slaughtered and examined an animal, as to whether it was diseased or not? Yes, I do.

1174. *By Mr. Raper*: Did you ever hear of any difference of opinion between Mr. Pottie and the Commissioners, as to the symptoms of the disease? No, I do not think I ever heard that. J. M. Laurin,
Esq.
1175. Did Mr. Pottie agree that the symptoms described by Mr. Bruce were symptoms of pleuro-pneumonia? Perhaps I may answer the question in this way: I saw a beast killed that was bad with the disease. I saw Mr. Pottie make a *post-mortem* examination of this animal, and he pronounced that the disease was pleuro-pneumonia. 24 Sept., 1862.
1176. You never heard that there was a difference of opinion—that Mr. Pottie differed from Mr. Bruce as to the symptoms described by him as those of pleuro-pneumonia? No, I never heard it that I am aware.
1177. I think you said that you brought home these cattle that were tailing, put them in the weaning yard, and kept them there till they were destroyed? No; in my evidence I have stated that they were taken out to where they had been tailed some time before—to the Lock-up.
1178. You said that in the weaning paddock you observed some of the cattle recovering? In the large paddock.
1179. These were the cattle that were afterwards destroyed? Yes; the whole of the cattle were destroyed afterwards.
1180. This mob of cattle that you had in this 5,000 acres were diseased, and you say that you saw a portion of them recovering,—would you, seeing that they were recovering, have destroyed your whole herd of cattle if Government had not interfered? Certainly not.
1181. It was the interference of Government and the promise of remuneration that induced you to have them destroyed? Yes.
1182. You destroyed them to comply with the directions of the Commissioners? Yes, with regard to those cattle that were recovering.
1183. You would not have destroyed them, seeing that they were recovering, if you had not been offered remuneration by the Government? Certainly not.
1184. *By Mr. Hay*: Were there many cattle killed that were not diseased? I think there must have been an immense number that were not diseased.
1185. Did you continue to examine them, to see whether they were diseased or not? I did not, but I think Mr. Gordon examined almost every beast.
1186. You did not? At least I did not examine the whole. If I was with Mr. Gordon, and there were anything particular about the beast, I would take notice of it. Perhaps some days I would see every beast that was killed, on other days I would see one here and there. Sometimes I might be away for a few minutes, or perhaps half an hour; but I believe I was present when 5,000 out of the 6,000 were killed.
1187. *By Mr. Raper*: When you bought Yarra Yarra Run were the cattle mustered? They were not. I took the run without a muster. I had gone through the cattle on the run for about a week.
1188. Then you only made a guess as to the number of cattle—had you any positive knowledge? I counted the number there were on the camp before I bought them.
1189. How many were there? About 4,000.
1190. *By Mr. Mate*: After you purchased these cattle, did you remove any of them? Yes.
1191. Do you recollect how many, and of what sort they were? I removed about 2,000.
1192. What description of cattle were they? They were generally large cattle—store cattle.
1193. Good? Yes, we are selling the same cattle fattened, on the lower station, at £7 7s. 6d. for bullocks, and £5 7s. 6d. for cows, delivered in the yard on the station—the IJT and JF.
1194. Were these inferior cattle? There were not fifty inferior cattle among them.
1195. Did you put fresh cattle on the run after that? Yes.
1196. What description of cattle did you put on the run? The cattle that came from the Lower Murray were all young cattle—about 1700 or 1800 young quiet cattle, principally by imported bulls.
1197. The cattle that were left on the run—were they equal to those you sent away? We sent away what we considered the wildest, because we wanted the best of those IJT for breeding purposes; the others went away to fatten.
1198. You sent away the inferior cattle? Yes; the last of the cattle we sold fat on the run the other week.
1199. *By Mr. Leary*: You stated that about six months from the date of your taking a portion of your cattle from Yabba to Yarra Yarra, you discovered the disease of pleuro-pneumonia on your run? Yes; I removed them in March.
1200. What time, from its inception, does it take to develop this disease? If it is infectious I have seen it, under the most favourable circumstances, developed in from two to three months.
1201. When the compensation of £2 10s. per head was recommended by the meeting of squatters at Albury, was it intended that this sum was to be given for cattle in small mobs that were diseased? I believe it was so intended, for I do not think any person in that part of the country, at that time, would have sold a herd for £2 10s., as, generally speaking, the cattle are very good.
1202. How many are there, generally speaking, in mobs on your run? Perhaps from 100 to 500.
1203. So that the meaning of that resolution was, that if a diseased beast was found in a mob, say of 100, the whole of that 100 were to be destroyed, and the owner was to receive £2 10s. each for them? Yes, that, I believe, was the meaning of the recommendation; it was found to be so hard to detect the disease in the early stages.
1204. Your cattle were slaughtered in August, I think you stated? We killed some in August; in September, I think, the general order was given.

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1205. When did you receive this compensation of 30s. a head? A portion in June, and the remaining portion in July.
1206. That was nearly twelve months after the slaughter of the cattle? Yes.
1207. You had the run unstocked all that time, in consequence of not receiving compensation? Yes, we did not get anything from Government.
1208. You stated that you have seen cattle, equally diseased with any of the 185 that were killed prior to the 8th November, recover, that is to say, get fat? Some of the cattle that were diseased prior to that I have seen, after they were put into the paddock, get almost fat before they were killed.
1209. *By Mr. Raper*: Do you mean almost fat before the general destruction? Before the general destruction.
1210. *By Mr. Leary*: What kind of weather was it when you were tailing these cattle on the Yarra Yarra Run? It was rather a severe winter after the disease had first broken out; the weather was very wet for several weeks. The cattle at the Lock-up were more out of the way than the others; it is a sort of basin among the hills.
1211. *By Mr. Hay*: It is rather a cold place? At the head of Ten Mile Creek it is rather a cold place, but not much colder than any other part of the run; all that side faces the sun all day.
1212. It is the north of the Dora Dora range? To the north of Dora Dora range, about four miles up from Mr. Bowler's station.
1213. Is it not very soft in a season like that? The ground got very soft during the time we kept the cattle there, but during that time we shifted the yard.
1214. *By Mr. Leary*: From whom did you purchase the Yarra Yarra Run? From Messrs. George and James Day.
1215. How long had you had possession of that run? I think we had had it twelve or eighteen months.
1216. Had you sold any portion of those cattle? Yes, we had sold a good number.
1217. *By Mr. Raper*: Did the 4,000 head on the run consist principally of the IJT cattle? Yes.
1218. *By the Chairman*: You purchased the Yarra Yarra Run in March, 1860? Yes.
1219. How many were on the run when you purchased it? About 4,000. We did not consider the wild cattle, of course—we did not count them, but when we came to muster them we found there were not quite 4,000.
1220. How many did you bring on the run? About 3,600 or 3,700.
1221. How many had you taken off up to September, 1861? We had sent about 2,000 down the river to the fattening stations, and we sold a good number of fat cattle.
1222. What was the entire decrease on the run from the sale of fat cattle and the sending them to the fattening station? About 2,500.
1223. That would leave 4,500 on the run? We did not count the unbranded cattle; then we took the Yabba cattle, and about 700 head of store cattle that I purchased.
1224. This basin or Lock-up herding place is at the head of Ten Mile Creek? Pretty near the head of the creek.
1225. Was this a moist, wet place? I do not think it is much wetter than any other part of the run. It was wet at the time the cattle were removed. They were moved to keep them away from the general herd.
1226. Would not cattle herded in a wet yard be likely to catch cold? I have been among cattle for three or four and twenty years, and I never saw such effects follow their being herded.
1227. You know what a wet yard is? Yes.
1228. In wet weather a yard gets into a very bad state if cattle are herded in it for a length of time? Yes.
1229. Do you not think, if cattle are put into wet yards at night, for a week or a couple of weeks, that they would be likely to catch cold, and show symptoms of lung disease? I do not know.
1230. Do you think, from your experience, that this disease is contagious or epidemic—do you think it is like the influenza, that would spread in the air, without cattle affected by it coming in contact with others? I think it is contagious or infectious.
1231. Do you think it is communicated by contact? I think so, but it is very hard to say; there are so many different opinions about it.
1232. Influenza, which affects the lungs in the human being, is supposed to be an epidemic? Yes.
1233. Might not the same kind of disease be among cattle, and spread in the same way? Of course such a thing is possible.
1234. Do you know the prevailing disease among dogs? Yes.
1235. Did it affect your part of the country? ———
1236. That is a lung disease? That is, I think, an epidemic.
1237. Among the dog tribe that is an epidemic? I think so.
1238. Might not this be the same with cattle? There are so many different opinions that it is very hard for me to say; but the general belief in Melbourne, from the way in which it spread from the place where it made its appearance at Merri Creek, is that it is infectious or contagious.
1239. You say there was a certain bullock which was supposed to have caused the disease in your run—he was a straggler;—do you know where he came from? He was a straggler. I was told by Mr. Robertson that he knew this bullock, that he belonged to one of the Albury carriers, and that he thought he had been taken to Melbourne some time before the Prohibition Act was passed.
1240. It did not belong to any brand that you know of there? No.

1241. Was it not singular that this bullock should not have diseased other cattle before he came to your herd? He may have done so. J. M'Laurin,
Esq.
1242. You had not account of it? I suppose very few in the country would have found it out. Many people see their cattle dying and take no notice of it. Some of my cattle might have died and I might not have taken notice of the disease. I had not got them in for sending down to the fattening station. 24 Sept., 1862.
1243. You are aware that Government gave 30s. and 10s. for cattle destroyed? Yes, that was the price named in the instructions.
1244. You gave a tacit consent to your cattle being destroyed on those terms? There was no alternative.
1245. After the 23rd December was any proposition made to you by Mr. Bruce, as to whether the slaughter of your herd should continue? No.
1246. He stated in his evidence that such a proposition was made by Mr. Bowler—it was not made to you? No.
1247. What inspector was present at the slaughter of your cattle? Mr. Gordon was present all the time.
1248. He kept the books? Yes, at least he kept an account of all that were killed on the Yarra Yarra Run.
1249. He saw the whole of those slaughtered? The principal part; he was there the whole of the latter part of the time. Mr. Bruce was there at first, and occasionally afterwards.
1250. What was done with the remains of those that were slaughtered? There was little left but ashes; they were all burned.
1251. Were the carcasses wholly burned? Yes.
1252. Were not the remains placed in some creek? In a gully.
1253. Did not a fresh come and take a good many of the remains down the creek? They were all burned to dust; no doubt if a flood of water came it would carry away what was left.
1254. I was told there were half carcasses not burned? I do not think you were correctly informed. Mr. Gordon himself, the sub-inspector, went to the place where the cattle had been burned, some three or four days after, and sent men, directing them if any portions remained to burn them.
1255. They were completely consumed? They were completely consumed.
1256. Was it necessary to hunt up all your branded cattle that were on other runs—stragglers, for instance, that could not have been in communication with your herd for a considerable time? Some of the squatters were awfully afraid of our brand, even after the herd was consumed. If a beast were seen with our brand it was at once concluded that it was diseased.
1257. You stated that you did not succeed in getting all in? No, we did not.
1258. In what state are those you did not get in? They are in very good condition.
1259. There were boundary stockmen appointed to keep cattle within certain boundaries;—how many of these did you, Mr. Gordon, and Mr. Bradley —
1260. The quiet or tailing mob of cattle that you had to get these cattle in must have been in the very centre of this disease? Yes.
1261. Could they not have been placed in this paddock and inoculated, to avoid their destruction? The paddock would not hold one-third of the cattle.
1262. I thought you had large paddocks? 5,000 acres would not keep 6,000 head of cattle for any length of time.
1263. While they were being inoculated? They might have, but the squatters in the neighbourhood, for thirty or forty miles round, wished the Government to slaughter my cattle, and recommended what they considered a fair compensation for their destruction; but it was quite a different thing when it began to touch themselves.
1264. You say 50s. a head was recommended? Yes.
1265. You received 30s. a head? Yes, 30s. and 10s.
1266. In your petition you state much higher rates? I state what I consider to be the value of them.
1267. They are much higher than 50s.? Cattle had fallen.
1268. Would you not have considered yourself compensated if you had got 50s.? I supposed I must consider myself compensated whatever I got.
1269. This was an arrangement among the squatters themselves? It was then proposed that the cattle which were diseased should be killed.
1270. If an individual beast, so diseased, were found in any mob the whole must go? Yes, that was recommended and passed by the squatters. I was there, and I did not object; but when the disease affected their herds they sent to Mr. Robertson, requesting that the slaughter might be stayed.
1271. You have stated that 185 head of cattle were slaughtered on your run before the 9th November? Somewhere about that number.
1272. Were there not more than that killed by the inspector—were there not, up to the 9th November, 262 of your herd killed? The account of the cattle killed will show all that.
1273. Are you aware that in a letter, dated the 30th November, Mr. Bruce recommended inoculation? I am aware of it from the report.
1274. You were not aware of it at the time? No.
1275. *By Mr. Hay*; I am not quite sure whether you understood a question of the Chairman's;—do you know, of your own knowledge, that lung diseases are epidemic? I do not know.
1276. Do you know that the dog disease is a lung disease? No. I believe it is an epidemic—whether it is a lung disease or not I could not say. (*The witness handed in two letters from Mr. Bruce. Vide Appendices C and D.*)

J. M'Laurin,
Esq.

24 Sept., 1862.

APPENDIX.

A.

Ten Mile Creek,
Sunday Evening.

Dear Sir,

I have now got my instructions from Sydney, and will proceed to work so soon as you return from Albury. I may tell you briefly what the heads of these instructions are:—

1. I am authorized to go anywhere to inspect and order the destruction of cattle.
2. The destruction of cattle to be paid for by Government.
3. Cattle to be paid for as follows: For all over twelve months old (30s.) thirty shillings each, and under that age 10s. each.
4. No cattle to be paid for of which the owner has *not* given notice, and which may have been discovered by inspector.
5. *Cattle already destroyed*, to prevent spread of disease, to be paid for on being properly certified to.
6. I am to be allowed to employ two assistants, who will receive, say 10s. a day, and find rations and horses.
7. Traffic through infected runs to be stopped.
8. Impounding within twenty miles of infected runs to be stopped.
9. Dairying to be stopped on infected runs.
10. Inspectors of Scab at Albury and Deniliquin to be sub-inspectors of cattle.

Lastly,—My instructions are to be published in local papers.

I hope you will not remain longer in Albury than you find it actually necessary, as I should like to begin killing, and cannot do so till you are on the ground.

Would you see Mr. Owen Flinn (who I understand is appointed, or to be appointed, scab inspector for Albury), and ask him to come out here to see what the disease is like. He could stop with me for a week, and I would be able to show him plenty of cases at Yarra Yarra. I do not know where to find him or I would write him by post, which makes me give you this trouble.

R. M'Laurin, Esq., Albury.

Yours, &c.,
ALEX. BRUCE.

B.

Ten Mile Creek,
8 November, 1861.

Gentlemen,

In terms of instructions from the Secretary for Lands, Sydney, of 31st October proximo, and 2nd November instant, I beg to inform you, that your whole herd of cattle being infected with pleuro-pneumonia, have been condemned to be killed and consumed by fire. I have, therefore, to request that you will proceed with their destruction in the most expeditious manner possible; and to inform you that you will be paid for them at the rates fixed by Government, in my instructions of 30th September and 26th October last.

Yours, &c.,
ALEX. BRUCE,
Inspector.

Messrs. James M'Laurin and Sons,
Yarra Yarra.

P.S.—The rates for destroying to be the same as heretofore, viz.:—5s. each for all over two years old, and 3s. a head for all under that age.

A. B.

C.

Twelve Mile Creek,
4 December, 1861.

Pleuro-pneumonia having become so virulent at Yarra Yarra and Mr. Bowler's as to render it necessary to destroy both herds, it has been deemed advisable by the Commission—to protect the adjoining herds—that the owners should lend all the assistance in their power to do so promptly and effectually.

May I request, therefore, that you will be good enough as to be prepared to give such assistance at the Yarra Yarra Run, on Monday next, the 9th instant, at 8 a.m., and following days.

Yours, &c.,

Messrs. Heriot,	Messrs. T. Henty,
J. Post,	J. Vardy,
J. Purtell,	Cox & Keane,
W. F. Greene,	Jno. Smith,
W. Williams,	W. Rial,
J. Robinson,	Smithick (2),
A. M'Rae,	J. Hore,
Jno. Mitchell,	G. Bardwell,
C. Osborne,	Hy. Osborne.
Burns (2),	

Dear Sirs,

As recommended by the Board, I have issued circulars as above, and trust that if any of them do make appearance, as invited, you will be prepared to set them at work, either getting stragglers off the adjoining runs, getting the balance of your cattle off the run, or in making a grand sweep in the Wantagong.

Yours, &c.,
ALEX. BRUCE,
Inspector.

Messrs. M'Laurin,
Yarra Yarra.

D.

D.

Ten Mile Creek,
17 January, 1861.

J. M'Laurin,
Esq.

24 Sept., 1862.

Dear Sir,

I last night had a communication from Sydney, and will now be obliged to stop the killing of more cattle at Yarra Yarra.

Please therefore send account of cattle killed since the 11th (of which I had account from Bradley), and we will now close the matter finally.

Robert M'Laurin, Esq.,
Yarra Yarra.

Yours, &c.,
ALEX. BRUCE.

E.

(Appended on revision.)

Yarra Yarra,
4 September, 1862.

I have this day purchased from Messrs. M'Laurin thirty-five head of cattle, at—for twenty head—£5; and fifteen—£3 5s.; and given for them draft at sight, of Messrs. J. H. Gray & Co., Beechworth—£148 15s. stg.

W. INGRAM BROWN.

TUESDAY, 30 SEPTEMBER, 1862.

Present:—

MR. HAY,
MR. LEARY,

MR. MATE.
MR. RAPER,

HUGH GORDON, ESQ., IN THE CHAIR.

Henry Joseph Bowler, Esq., called in and examined:—

1277. *By the Chairman:* Are you the Mr. Bowler who signed the petition now before this H. J. Bowler, Committee? I am not. That petitioner is my father.

1278. Are you acting on his behalf? I am.

1279. What is his name? Samuel Bowler.

1280. And this is his petition (*Petition handed to witness.*)? It is.

1281. Are you the proprietor of the Ten Mile Creek Station? I am not. I have an interest in the stock on that station, but my father is the proprietor.

1282. Do you reside there? No, I only visit there occasionally—some two or three months in each year. I reside at the Mitta Mitta, in the Colony of Victoria.

1283. I suppose you frequently have occasion to travel between the Ten Mile Creek and your station, and from that to Melbourne? Yes, frequently.

1284. Have you seen much pleuro-pneumonia amongst the cattle on that line of country? Yes, a good deal.

1285. Are not the cattle upon many of the stations between Albury and the Mitta Mitta affected with pleuro-pneumonia? All the runs are affected more or less, but none to a very great extent. Between Mitta Mitta and Albury there are only four runs.

1286. And on those runs the cattle are all more or less affected with pleuro-pneumonia? Yes.

1287. Do you know the country lying between Albury and Beechworth and Wangaratta? I do.

1288. Are there any cattle in that part of the country that are not affected with pleuro-pneumonia? That I cannot answer. None of the stations that I am acquainted with are, I think, entirely free from it.

1289. Do you know Mr. Thomas Mitchell's station? I do.

1290. Do you know how many cattle have died there from pleuro-pneumonia? I do not; but I know a considerable number have died there.* Still, he inoculated for the disease, and several of the cattle died from the effects of the inoculation.

1291. Was he the first who tried inoculation for this disease? I think he was.

1292. Do you think it was the case, as he told one of the witnesses examined before this Committee, that he had as many as 300 head die? If Mr. Mitchell has said so, it is no doubt the case.

1293. Has he disposed of all his cattle, and put sheep upon his run in their place, from fear of the disease? No; he sold all his run outside his paddocks with the stock on it. The greater part of his run is fenced in, and he kept the part fenced in and sold all outside. One of the paddocks he devoted to sheep, but this was not from fear of the disease, but because he was carrying on an extensive butchering establishment.

1294. How many cattle at the Mitta Mitta have died of the disease? Do you mean at the river?

1295. No, at your father's place? About twenty or thirty head; certainly not more.

1296. Have you inoculated your cattle on that run? Not all of them; only about 1,200 head.

1297.

* *NOTE (on revision):*—A considerable number have died there, but this arose more from inoculation than from the effects of pleuro-pneumonia.

- H. J. Bowler, Esq.
30 Sept., 1862.
1297. How many had you on the run when you inoculated them? There are three runs altogether at the Mitta Mitta, and I inoculated a portion of the cattle on two out of the three. On those runs there are about 2,500 head. -
1298. How many of your cattle there appeared to be affected? Not many. The symptoms appeared to be confined to one small mob of about 80 or 100 head, that ran together.
1299. On what part of the run were they accustomed to resort? They were almost isolated from the rest of the herd, in a corner of the run nearly enclosed by the river and the paddock fence.
1300. I suppose you know the Yabba station? I do.
1301. Have you heard how many cattle have died there? If I remember rightly, Mr. Paton told me that about fifty head had died there.
1302. Do you know how many cattle were on that run altogether? About 300 head.
1303. Do you know Mr. Warby's run? I do not know much about it, but I have ridden over it.
1304. Do you know how many cattle have died there of pleuro-pneumonia? I have no idea.
1305. Are you the sole proprietor of the Mitta Mitta Run? No, I hold it in partnership with my brother.
1306. Is your father not in partnership with you? No; there are three runs there, two of which are owned by my father, the third is mine. My brothers and I have also an interest in the stock upon the other two runs, "Mitta Mitta No. 1," and "Megora."
1307. Did you put fresh cattle on the Ten Mile Creek Run a few months before the herd there was condemned? Yes, about nine months before—in the March preceding.
1308. How many? About 250, from that to 280 head, from the Mitta Mitta, and about 150 head that we had purchased for that purpose from Mr. White.
1309. How many cattle were there on the run when these two lots were purchased? About 800 head.
1310. At what time did you bring over the cattle from Mitta Mitta? It was a few days before the issue of the proclamation forbidding the introduction of cattle from Victoria into New South Wales.
1311. Was that before Mr. M'Laurin brought his cattle over? No, I think it was after. I heard, after I had been on the road some three days, that the introduction of cattle from Victoria was to be prohibited; and it was so a few days after I got home.
1312. You do not know how long it was after M'Laurin brought his cattle over? No, but it was some months after.
1313. Does your station join the Yabba station? It does.
1314. Did your cattle mix with those on the Yabba Run before they were taken away? I do not think they had mixed much for the five or six months previously; they mix in the winter, but not in the summer.
1315. Is there a defined boundary between the two runs? Yes, there is a steep range that divides us.
1316. You claim the fall of water on one side of the range, and they claim the fall on the other? Yes; the cattle remain steady on the run during the summer and autumn, and do not mix much with those of the Yabba station; in the winter and spring they do intermix occasionally in the ranges.
1317. Did you hear of any cattle having died of pleuro-pneumonia in that range before you brought the cattle away? I saw mention made in the paper that a diseased bullock had been left in the range by a bullock-team that was travelling up the Mitta Mitta. It was reported that they had left a diseased bullock in Bowler's ranges. When I went home, I searched for it in those ranges, but could not find it; after a time we ascertained that it had not been left in our ranges at all, but that it was in M'Laurin's ranges. We further learnt that it had not died from the disease, but that he had jinked his back in the team, and had died from the injury.
1318. No *post-mortem* examination of the animal was made? No.
1319. It was merely reported that that had been the cause of death? Yes, that was all. It was four months after that, that the cattle were removed.
1320. Do you think that the disease was conveyed in that way? Not by that bullock, certainly.
1321. In what way, then, do you imagine it to have been conveyed? If it was conveyed by contagion or infection, I should think it had been brought on by the bullock-teams trading between the Ovens and Melbourne up to the Snowy Creek Diggings, on the Mitta Mitta.
1322. What distance is the Mitta Mitta from the Ovens? About 130 or 140 miles.
1323. And about what time do you suppose the contagion was conveyed—or rather, when did you first hear that pleuro-pneumonia existed in your part of the country? I heard several reports of diseased teams travelling on the road; but I never saw any pleuro-pneumonia on the Mitta Mitta until the February after the cattle had been removed.
1324. You saw no disease there before that? No.
1325. You heard of it before? I had heard of the disease before, not on the Mitta Mitta, but at Yabba.
1326. When did it show itself there? Some time in November or December. I think it was in the early part of December.
1327. When it showed itself at Yabba, were any of the neighbours' cattle affected? No, I think not.
1328. Were the cattle on the stations between Yabba and Albury affected with the disease at that time? From my own knowledge I cannot say that they were; but I heard they were.
1329. What description of cattle did you bring over with you from the Mitta Mitta? About two-thirds

two-thirds of them were steers, from three to five years old, and the remainder were spayed heifers. H. J. Bowler,
Esq.

1330. And what sort of cattle were those you purchased from Mr. White? They were cattle of a similar description, but not quite so good. The cattle I brought from the Mitta Mitta were the pick of three herds. 30 Sept., 1862.

1331. Were any of the cattle you purchased from White wild cattle—scrubbers? They were not what I understand as scrubbers.

1332. Were they wild? When my father purchased them for £2 7s. per head, he considered them a fair description of store cattle. They were then quiet—this may have been owing to the driving they had had on the road. We however were subsequently told, that when on their original run they had been outlying cattle, and had been anything but quiet. Previous, however, to their being slaughtered, they were so far quietened as to admit of a footman going among them.

1333. Previous to yarding them? No, previous to their being killed.

1334. Did they stop steadily on your run? No, we tailed them.

1335. And how many of these were unaccounted for after your cattle had been killed? About the half, or perhaps more. But I do not attach much importance to that, because a good many cattle were killed that were not put down as tailers. We rebranded all the cattle we brought over to the Ten Mile Creek, and when they were killed, only the brand was looked to. The only difference between this mob of tailers and the rest of the herd was, that the tailers all had their tails squared; but in the hurry and confusion of slaughtering, this mark was not paid much attention to.

1336. How many months before was it that their tails were squared? It was done when we turned them out, about three months previous to their slaughter.

1337. There had not been time for the hair of the tail to grow again? No.

1338. Were your cattle inspected by Mr. Bruce at the Ten Mile Creek? Yes, by him and the other Commissioners.

1339. On what date? On the 14th and on the 15th November.

1340. And when were they condemned? On the 15th November.

1341. *By Mr. Raper*: Were you there? Yes.

1342. Because I understood you to say that you saw no disease until December? That was at the Mitta Mitta, in Victoria. I was asked with regard to that station.

1343. *By the Chairman*: Were there any fat cattle taken to market off the Ten Mile Creek Station, just before that run was placed in quarantine? Yes.

1344. How many? I was not at home at the time, but I think 120.

1345. Where were they sold? At Melbourne.

1346. What price did you obtain for them? Either £3 or £3 10s.; I think it was £3 10s.

1347. Were they fat? Yes.

1348. And you got either £3 or £3 10s. a head for them? Yes.

1349. That was the price gross? No, that was the net price, after paying commission, but not after paying the costs on the road.

1350. Were they the pick of your herd at the time? I do not consider that they were so. The reason they were removed was, that we had heard that the Ten Mile Creek Run was to be placed in quarantine, and these cattle were got together hurriedly, and removed, in order to be sent to market.

1351. Then you consider them to have been fat cattle? Yes, they were fat; but in consequence, as I say, of our learning that the run was to be placed in quarantine, they were at once collected, as quick as possible, and sent to market. This was not usual for us, as we never send our cattle for sale until the winter. The market was very low at the time, and we certainly should not have sent our cattle for sale but for the introduction of this quarantine system.

1352. Did you sell any cattle from the Mitta Mitta station during the last season? Yes.

1353. At what time—in what month? I think it was in April or May.

1354. And what did you obtain for them? They were sold very cheap, at £2 7s.

1355. Were they as good as those at the Ten Mile Creek before the quarantine was placed on the run? No, they were not. They were culls from the Billabong. After taking a number of fat cattle from there these were found afterwards, and sent to market. They were in good condition, but were big, bony bullocks.

1356. Were they fat? Yes, they were fat; but they were culls in this way, that I had been selling all through the summer, and am still, out of the Mitta Mitta paddocks, at £5 a head; and these were the beasts left after the others had been selected from them. They were, in fact, the culls of the fat beasts left at the end of the summer.

1357. Then, as I understand you to say, they were fat, but were culls in other respects? Yes, they were fat; but then, when you have 100 head of fat cattle, and allow, say seventy of the choicest to be picked out of them, I regard those that remain as culls.

1358. Then it is not in consequence of their not being fat that you call them culls? No; they were good fat beasts, but they were big, bony animals, and the butchers do not in general approve of that kind of beast.

1359. Did you dispose of any cattle after the quarantine had been removed off the Ten Mile Creek Station? Yes.

1360. At what time? About the latter part of March or beginning of April. They started from the Billabong at the same time as my lot left the Mitta Mitta, and would be just about fit for sale at that time.

1361. What price did you get for them? £3 per head; and we refused £4 a head for them before they started from home.

1362. How was that—had prices fallen in the meantime? No; we were misinformed as to the state of the Braidwood market.

1363.

H. J. Bowler, 1363. You sold them there? Yes.

Esq.
30 Sept., 1862. 1364. It is stated in the petition, that 500 head of the cattle destroyed were fit for market, and would have been sold before the date of the petition, the 20th January—what price could you have obtained for them? I do not attach much importance to that; if they had been fat, and the markets high, they would have been sold; but if the markets were low, they would not have been sold.

1365. Had there not been a good many cases of disease amongst the cattle on the Ten Mile Creek Run, as well as amongst those on the Yarra Yarra Station, before they were condemned? There were some cases, but not a great many; some two or three cases of our own stock, and about half a dozen of M'Laurin's. The latter circumstance was attributable to the fact of M'Laurin's tailing mob being fed on our boundary line.

1366. Only? Only, that I am aware of.

1367. Have you been much at the Ten Mile Creek Station during the last winter? Yes.

1368. Are there any cattle on that run at present—strangers' cattle? Yes.

1369. How have they been affected, in regard to disease? They have only been very slightly affected with pleuro-pneumonia, and there have been a few deaths.

1370. Are you aware that your father has told the inspector, that at least 200 head had died during the last winter on his borders? I am not.

1371. Did you hear that the disease had been raging at the Ten Mile Creek during the last winter? Yes; I was aware that there were a few cases, but nothing to create alarm.

1372. What do you suppose would be the per centage of deaths, in twelve months, in a herd in which the disease had established itself in a virulent form? In a herd of fat cattle, the per centage would be much greater than in a mixed herd. In a mixed herd it would not be greater than about fifteen per cent. during the first twelve months; of course if the disease continued the per centage would be larger afterwards.

1373. But if the mobs in which the disease appeared were killed? In that case, the per centage would be less next year.

1374. When the disease establishes itself in a herd, do you not suppose that considerable injury is done to its sale? No, not if it is a fattening herd; but if you brought them to sale as store cattle, there is so much ignorance prevailing in regard to this disease, that parties would be loth to purchase at any price.

1375. Would there not be a falling off in the fat cattle, independently of the depreciation through those that died? I do not think there would be, to any great extent.

1376. If the disease attacked a fat beast, and he afterwards recovered, would it not be some time before he regained his former condition? I doubt if a beast would recover if he had a violent attack.

1377. The average loss, you say, would be about fifteen per cent.? Yes, in a mixed herd.

1378. You know nothing of the shortcomings in a herd of fat cattle at the end of the season, independent of the deaths, in consequence of the disease being in the herd;—for instance, suppose a herd in which were included 100 head of fat cattle, to be affected with the disease, would there not be some of the fat cattle take the disease and recover, and yet not afterwards be fat and fit for market? Of course if a fat beast did, recover from an attack he would lose condition; but I do not understand keeping fat cattle on the run if disease gets in amongst them.

1379. Could you get a market for them? I should sell them at any price, if they were diseased.

1380. What would be the difference in value of a herd of cattle in which the disease had shown itself, and with the fat cattle taken out, as compared with that of a herd entirely sound and free from disease? You mean what would be the depreciation of value by the disease?

1381. Yes? If the party could save himself by boiling down his herd, the value would not be depreciated; but if he were forced to throw them into the market, the depreciation would be very considerable—thirty or forty per cent., I dare say, because parties would not buy.

1382. Do you think there would be any advantage in boiling down lean cattle—because I suppose the fat cattle to be taken out of the herd—for instance, if you were about to purchase, what difference would you allow between a herd that was sound and one that was diseased? If I were buying, I should be disposed to strike as hard a bargain as I possibly could; on the other hand, if I had the herd to sell, the fact of their being diseased would not in any way influence me in reducing the price beyond fifteen or twenty per cent., unless I was compelled to sell, and then I should of course have to do so at the price I could get.

1383. Did you attend all the meetings that were held by the settlers in that district? Some of them, but I did not attend all of them.

1384. Did your father or your brother attend them? Yes, some of them; some member of our family attended every meeting held.

1385. Did you assent to the resolutions agreed to at the first meeting? No; we differed from them.

1386. Were you present at the meeting at which Mr. Day was proposed to act as a Commissioner? I was.

1387. Before Mr. Day was proposed, were you not nominated to act with Mr. Bruce and Mr. Murray? I was, but I objected to act.

1388. On what grounds? First, because I was interested in the matter that the Commissioners had to deal with, and therefore felt a delicacy about acting; and next, because I did not consider that I knew sufficient of the disease and its nature to have the disposal of large herds of cattle left to my determination.

1389.

* NOTE (on revision):—To this query I would beg to refer to Appendix.

1389. Did the steps then proposed to be taken by the Government meet with the concurrence of the meeting? Do you mean the placing a certain extent of country under quarantine, and permitting them to enter upon runs and slaughter cattle within a certain area? H. J. Bowler, Esq.

1390. I mean the proposal of the Government that every mob in which a diseased beast was found should be slaughtered? I suppose the greater part of the meeting was satisfied with that course; there were several persons, however, who did not approve of it. 30 Sept., 1862.

1391. Did anyone protest against it? No formal protest was made; they expressed their dissent.

1392. *By Mr. Raper*: What was your opinion in reference to the resolution passed at that meeting—were you of opinion that the mob amongst which diseased beasts were seen should be slaughtered, or did you think that the whole herd should be sacrificed? The resolution you refer to was proposed at another meeting.

1393. I refer to the meeting in October? Yes. At that meeting a resolution, referring to the slaughter of particular mobs in which the disease was seen, was agreed to; but the slaughter at the meeting referred to by the honorable Chairman was the slaughter of the whole herd.

1394. *By the Chairman*: The slaughter of the whole herd was recommended at one meeting? No, not recommended; but we were told that instructions had been issued for the slaughter of diseased herds, and we submitted.

1395. That was the meeting of the 13th November? I cannot say the date, but we submitted to the course recommended by the Government; we did not recommend it ourselves.

1396. What was the course recommended by the Government? That the whole herd should be killed.

1397. Do you recollect a letter, dated November 2nd, from the Department of Lands, being read at that meeting? Yes.

1398. Did you approve of the steps that were then being taken by the Government? We were not called upon to approve or disapprove; we were deputed solely to elect a person to act in conjunction with Mr. Bruce and Mr. Murray. We were not required to express dissent or approval, and regarded the matter as settled.

1399. In taking part in that nomination, you did not consider that you were agreeing to the proposal to destroy every mob of cattle in which a diseased beast was found? We knew very well what the object was, but we did not consider that we had any option in the matter. We considered that the Government had virtually taken possession of all the stock within those areas which they had proclaimed to be in quarantine.

1400. When did the slaughter of your cattle commence? Some five or six days after we received notice to destroy them.

1401. About what date was that? About the 22nd or 23rd November.

1402. Have you any idea how many had been slaughtered up to the 23rd November? No, I have not.

1403. There could not have been many? No; but I cannot say how many. We commenced the slaughter as soon after we had received notice as we could get a yard built for the purpose, and I do not know how long a time that occupied. If you refer to the date of the notice we got, I shall be able to give a better idea, for it was some little time after that, that the slaughter commenced.

1404. But I wish to know precisely how many were slaughtered up to the 23rd November? That I cannot say.

1405. Did you request the Commissioners, Mr. Bruce, Mr. Murray, and Mr. Day, to commence the slaughter on your run first, before they went on any other? No; but I remember asking them something about where they were going to begin.

1406. You did not ask them to make a commencement at your place? As a request, no. I asked them where they were going to commence, and they said they thought at M'Laurin's; and then I said it was no use for them to go over there—as our herd was condemned as well as M'Laurin's, they might as well make a beginning at our place as they were there.

1407. Do you consider that your loss was increased by your cattle having been destroyed by the Government at the price named, beyond what it would have been had you allowed them to remain and take their chance of living or dying? Our wish was that the Government should have no interference in any way; but when once they interfered, rather than have our run placed in quarantine for an unlimited period, we thought it better to have them all killed off.

1408. Did you ever protest against their being killed at the price named? We protested against their being killed at all; not formally or by letter, but verbally we did all we could. I asked the Commissioners if we had any choice in the matter, and they told us we had not. Had I known that there would have been any use in protesting I certainly should have done so. I asked the Commissioners what they would do in the event of our refusing to slaughter the cattle, and their reply was, that in that case they would get some one else to do it. I then said, "but suppose I prevent anyone else from coming on our run;" and they told me that in that case they had power to give me into custody. Of course, after that answer, I could take no further step.

1409. You are aware that when the Commissioners returned from Kyeamba, after other instructions had been given from the Government, your father requested them to continue the slaughter of his herd? Yes, I am aware he did.

1410. Preferring that they should go on killing the herd rather than stop the slaughter? Yes; but that was not because we were satisfied with the price, but because we considered that if the Commissioners then desisted from killing, the remainder of the herd would be left in quarantine for an indefinite period. Besides this, the best beasts had been killed, and there were very few fat cattle remaining after the Commissioners returned from Kyeamba.

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- The reason why they had been killed first was, that they happened to be the most convenient to the yard at the time, and as we thought we should have to go through the whole herd, we believed that it made very little difference whether we began with them or not.
- Another reason was, that ours is only a small run, and must be devoted either to cattle or to sheep, as it will not support both. If any cattle had been left unslaughtered a large portion of the run would have remained idle and useless, as we could not bring in other cattle to re-stock it. It was for these reasons that we thought it better to kill the whole herd.
1411. Was it the generally expressed opinion that you and M'Laurin were fortunate in having allowed to you the price paid by the Government? I heard many people say so; but when it came home to themselves they found out the difference.
1412. Did you ever say that M'Laurin was fortunate in having his cattle killed at the price he received from Government? I think I did say so; but I was not then so well acquainted with all the circumstances of the case as I afterwards became.
1413. Was there any record kept by the sub-inspector of the state in which the cattle slaughtered were found to be? Yes, there was a record kept by a party named Bradley, who acted for the Government.
1414. Had you power to inspect the record kept by the sub-inspector? Yes; but we kept one ourselves for a few days, until the work became too heavy on us.
1415. Did you ever challenge the report made by the sub-inspector in any way? Yes; I said the whole thing was a farce from beginning to ending.
1416. On what ground did you consider it to be so? Because the appearance of the inside of the stock after they were killed did not correspond with the appearances known to be shown in cases of pleuro-pneumonia; and yet beasts were put down as in the first and second stages of the disease, although they showed no sign of it.
1417. Did you state that the return was incorrect? I stated that it was all humbug to make notes of that kind.
1418. Did you make any complaint to Mr. Bruce about the inaccuracy of the sub-inspector's report? I did not think that it was of any importance whether I did so or not. My own opinion was that the whole thing was a farce.
1419. As a matter of fact, was the return incorrect? Yes, I thought it so at the time, and from what I know since of the disease I am sure it is.
1420. What object was there in examining the cattle that had been destroyed? I could see no object in it. They had all to be paid for at the one price, whether diseased or healthy, and it was therefore a very unimportant matter to examine them.
1421. What appearance did these cattle present, that led you to believe that they were not suffering from pleuro-pneumonia, and that now that you know the disease better makes you sure of it? There were some cases in which pleuro-pneumonia evidently existed; but there were others marked down as showing the disease in its incipient form that had no trace of it.
1422. Can you tell us the particular appearances that were taken to be symptoms of pleuro-pneumonia, and which you objected to? I objected to seeing a beast, if he had the least discoloration whatever of the lungs, immediately marked down as infected with pleuro-pneumonia; or, if there was what they termed a fringe, some particle of loose skin adhering to the edge of the lung, no matter how minute it might be, it was immediately put down as an evidence of the existence of pleuro-pneumonia.
1423. Did you ever observe similar appearances in cattle slaughtered before you heard of pleuro-pneumonia? No; I paid no attention to these particular appearances at that time; but I have made it my business since to examine every beast we slaughter; and I believe that the same appearances are to be found on the lungs of all beasts slaughtered, even of those slaughtered here in Sydney. I have seen the same appearances in cattle slaughtered in Melbourne, that had come from Gipps Land, which is the cleanest country in the Colony, and has never had disease in it.
1424. Upon how many occasions did you challenge the report of the sub-inspector? I never challenged the report at all; I only objected to the careless way in which the record was kept.
1425. Do you not suppose that this record was kept for the purpose of obtaining information for guidance in other cases—and might it not have been ordered to be kept by the Government for that purpose? If it were ordered for a useful purpose, the Government ought to have sent persons to keep it who were properly qualified.
1426. But you had Mr. Bruce to appeal to when anything was incorrect? Yes, but he was not inspecting there at the time.
1427. Did you not see him afterwards, and consult with him on the subject of these inaccuracies? No, I never consulted with him at all upon the subject. I did not consider it to be a matter of very great importance.
1428. Have you inoculated your herd at the Mitta Mitta? About 1,200 of them.
1429. With regard to the sub-inspector's report;—if there had been an order that only diseased cattle should be destroyed, would you then have protested against that report? Most decidedly I should.
1430. And would you have considered it necessary to have informed Mr. Bruce of the inaccuracies you have mentioned? Certainly; but as the thing was, I thought that the whole herd was to be destroyed, and that therefore it did not much signify whether they were set down as diseased or not.
1431. Are you acquainted with the *post mortem* appearances that are presented by pleuro-pneumonia? I think so. I certainly know as much of it now as those appointed to act knew of it at that time.
1432. How does the disease commence in the first instance? That I do not know.
1433. What part of the body is first affected? I believe the blood to be the first part of the system attacked.

1434. Can you mention the different stages that the lungs pass through in the course of the disease? I am not a veterinary surgeon, and do not feel myself competent to do that.
1435. I ask you because I understood you to say that you were acquainted with the different stages of the disease? I have as much acquaintance with the disease now as the parties employed had when they commenced their work of inspection. The reason why my confidence in their judgment was shaken was, seeing the mode in which they acted. They would ride into the middle of a herd and make an examination, and would decide that a certain mob was affected with pleuro-pneumonia, when they only had external appearances to judge from. Very often a mob was condemned when there really were no external appearances whatever on which to form a judgment.
1436. When you inoculated your herd at the Mitta Mitta, in what way did you operate on them? I tried three different plans. I made an incision in the bottom part of the tail, just above the brush, sufficient to enable me to insert a portion of the diseased lung into the wound. I then tied this in with a bit of string. However, I had more deaths under that plan than I expected; so I tried another. The next lot I inoculated by making an incision in the tail, and simply rubbing in the diseased lung to the wound, and without tying anything round it. I fancy that the string occasioned swelling, irritation, and death. The second plan I found to answer very well, and I had very few deaths.*
1437. Do you think that inoculation in the case of a diseased animal is a cure? I have inoculated cattle that have been very bad with the disease, and they have recovered; but I cannot say whether or not their recovery was owing to the inoculation.
1438. Do you believe it to be a preventive? Yes, I think so.
1439. Has inoculation for the disease become a common practice in Victoria? In the Murray District it has.
1440. *By Mr. Hay:* In inoculating, you make an incision, and rub a portion of the diseased lung into the wound? Yes.
1441. In doing this there is no danger to the individual performing the operation? No; I have often done it after I had scratched my hand, and had an open wound on it, and I never was the least alarmed by it, or suffered any bad effect from it.
1442. It never produced any bad effect? No.
1443. Even though you may have scratched the hand with which you manipulated the diseased lung? No; I have repeatedly done so, and never suffered any bad effect.
1444. The virus does not affect the human system? No.
1445. In inoculating, do you cut quite through the skin of the tail? Yes.
1446. But not in the tenderest part, up near the root of the tail? No, just above the brush; and I make the insertion just deep enough to draw blood, and no more, as it is better that the blood should not flow too freely.
1447. And you avoid wounding the animal too much in the tenderest part of the tail? Yes.
1448. *By Mr. Raper:* Was it decided at a public meeting, that where pleuro-pneumonia was found on a run the whole herd was to be destroyed, or did that proposal originate with the Government? The proposal to slaughter the whole herd originated with the Government.
1449. And not in a resolution passed by a public meeting? No. I believe at one meeting a resolution was adopted recommending the slaughter of a mob of cattle if a diseased beast was found in that mob—that is, they recommended the slaughter of the particular mob, apart from the others.
1450. Was it the opinion of any persons in that district that it was necessary to destroy the whole herd because a part of it was diseased? No; at all events such a thing was never recommended.
1451. The suggestion originated with the Government? Yes.
1452. *By the Chairman:* Is there anything further that you would like to state to the Committee? I wish to give the Committee clearly to understand the amount of loss we have suffered.
1453. *By Mr. Leary:* Perhaps before the witness makes his statement I had better ask a question or two, to elucidate some portions of the evidence. When you first received an intimation from Mr. Bruce that your cattle were to be destroyed, was that intimation conveyed to you by letter or verbally? Verbally.
1454. Did you afterwards receive any written intimation that your cattle were to be destroyed? No, I accompanied the Inspector and the Commissioners through the run, and after they had examined the herd, they seemed to consider that they had seen sufficient to warrant them in ordering the cattle to be killed. In my hearing the question was asked amongst them, whether it was necessary to give me formal notice that my cattle were to be destroyed. They considered it was not necessary, as they were all there present and I was in their company when they came to their determination.
1455. Who were then present? All three of the Commissioners—Mr. Day, Mr. Murray, and Mr. Bruce.
1456. And they gave orders to destroy the whole of your herd? Yes.
1457. Do you remember the date upon which this took place? It was either the 13th or the 14th November.
1458. You state that when you were first informed of the intention of the Commissioners to have your cattle destroyed, you made an objection, and asked them what course they would pursue in the event of your resisting the carrying out of their order? Yes.
1459. And from what they told you, you were under the impression that the Government had

* ADDED (on revision):—The third plan was, by pressing the matter from a diseased lung into a vessel, and saturating a twine therein, then passing it with a needle under the skin of the tail at the brush.

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- had full power to do what was proposed by Mr. Bruce, and to order your whole herd to be destroyed? I asked them what course they proposed to take, in order to ascertain if there was any use in my entering a protest against their interference. I asked them what they would do if I were to refuse to kill the cattle; and Mr. Bruce said that in that case they must get some one else to do it. I then remarked, "But suppose I stop any party from coming on my run;" and his answer was, that he had power to give me in charge if I did so.
1460. When was the last portion of your herd destroyed? The slaughter was continued throughout November, or it may have gone into December.
1461. I believe there was a team of working bullocks used by you in carrying the carcasses of the slaughtered animals down to the creek? Yes; there was a team that we used occasionally to draw out a beast or two, and sometimes to lead the cattle into the slaughtering pen. When there was a good deal of blood scattered about, the bush cattle would refuse to go into the yard, and then we turned the working bullocks in amongst them to lead them into the pen.
1462. Were those working bullocks killed? No, they were not.
1463. They were left to live if they could? Yes.
1464. And are they alive now? They are.
1465. And yet they were constantly mixed with diseased cattle? Yes, both dead and alive.
1466. *By Mr. Hay:* How many of these workers were there? Six.
1467. Were they ever affected with the disease? No. The Commissioners said they were affected, and I thought at one time they were so, but they are all alive now, and fat.
1468. *By Mr. Leary:* Were they inoculated? No, I think not.
1469. Were you at the meeting at the Ten Mile Creek at which it was recommended that a compensation of £2 10s. per head should be paid for all cattle slaughtered? No, I was not.
1470. Were you aware that a recommendation had been made by the squatters of that district, that compensation for cattle slaughtered should be made by arbitration, deducting twenty-five per cent. from the proved value of the herd, on account of the disease? Yes, I heard of that being recommended, but I was not present when the recommendation was agreed to.
1471. If that recommendation had been carried into effect, would it not have increased the amount you would have had to receive from the Government very considerably? Yes; and it would have satisfied all parties, because then they would have received something like a fair valuation for their herd, instead of being paid at a fixed rate, no matter what was the value of the beasts destroyed.
1472. At what time were the 300 head that you brought from the Mitta Mitta destroyed? They were the first lot slaughtered.*
1473. About the 23rd November? Yes, the first lot of 300 were killed.
1474. What were the duties of the Commissioners appointed by the Government? I do not know. They never came to our yard whilst the cattle were being slaughtered, or to our house, though I was informed that they rode across our run.
1475. When were you paid the price promised by Government for the cattle destroyed? I think it was in July last.
1476. Eight or nine months after the destruction of the cattle? The cattle were killed in November, and the Government paid us in July. A short time before they were killed I had bought a lot of store cattle at £2 7s. per head, on a bill at six months. That bill was due some three months after the cattle were killed, but the Government did not enable us to meet it, by paying their part of the price of the cattle they had slaughtered, nor did they pay until some six months afterwards.
1477. If your cattle had not been killed or placed in quarantine, you would probably have sold sufficient from the herd to enable you to pay this bill? I do not know that.
1478. Did your run remain unstocked from the time of the destruction of your cattle up to the time when payment was made by the Government? There were some cattle left on the run, but I may say that it was unstocked.
1479. Have you had to pay the assessment on your run during that time? Yes.
1480. What price have you been in the habit of getting for your fat cattle during the last five or six years? Never less than £5 a head, until the last mob which started just before the run was placed in quarantine.
1481. You have got £7 a head? Yes, we have got as high as £7.
1482. Are you aware whether Mr. Bruce ever saw this disease of pleuro-pneumonia before he saw it at the Billybong? I understood from him that he had not.
1483. You have stated, I believe, that you have seen cattle suffering from the disease of pleuro-pneumonia, which, not having been killed, had recovered, and had lived to get fat afterwards? Yes.
1484. Have you seen cattle badly diseased, that have recovered and got fat? I have seen one or two instances of the kind; but I have seen very many that have recovered, though they have not yet had time to get fat.
1485. Have you any of your original cattle on your run now? Yes, we have one lot alive now in which the Commissioners said there was not one sound beast.
1486. How many in that lot have died? None.
1487. How many are there in the lot? About thirty or forty head; they were the milking herd, running about the house.
1488. *By the Chairman:* Why were they not destroyed? We considered that the only object in slaughtering the cattle was to prevent the disease from extending to our neighbours or others, and this was a lot that was always hanging about home, and therefore not likely to

* NOTE (on revision):—I entirely misunderstood this question. I could not possibly say so, as they were mixed through the entire herd.

to carry the contagion. As we required beef and milk for the use of the place, we determined upon keeping this lot. They never strayed away from home, and therefore no risk was run. H. J. Bowler, Esq.

1489. *By Mr. Leary*: You have said that in casual conversation you stated that Mr. M'Laurin would do well to get the price the Government had offered for his cattle—was that owing to the disease being in his herd, or to some other circumstances? I was not a valuator of his herd, and from what I had seen of it I thought it a good price. I had then only seen his tailing mob, and I considered he had done well in getting the price for them. I may say, however, that I do not actually remember having said so, though I admit that I may have done so. 30 Sept., 1862.

1490. *By the Chairman*: How many were there in this tailing mob of Mr. M'Laurin's? I should say 400 or 500 head.

1491. *By Mr. Leary*: Even if you did say so, people very often say things in casual conversation that they would not say if called upon to give a definite opinion? Yes; like many other people I may have spoken without knowing rightly the matter I was speaking about. From what I know now of the sort of cattle he put on his run, I should not feel inclined to make the same assertion.

1492. *By Mr. Raper*: Do you know why the Commissioners gave you the privilege of discontinuing the slaughter of your cattle if you liked? They considered that pleuro-pneumonia had extended over such a vast space that the Government would not be in a position to pay for all the cattle slaughtered to prevent its extension. I believe, though I am not certain as to this point, that they recommended that the slaughtering should be discontinued. Having done this, they thought that we might as well have the same privilege as others, and keep our cattle alive if we thought proper.

1493. Was it because the remainder of your herd was not so badly diseased, or had only a small appearance of disease, or was it because the Government were not in a position to pay, that they were induced to make you the proposal to discontinue slaughtering? I know of no other reason they had than the fear of entailing such a heavy expense on the country.

1494. *By Mr. Leary*: Your father's petition is dated the 20th January, 1862? Yes.

1495. What is the reason that it was not sooner presented to the House than it has been? I do not recollect the cause of delay.

1496. Was it not forwarded to Sydney for presentation to the Assembly, and were you not informed that Parliament had closed before it reached town? Yes, I remember now that such was the case.

1497. This petition was written just after the cattle were slaughtered? Yes, according to the date it bears, it must have been so.

1498. *By Mr. Raper*: You say that Mr. Bruce had no knowledge of the disease before he saw it there—did he tell you so? I did not say that he had no knowledge of the disease, but that I inferred from what he said, that he had never actually seen a case of pleuro-pneumonia till he saw it there.

1499. Did you ever see Mr. Pottie on your station? No.

1500. Did you ever see him and the Commissioners examining cattle after they had been killed? No, I never saw him whilst he was up the country at all.

1501. Did you hear whether he agreed or disagreed with the Commissioners as to what were to be regarded as symptoms of the disease? I heard Mr. Smith, of Gamba, state, that Mr. Pottie differed from the rest of the Commissioners upon one case. He differed with them upon one occasion, but I do not know whether he differed in opinion with them generally.

1502. *By the Chairman*: I think you stated that you did not receive the compensation awarded by the Government until July? I did.

1503. Did you consider it necessary to render an account to the Government of the number of cattle destroyed, before you could receive payment—would not that be necessary before your claim to compensation could be taken into consideration? Yes.

1504. How long after rendering your account was it that your compensation was paid? I am not positive as to the date when our account was sent in; but I know that very little time was lost in doing so, after the cattle had been slaughtered. Mr. Bruce will perhaps be able to give you the exact date, as he will be better informed on the matter than I am, since the accounts passed through his hands.

1505. *By Mr. Hay*: Had you sent it in at the time when your petition was signed—on the 20th January? Yes, I think it was sent in before that.

1506. *By the Chairman*: If it was necessary to send in an account, you think that one was sent in, and sent in early? Yes; my impression is, that it was sent in directly after the slaughter of our cattle; that is, as soon as possible after our books had been balanced.

1507. Do you think it was sent in before the month of June? I should think that it was.

1508. *By Mr. Leary*: Was there one of the inspectors at your place during the whole time that the cattle were being slaughtered? Yes, a sub-inspector.

1509. And did he keep an account of the cattle destroyed? Yes.

1510. And that account was kept on behalf of the Government? Yes.

1511. Did you consider it necessary to furnish the Government with an account, or did you think that the Government ought to pay you without such an account, seeing that they must have been aware, from the records of their own inspector, of the number of cattle destroyed? I should think it necessary to send in an account, notwithstanding the record kept by the sub-inspector.

1512. *By Mr. Hay*: You think it was necessary that you should make a demand of payment in the first instance? Yes, I think it was.

1513. Do you know whether your father was at any of the meetings held in the district upon the subject of this disease? He was.

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1514. He is the Mr. S. Bowler whose name I see mentioned as taking part in some of them? Yes; I have already stated that some member of our family was present at every meeting held.
1515. Was he present at the meeting of the 19th October, when a resolution was agreed to recommending the destruction of the entire portion of the herd in which the disease was found to exist? I am not sure whether he was or not.
1516. You were not there? No.
1517. Were you at the Ten Mile Creek station at the time? No, I was at the Mitta Mitta station.
1518. Were you present at the Ten Mile Creek when they commenced killing? Yes.
1519. What time was that? In the early part of November.
1520. You did receive payment, in the month of July, at the rates authorized by Government, for the cattle of yours that had been destroyed? We were paid for all the cattle that had been killed up to a certain date; I think it was for the 300 head that were first slaughtered.
1521. And since then you have been paid for the remainder? Yes.
1522. When was that? Either in July or August.
1523. July was the time when you say you were paid for the 300 head? I am not sure as to the date, because my father received the money; I only know that it has been paid.
1524. You did not receive interest on the amount that remained so long unpaid? No, we did not.
1525. You did not consult the inspector before you made up your mind not to kill those quiet cattle about the place, to which you have alluded? To know if we might keep them?
1526. Yes? No. After we had killed the 300 head, the inspector informed us that we might discontinue killing if we liked. We did not discontinue killing, for the reasons I have already given, and slaughtered the whole of the herd, with the exception of this little lot that were accustomed to stay about the house, and that we required to furnish us with milk and beef.
1527. You did not intimate to the inspector, when you told him that in spite of his permission to discontinue, you should go on killing, that you intended to keep this little lot? I do not remember doing so.
1528. Did you look upon the condemnation of your herd as a sort of bargain on the part of the Government with you, so that when they commenced killing your cattle, and had killed so many as 300 head, they were bound to complete that bargain by killing the remainder, and giving you compensation for the whole? Yes, I considered that when once the Government condemned the herd they virtually took possession of the whole of the cattle.
1529. Were you employed by the Government to kill the cattle? Yes.
1530. Did it strike you that this being, as it were, a matter of bargain between you and the Government, there should be some sort of reciprocity in the matter? Yes, I considered that it was a bargain between us and the Government, and that one party was equally bound with the other to carry it out.
1531. *By Mr. Raper*: Was this small lot of forty included in the herd condemned by the Commissioners? I suppose so, since the whole herd was condemned. I did not know, however, that the fact of our keeping this little lot for our own use could be construed into a breach of agreement with the Government.
1532. Were these forty head included in the number that the inspector ordered to be killed, and that you got paid for? Yes, they were included in the number of those that were condemned.
1533. And were they included in the number for which you sent in returns and got paid? No, no claim of payment was made for them.
1534. *By Mr. Leary*: If the Government had stated to you, in the first instance, that they would not destroy your cattle unless you liked, leaving it optional to you to slaughter or not, as you thought proper, but giving you 30s. a head for all that were killed, would you have destroyed your herd? Our wish always was, that there should be no Government interference in the matter, but that we should be left to manage it for ourselves; but when they came to put the whole district under quarantine, rather than have our cattle under quarantine for an unlimited period, we let the Government take the whole herd, because the cattle were completely valueless to us whilst they were shut up on the run and could not be taken to market. Then, again, the settlers up there never recommended this 30s. a head compensation.
1535. Did you take legal advice in the matter? No.
1536. And you were under the impression that the Government could take what they liked and could do what they liked? Yes; and I rested my opinion upon what had taken place between the inspector and myself, as I have detailed to the Committee. They seemed to do entirely as they liked. They took possession of the herd, ordered it to be slaughtered, and then fixed a price as compensation to suit themselves.
1537. From your experience of the effects of pleuro-pneumonia, would you have been a loser by the slaughter of your cattle, even though the compensation paid had been £2 10s. per head? Yes. The worst cattle on our run were those that my father bought from Mr. White, and he paid £2 7s. 6d. per head for them three or four months before. The others were all quiet cattle, broken-in to the run.
1538. *By the Chairman*: Do you wish to make any further statement to the Committee? I would wish to say this: That there seems to be a general impression that the settlers were consulted before this course of proceeding was determined on; in fact, that they recommended the destruction of their herds. This is not the case at all. During the month of October last a meeting of settlers was held, at which were adopted resolutions recommending the slaughter

of small mobs of cattle in which the disease might be found to exist. In November following, however, the Government appointed Commissioners to define the areas in which disease existed. This was done, not with reference to small mobs, as recommended by the settlers, but to areas of country the whole of which was to be regarded as infected, and the cattle on it liable to slaughter. Thus, if a diseased beast were found at the extreme end of a run, the whole run would be put in quarantine, and the whole herd slaughtered. Such a thing as that was never recommended by the settlers, nor did they, as a body, ever approve of the fixing a uniform rate of payment for all herds slaughtered. It is true that a meeting was held once, at which the Government were recommended to pay compensation at the rate of £2 10s. per head; but afterwards, when I heard the matter talked over, I found that the uniform rate of payment was always objected to.

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1539. *By Mr. Leary*: What was suggested in place of this uniform payment? There was no distinct resolution regularly agreed to.

1540. But what was the impression of the squatters as to what would be fair towards all parties? The impression was that there should be a difference made in the value of sound and of unsound cattle; that the state of health of the herd should be determined by a Commission; and that the value of the cattle should be determined by arbitration, 25 per cent. of that value to be struck off for diseased cattle.

1541. *By the Chairman*: Would there not be some difficulty experienced in ascertaining what cattle were sound and what were diseased, seeing how much difference of opinion exists on this question? I fancy there would be; but it seems the inspectors found none, when they directed the slaughter of whole herds.

1542. *By Mr. Leary*: Then a recommendation was made by the squatters that compensation should be awarded by arbitration, twenty-five per cent. being deducted from the value of such beasts as were diseased? That was proposed at one meeting, but I do not know whether it was adopted or not.

1543. Can you state positively that such a proposition was made? No, I cannot; I have only heard that it was.

1544. *By Mr. Hay*: Was it a distinct proposition or was it only talked of—was it a resolution? I am not positive on the point, but to the best of my belief it was a resolution.

1545. Do you believe that this would be a fair means of determining the value of a herd? Yes. I have heard several plans proposed, but I think this would have proved the fairest.

1546. It has been stated that this plan of compensation was recommended to the Government by the Commissioners? Yes, I heard that it was so.

1547. You have received no compensation beyond that which was first paid to you? No. The plan that appeared to meet the views of the stockholders generally was, that the price of sound cattle should be fixed by arbitration. If a herd was condemned, the arbitrators should say what the sound cattle were worth; then after the cattle had been slaughtered, and it had been ascertained how many were diseased, a low rate of payment should be fixed for the diseased beasts, whilst value according to the rate decided by the arbitrators should be given for the sound ones. I have already stated in evidence, that a short time previous to our herd being condemned we sold cattle in Melbourne at £3 or £3 10s. per head; and that when we started these cattle for the Melbourne market we were aware that the prices were low, but one reason for availing ourselves of it was, our knowing that our run would be placed in quarantine in the course of a few days, and that it was better to sell them at a less rate than to have them locked up in quarantine. This was a thing we had never done before, because we do not sell our fat cattle until the winter months, and not under £5 a head; nor should we have done it then but for this quarantine system. If we had kept on this year as we had done last, we should have got £5 a head easily this winter, because Mitchell's and Heriot's cattle brought that price readily in the Melbourne market.

1548. *By Mr. Hay*: As it happened, then, you were unfortunate in taking the resolution to kill the remainder of your herd? Yes.

1549. Because you would have received a higher price from them than you will get from the Government? Yes; but I have explained that we took that resolution because we did not know when the quarantine would be removed, and when we should be allowed to take cattle off it or to bring on it fresh cattle from the Mitta Mitta. The run is idle at present, but we are about stocking it again now, although we shall have no returns from it until after next winter.

1550. *By the Chairman*: Are you now putting cattle again on the Ten Mile Creek Station? Yes.

1551. Is it not adapted for sheep? I do not understand much about the nature of a good sheep country, for my attention has been chiefly given to cattle. I have seen them tried on the Upper Billabong, but they are subject to foot rot there.

1552. *By Mr. Hay*: It is not generally considered to be a good sheep country? It is not.

1553. However, it is a good cattle country? Yes.

1554. Cattle going from this Colony into Victoria have to be subjected to inspection? Yes.

1555. At particular places along the river at which it is customary to cross? Yes; but there is no place higher up than Albury at which they are examined. Cattle that are brought over from Victoria into New South Wales have also to be examined and to be subjected to inspection.

1556. *By the Chairman*: Did Mr. Smith, of Kyeamba, state, at the meeting you have referred to as having been held in December, that there was no disease on his run? Yes.

1557. *By Mr. Hay*: Did that gentleman take an active part in that meeting? Yes, I believe he proposed one or two of the resolutions.

1558. At the meeting held in December? Yes.

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1559. *By the Chairman*: Have you anything further to add? Only as regards our loss. We generally sell off the Ten Mile Creek Station, every winter, from 400 to 500 head of fat cattle, and of course this winter there have been none sold. All that have been taken off the run have been the 120 that were sold in the spring, and these would not have been sold until our usual time in the winter, if it had not been that we knew our run was to be placed in quarantine.
1560. You say the spring;—do you mean the spring of this year? No, the spring of 1861. We made a sale then of 120 head; and there were also some sixty head that we sold some few months previous to that, making 180 head. These, with ninety head that we sent to Braidwood, have been all the return we have had from the herd during this year; whereas the usual return, under ordinary circumstances, was about 500 head; and these were always ready for market when the prices were high.
1561. What amount have you received from the Government? Altogether?
1562. Yes? I really do not know the precise amount. I know that the total number destroyed was 1,198, for which we were to receive 30s. per head; and then there were some fifty odd under two years old. But besides the loss on the value of the herd, we have also lost our usual annual return from it for the next two years.
1563. *By Mr. Leary*: The return from the annual sale of fat stock? Yes.
1564. *By Mr. Hay*: How long would it have taken you, judging from the experience of former years, to have sold off all these cattle you put on the run, as fat cattle? We should have sold 500 head last winter, and the same number next winter, leaving a remainder of 200 head on hand. We generally put fresh cattle on the run in the autumn, tail them during the winter, and then these are saleable during the following winter.
1565. In the course of about eighteen months after being put on the run? Yes.
1566. *By the Chairman*: But out of that number you would have had a heavy decrease from deaths, supposing the herd had not been slaughtered? From the experience I have since had of the effects of pleuro-pneumonia, I am not inclined to think that the decrease from deaths would have been very heavy.
1567. But the decrease from deaths is greater in a herd of fat cattle than in a herd of store cattle? Yes, that I believe, if the cattle are kept on the run, and not at once sent to market.
1568. *By Mr. Hay*: However, I suppose that as you have taken the trouble of inoculating your herd, and the risk of loss thereby, you do not consider pleuro-pneumonia to be a thing altogether to be contemned? No; but on the other hand, it is not a thing to be so alarmed at as we were at first.
1569. But it looked very frightful and alarming in the first instance—was not that your impression from what you saw at M'Laurin's? Yes, it certainly looked very serious; but I do not think that if his herd had been left alone, the bulk of the herd would have been affected to any extent.
1570. *By Mr. Leary*: Was this period when the disease was raging so frightfully a very wet season? It was wet, but not unusually so. The spring months are generally wet months in that part.
1571. There are usually deaths on a cattle run in wet seasons? Yes, there are frequently deaths at all times; but just then people were in such a panic, that every death that occurred was at once put down to pleuro-pneumonia.
1572. *By Mr. Hay*: It is not usual to have many deaths in a herd of cattle kept for fattening purposes? No, the per centage of deaths is very small.
1573. The principal deaths on a run occur amongst old cattle, or amongst female cattle when calving? Yes; the greater part of the runs in that part of the country are used for breeding and for fattening purposes conjointly. There are very few that are kept for fattening purposes only. I believe that the Ten Mile Creek and Henty's Station are the only two that are kept as fattening runs solely—at least I know of no others. A herd on such a run as that must of course be much more valuable than an ordinary mixed herd; and that was the main reason why I objected to having a uniform rate of compensation fixed upon.

FRIDAY, 3 OCTOBER, 1862.

Present:—

MR. HAY, | MR. LEARY,
MR. MATE.

HUGH GORDON, ESQ., IN THE CHAIR.

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

- J. Pottie, Esq.
3 Oct., 1862.
1574. *By the Chairman*: You are a veterinary surgeon, I believe? I am.
1575. Did you receive an appointment from the Government to report upon pleuro-pneumonia? I did.
1576. When were you appointed? On the 26th or 27th November.
1577. Did you receive any instructions before you left Sydney? I received papers with my instructions on the day we started.
1578. What were your instructions? That I was to accompany the Commissioners—Messrs. Garland, Bruce, Day, and Meyer, and to examine the cattle pointed out by them, and to report on the condition of those cattle, and the condition of the disease. That was the amount of my instructions; I had no instructions to go further.

1579.

1579. No particular locality was mentioned? No, I do not think any particular locality was mentioned. J. Pottie, Esq.

1580. You were merely to accompany the Commissioners, and to report? Yes.

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1581. Will you describe what took place? We started—that is, Mr. Garland and I—for Ten Mile Creek. We stopped on the way at the station of Mr. Smith, of Kyeamba, and he said that Messrs. Bruce, Day, and Meyer, had been there examining his cattle, and had found the disease on his run. He showed me a lung, or part of a lung, and requested me to state whether I considered it diseased or not. It had been kept for some time—I am not prepared to say how long—and it was somewhat difficult to say in what state it was, for it had been mangled, not cut but mangled, and I think had been kept in salt. I looked at it, examined it, and said I did not consider that part of it diseased. I was afterwards informed by Mr. Day, that the part of the lung which Smith showed me was a lung taken from a healthy animal, which he himself had killed the day the Commissioners were there, so that the lung which the Commissioners examined previously to my arrival was not the lung shown me. The next morning we proceeded to Yarra Yarra—Mr. Garland, Mr. Bruce, and myself—there were also some other parties. I saw some hundred or perhaps more cattle yarded. I looked at them and said, “The disease is here,” and pointed out some of them that were diseased. They were in the act of killing these cattle, and I told them to kill two and take them out to me; I did not pick them out, but they took them as they came to hand. I examined them, and did not find any disease in these two cattle. Then I picked out twenty myself, and these were knocked down,—there were a hundred knocked down, but I picked out these twenty, and they were all diseased more or less. I was then taken to another yard nearer the house, and one cow was shown me that they said was diseased. She was killed, and I found her in the last stage of pleuro-pneumonia. That finished, I think, the day’s work. I made inquiries of others with respect to the herd—how long that herd had been on the station—and I found that part of it had been on the station for some time, and that part of it had been brought from Mitta Mitta, and I was informed that those cattle I now saw were the worst of the herd of cattle—what they call the scrubbers.

1582. When you say the worst, you do not mean the worst as regards disease? No, the worst cattle on the run. Of course a good deal of conversation took place as to getting the cattle in. He stated that he was not assisted by the squatters in bringing the cattle in, and that owing to that many of his cattle had strayed away to other runs.

1583. A complaint was made? Yes.

1584. By whom? By both the brothers, Messrs. James and Robert M’Laurin. I looked at the book which was kept by Gordon, the sub-inspector, in which was entered the number of cattle killed, the state of the lungs when examined, the number that were diseased, and the various stages in which they were found to be diseased. I stood beside the sub-inspector for some time, to see what sort of examination he made, and to judge of the conclusions he came to as to the state of the cattle, and I was satisfied that he was able to detect the disease in many of the stages. The next day we started from Ten Mile Creek, and went on to Purtell’s run. I was informed that some Yarra Yarra cattle had strayed on to this run, and we picked out some cattle and had them killed; I forget exactly the number, but all of these showed symptoms of the disease. These were cattle with Purtell’s brand, at least some of them had his brand. Then we went from Purtell’s to Mullengandra, that was the next run, Mr. Morrice’s, and we examined several cattle there. These cattle were not so bad with the disease, but they had symptoms of it, in what we call the first and second stages. Then we went to Hore’s, I think—I am not quite positive—but we took the runs in the regular line to Albury, Hore’s and Mitchell’s, and so on, and on all these runs we found the disease. Mr. Hore’s run was certainly freer from the disease than any of the others, neither did the lungs nor the cattle appear to be so bad as those upon other stations. We next visited Albury Common, and found the disease there. The slaughter-houses I next visited; I found no disease the first time, but I did the second.

1585. What slaughter-houses do you allude to? The slaughter-houses round Albury; I forget the names of the proprietors, but one of them belonged to Hore’s nephew. We found diseased cattle there; one of these cattle (I forget the brand) must have come from the salt-bush country—at least it was so settled by the Commissioners, who understood the country better than I did. We then started from Albury to Wagga Wagga, examining several runs in our way, and finding disease in all the runs we examined. At Wagga Wagga we examined the cattle in the pounds, and we found disease there also. I was unwell at Wagga Wagga, and could not go out for two or three days; but there were various places examined by the Commissioners, and the pieces of lung which they brought to me were diseased. Then we examined a run across the Murrumbidgee, Robey and Jones’; there was no disease on that run. We then went to White’s run, and we found disease there. I was informed that many of Mr. Bowler’s cattle had been purchased here and brought from this run; I was also informed that many of Mr. Bowler’s cattle had been seen making their way back to Mr. White’s run. We saw one animal at Crisp’s, but failed in shooting her. We then returned to Wagga Wagga, and I went back to Ten Mile Creek, and thence to Yarra Yarra again.

1586. About what time did you come back? About the latter end of December. They were still continuing to kill cattle, and I attended the killing yards for two days at that time, along with the sub-inspector, and found what I had found before—a great deal of disease. I started from Yarra Yarra yards with Inspector Bradley, for Mr. Bowler’s, intending to get in some wild cattle for the purpose of examining them, but we could not get them in, as we had no hands to assist us. I was then requested by the Commissioners to come on to Albury to draw up a final report, which I did. That was the last report I sent from that place. Two or three days after that, Mr. Garland and I were ordered by telegram to come on to Sydney.

J. Pottie, Esq. 1587. About what time was that? We started about the 4th of January, I think, to come to Sydney. I gave the substance of my report, a short rehearsal of it, to Mr. Robertson, described the state of the cattle, the state of the disease, and explained some points in my report.

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1588. Did you send a distinct report to the Secretary for Lands respecting pleuro-pneumonia? Yes, I did.

1589. Did that report contain a full account of the symptoms of the disease in all its stages? Yes, it contained what I call a full popular account. I did not think it necessary to enter into all the scientific detail.

1590. Did you, in that report, state where you visited, and in what state you found the cattle where you went? I sent several reports descriptive of the state of the disease at the various places I have here mentioned. The last report I sent in was especially devoted to a description of the disease itself. I have sent in some six or eight reports altogether.

1591. Have you them with you? No, they will no doubt be found in the office of the Secretary for Lands.

1592. Will you state what you have been doing since you came back from the part of the Colony of which you have been speaking? Since then I have been inspecting the County of Cumberland and part of Camden, and have found the disease in various localities. In all those localities I have found the disease brought there by working bullocks. All the working bullocks that have taken the disease have died. I have found these working bullocks with the disease travelling and dying up as far as Mudgee. That, of course, is from the testimony of the owners of those bullocks. I found that one party near Rooty Hill had a sale, and was disposing of diseased cattle; I immediately went and saw him, and told him he had better keep such cattle as were not taken away, on his farm; I also sent information to the various purchasers that the cattle they had purchased at Rooty Hill had been mixing with a diseased mob, and that fifteen of that mob had died. I have given information to various bullock owners on the road, and also to those who have called upon me, with respect to the symptoms of the disease and the best steps to take for the benefit of themselves and the country. In all cases I have advised them to kill the animals that are bad, and to inoculate all the other cattle that have any chance of coming in contact with a diseased mob. The results of inoculation, in such cases as I have had opportunity of closely observing, have been satisfactory; that is to say, only a few cattle have died from the effect of the disease since inoculation—that is, from the natural disease. Some have died from inoculation; that I call the artificial disease—the other I call the natural. I have also made it a point to inspect the various teams which enter Sydney, and have given parties on the Parramatta Road instructions to give me the earliest notice of any diseased bullocks they may see on that road.

1593. *By Mr. Leary:* Are you now acting as inspector? As inspector for the County of Cumberland.

1594. *By the Chairman:* Have you anything further to add to your statement? There are certain recommendations made in the reports I have handed in to the Secretary for Lands. I cannot recollect all the recommendations, but the principal one is that contained in the last report—to have all working bullocks inoculated.

1595. Are you a duly qualified veterinary surgeon? Yes.

1596. Where did you study? In Edinburgh.

1597. Had you any experience in pleuro-pneumonia among cattle there? Yes, a very great deal among dairy stock, in the farms about. In fact it was very virulent while I was there.

1598. In what year was that? I have had experience of it in the years 1855, 6, 7, and 8. I also saw something of it in 1859.

1599. Were the symptoms in the cattle there similar to those which have exhibited themselves in the cattle here? The external symptoms are very much alike, that is to say, such of the symptoms as can be noticed in the bush cattle here are the same as those seen in dairy stock; but among dairy stock generally the digestive organs are early deranged, and from the *post mortem* examinations of the digestive organs of bush cattle it does not appear that there is such derangement.

1600. Did the disease show itself in a more virulent form in Scotland than it appears to have done, so far as it is known, in this Colony? It has been more virulent among dairy stock at home.

1601. And cattle in general? Yes, I believe it has been more virulent, more fatal among dairy stock at home than it has been among bush cattle here; such as I have seen.

1602. Do you consider it either infectious or contagious? My opinion is that it is both infectious and contagious.

1603. How do you suppose the disease was propagated in the first instance? I believe it may be propagated by the air—the diseased animal contaminating the air. This may take place in a variety of ways. The air may be contaminated by the breath, or by the discharge from the nose or mouth dropping and becoming dry, like dust floating in the air, becoming, in fact, part of the air. In this way it may be communicated through the air. I believe, from observations made upon dairy stock, which can be more easily noticed than bush cattle, that they are extremely liable to be affected through the organ of smell, and I believe this disease is communicated to a great extent through that organ. Then I believe it is contagious, and this, I think, is proved by the fact, that by inoculation we can produce an artificial disease by means of virus taken from a diseased animal. We cannot, so far as our experiments have been made, produce lung disease by inoculating another part of the animal, but we can produce a disease similar in its character, in another part of the animal, to that which we find produced naturally in the lungs.

1604. After the disease attacks an animal, is the period of incubation long or short, in your opinion? There are a great many cases which I have seen, which go to prove that between the

the period of incubation and the first visible symptom to the eye, there may be a long J. Pottis, Esq. period—perhaps months. The cow which came from England to Mr. Boadle's farm, at Victoria, did not show symptoms of disease for six weeks after she was landed, and she was, 3 Oct., 1862. I suppose, three or four months on her voyage.

1605. Were there any other cattle on board the ship besides herself? Of that I am not positive. There was nothing of that mentioned at the first meeting, for I was at the first meeting at Melbourne. I have seen other cases at Home which would confirm that idea. I may mention one which, I think, is a clear case; it is the case of a cow belonging to my father, who was a veterinary surgeon. He was attending some cattle affected by the disease on a farm three miles off. This was the first appearance of the disease in the west of Scotland; and the disease on this farm was attributed by him and by other veterinary surgeons who visited the place, to have taken its origin from some hides which were imported from the Continent, and passed up the canal which ran through the paddock where the cattle were grazing.

1606. What part of the Continent did they come from? I think from Holland. The next animal that was seized was my father's cow, which was three miles distant from the place where the disease first appeared, and there was no way of communicating the virus but through him. I am not prepared to state the length of time, but I know it was a considerable period before our cow showed external symptoms of the disease. It would be difficult to state the period between the incubation and the appearance of the first symptoms. In the artificial disease it is generally a question of only five or six days; but when the virus is taken in by the breath in small quantities, and enters into the blood, as it is believed to do, and is then deposited in the lungs, which is the natural process, it is of long duration in many cases. Of course, in all cases the duration is not the same—it would depend upon certain circumstances; but there are numerous cases on record to prove that a period of long duration often elapses between a diseased animal being introduced into a herd, and the first appearance of disease in that healthy herd.

1607. Has the first symptom of the disease been ascertained? The first external symptom noticed in dairy stock, among milkers, is the giving of less milk.

1608. But among store cattle, or fat cattle, what, in your opinion, is the first symptom? The swollen eye is generally recognized as the first symptom—as a single symptom.

1609. How long, in ordinary cases, would it be before the next or second symptom would appear? The second we recognize is the dull, heavy, languid appearance, and an effusion of purulent matter from the nose, with heaving sides, arched back, and staring coat.

1610. Do you think the second symptoms would be sufficiently marked to enable any stockholder to know that a beast was attacked by some virulent disease? Yes, I think they would.

1611. How long, from the time of contracting the disease, would it be before these second symptoms would make their appearance in ordinary cases? I may say it has never been positively settled, and there is difficulty in settling the question positively; but the cases I have given, and others which you will find mentioned by writers on the subject, go to show that, if the animal be under favourable circumstances—that is to say, if the animal keeps on feeding—the secondary symptoms may be a month or two before they make their appearance.

1612. What is the first *post mortem* symptom of the disease? The first *post mortem* symptom of the disease is, that part of the lung appears like a bladder; you press on it and it will not collapse, and you see here and there little red fleshy patches. These patches may be distinguished from congestion by the fact that the blood in congestion may be squeezed out of the congested part, but you cannot by the same means squeeze the red colour from this fleshy diseased part.

1613. Would this appearance present itself in a sound beast? No, it would not—you would have something near it; but you observe the test I have stated, you may press out the blood in cases of congestion but you cannot in cases of pleuro-pneumonia.

1614. Might not a somewhat similar appearance be presented in the case of a beast being driven or run hard? No; congestion might be produced in the case of a beast hard driven, but the distinction will be as I have stated.

1615. Would there be any difficulty in an inexperienced person coming to a proper conclusion—will there not be a similarity of symptoms in the case of a diseased beast and of a beast run hard? If a person merely looked at it he would be deceived, but if he took the lung in his hand and tried to squeeze it, the blood would flow out of the lung that was congested, but it would not flow from the diseased lung.

1616. How long, in ordinary cases, would it be before the secondary symptoms would make their appearance internally—how long a time has elapsed between the first and second periods in cases that have proved fatal? It is difficult to fix the time; the question is something tantamount to the question put before. If the animal were placed under favourable circumstances it would take a long time, if under unfavourable circumstances, it would not be long; that is to say, in one case it would be a question of months, in the other it would be a question of weeks.

1617. *By Mr. Leary:* Do you mean, by unfavourable circumstances, cattle running out on a station? Yes. Suppose it is the winter time the animal has the disease, feed is bare, the weather is cold, it takes an animal of good health and strength to withstand the season; but if an animal is allowed, when under disease, to live as it used to live, I would look upon those circumstances as unfavourable.

1618. Favourable circumstances, I presume, are when the animal is put in a stable and has good feed? When put under shelter and taken care of.

1619. *By the Chairman:* How long, under ordinary and favourable circumstances, is it before hepatization sets in on the lungs, in the case of a beast affected by pleuro-pneumonia? Hepatization may take place in two, three, four, or it may be five months.

- J. Pottie, Esq. 1620. You sent in a report on the cattle killed at Yarra Yarra? Yes.
- 3 Oct., 1862. 1621. You said they were all more or less affected by pleuro-pneumonia? Yes.
1622. You have stated that you took about twenty out of the yard and examined them? Yes.
1623. How many were there in the yard? I should say about 100; and in the other adjacent yards from 200 to 300.
1624. You suppose they were all more or less diseased? Yes.
1625. I think you stated that two were killed that were not diseased—that showed no symptoms? Yes, they were the first two that were taken.
1626. Do you not think it extraordinary that these two should not be affected, being among a number of others that were all diseased? These two were bad with tuberculosis, or tubercles of the lungs.
1627. What is the ordinary name of that disease? I think it is called rot of the lungs.
1628. Have you ever seen that disease in this country? Yes, in the slaughter-houses.
1629. Is there any similarity between that disease and pleuro-pneumonia? No, I have never seen any similarity.
1630. Would an inexperienced person be likely to mistake one disease for the other? If he had never seen the two diseases he would be apt to confound the suppurative stage of pleuro-pneumonia, which is a stage that pleuro-pneumonia seldom runs into, with tuberculosis. This is the only stage in which the one disease could be confounded with the other.
1631. I think you said that you saw Sub-inspector Gordon taking account of the cattle that were destroyed? Yes.
1632. Did he take an account of all the cattle that were destroyed at Yarra Yarra during the whole time? While I was there he stood at the gateway where the dead cattle were taken out, and none were opened without his orders; he noted down the age of the cattle, the brand, and the appearance of the lungs.
1633. Did you see these cattle and hear his report? I was standing beside him, and saw what he wrote down.
1634. Do you think he was able to give a correct opinion? He was when I was there.
1635. There was another inspector, named Bradley? Yes.
1636. Did you see anything of him? I was with him two or three days; he was along with me at Yarra Yarra, looking at the cattle; he opened one or two, showed me the lungs, and told me to what stage they had advanced in the disease. I had various conversations with him upon the subject, and I considered him to be, at any rate, as well versed as Mr. Gordon in the disease.
1637. You do not think either one or the other could make a mistake about the disease? Not when I saw them.
1638. When you say, not when you saw them, do you think there was any difficulty previous to this? There might be a difficulty—that is to say, if they had commenced to take the state of the cattle previously to having seen any disease; but Bradley, I believe, was the man who first killed at Yarra Yarra, before the Government interfered at all—at least, he told me so. He said they had killed 200 head of cattle on Yarra Yarra previous to the Government interfering in any way. I think having seen those 200 he must have had a knowledge of the disease.
1639. Do you know, of your own knowledge, whether Mr. Bruce is acquainted with the disease? I never saw Mr. Bruce till I went there, and certainly, from the report he sent down —
1640. I am speaking of your own knowledge? He picked out a great many cattle for me; they were shot down and opened, and I found the whole of them diseased.
1641. Had you any opportunities of knowing whether Messrs. Day, Meyer, and Bruce were anyway acquainted with the pleuro-pneumonia? Yes; when I went there I found that they had killed and examined some cattle, and afterwards they picked out cattle for me from the various mobs which were shot down, and they were right in all cases.
1642. Your opinion is, that these gentlemen's reports are to be relied upon, as far as the appearance of the disease in *post mortem* examinations is concerned? Decidedly.
1643. What is your opinion of inoculation as a preventive—do you think it is effective? Yes.
1644. Both as a preventive and curative? Yes; but used as a curative, if the cases are bad, inoculation must be performed severely, and in vital parts.
1645. I think you said you recommended the destruction of cattle that were badly attacked by pleuro-pneumonia, in preference to inoculation? All cattle that I considered irrecoverably bad; of course the way to know that, is to auscultate them, by applying the ear to the chest; you then know the state of the lungs. In the worst stage I would destroy and burn them.
1646. How many have you operated upon? I have operated upon seventy-seven that I can speak positively upon; these I have seen several times.
1647. Do you know the result in those cases? Yes; the result has been two deaths or three, I will not say positively. We inoculated the greater number in the tail; we made a slit in the tail, put in a small piece of diseased lung, and rolled a worsted thread about it. In the course of five days the majority of these showed febrile symptoms—saliva flowing from the mouth, dull, hanging head, and so on. In the course of four days the tail was perceptibly swollen; this swelling would sometimes continue in the majority of cases till the seventeenth day, and, in those that went on favourably, after that time the swelling would begin to abate. Those that did not get on favourably would be longer, some would be six weeks or two months before they got better. In the latter cases the tail was more swollen, and the swelling extended up the tail. Others we inoculated in the fore-arm; we took a piece of tow, and saturated it in the matter obtained from the diseased lung.

1648. In what part did you insert it? In the muscle of the fore-arm, in the anterior part; I inserted the tow deep in the muscle. I had a conversation with Mr. McLaurin about this mode of inoculation, and he told me the result in the case of some cattle he had experimented upon; and I reasoned in my own mind that the tail was not the most suitable place, for there was no muscle to form a suppurating cyst, so as to throw off any excess of virus, or any quantity of deleterious matter that might collect there—that part of the tail, near the point, being composed principally of skin, blood-vessels, nerves, and bones. The lung was put into a dish, and squeezed from above until the fluid was obtained from it; into this the tow was dipped, and the tow was then inserted deep into the muscle. All those cases where inoculation was performed in the fore-arm went on favourably; the wound suppurated, and cast off the tow and the excess of virus, and ended favourably. Those that were inoculated in the tail were weak in the lumbar region, and had to be assisted to rise; none that were inoculated in the forearm suffered in that way. In three of those cases that were inoculated in the tail, the tail swelled, and the swelling extended up the tail to the buttock, and as far forward as the hip joint; and the tail became stiff, and stood out horizontally. In two instances, the rectum was closed up, and the urethra stopped, and no urine or fæces passed. One of these I killed, and I have a piece of the lung here with me. I attribute the rising of the inoculation up the tail to the want of a healthy suppurating cyst, because inoculation proves this to be a disease of the aureolar tissue of the body; and it is a law, with respect to this tissue, that suppuration never takes place in it unless there is great exposure to the air. Unless the air gets into the part, induration follows, and the cells being stored with lymph and cellular fluid, these become indurated as hard as this table, and very thick.

1649. You would prefer inoculating the fore-arm to the tail? Yes; Mr. Richard Cox, who assisted me principally in the inoculation of some cattle which belonged to one of these farmers, said that any cattle he might inoculate in future he would inoculate in that way.

1650. Were the cattle all wild that you inoculated in the tail? No, they were principally dairy stock.

1651. You had an opportunity of inoculating them without injuring the bones of the tail? Yes, they were all quiet cattle, and were inoculated with great care. One reason why I used the pledget of tow was, to ascertain if it was possible to inoculate with an instrument which Mr. Francis invented, and showed to me. According to the old plan, one or two men could hardly do more than 200 a day, but with this instrument one man could inoculate 1,000 a day.

1652. Is this Mr. Francis of the wharf? Yes, he is employed at Messrs. Manning's wharf. He showed the instrument to Mr. Robertson, Mr. Cowper, and Mr. Weekes, and they advised him to patent it, and he placed it in my hands.

1653. *By Mr. Leary:* You experimented with this instrument? No; I had first to sign a paper to the effect that I would show it to no one, but I tried it on some hides; it is very simple.

1654. *By the Chairman:* Is it necessary that inoculation should be severe to be effective? It is necessary to be severe to be effective, so that that effect may last for some time. It is found, in experimenting both upon the human subject and upon cattle, that unless the inoculation takes well, it does not last long, and they will be likely to take the disease again.

1655. I think you said if it were slight it would be necessary that the same cattle should be inoculated two or three times? If the cattle were bad with the disease, to use inoculation as a curative it would be necessary, where disease had set in violently into the animal's system, to inoculate violently, and to inoculate in several places, and in vital parts where there was plenty of muscle.

1656. Do you not suppose that the fever that would be caused by inoculation would kill the cattle, if it were so violently performed as you describe? No; if you have one great fever, and create another great fever, the one fever kills the other. You find that demonstrated in the use of medicines upon the human subject. For instance, there is a well authenticated case that occurred in a lying-in hospital, and which was published in the *Lancet* by Professor Simms, of Edinburgh, where a patient who was subject to fits had chloroform applied every twenty minutes, and consumed a pint in the course of a night with beneficial results, while a few drops would have destroyed life in a healthy subject.

1657. Do you mean to say that this quantity of chloroform was taken internally? No, it was put on a handkerchief and inhaled.

1658. *By Mr. Hay:* The operation of inoculation as a curative depends, I suppose, upon its influence in relieving the most vital parts from the disease, determining the disease to those portions of the body where the inoculation takes place? Yes.

1659. There is a certain portion in the system which must be relieved somehow? Yes; and it is a law in the animal economy that two diseases cannot co-exist. Thus, where there is inflammation internally, blisters are applied to produce an external inflammation, which is a disease we can manage. Just so in the case of inoculation, the outer disease kills the internal one, and we can manage the external one.

1660. In effect, you relieve the body by this external suppuration? Yes. I have not seen in the papers published by the Belgian or French Commission anything with reference to inoculation in the fore-arm, because it is generally practised in the tail on the Continent, and also in London; but the experiments I have made have been favourable; but they will require to be further tested.

1661. Near the point of the shoulder has the advantage of supplying plenty of muscle for the purposes you have described, and forms also a good depending sore? Yes, and it is not put into motion as the tail is; it is not aggravated by motion, or by the same sort of motion.

- J. Pottic, Esq. 1662. One operation would, I suppose, be sufficient as a preventive in most cases? In most cases it would be sufficient, when the virus was good. The plan I have adopted is this :
 3 Oct., 1862. Having soaked the tow, to dry it in the sun preserves the virus, and you may use the tow as you use vaccine matter, on the point of a lancet. By inserting this tow through the cellular tissue of the muscle, you are certain of inoculation. The principle is the same as that which operates in the case of the human subject.
1663. This virus does not appear to affect the human subject? No, it does not affect the human subject, taken internally, but it will affect the human subject if applied to any cut or wound, as diseased matter of any sort will do; it will poison the place, and of course if the poison is very virulent it may cause inflammatory fever; but generally it will burst and go off.
1664. Its operation in the human subject is simply like that of any other putrid animal matter? It has just the same result.
1665. It does not produce any disease analogous to pleuro-pneumonia? No, it has never been noticed.
1666. There is not much danger in handling this diseased lung? I have never found any danger in handling it, and have never known of any cases, where people were careful.
1667. Does the disease affect the quality of the meat? It affects the quality of the meat after the second stage. I do not think, with fat cattle, the quality of the meat is affected until after what you recognize as the second stage. I was never so forcibly convinced on this point as when at Albury, because many of the cattle which were killed there were rolling fat, and yet they were in the second stage of the disease. These cattle, of course, had been fat when they were attacked by the disease; they were under the most favourable circumstances all along—had had plenty of feed, plenty of water, good weather, and had not been disturbed. Poor cattle are much more seriously affected by the disease, for there is a drain on the system, that is to say, if the digestive organs are affected, and the animal is not feeding, or is suffering from diarrhœa. The only thing perceptible in the flesh is the loss of iron—the flesh loses its red hue, and when you eat it, it has less tonic power, is less easy of digestion, and, as a matter of course, does less good in the way of nourishment; but as to its poisonous effects, that has never been demonstrated; on the contrary, it has been given to pigs and to dogs without any injurious results.
1668. You have said you consider pleuro-pneumonia to be contagious or infectious, or both—at what stages of the disease do you consider it to be so, or most so? I consider it may be communicated whenever the internal destruction of the lung has advanced so far that the breath may be contaminated. The reason why I say so is, because you sometimes find a deposit has taken place in the aureolar cells of the lungs, but as these have no communication with the air while confined there, it is impossible there can be any infection from it; but when these cells are broken up, the deleterious matter escapes and contaminates the breath.
1669. At what stage does this breaking up generally occur? About the latter part of the first, and at the entrance on the second stage.
1670. I suppose it will depend generally upon the peculiar state of the body or constitution of the animal, whether it is likely to be affected or not; all animals, I presume, are not equally susceptible to the disease? There is a law, whereby certain animals come in contact with those affected by disease, yet do not take it.
1671. As to inoculation, does the effect follow in all cases;—does the animal, after inoculation, always exhibit symptoms of the disease in a modified form? In all cases that I have seen where the inoculating matter was introduced, the effects followed, in some more, in some less, and in some very slightly. I attributed these differences to various causes, but chiefly to the strength of constitution of the animal. Not one, however, entirely escaped—all showed less or more of the symptoms—and pieces of lung were put in, in every case, of nearly the same size.
1672. In some cases the symptoms would be very severe, in others only slight? Yes.
1673. And probably those animals affected so slightly by inoculation would not, in ordinary cases, have been affected by the infection at all? I consider that those which had only slight symptoms of the artificial disease, would not have had power in the system to withstand the contagious or infectious nature of any animal having the disease coming in contact with them. Of course it would be impossible to mention a time, but I do not think they could hold the power long.
1674. I suppose, during the short time you have had opportunities of observing the disease here, you have been able to obtain greater experience than one who had been for a much longer period in the practice of his profession at home? Yes, having had an opportunity of seeing so many killed in one herd at the same time—some hundreds. I had never seen so many cattle affected by the disease opened before.
1675. To a professional man it was a glorious opportunity of studying the subject? Yes, I think such an opportunity never occurred before.
1676. *By Mr. Leary*: What course of treatment was generally pursued in Edinburgh with reference to diseased cattle? Those cases that I attended we were treating experimentally, that is to say, we were trying what could be done—in what way the best cure could be effected —
1677. You misunderstand my question—I ask what course of treatment was pursued with reference to those cattle you had knowledge of that had the disease? Parties were advised to separate all animals that had the disease; they were put by themselves, and were fed in small quantities at a time with nourishing food; they were kept as warm as possible in the body, and were allowed to breathe the fresh air. Their medicinal treatment consisted principally in administering tonics, in keeping up the tone of the system, and in the application of boiling water to the sides opposite the lungs, and in the use of aconite daily.

1678. Used you to kill any of the cattle that were diseased? Yes, many of the cattle were killed. In the early stages of the disease we advised the owners to keep them in good condition and to sell them to the butchers; and the students then followed them to the slaughter-houses, examined them, and reported the result to the professors. J. Pottie, Esq.
3 Oct., 1862.
1679. Did you ever know cattle that were diseased to recover, without the application of any treatment—leaving them to nature? No, I never knew any.
1680. Did you make any personal examination of Mr. Bowler's cattle? No, I did not see any of Mr. Bowler's cattle.
1681. The information you gave about Mr. Bowler's cattle you derived merely from hearsay? I did not examine any of Mr. Bowler's cattle on his run. I think my report says we examined one at Wagga Wagga. I am not positive whether I examined any more.
1682. Do you think lung disease, arising from inflammation or rot, might, in the first stages, be easily mistaken by anyone other than a veterinary surgeon, or an experienced person, for pleuro-pneumonia? I have said there would be a possibility, merely looking at the thing, because congestion produces a similar appearance in the lungs.
1683. From your knowledge of the disease, as it has come under your observation in the Murrumbidgee district, would you have recommended the wholesale destruction of herds of cattle? I would not, after having discovered that the disease existed in various runs; but if I had found the disease on only one run, and was certain that it was not anywhere but on this run, I would most unhesitatingly have recommended, for the benefit of the country, that all these cattle should be killed; but if I had known that the disease was on other runs, or that there was a probability of the disease being on other runs, certainly I would not, because then there would be no limit to the destruction.
1684. You have stated that you found the disease existing in a very large area of country? Yes.
1685. Were there a great many deaths? No. I think I stated in one of my reports that there were very few deaths. I said I did not expect many deaths among the cattle in that part of the country, because of the features of the country and the strength of the digestive organs of the cattle.
1686. Could you form any opinion of the per centage of deaths among diseased herds if they were left alone? That would be rather difficult, for this reason—that at home, in some years, you find the disease very fatal—very few cattle are spared among dairy stock; while in others only a small proportion die. No man understands why this is so, but this is the fact. It would be almost impossible for me to name a per centage, as in some years it appears to be lying dormant, while in other years it breaks out and commits great ravages.
1687. *By Mr. Hay:* It is very eccentric? It is.
1688. *By Mr. Leary:* Have you seen any beasts that were bad with disease that got fat after it without being inoculated? No; we always treated them in some way or other. I have seen them improve after inoculation.
1689. Have you not seen any without being inoculated? No; all bullocks about here have died where the parties took no steps.
1690. Are you aware whether it is a generally acknowledged matter in the scientific world, what the origin of this disease is? It is stated by competent authorities that this is a disease belonging to the eastern part of the world—a disease that has existed there from time immemorial; its origin they trace to what they call the steppes of Asia, whence cholera and many of these diseases have swept across the world; and writers on the subject show that it is by commerce that this disease was transmitted from its native soil to various parts of the Continent, and from the Continent to England, Scotland, and Ireland.
1691. Is it known whether it arose from damp weather or any other cause? Do you mean is it possible to produce the disease spontaneously? The spontaneous production of disease is denied by the majority of writers, but it is taught by many able men, that as in the case of cholera and other epidemics, that it arises from animalculæ, which are produced in vast numbers in the earth, the air, and the water.
1692. Is it generally acknowledged by veterinary surgeons in Scotland, who have a knowledge of the disease, that it is infectious? Yes, it is acknowledged by a good many of the London school. Professor Simmons held that it was a disease of a dropsical nature, and he taught certain notions with respect to it; then again, Professor Dick, who belonged to what was called the Scottish school, of course wrote for the purpose of contradicting him; but the most honest writer was Professor Barlow; none of his works have been published. He made most careful microscopic investigations, and shows conclusively that it is of a contagious nature. Dick does not deny the contagious but the infectious nature of the disease.
1693. *By Mr. Hay:* Where was Barlow professor? Under Dick.
1694. Have any of his papers been published in any scientific periodical? His papers have been read before the Agricultural Society of Scotland.
1695. I should think inoculation itself proved the contagious nature of the disease? Yes.
1696. The only point fairly open to question is whether it is infectious? That is the only point that is not clearly demonstrated.

WEDNESDAY, 8 OCTOBER, 1862.

Present :—

MR. HAY,
MR. MATE,MR. RAPER,
MR. LEARY.

HUGH GORDON, Esq., IN THE CHAIR.

Alexander Bruce, Esq., called in and further examined :—

- A. Bruce, Esq.
8 Oct., 1862.
1697. *By the Chairman*: You wish to hand in some papers? Yes, further reports from the Commissioners.
1698. To complete those documents? Yes. (*Handed in and read. Vide Separate Appendices 35, 36, 38, 40, 41, 42.*) I wish also to hand in this letter from the Colonial Office at the Cape of Good Hope, enclosing the regulations in force there with respect to pleuro-pneumonia. (*Handed in and read. Vide Separate Appendix 49.*) As it has been stated to the Committee that Mr. Smith, of Kyeamba, said there was no disease on his run, at a meeting held at Ten Mile Creek some time in December, I wish to hand in a return made by him of the cattle he destroyed, in which he states that two of them, destroyed in November, were rotten with disease. (*Handed in. Vide Separate Appendix 50.*)
1699. *By Mr. Mate*: Does he say what disease? No.
1700. *By the Chairman*: Has any case of pleuro-pneumonia come under your observation in any other country besides New South Wales? No.
1701. You have never seen it in any other country? No.
1702. Do you know anything about the disease called rot, fluke in the liver, in this country? Yes.
1703. You have seen cases of this disease? Frequently.
1704. Does it resemble pleuro-pneumonia so nearly as to make it possible to confound one with the other? Not if the person had seen both diseases. In the case of rot the liver is always affected.
1705. That is not the case with pleuro-pneumonia? No, very seldom.
1706. Do you think cattle suffering from rot would be more likely to be predisposed to pleuro-pneumonia? I would say they would.
1707. Are you aware that Mr. Green's cattle, which were being collected, and were stopped, were sold to Mr. Macartney, of Oxley? I was not aware.
1708. Will you explain on what grounds you prevented the collection of these cattle? I stopped them because they had collected the mob in which we had killed a diseased beast belonging to Mr. Purtell a few days before.
1709. About what date was this? About the 14th or 15th of October.
1710. Do you think the existence of this disease in a herd would be likely to reduce the number of fat cattle in that herd? I think it would considerably.
1711. Mr. Greene stated that neither when his run was placed in quarantine, nor for some considerable time afterwards, was any disease found on his run—was that the case? This beast of Purtell's that was killed was amongst his cattle—the one I referred to in reply to the former question. It was, properly speaking, a mob of his cattle that this beast was killed among.
1712. Were there any other diseased beasts among his cattle? There were beasts said to be diseased; I did not see them, but there were said to be diseased beasts killed upon his run at the end of August.
1713. Who said they were diseased? Mr. M'Laurin and Mr. Cox. I could not say he allowed it himself, but he went with Mr. Cox and Mr. M'Laurin to see Mr. Mate, who had communicated with the Government about the disease.
1714. Are you aware whether these parties saw the cattle? I am aware that Mr. Cox and Mr. M'Laurin saw the cattle killed.
1715. *By Mr. Hay*: And Mr. Greene? Mr. Greene was there himself. They killed about fourteen or fifteen head.
1716. *By the Chairman*: Are you aware whether any died previous to these fourteen being killed? I am not aware; I heard that a few died; in fact I saw some in a dying state.
1717. Do you suppose that the fact of some having died previously was the reason of these fourteen being slaughtered? I believe those cattle looked as if they would die that they killed. I may also mention, that on the 22nd and 23rd of November, or perhaps a day or two previously, Mr. Day and I, while Mr. Greene was present, killed a beast on his run, in which one-half of the lung was hepatized—that is, it was in the third or last stage of the disease.
1718. You would say, I suppose, that this beast was suffering from pleuro-pneumonia? It was suffering, and must have been suffering from it for some time before.
1719. With reference to the dairy;—do you think it would be prudent for the owner of a station to keep on a dairy of cattle in a diseased state? No.
1720. Why not? Because, in the first place, the cows are brought from all parts of the run, and if they did catch the disease, they would be certain to spread it all over the run when turned out. In the next place, herding and tailing the cows, and yarding them, would, in my opinion, predispose them to the disease.
1721. Do you think it would pay the owner better to stop dairying than to continue it under such circumstances? I think it would be more prudent to stop.
1722. Was Mr. Pottie with you when nine head of cattle belonging to Mr. Purtell were killed for inspection? He was present when, I believe, only two were killed.

1723.

1723. What was his opinion about those cattle? His opinion was that they were affected with pleuro-pneumonia. A. Bruce, Esq.
1724. How many of the cattle died from the disease, do you know? To my own knowledge about thirty head had died within a radius of four miles of Ten Mile Creek, previous to the time he commenced to inoculate. 8 Oct., 1862.
1725. When did he commence to inoculate? In the month of May last.
1726. Are you aware whether many of those that were inoculated were diseased? A good many of them showed decided symptoms of being diseased. He inoculated over 300 head.
1727. What was your reason for stopping Mr. Ryall's cattle? Mr. Ryall has got but a small run, adjoining the Yarra Yarra Run, a narrow run; the boundary is a creek, and the cattle camp, as it were, indiscriminately on both sides of the creek. Mr. Ryall's cattle frequently mix with the Yarra Yarra cattle, and not only feed on the ground, but camp on the Yarra Yarra side of the creek. His cattle also mix with those of his brother-in-law, Mr. Williams, whose run was also under quarantine at the time; and it was on account of the cattle mixing with the cattle on the two runs under quarantine, that I stopped Mr. Ryall from taking his cattle away. He could not take cattle away without taking many of them off the two infected runs.
1728. When did you stop the cattle? About the 11th November.
1729. Did you give him any notice when he might take his cattle away? Yes, about the 5th December.
1730. That would have placed his run under interdict for twenty-three or twenty-four days? Twenty-four days.
1731. Are you aware how many fat cattle were sold after the interdict was taken off? I understood that he had sold seventy head of cattle when I stopped them.
1732. On what grounds did you stop Mr. Bardwell's cattle? On account of two diseased working bullocks, which were in the habit of running amongst Mr. Bardwell's cattle, being killed; and also on account of diseased cattle from Yarra Yarra having been seen that day on Mr. Bardwell's run.
1733. Are you aware whether or not his cattle were sold before he began to collect them? I am aware they were sold; but I am not certain whether he meant to deliver them to the party to whom they were sold or not.
1734. At what time was the interdict placed on Mr. Bardwell's cattle by you? On the 1st of November.
1735. When was the interdict removed? On the 5th of December.
1736. Did you give intimation to the different parties when the interdict was removed? I did; I wrote circulars to all who wished to take away their cattle.
1737. Do you know if any of Mr. Bardwell's cattle died, during last winter, of pleuro-pneumonia? Yes.
1738. How many do you suppose? About forty head, to my own knowledge.
1739. With reference to Messrs. M'Laurin's cattle;—at the time you began to kill every mob of cattle in which a diseased beast was found at Yarra Yarra, did they ever protest against your doing so, at the prices offered by the Government? No.
1740. Had you any conversation with them on the subject? I cannot say I recollect having conversation with them directly on that question.
1741. Was it your impression that they were satisfied, or dissatisfied, with the prices? My impression was that they were satisfied.
1742. Do you know whether any cattle on runs adjoining Yarra Yarra Run died on the border during last winter? Yes, I heard of a good many cattle dying on the borders of the Yarra Yarra Run this last winter; I could not say a great many; I heard of as many as thirty or forty head of cattle dying during the winter on one border.
1743. What would, in your opinion, be the per centage of deaths in a herd diseased like the Yarra Yarra herd, during twelve months? Supposing the cattle had not been inoculated?
1744. That the disease was still among them, and that the cattle had not been inoculated—that inoculation was neither a cure nor a preventive? I think there would have been at least 800 head out of the Yarra Yarra herd.
1745. Out of how many? 6,000.
1746. And what would be the shortcoming in the ordinary number of fat cattle in such a herd, under the same circumstances—the difference in the number of those that would have been fat had they been sound, and those that would have been fat with disease among them? I should say from a third to a half.
1747. What would be the depreciation in the value of the remainder of the herd if they had been sold under similar circumstances? They would be depreciated forty per cent. in value if inoculation was not a cure or a preventive, and the cattle were diseased as the Yarra Yarra herd were.
1748. How many cattle of the Yarra Yarra herd were destroyed previous to the 8th November? About 1,400 head.
1749. How many were destroyed up to the 23rd November? About 4,000 head up to the 22nd November.
1750. I think you stated, in a letter of the 30th November, that 5,000 head had been already destroyed? I believe so.
1751. Did you send a telegram to the Secretary for Lands, dated 21st November, saying that you believed that 40,000 head of cattle were diseased, and requesting to be informed whether the destruction of cattle at Yarra Yarra and Mr. Bowler's station should be continued? Yes.
1752. On the 23rd November did you receive a telegram from the Secretary for Lands, that only diseased cattle should be destroyed? Diseased, or suppose to be diseased.

A. Bruce, Esq. 1753. On the 26th you received a telegram repeating the former message that diseased cattle only were meant to be destroyed, not those appearing healthy, although found with diseased cattle? I believe so. (*Witness referred to telegrams.*) On the 23rd November I received a telegram to this effect:—"You are instructed only to destroy cattle diseased or supposed to be diseased." On the 26th—"You will proceed with the destruction of cattle diseased, or supposed to be diseased, until further instructions."

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1754. That is all you find there? There is no qualification.

1755. No qualification about those appearing healthy, although found with diseased cattle? No.

1756. Did you continue to destroy the cattle at Yarra Yarra after this telegram? Yes.

1757. Was it not contrary to your instructions? No. The cattle on further inspection appeared to be almost all diseased. My reasons are given here, in a telegram of the 28th:—

"As you could not be aware, from our telegrams, that the killing of all cattle diseased, or supposed to be diseased, might destroy some 8,000 or 10,000 head, my only action up to this time has been, pending inquiry by the Commissioners, to place the country known to be infected under temporary interdict, and to continue the destruction of Messrs. M'Laurin's and Bowler's cattle, as almost all diseased and very liable to stray, and of stragglers from infected runs."

1758. When did the slaughter of the Yarra Yarra herd terminate? On the 18th January.

1759. Then a small number only could have been killed between the 30th November and the 16th of January? Latterly they were attempting to get in their wild cattle, and of course they could only get in a few in a day.

1760. Were they all slaughtered on the Yarra Yarra Run then? All but some scrubbers that it was almost impossible to get in, and some cattle that were left for meat for the station, and milkers.

1761. How many cattle were destroyed at Mr. Bowler's station up to the 23rd November? There were about 300 head of Mr. Bowler's cattle destroyed.

1762. When did the slaughter terminate at that station? I believe on the 16th of December.

1763. After receiving the telegram of the 23rd November, did you consider that Mr. Bowler's cattle were in the same diseased state as Mr. M'Laurin's—that it was necessary to destroy them? Yes.

1764. Were the whole of the cattle at Mr. Bowler's destroyed? With the exception of a few head, and a few in the paddock—a few head of milkers and their increase that were running about the place.

1765. Did you give permission for them to be kept alive? There was no direct application. Mr. Sub-inspector Bradley made a verbal application to me about it, whether they should be destroyed or not, and I told him of the decision of the Commissioners, that a few milkers and cattle for meat were to be left both there and at Yarra Yarra.

1766. *By Mr. Raper:* You had no idea that cattle affected with pleuro-pneumonia were injurious for human food? No, I never heard that they were; on the contrary, there was an inquiry by the Board of Health in London on the subject, and they decided, that although cattle might be labouring under the disease, the meat was not injurious, but that it was not so nutritive.

1767. You were aware of this before? I was.

1768. *By the Chairman:* Was it necessary for parties whose cattle were destroyed to send in an account to the Government of the number before they received compensation? They had to get their accounts certified by me. I understood, from what I learned, that the Government would expect accounts to be sent in.

1769. Do you know when you certified to Mr. Bowler's account? I believe it was some time in June. I am not aware whether application had not been made to the Land Office for payment before that time; but that was the time that the regular account was certified by me.

1770. *By Mr. Leary:* Did you intimate to Mr. Bowler or Mr. M'Laurin that it would be necessary for them to send in an account to the Government, previous to receiving compensation? I did not do it as a matter of business, neither do I think I had any conversation with Mr. Bowler on the subject, but I had with Mr. M'Laurin, because his account was sent in long previously.

1771. When was his account sent in? Some time in February, I believe.

1772. Did not the sub-inspector keep an account of every beast that was slaughtered? Yes.

1773. Then the only reason for which Mr. Bowler or Mr. M'Laurin could keep an account would be merely as a check? Yes; the accounts kept by the sub-inspector were rendered by me to the Government on the 20th January.

1774. You certified in that account that a certain number were destroyed in both cases? Yes, both Messrs. M'Laurin's and Mr. Bowler's. I made up an alphabetical list of all the claimants for cattle destroyed.

1775. Did you expect that the compensation would be awarded after you sent in your account in January? At that time I was not aware in what form the Government would want the vouchers sent in.

1776. What was your impression—did you consider the Government would pay after you sent in your vouchers or certificates? I believe I considered it necessary that an account should be sent in at the time, when I think of it again.

1777. *By Mr. Mate:* Were the blank vouchers sent up—were you supplied with forms? No, not then.

1778. *By the Chairman:* You merely made up your accounts, and sent them in to the Government on the 20th January? Yes; an account of all cattle killed, and the names of the claimants.

1779. *By Mr. Leary*: Are you aware whether Mr. M'Laurin sent a letter, early after the destruction of his cattle, requesting payment? I am aware he did send a letter shortly after the accounts were made up.

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1780. Are you aware whether he received any reply? I am not.

1781. *By Mr. Hay*: You say the blank vouchers were not sent up to you at that particular time—were they sent up to you afterwards? They were sent on my writing for printed vouchers, and requesting to be informed in what shape the accounts were to be made up.

1782. On your application they were sent up? Yes.

1783. Do you recollect what time it was when you did so make application? It must have been about the month of June.

1784. Was that in consequence of any request made to you by the persons claiming compensation, or any of them? Yes, by several of them.

1785. *By the Chairman*: Did they apply to you before the time you wrote? Some of them applied for a list of the cattle killed, considerably before that.

1786. They did not refer to you to know what course they should adopt in order to receive compensation? No, they did not, generally speaking; some of them might have asked how they were to get the money.

1787. Were you able to satisfy them on that point—did you tell them you would apply to the Government? I gave them a list of the cattle destroyed, and said I would certify to that number having been killed; and I did so, in a good many instances, before that time.

1788. *By Mr. Raper*: Did you certify by the returns you got from the sub-inspectors? Yes, from my books, and the books were made up from the returns I got from the sub-inspectors.

1789. How were the returns made out—the daily slaughter, or in bulk? The daily slaughter, and every individual beast marked down; it was given in detail.

1790. *By Mr. Leary*: Are you aware whether some of the inspectors or sub-inspectors did not complain about not having received payment for their services? Yes, Sub-inspector Bradley complained.

1791. How long had he to wait for his money? He was paid some time in June.

1792. For services ended when? Ended about the 20th of January.

1793. Did he send in an account? Yes, about the beginning of February, a list of all claims connected with the matter was made up by me and sent to the Land Office, and amongst them was this account of Mr. Bradley's.

1794. Why did you consider that these parties, Messrs. Bowler and M'Laurin, had a right to send in an account, as there was no contract between them and the Government? I considered it was only the usual routine of business.

1795. *By the Chairman*: Did you write a letter to the Minister for Lands, in September, recommending that inoculation should be tried? No, hardly. I drew his attention to inoculation having been tried at the Cape, and suggested that he might get all the information possible on that subject from the authorities at the Cape.

1796. Did you receive any answer to that suggestion? No.

1797. You have stated that sixteen head were inoculated on the 27th January, and fourteen more on the 13th February, but you did not receive a telegram to try inoculation till the 8th of April;—why did you commence in the first instance? It was done on a suggestion of the Commissioners that inoculation should be tried, and also through hearing that it was being tried by Mr. Thomas Mitchell, in the neighbourhood of Albury, on the Victorian side.

1798. You tried it of your own accord, without instructions from the Government? Without instructions from the Government, but at the suggestion of the Commission.

1799. Why were the five head that were inoculated at Messrs. M'Laurin's, for which they were paid £7 10s., slaughtered? It was to examine the lungs, and test whether inoculation was a cure for pleuro-pneumonia.

1800. What conclusion did you arrive at? The conclusion we arrived at was that the lungs had undergone a cure, but of course we could not decidedly say it was through inoculation. We were aware that some of the cattle were badly diseased when they were inoculated, and that they had got better; but whether through strength of constitution and natural causes, or from effects of the operation, we could not say decidedly, though we were inclined to put it down to the inoculation.

1801. You have published your opinions on inoculation? Yes.

1802. Do you adhere to those opinions, in regard to its being a cure or a preventive? My opinion is that it is a preventive, and I am still inclined to think it is a cure. I, of course, would not give my opinion as a professional, but I would be inclined to think that the cure, if it is a cure, takes place something in this way: That inoculation acts on the blood the same, as it were, as yeast on malting; that it creates a fermentation, the effects of which would be to change some of the component parts of the blood which are poisonous, into something that is not poisonous—as in malting, sugar is changed into vinegar, or starch into sugar—and the change having once taken place, the substance cannot again resume its original form. The fermentation in this way works off, as it were, the poison that is in the system, and nature is allowed to perform the cure, which, it is said, it is always ready to do, and encloses the diseased portion of the lung in the sac, separating it from the healthy part.

1803. *By Mr. Hay*: Do the results of your experiments confirm you in your opinion that inoculation is to be looked upon as a preventive? The results of my experiments go to prove that it is a preventive, and seemingly a cure.

1804. *By the Chairman*: Do you think that in very bad cases it can be looked upon as a cure, when the animal is in a bad stage of the disease? In very bad stages I would think it would not be a cure, because the disease would kill the animal before the inoculation could have any favourable effect. I have seen several cases where cattle have died after being inoculated, and there has been a covering over the part of the lung about the eighth part of

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- A. Bruce, Esq. an inch in thickness, of a substance resembling soft beeswax. Supposing the inoculation to be a cure, it would thus seem that the cure had been going on, but still that the disease had overcome the cure, and not allowed this covering to become firm and form the bag that grows over the diseased portion of the lung when the animal recovers.
- 8 Oct., 186 . 1805. Have you seen this appearance in cattle previous to inoculation? No; I have seen flocks of lymph and fatty substance floating about in the cavity of the chest, but not covering the lung.
1806. Have you always seen this in cattle that have died after inoculation? No; plenty of cattle that have died after inoculation have had the lungs apparently quite sound, but these died from the excessive swelling in the hind quarters.
1807. Did you at any time inspect the cattle on Mr. Morrice's run at Mullangandra? Yes, on two occasions.
1808. Did you find any disease there? Yes, on both occasions; once when I was by myself, and again when Mr. Pottje and the Commissioners were with me.
1809. Did you destroy any cattle there? Yes.
1810. How many? On the two occasions, I believe, there were six head destroyed.
1811. Did there appear to be any considerable number diseased, or were those six all that appeared to be diseased at the time they were killed? No, we saw more apparently diseased on the last occasion.
1812. *By Mr. Hay:* There were others whose cattle were placed under quarantine besides those who have petitioned the House of Assembly? Yes.
1813. Were any of them as much affected by the quarantine as those gentlemen who have petitioned? I should say they were—some of them whose market was the Lachlan—those in the neighbourhood of Wagga Wagga.
1814. They would be more affected, and for a longer time by the quarantine? Yes.
1815. The quarantine having been shortly removed, as far as regarded communication with the Victorian border, those who have petitioned, their market being in Victoria, were not so injuriously affected as those more towards the Murrumbidgee? Those towards the Murrumbidgee would be more affected; but some of the parties who have petitioned spoke of sending their cattle to the Lachlan, on account of the low prices then prevailing on the Victorian side.
1816. Was there any other interference with the dairying of cattle besides on Mr. Greene's station? I believe Mr. Ryall dairies a considerable number of cattle.
1817. Was that put a stop to by your interference? No, I did not interfere —
1818. You did not positively enjoin the stoppage of any dairying operations, except in Mr. Greene's case? I did not.
1819. You spoke of forty per cent. as the deterioration in the value of the cattle which would probably have remained out of Mr. M'Laurin's herd if the disease had been allowed to take its course;—do you refer to the value of the cattle to Mr. M'Laurin himself, or their value for sale as store cattle? Their value for sale as store cattle.
1820. From what you know of pleuro-pneumonia now, do you suppose the deterioration would have been as much as forty per cent., looking at the value of the cattle for Mr. M'Laurin's uses—that is if he had kept them and fattened them, as he usually does? Not as things have turned out.
1821. Do you think the cattle that would have remained of the herd, either not affected by pleuro-pneumonia or that would have recovered, after the loss of the 800 that you suppose might have died, would have been very much deteriorated in value to Mr. M'Laurin, supposing he did not choose to sell them as store cattle, but had retained them for the purpose of fattening, as he usually does? No, I do not think they would so much.
1822. Mr. M'Laurin is not in the habit of selling store cattle? No.
1823. So that the loss to him would not have been equivalent to forty per cent.? No.
1824. It is pointed out by the Chairman that a loss of 800 would scarcely amount to fifteen per cent. on a herd of 6,000;—are you still disposed to adhere to the supposition that 800 would have been the probable number which would have died? I speak within bounds when I say 800.
1825. There would have been a loss of that number at least? Yes, if there had been no inoculation.
1826. You are aware that opinions are divided at Home, amongst veterinary surgeons, as to the efficacy and advantage of inoculation? Yes.
1827. You have probably seen this book of Mr. Gamgees, in which he seems rather to discourage inoculation? Yes.
1828. But having read these remarks of Mr. Gamgees, you are disposed, after all your experiments, to think that inoculation is possibly more advantageous than he seems to consider it? Yes, I would be inclined to think that it has at least a temporary good effect; but whether those cattle that have been inoculated would not, in the course of twelve or eighteen months, or perhaps longer, be liable again to take the disease, I could not offer an opinion.
1829. That, of course, you cannot tell, not having had time to test the question? No.
1830. Is there any particular season of the year that you would consider better than another for inoculating a herd of cattle? If a whole herd was to be inoculated, and the thing were to become general, of course it would not matter so much; but if the inoculated cattle had to be tailed and kept separate from the other cattle on the run, it would of course be better to do it when the grass was best.
1831. As a matter of convenience? Yes.
1832. But as regards the effect of the inoculation, and the absence of danger from the operation, is there any season of the year that you think, from what you have seen, better than another—or have you formed any opinion upon the point? I would advise the same as

as in spaying, the autumn and spring as the best, as the cold would be bad for the cattle in winter, and the flies bad in summer. A. Bruce, Esq.

1833. If this disease were becoming very general, would you be disposed to recommend the inoculation of cattle while young—calves, for instance—the same as branding? Yes. 8 Oct., 1862.

1834. At the same time, of course, you express yourself doubtfully as to what may be the ultimate effect of it—whether its effect will continue for years? Yes. I should say that experiments ought to be made, to test in what manner inoculation is a preventive or a cure, and also to test thoroughly the sort of lung that ought to be used, and several other points that require to be settled.

1835. What was Mr. M'Laurin led to expect he would get for his cattle, destroyed in the first instance? 10s. a head for all under twelve months, and 30s. for all over.

1836. He was never led to suppose he would get more—50s. for instance—for all over two years old? Not by the Government.

1837. Not by you? Not by me.

1838. That was the understanding with all those whose cattle were destroyed, as far as the Government, or you acting for the Government, were concerned? Yes.

1839. *By Mr. Raper:* What was the date you gave Mr. M'Laurin directions to have his cattle slaughtered? The whole herd on the 8th November.

1840. Did you give it in writing? Yes.

1841. And you had a return of the cattle as they were killed daily? Yes.

1842. Was that return furnished to the Government? Yes, the total return was furnished, at any rate, by me on the 20th January.

1843. On the 8th November you gave written directions to have the whole herd killed, and on the 30th you telegraphed to say there were 5,000 killed? Yes; but before that we had been killing every beast that we saw diseased on the run—1,400 head altogether. Mr. M'Laurin made a mistake in his evidence. All the cattle that were diseased when it was first discovered were put in a paddock, and they were all killed, 500 head in one lot; and we were going out on the run and killing cattle daily after that.

1844. Then you were right in telling the Government there were 5,000 head killed on the 30th November? Yes.

1845. *By Mr. Hay:* You stated that you twice visited Mr. Morrice's run at Mullangandra, and that you had killed some six head of cattle there, all of which you had found to be diseased? Yes.

1846. Was there any considerable interval between the two periods when you visited Mr. Morrice's run? I was there on the 16th November; and we visited his run again on the 2nd December with the Commissioners.

1847. Do you recollect who were with you on the 16th November? One of the boundary keepers was with me. I sent him to the station to get the overseer to come out, but he was away from home; and as I had agreed to meet Mr. Day and Mr. Meyer at Pullitop next day, I took it upon me to kill two head, and to leave the boundary keeper there till the overseer came home to show him the cattle.

1848. Was there any doubt about their being diseased? There was no doubt about one of them.

1849. What was the brand? Mr. Morrice's own brand.

1850. On the next occasion you visited the run with the Commissioners—do you mean all the Commissioners? Yes.

1851. How many cattle were killed then? Four head.

1852. Were any of Mr. Morrice's people present then? His overseer was there all the time.

1853. What was the appearance of these four head—were they decidedly diseased, or any of them, or how many? Two of them were slightly diseased, one of them in the second stage, and a third was on the borders of the third stage, all but hepatized.

1854. Was Mr. Pottie there? Yes.

1855. What was the opinion of the Commissioners and Mr. Pottie? Their opinion was all throughout the same as I have expressed.

1856. Were any of these four, killed on the second occasion, of Mr. Morrice's brand? I believe they were all four of Mr. Morrice's brand.

1857. What provision is there now for carrying out inspection with regard to cattle under the Pleuro-pneumonia Act—do you still hold office as Chief Inspector? Yes. The inspection is carried out under the regulations of the 20th March.

1858. Are you assisted by any others? There are inspectors at Goulburn, Gundagai, Albury, Moama, Swan Hill, Euston, and Chowalla.

1859. Chowalla is on the South Australian boundary? Yes.

1860. How many of these are also scab inspectors? I understand they are all scab inspectors.

1861. I suppose most of them are more particularly required to act as scab inspectors? Yes, on the Murray—those on the border. There are other inspectors to the north, I believe, besides those at the places I have named.

1862. You do not know about them? No.

1863. *By Mr. Raper:* Did the Commissioners go into Mr. Morrice's paddock, where the principal part of his cattle were? No, we were not inside his paddock. It was agreed amongst the Commissioners that cattle inside the paddocks were not to be classed the same as those outside.

1864. Were they not classed the same? They were not.

1865. These cattle in the paddock were not condemned? No, we did not inspect them.

1866. Had he the privilege of driving them, or shifting them where he pleased? He had not; he could not remove cattle from any part of his run.

- A. Bruce, Esq. 1867. You condemned the run, and not any particular portion of the cattle? Yes.
1868. That was sufficient to prevent them from being driven off? It could not have prevented them long—from the 24th November to the 5th December.
- 8 Oct., 1862. 1869. Nothing could be removed between these dates? No.
1870. *By Mr. Leary*: When you were appointed inspector by the Government, did you receive any instructions? I received instructions dated the 30th September.
1871. What were they? They were those I produced.
1872. Did you read the Cattle Disease Prevention Act after you were appointed? I did.
1873. Did it occur to you that the Government had power only to destroy cattle that were imported and found to be diseased, or were supposed to be diseased, or to make regulations respecting imported cattle? I understood that "to prevent the propagation of the disease" included the treatment of the disease in the Colony.
1874. By one of the reports of the Commissioners it appears they had a doubt, does it not, whether they could destroy any cattle, except imported cattle, that were found diseased, or supposed to be diseased? No, they merely complain that the Act does not give them scope to enforce a penalty for breaking any regulations that might be made for stopping the propagation of the disease in the Colony.
1875. Is not the Act an Act only to prevent persons importing cattle diseased, or supposed to be diseased, and empowering the Government to make regulations respecting imported cattle that arrive here and propagate the disease—is that your reading of the Act? My reading of the Act is, that it covers steps taken for the preventing the spread of the disease throughout the Colony.
1876. By what cattle? By any cattle.
1877. Did you receive instructions from the Government to destroy the entire herds of Messrs. M'Laurin and Bowler? I received instructions from the Government to destroy every mob in which a diseased beast was found, and I had previously examined the cattle on Yarra Yarra, and found disease in every mob; it followed, therefore, that the whole herd was condemned under that authority. With regard to Mr. Bowler's cattle, they were destroyed under the instructions of the 2nd November.
1878. Did you inform Messrs. Bowler and M'Laurin that the whole of their herds were to be destroyed? Yes.
1879. Did Mr. Henry Bowler ask you what course you would take if he opposed the destruction of his father's herd? I heard Mr. Bowler give evidence to that effect, and I believe he might have done so.
1880. You will not say that Mr. Bowler agreed to their destruction, or made any admission that he was desirous of getting his cattle destroyed? I will say he never made any formal protest.
1881. Not as he stated in his evidence? I told you I have no recollection —
1882. You cannot say, then, whether it occurred or not? I cannot say whether it occurred, from my recollection.
1883. *By Mr. Mate*: You can say it was not a formal protest? Yes.
1884. *By Mr. Leary*: Did Mr. M'Laurin ever tell you he would consider himself well compensated at the prices given by the Government? No, he told me that if the Government had paid the money when the last of the cattle were killed, he would not have complained.
1885. You have said in your evidence to-day, that you are under the impression that even if Mr. M'Laurin's herd had not been killed, and inoculation were not made use of amongst them, he would have lost 800 out of 6,000? I believe that 800 out of 6,000 would have died.
1886. What do you think would have been the value of the 5,200 remaining, judging from your experience of the effects of the disease? My experience, as I said before, would lead me to say that I would give forty per cent. less for them than if they were sound.
1887. Now, supposing that these cattle had been inoculated at the time inoculation was discovered, or known here, what would have been the value of the cattle then that were inoculated—would they have been of very much more value than if they had not been inoculated? Yes, they would have been of much more value than if they had not been inoculated, or if inoculation had not been found to be a cure.
1888. From your experience of the effects of inoculation, do you consider that these 5,200 head of cattle of Mr. M'Laurin's would have been of very much more value than the compensation he received from the Government? I think they would have been of more value.
1889. Do you think they would have been of double the value the Government has given? That would be £1 and £3. I do not think they would have been much less, at the present price of cattle.
1890. That is, presuming they were inoculated, as the remaining portion of the cattle that were on his station were;—I suppose you are aware that Mr. M'Laurin has inoculated the cattle that are on his station? Yes.
1891. Did you permit Mr. Bowler to keep his working bullocks for the purpose of dragging the carcasses of those that were slaughtered? Yes.
1892. Were not those bullocks, or some of them, considered diseased by you or by Mr. Bradley? I could not particularly say.
1893. Were these bullocks working among the diseased cattle that were alive, and also those that were dead? Yes.
1894. Are you aware whether these bullocks are alive now? I believe they are; I believe they were inoculated.
1895. Do you know when they were inoculated—how long after the slaughter of the whole herd or the greater portion of the herd? Shortly after the cattle were inoculated at Yarra Yarra.
1896. That was a considerable time after the destruction of the principal portion of the herd? It must have been about the middle of February.

1897. That would have been nearly three months? Between two and three months. A. Bruce, Esq;
1898. Are you aware whether they have been inoculated? I understood from Mr. John Bowler that all the cattle that were about the place were inoculated, and some of them twice. 8 Oct., 1862.
1899. Was the weather very wet some two or three weeks previous to the disease breaking out at Yarra Yarra? Yes.
1900. And for some weeks afterwards? Yes; we had some good weather, and then some very cold, wet weather.
1901. Did Messrs. Day and Meyer, or yourself, find any of the Yarra Yarra herd or Mr. Bowler's cattle on the Lower Billabong—for instance, at Coonong? I believe the last beast that was seen was found, as stated in Messrs. Day and Meyer's report of 21st December, at least sixty or eighty miles from Coonong—the nearest beast.
1902. Of the Yarra Yarra cattle? Of Mr. Bowler's. I am not aware of any of the Yarra Yarra cattle being there; but it was almost impossible, because there is a line of fence from Mullangandra right to the northernmost part of Buckagings.
1903. Whether it was impossible or not, did any of the inspectors find them there? No, the fencing prevented them going in that direction.
1904. How many of the Yarra Yarra cattle were killed on their own run? I cannot at present say exactly.
1905. You cannot remember the total? I have it somewhere.
1906. Were not almost the entire number of Mr. M'Laurin's cattle killed on his own run? They were in the habit of collecting cattle on the neighbouring runs and killing them at their own station, after the disease was found on the neighbouring runs.
1907. *By Mr. Hay:* They were taken from the adjoining runs and killed at Yarra Yarra? Yes.
1908. *By Mr. Leary:* Did you see any of the cattle that died on the Yarra Yarra Run previous to the month of August, 1861? I had seen dead cattle.
1909. Did you know any of them to be diseased of pleuro-pneumonia? No.
1910. Did you not report that cattle might have died of it, prior to this date, at Yarra Yarra? Yes, I stated in my first report that some of the weak cattle which dropped, as they will generally do in tailing, might have been diseased and died.
1911. I presume that "might" could have been mentioned in reference to any other station in the country, because "mights" do not mean very much generally? No; but the question when the disease first came to Yarra Yarra, and how it first broke out, is so doubtful that it is possible these weak cattle might have been attacked.
1912. It is a mere possibility? Yes.
1913. Did you observe the state of the yards in which Mr. M'Laurin's cattle were tailed before the disease was discovered? I saw the cattle at the yards shortly after the disease was discovered.
1914. Are you aware that a working bullock died from the disease on the Mitta Mitta Run before Mr. M'Laurin's cattle were removed? It was reported that a working bullock had died of the disease on Mitta Mitta before the cattle were removed, and Mr. Robert M'Laurin, on hearing the report, left Yarra Yarra to go to Mitta Mitta, to stop Mr. James M'Laurin from bringing them over, and met his brother with the cattle within twenty miles of Yarra Yarra.
1915. Was an examination made of this beast? I am not aware.
1916. This is only a "might" too? Yes, a report.
1917. Have you heard since that time that this bullock chinked his back as he was going down some hill? Yes.
1918. Do you think that is more probable than that he died from pleuro-pneumonia, from all you have heard? From all I have heard of the disease, and the breaking out of the disease at Mitta Mitta, I am led to believe that the disease came to Mitta Mitta after these cattle were taken away.
1919. I want to know about this bullock—whether you are now of opinion that this bullock died from having his back chinked, or whether he died from pleuro-pneumonia? I could not say further than what I have said.
1920. What is your impression? My impression is that he was not diseased.
1921. *By Mr. Hay:* Did you see him? No; but that is my impression from the reports and from all that I heard, about how and when the disease broke out at Mitta Mitta.
1922. *By Mr. Leary:* You have had the opportunity of hearing from many graziers the reports about this bullock? I have heard from two parties the history of the bullock; but Mitta Mitta is a long way from Yarra Yarra.
1923. Were the yards in which Messrs. M'Laurin's cattle were tailed at Yarra Yarra in a worse state than yards usually are in a very wet winter season? I have seen yards as bad.
1924. And no disease the result? No.
1925. In the lot of cattle that were running in Messrs. M'Laurin's paddock, were there not some that were recovering from the disease before they were killed? Yes.
1926. How large was the paddock at the home station—did it contain 5,000 acres, do you think? I should say more than that.
1927. You stated that forty head of Mr. Bardwell's cattle had died this winter? Yes.
1928. Was a *post mortem* examination made of those cattle? Not of many of them; the lungs were taken out of some.
1929. Were they all found to be diseased, those that you examined? Yes.
1930. In a report sent to the Government in December last, it appears the Commissioners applied to be armed with legal authority to act;—what authority did you consider you were acting under previously, for instance, when you ordered the entire destruction of Mr. Bowler's cattle? The instructions of the 30th September.

- A. Bruce, Esq. 1931. Given to you immediately after you were appointed? Yes.
- 8 Oct., 1862. 1932. You are aware that the settlers who met to consider the matter recommended that £2 10s. per head should be given as compensation, and that the Government determined on giving 30s., without in any way consulting the settlers? Yes.
1933. You are aware that this price was to be for stock only over one year old, and 10s. for stock under that age? Yes.
1934. Subsequently to this determination of the Government, did you consult the settlers as to their recommendation about compensation? No; my instructions, containing the offer of 10s. and 30s., were published in the local papers.
1935. Did you after this recommend, without any consultation with the settlers, that the distinction of age should be made in a way that would class a greater number of stock at the low rate of 10s.? I recommended that the classification should be altered from over and under twelve months to over and under twenty-four months.
1936. Did you inform the settlers that they would receive payment at the rate of 35s. for those over two years, and 13s. for those under two years old? No. I was asked, as my correspondence will show, in what manner the Government would fix the prices if they altered the classes; and I said, that if the difference in the price under the fresh classification was to be made on that of cattle over two years old, then the price for them would be higher than was then offered by the Government, but I was not aware how the Government would settle the prices under the new classification.
1937. So that you informed the settlers that they would probably benefit by your classification? Yes; it would in that way have benefited the settlers who had store cattle. You will recollect, from my correspondence, that that was one of my reasons for proposing the change, that it was unfair that people whose cattle were only from twelve to twenty-four months old should be paid at the same rate as those whose cattle were over twenty-four months old.
1938. Would your arrangement have caused a change from 30s. to 35s. as the price of cattle over two years old? No, it would not have been so great an alteration.
1939. An alteration that would have been to the advantage of the settlers? It would have been an advance on 30s., but how much I said I was unable to decide.
1940. When you ordered the destruction of Mr. Bowler's and Messrs. M'Laurin's cattle, were you under the impression that they had any option to keep their cattle? No.
1941. You thought you had full and absolute power to destroy the whole herd, if you thought it advisable? Yes.
1942. You did not think, then, that any contract was to be made between you and these parties, inasmuch as you had full and complete power to do what you liked in the destruction of the cattle? No, not exactly; I thought I had authority to order the destruction, and that they could not prevent me from carrying it out.
1943. You have stated that you think 800 out of Messrs. M'Laurin's 6,000 would have died if nothing had been done with the cattle;—how many do you think Mr. Bowler would have lost out of his 1,200 head, if nothing had been done? I did not consider them so badly diseased.
1944. Can you give any idea? I could not.
1945. Do you think ten per cent. would have died? Yes.
1946. *By Mr. Mate:* Do you know Mr. James Feeney, of Clarendon? Yes.
1947. Are you aware whether he has had any cattle destroyed under this Cattle Disease Prevention Act? I am aware of one beast, bearing his niece's brand or his own brand, having been destroyed, and I am aware he made a claim on some of the Yarra Yarra cattle.
1948. Has he applied to you for compensation in any shape, or to certify to any number of his cattle? He never produced any account for my certificate. He said he had a claim for 2,000 and odd head of cattle, but he said he was unable to make up the account, and asked me to do it.
1949. Do you know whether he applied to the Government for compensation? I understand he has petitioned the Government.
1950. It has not come through you? No.
1951. *By Mr. Leary:* By your sending a letter to the Secretary for Lands, recommending a certain mode of compensation by classification, did you consider that the first arrangement was not final, that is, the paying 30s. and 10s.? I considered that there would be an alteration, but, as I have said, I was unable to say how the prices would be fixed.

SLAUGHTER OF CATTLE UNDER CATTLE DISEASE PREVENTION ACT.

SEPARATE APPENDIX.

(1.)

Albury, 23 August, 1861.

Sir,

I have the honor to enclose, for your information, a report of the proceedings of a public meeting held in consequence of the appearance of pleuro-pneumonia in some of the herds in this district. I regret to say that additional information induces an apprehension that the disease is extending.

Mr. Alexander Bruce, whom the meeting recommend for inspector, is a person I have known for a considerable time, and I believe would act cautiously though energetically.

I confidently endorse the opinion of the meeting, that it would be very desirable to empower the inspector to consult the opinions of two respectable stockholders, before ordering the destruction of supposed diseased cattle.

The Honorable
Minister for Lands.

I have, &c.,
THOMAS H. MATE.

Inform Mr. Mate by telegram that Mr. Bruce has been appointed by the Government and Executive Council.—JOHN R.—5 September.

Telegram to Mr. Mate.—5 September, 1861.

At a meeting held at Ten Mile Creek, on the 21st August, 1861, for taking steps to prevent the spread of Pleuro-pneumonia amongst cattle,

Present:—

Thomas H. Mate, Esq., M.L.A., settler.
E. Heriot, Esq., J.P., Carabobala, settler.
James M'Laurin, Esq., J.P., Yarra Yarra, settler.
Messrs. Robert M'Laurin, Yarra Yarra, settler.
John Cox, Pullitop, settler.
John Keane, Pullitop, settler.
William Williams, Little Billybong, settler.
Samuel Bowler, Ten Mile Creek, settler.
Henry Bowler, Ten Mile Creek, settler.
George Bardwell, Ten Mile Creek, settler.
John Purtell, Ten Mile Creek, settler.
John King, Mangoplar, settler.
Charles Crisp, Mangoplar, settler.
Thomas Keighran, Doodle, settler.

Messrs. Thomas Henty, Roundhill, settler.
John Burns, Jerry Jerry, settler.
Henry Burns, Jerry Jerry, settler.
Charles Osborne, Jerry Jerry, settler.
George H. Greene, Billybong, settler.
Ancrum Heriot, Carabobala, settler.
John Post, Cookendina, settler.
William Real, Four Mile Creek, settler.
Alexr. M'Crae, Dora Dora, superintendent.
Lawrence Garry, Clarendon, farmer.
James Bruce, Ten Mile Creek, farmer.
Edward Gale, Clarendon, farmer.
Patrick Purtell, Ten Mile Creek, farmer.
A. Bruce, Ten Mile Creek, poundkeeper.

Thomas H. Mate, Esq., Chairman.

Mr. Mate, on taking the chair, stated that, on hearing the disease had broken out at Yarra Yarra, he had immediately communicated with the Secretary for Lands and Works, Sydney, by telegraph, and in reply had received the following telegram—"Can you recommend—?"

After reading this telegram to the meeting, the Chairman said that, although he considered Mr. Bruce, poundkeeper, a fit person for the office, he thought it better that the meeting should take the matter into consideration, and recommend some one as inspector. On this a discussion ensued, whether an inspector should be appointed, or a Committee elected to watch the progress of the disease in the district; but it was finally proposed by Mr. James M'Laurin, seconded by Mr. Heriot, and carried—"That an inspector be appointed."

Mr. Thomas Henty then proposed, and Mr. Henry Bowler seconded—"That the inspector, before declaring any cattle diseased, be obliged to call in two of the neighbouring stockholders from different stations, and consult with them as to whether such cattle were diseased or not,"—which was carried *nem. con.*

It was then proposed by Mr. John King, seconded by Mr. George H. Greene, and carried unanimously:—"That the appointment of Mr. A. Bruce, poundkeeper, Ten Mile Creek, as inspector *pro. tem.*, be recommended to the Government."

After some further discussion as to the impossibility of arresting the spread of the disease so long as working bullocks are allowed to carry on the roads, and as to the practicability of a proclamation against their being allowed to do so, at any rate in the infected districts, it was thought best to leave such matters as these till the Chairman could personally lay them before the Government on his return to Sydney; and, in the meantime, that he be requested to send a telegram of the resolutions come to at this meeting, to the Government; for the expense of which, and any other outlay he might incur, the meeting agreed to subscribe.

(2.)

Telegram from Under Secretary for Lands, Sydney, to Mr. Alexander Bruce, Ten Mile Creek, Albury.

Sydney, 5 September, 1861.

You have been appointed Inspector of Cattle, and I am to request that you will immediately submit your views as to what steps ought to be taken in dealing with cattle infected with pleuro-pneumonia.

(3.)

Ten Mile Creek,
8 September, 1861.

Sir,

In terms of telegram from Under Secretary of your department, dated 5th instant, received by me late on the evening of the 6th, I have the honor to send herewith Report by me as to what steps ought to be taken in dealing with cattle infected with pleuro-pneumonia; and in order the better to explain my views on that subject, I have taken the liberty of adding a few explanatory remarks on the symptoms, origin, and locality of the disease.

* Appended.

I have also made a rough sketch* of the district, which accompanies the Report.
Trusting that the paper now sent will not be considered too lengthy.

I have &c.,
ALEX. BRUCE,
Inspector of Cattle.

The Honorable the Secretary for Lands,
Sydney.

(4.)

REPORT to the Honorable the Secretary for Lands, Sydney, by the Inspector of Cattle appointed under the Pleuro-pneumonia Act for the Ten Mile Creek District.

8 September, 1861.

SYMPTOMS OF THE DISEASE.

THE symptoms of the disease which has lately broken out among the cattle in this district are exactly the same, in the living animal, as those described in *Blaine's Veterinary Art*, 6th edition, 1854, pages 317 and 318, in treating of the second and third stages of Pleuro-pneumonia. Thus—"In the second or inflammatory stage all excitement vanishes. The strength rapidly fails. The cough is now certain to be constant. * * * Everything becomes characteristic, so that a child or even a blind man could accurately point to the beast having the disease. The cough is short and distressing, evidently painful; but often against the will of the animal emitted four or five times in succession, after which the poor cow is ready to fall. The eyes are protruded and glassy, often suffused with tears. The conjunctiva is red, attesting the state of the other mucous membranes. The nostril looks inflamed. The muzzle is moist, and often water, clear as any drawn from a well, drops from it." This is especially the case when the animal is driven faster than a slow walk. "The appetite is fickle. * * * The breath is short, quick, and catching. The flanks heave, and the appearance is marked by evident signs of acute distress. * * * The duration of this stage is uncertain, but in longer or shorter space the symptoms change. The tears cease; the eye brightens; the visible mucous membranes assume a leaden tinge; the breath is drawn with difficulty; often respiration is stopped for a short period, and then suddenly commenced with energy, but almost immediately subdued into its former quick, but short and comparatively quiet, method. The coat now is very unthrifty. If it be tried along the margin of the neck, or at the end of the tail, it will sometimes come out by handfuls. Food, as before, is taken, but rarely swallowed. Horeen may in this, or the preceding stage, have appeared. * * * From the mouth constantly a thick ropy mucous hangs; the tongue is seldom retained between the lips; and in this state the animal may remain for a week, or only a few days, or for a month."

With regard, again, to the description in that work (page 316) of the symptoms of the first stage of disease, it can be easily seen that it would be but little applicable to the beginning of it in bush cattle, which cannot be handled, and can be neither closely nor frequently observed like cattle that are housed. No one, therefore, except the owner, or some one who, like him, is in the habit of seeing the cattle daily, can with certainty detect the first symptoms of the disease, on a first inspection. A slight cough, a disinclination to feed—while all the rest of the mob are doing so steadily—a slight dullness of the eye, or drooping of the eyelid, a restless, uneasy appearance, or the mark of strong licking behind the shoulder, over the region of the lungs, when the disease is in the neighbourhood, would certainly enable an intelligent person, experienced among cattle, even on a first inspection, to suspect the existence of the disease; but he must see the same cattle oftener than once before he could make up his mind with certainty, should the disease have only reached its first stage of development.

In the cattle which have been killed the symptoms, with very few exceptions, are the same in the right lung as those described in Blaine (page 320), while the left is seldom affected at all; and the animals have been more or less diseased, according as they appeared before being shot. Blaine there says:—"The examination made after death generally displays both sides of the chest, and the heart bag, full of fluid of a bloody tinge. Loose flocks of lymph, about two inches in length, adhere to the inside of the ribs, the outside of the lungs, and the anterior surface of the diaphragm. The lymph is of a dirty straw colour; it likewise lines the heart bag, and sticks to the outside of the heart itself. The blood within the body is darker than usual, and occasionally the cellular tissue is injected, especially upon the surface of the frame. The characteristic appearance which marks the complaint is, however, found within the lungs. These, when cut into, are of various tints, from the palest pink to the darkest modena. Their variegated aspect pleases the surgeon, as well as surprises him, especially when he first cuts into the lungs, for then the colours are very bright, and the distinction between them very marked. Between these hues travel eccentric whitish lines, taking no definite course, or being of no definite thickness, but running here and there, and being of all imaginable breadths. It is this difference of hues, divided by numberless whitish lines, which has gained for the lungs the term of 'marbled,' a word that very well prepares the imaginative spectator for the sight which he will behold. Added to all which we have said, the air tubes and cells are plugged up with a thick frothy mucous, and whoever sees the organs of respiration in such a state requires nothing further to make him comprehend the cause of the death." In a few of the cattle that have been opened, the windpipe was surrounded by a mass of matter along its whole length, while the lungs were but slightly touched; and in these the beast seemed to sink very fast. Several, too, had very little of the "marbled" appearance on the lungs, while portions of them had changed from their natural colour to a sickly yellow, glistening, or blistered look, which when cut into exuded large quantities of thin matter.

ITS ORIGIN.

The disease first showed itself at Yarra Yarra, a station belonging to Messrs. J. McLaurin and Sons, and situated on the south side of the Sydney Road, about forty-five miles from Albury (see sketch of runs annexed), among a mob of about 500 head of mixed cattle, brought by them from Mitta Mitta, in the beginning of April last; and the contagion is supposed to have been caught by these cattle before they left Mitta Mitta, from a diseased working bullock that is said to have died among them there.

Some people, again, say that the treatment these cattle have got since they were brought to Yarra Yarra has originated the disease, as they have been tailed and yarded during the depth of winter in yards little better than bogs, the sludge and mire almost covering them when they lay down, and up

to

to their bellies when they stood. These parties also argue that, if the disease had been brought from Mitta Mitta, it must have shown itself much sooner than it did, about five months having elapsed from the time the cattle were brought to Yarra Yarra before it was known that pleuro-pneumonia was among them. The disease, however, might have been among these cattle for months without its being known; for a good few of them, all along, kept dying (which was attributed to poverty and the cold and wet), and it was only when the deaths became numerous, that the Messrs. M'Laurin thought of opening and examining some of those that died. Besides, the common practice in breaking-in cattle to a run, of dropping and leaving out the weak ones while tailing, was adopted in this case; and it is now probable that not a few of these crawlers were diseased, and have crawled away to die unnoticed.

LOCALITY OF THE DISEASE.

The disease is spread, more or less, over the whole of the Yarra Yarra Run, but the chief seat of it there was that portion of the run at the head of the Ten Mile Creek, where the cattle among which it first broke out were principally tailed. (See map of Yarra Yarra Station, where marked with double red line.) The Messrs. M'Laurin have killed about 120 head, besides those that have died, and a great many are still ailing, but are now in a paddock.

Pleuro-pneumonia has also appeared on a portion of the Billybong Station, owned by Mrs. Greene, among a mob of cattle that sometimes mix with those of Yarra Yarra, at the Sydney Road, immediately after passing the Billybong reserve, going towards Little Billybong. Niné of this mob, belonging to Mrs. Greene, have been killed, and several are still bad.

It is reported that William Williams, Little Billybong, has also killed some cattle that were diseased, and these might have got the contagion from Mrs. Greene's, or Messrs. M'Laurin's, as his cattle mix with both Yarra Yarra and Billybong herds.

The infected ground, so far as the writer is personally aware, extends as marked with red ink on the accompanying sketch.

Having now received the appointment of inspector, the writer will make it his business, while waiting for instructions from Sydney, to visit all the runs in the neighbourhood of Yarra Yarra, and inspect the cattle, so as to be able to act at once on hearing from head quarters.

PREVENTION OF DISEASE.

The writer would beg respectfully to propose the following measures for preventing the spread of the disease:—

1. That it be made compulsory on owners, under penalty of a fine, to report every case of pleuro-pneumonia to the inspector, immediately on noticing it.

Although such a provision would be very far from bringing every case to the knowledge of the inspector, through its being evaded, as it was in Victoria, still it would do good in some instances, and ought to be passed.

2. Authority to be given to the inspector to go on any ground, whether run or private property, to inspect cattle, and to order the destruction of those he considered infected with the disease, or in the same mob as those that were so.

In the meantime, the writer would not recommend the killing of sound cattle found on the same camp as those that were diseased, for the purpose of preventing the spread of the disease; for that, on the Yarra Yarra Station, would entail the necessity of destroying almost the entire herd of over 4,000 head, as diseased beasts have been found in almost every quarter of the run; and if, in the meantime, the endeavour is made to keep the contagion within certain bounds, and every beast that shows the least symptom of disease killed, it would be seen in the course of a month or two whether or not the disease had got such a hold of the herd as to render it advisable to commence killing the apparently sound cattle found along with those that are diseased.

3. The owner to destroy the cattle at his own expense.

4. All cattle destroyed (whether diseased or not) to be paid for by a tax raised from the whole cattle owners of the Colony, at, say, current store prices.

Unless the diseased cattle as well as the sound killed are paid for, the owners will in most cases conceal the fact of the complaint being among their cattle (as they have been doing in Victoria), and either allow the animal, when they see it cannot live long, to wander away and die, or kill it at night, deface the brand, and leave it to lie unburned to spread the disease among others. Even although the owners should report the disease, it is most likely that they would defer doing so till the animal was in the last stage, and might have infected many others. If the owners of cattle had such an inducement held out to them as payment for the diseased animal, its being so would be reported so soon as they were aware, and this measure would do more than anything else to check the spread of the complaint. The price paid would, of course, be less than would lead people to have sound cattle destroyed in order to claim it, even should it be thought by some that the inspector would not guard against such a practice.

5. The inspector to be allowed to employ two trustworthy and experienced stockmen, for a short time, to whom he would assign a certain daily beat round the borders of the infected ground, in which they would carefully observe the appearance of the cattle, and report the least sign of sickness to him. These watchers would also keep back any of the cattle belonging to the infected runs which were leaving them, and would also stop stray cattle from other parts from passing through these infected runs. These watchers to be paid, say, 10s. a day, and find their own rations and two horses each.

The employment of watchers or boundary keepers under the inspector is absolutely necessary to check the disease at once; for it gives so little warning of its advent, that unless the cattle are seen daily it is impossible to catch the disease in its primary stage; and however much the settlers in the neighbourhood may dread it, they will not take the necessary steps to prevent it from spreading among their cattle. These watchers would also be of great use in preventing cattle from leaving or going on the infected runs. In the case of the Yarra Yarra cattle this would be very necessary, as they are yet scarcely broken to their run, and inclined to leave it. It unfortunately happens, too, that there are store cattle, both at Dora Dora and Mr. Bowler's, which have been lately turned out, and some of which have been found making for the Murrumbidgee right through the heart of Yarra Yarra Run.

6. No cattle of any description to be allowed to pass through the infected runs.

This might put the public to some expense and inconvenience, through the stoppage of travelling cattle and bullock teams over that portion of the Sydney Road included by the interdict; but it is considered that, unless such a measure be enforced, all the other steps that might be taken to put down the disease would be rendered completely nugatory; for there cannot be the least doubt but that bullock teams have been the means of spreading the disease all over Victoria,—in several of the districts of which they now despair of ever getting rid of it. This remark is especially applicable to Wangaratta, a resident of which informed the writer that every herd within forty miles of the township was more or less infected. The number of bullock teams that pass along the road proposed to be closed is comparatively small—not more than three or four a week, on an average; and these, unless for Tumberumba, or in that direction—by making a slight circuit, and taking the road from Albury to Wagga Wagga for some distance—might regain the Sydney Road beyond Kyeamba, should it be found impossible to forward the loading by horse teams.

7. The police, as well as the inspector, to be authorized to stop cattle or bullock teams from proceeding on the interdicted ground.

8. All impounding of cattle from the infected runs, or from within _____ miles of them, to be stopped, as well as dairying on these infected runs.

The risk of bringing cattle to pound from these runs is evident enough; and if dairying were allowed to be carried on, on infected stations, the bringing cows from all quarters of the run together at the dairy, and, when dry, allowing them to go back to their old beats, would be certain to spread the disease all over it.

ALEX. BRUCE,
Inspector.

(5.)

Ten Mile Creek,
13 September, 1861.

Sir,

I have the honor to report that I have inspected the cattle on the western, northern, and north-eastern boundaries of the ground marked by me as infected on the sketch forwarded with last report, and I regret to have to inform you that pleuro-pneumonia is spreading in this district; and that if Government intend to place any portion of it under interdict, the line marked by me as infected must be very considerably extended. How far that should be I am as yet unable to inform you, as it is a very tedious matter to inspect every mob of cattle in the neighbourhood, and I have only been able to examine the portion of the ground stated above. I expect, however, to be able to complete the examination by Wednesday next, when I will report at length on the subject.

When I state that the disease is spreading, I would beg to explain, that although I have seen cattle that were apparently badly infected, the owners have killed none of them for my examination, but seem anxious that the discovery of its being amongst their cattle should be delayed as long as possible, in order that they might not be stopped from taking away their fat cattle.

I have, &c.,
ALEX. BRUCE,
Inspector.

The Honorable the Secretary for Lands,
Sydney.

Ten Mile Creek,
26 September, 1861.

Sir,

I have the honor to report that pleuro-pneumonia is still continuing to spread on Yarra Yarra, both among the cattle which were considered infected and placed in a paddock to prevent their mixing with other cattle, and also among the cattle on the run in the general herd.

Since the date of my last report sixteen head of cattle have been killed in the paddock, and the same number on the run; and of the latter the greater proportion of them were cattle which have not been tailed for at least ten or twelve months, and were in very good condition. Considering this circumstance, and also the fact that the disease was caught by cattle of different brands and breeds, which happened to be put into the tailing mob where it first broke out, after the cattle had been some time at Yarra Yarra, it seems to be now fully established that pleuro-pneumonia in this district is either highly contagious or infectious, or perhaps both.

Were the disease in the breed, then cattle of the same brand only would take it; and the fact of cattle of half a dozen different breeds having been killed with the disease destroys that theory. Another equally untenable is, that the disease originates in too close breeding or running out of a herd; for in no herd in this district has there been more frequent changes of blood, nor are there better animals of their age, than among the cattle dying.

Again, were pleuro-pneumonia an epidemic, it would be sure to show itself in several other localities besides Yarra Yarra at the same time, which as yet it has not done. In fact, in every instance, from its first appearance in Victoria till its breaking out in this district, the progress of the disease can be accounted for by contagion or infection.

Believing, therefore, that the disease is either contagious or infectious, I would now recommend that the stringent measures adopted under the Scab Act be followed with regard to pleuro-pneumonia; and would do so the more readily, that this disease works so invisibly and insidiously on the animal in its first stage, when it may nevertheless spread the infection. Cattle that no one could possibly have suspected before being run have been killed at Yarra Yarra, among the general herd, in a bad state, and there might be a very great many more in a less advanced stage of the disease.

As pleuro-pneumonia has been in Cape Colony, where the treatment of the cattle and the climate—more than those of England—resemble our own, I would respectfully suggest that the Government should obtain all the information possible with regard to its features and progress in that Colony, and especially as to the cure by inoculation said to have been adopted there with very great success.

I have, &c.,
ALEX. BRUCE,
Inspector.

The Honorable the Secretary for Lands,
Sydney.

(6.)

At an adjourned meeting of the Settlers, held at Ten Mile Creek, on the 13th September current, to adopt measures for arresting the spread of Pleuro-pneumonia among cattle, it was resolved to submit the following suggestions to Government, viz. :—

1. That a Board be formed by Government, having its head quarters in Sydney, for the purpose of taking the necessary measures for staying the disease, which should, immediately on its being authorized to act, appoint inspectors for the several districts along the New South Wales side of the Murray, and issue the necessary orders and regulations for their guidance. But such inspectors only to act, or to be paid, when the disease had broken out in the district to which they were appointed.
2. That Local Boards be also at once nominated by the several Benches of Magistrates, and approved of by the Government, for these districts, to be prepared to act at once should the disease break out in any new quarter; and such Local Boards to act under the Head Board in Sydney, and to assist the inspector in the execution of his duty.
3. That the inspector be authorized to inspect all cattle in his district, whether on purchased property or Government land; and to order the owner to destroy such of them as he considered diseased.
4. That a tax be levied upon the whole cattle of the Colony, analogous to that raised under the Scab Act, for the purpose of compensating the owners of the cattle thus destroyed, at the rate of 50s. for all cattle over two years old, and 30s. for all under that age and over six months old; and for defraying the other expenses attending the carrying out of the provisions of the Pleuro-pneumonia Act.
5. That a copy of the above resolutions be immediately forwarded to the Honorable the Colonial Secretary, respectfully inviting his early attention thereto; and that Thomas H. Mate, Esq., the Honorable

Honorable John Hay, William Macleay, Esq., and John Morrice, Esq., M.L.A., be requested to give their support in the House to any measures, based on these suggestions, brought forward by Government.

6. That the following gentlemen be appointed a Local Committee to watch the progress of the disease, and to assist in carrying out the foregoing resolutions, viz.:—Elliot Heriot, James M'Laurin, John Purtell, John Vardy, Henry Osborne, George Bardwell, Samuel Bowler, George H. Greene, James Robinson, L. P. Smithick, John Cox, and Henry Burns.

Ten Mile Creek,
13 September, 1861.

JOHN SMITH,
Chairman.

(7.)

Ten Mile Creek,
18 September, 1861.

PLEURO-PNEUMONIA.

Sir,

Referring to my communication of the 13th instant, I have the honor to inform you that I have completed my inspection of the cattle on the runs adjoining Yarra Yarra, and the infected portion of the Billybong Station; and have now to report, that, although this disease is seemingly fast spreading over the latter run, I have seen no decided traces of it on any of the others.

In the course of my search, I found some very decided cases of the disease on the western boundary of the Billybong Run, adjoining Carabobala, and at least ten miles distant from the locality where it first broke out on that run. It would thus be now known to have spread since that time over an area of about ten miles long by six wide, in a westerly direction.

On Yarra Yarra, outside on the run, new cases of the disease are occurring daily; and of the cattle which were put in the paddock, and which were considered the most infected, about sixty have been killed since the date of my first report; and a great many more of them are believed to be ailing. Of these sixty head destroyed, I to-day saw thirty-eight killed and burned.

Waiting instructions,

The Honorable the Secretary for Lands,
Sydney.

I have, &c.,
ALEX. BRUCE,
Inspector.

(8.)

At a meeting of the Sub-committee of Settlers of the Ten Mile Creek District, held at Yarra Yarra, on the 25th September, 1861, Wm. L. Greene, p.

In reference to the progress of the disease, Mr. Robert M'Laurin stated, that it was plainly on the increase on Yarra Yarra, and that since last meeting, on the 13th instant, up to this date, there had been fifty-nine head of diseased cattle destroyed there,—sixteen head of which had been killed on the run among the general herd, and forty-three head from the tailing cattle lately put in the paddock, making in all, up to this date, about 180 head destroyed.

The meeting then took into consideration the different new cases of the disease, which had lately occurred among the cattle on the run that had not been tailed, and which could not have caught it in any other way than by contagion or infection; when it was the unanimous opinion that the disease was either contagious or infectious, or perhaps both; and that in adopting any measures for staying its spread, this fact should be taken as thoroughly established.

With regard to some remarks that had been made as to fixing the price of cattle destroyed so high for all over two years old as 50s. a head, the meeting considered that, as the Murrumbidgee is generally speaking a fattening country, and a great many of the stations stocked with store cattle, the price stated is by no means too high; and, besides, if the price allowed is to be anything like fair compensation to the settlers whose cattle were destroyed, the cost of destroying them,—which cannot be fixed at less than 5s. a head,—ought also to be taken into consideration. Compared, too, with the compensation allowed for sheep under the Scab Act, the meeting was of opinion that the two cases were not analogous in every respect, inasmuch as the owner of a sheep station could re-stock it with fresh sheep, without being at the expense and loss attendant on the breaking in of fresh cattle to a station, which cannot be fixed at less than 15s. a head—counting loss of time, labour, and loss of cattle.

The meeting also resolved, that any Act passed to give owners compensation for cattle destroyed to prevent the extension of the disease, should also provide for the payment of all cattle killed for that purpose previous to the passing of such Act; and the Members of the Legislative Assembly, mentioned in the minutes of last meeting, be respectfully requested to see that this provision be embodied in such Act, as the practice adopted of destroying all cattle showing symptoms of the disease must have very considerably retarded its progress.

The sub-committee would, in conclusion, earnestly request the members mentioned to urge the Government to take immediate steps in this most important matter, as not only every day, but every hour lost now, will greatly increase the difficulty of eradicating the disease.

Yarra Yarra,
25 September, 1861.

(9.)

Department of Lands,
Sydney, 30 September, 1861.

Sir,

Adverting to your report of the 7th instant, respecting cattle affected by the disease known as pleuro-pneumonia, and to the suggestions therein contained, for preventing the spread of that disease, I am directed by the Secretary for Lands to convey to you the following instructions:—

1. The Secretary for Lands does not think that, under the present state of the law, persons can be fined for failing to report the existence in their cattle of the disease known as pleuro-pneumonia.

2. You and your assistants are at liberty to enter upon any land upon which cattle are supposed to be infected, to inspect cattle supposed to be infected, or which have been in the same herd with those which are, or have been, infected, and also to cause cattle supposed to be infected to be consumed by fire.

3. Mr. Secretary Robertson does not think it desirable to insist upon the destruction of cattle by their owners. That, I am to state, should be done by you, and the persons employed by you, after proper notice to the owner or person in charge—the expense thus incurred to be paid by the Government; but, of course, where the owner is willing to undertake the duty it would be well to employ him.

Both you and your assistants, I am to add, must keep books for the purpose of registering the cattle slaughtered, specifying, in each case, whether the animal has or has not been found infected.

4. You will intimate to the owner or person in charge of any cattle so slaughtered, that the Government will pay 30s. per head for all over twelve months of age, and 10s. per head for all under that age.

age, but that no proprietor shall have any compensation whatever for cattle destroyed, unless he shall have given notice to the inspector of his district, or his assistants, of the existence of the disease, before that officer or his assistants shall otherwise have discovered it. You will understand, however, that persons who have already destroyed their cattle will, in the spirit of these instructions, be entitled to the rate of compensation above stated, on the facts being satisfactorily certified.

5. Mr. Secretary Robertson approves of your employing two stockmen to assist you in carrying out the duty entrusted to your care, at the rate of remuneration named by you, viz., 10s. a day, they providing themselves with rations and two horses each.

6. The Secretary for Lands approves of your prohibiting the passage of horned cattle through infected runs.

7. Mr. Secretary Robertson also approves of the same course being pursued with regard to bullock teams, as suggested by you.

8. You will prohibit the impounding of cattle from infected lands, or from any lands within twenty miles of any such infected lands.

9. You will, moreover, prohibit the dairying of cattle on infected runs.

10. You will give notice by placard, and through the local press, of the runs or parts of runs that you may think it desirable to place under the foregoing disabilities.

11. I send you herewith a copy of the Act of Parliament on this subject, and I am to request that you will, without delay, prepare and submit a draft of such regulations under it as you may think necessary to secure its effective working, including, of course, the matters referred to therein.

12. The Government, I am to state, are deeply anxious that every possible means should be resorted to, to effect the eradication of the disease; and as the Secretary for Lands has every confidence in your ability, zeal, and discretion, you are hereby authorized to expend any sum not exceeding £200 in carrying out any measures having this object in view, which may, in your opinion, be of so urgent a character as to require immediate action, without the delay inseparable from a reference to Sydney for special authority. I am also to say, that when this sum is expended the Government will provide more, if necessary, upon your furnishing proper vouchers for the expenditure of the original sum.

13. The inspectors under the Scab in Sheep Act for Deniliquin and Albury, respectively, will be appointed assistant inspectors under the Act herein alluded to, with salary at the rate of £100 per annum, irrespectively of their pay as sheep inspectors.

14. The chief constables at Albury, Deniliquin, Hay, Wentworth, and Gundagai will be authorized to act under the 4th Clause of the Act, 24 Victoria, No. 11.

15. In conclusion, I am directed to state that the Government will cause a copy of this letter to be published in the local newspapers.

Alexander Bruce, Esq.,
Ten Mile Creek, Albury.

I have, &c.,
MICL. FITZPATRICK.

(10.)

Ten Mile Creek,
11 October, 1861.

Sir,

With respect to the classification of cattle destroyed under the "Cattle Disease Prevention Act of 1861," and the prices to be paid for them, according to clause 4 of my instructions, I have the honor to submit for your consideration, whether it would not have been better to class all cattle over and under twenty-four months, instead of over and under twelve months old; and to pay for them at the same rate as that now fixed, taking the alteration of the ages into consideration; and I would respectfully state the following as my reasons for doing so:—

1. The classing cattle over twelve and under twenty-four months with grown cattle, would place it in the power of an unscrupulous person, having an inferior breeding herd, to sell off all his cattle over two years old as store cattle, if he wanted to raise money, and then put an infected beast among the remainder, to get the high rate for his cattle between twelve and twenty-four months old. I do not say that any person in this neighbourhood would be guilty of such an act (though some of them are anxious to sell their cattle, and stock their runs with sheep), but only that such a thing is possible under the present classification.
2. It would scarcely be fair for parties with fattening runs, who have none but grown cattle, that they should only receive the same price for any of their stock that might be destroyed, as was paid to the owners of breeding runs, for unmarketable young cattle between twelve and twenty-four months old: and on breeding runs there would be a great proportion of such cattle.
3. There would be much greater difficulty in deciding whether a beast be over or under twelve months, than over or under twenty-four. In cattle, the changes in the appearance and shape of the teeth (which are, as in horses and sheep, the only sure guide as to age) are so very slightly marked at the time the animal is twelve months old, that none but those who have had great experience, and who have studied the matter thoroughly, can, with certainty, tell its age to within even two or three months; and the consequence would be, that the owners of cattle destroyed would dispute the inspector's decision in every instance where they had the least chance of doing so, especially as the inducement, in three times the price for all that can be made over twelve months old, is very considerable.
4. At two years, again, the change in the appearance and size of the teeth of cattle is so very distinctly marked, that it is impossible for anyone who once sees it not to know it again; and therefore a decision, fairly given by an inspector, on a beast at that age, would not be called in question.
5. In Youatt's "Treatise on Cattle," the plates of the teeth at the different ages show certain changes in the animal's mouth from the time it is eight till it be eighteen months old; but though these changes seem plain and easily discernible on the plates in that work, it is found quite otherwise in practice; and only such changes as those from the milk to the permanent teeth can be noticed by the public, or would be, generally speaking, allowed by them to determine the age of cattle. A change of this description takes place in the teeth of cattle at two years old, when the two first permanent teeth are up.
6. Although, by the classification now proposed, the scale of prices in both classes would be raised, it is believed that the amount which would have to be paid for cattle destroyed would, in the aggregate, be less than under the present classification and prices; for in this district, where there are scarcely any but breeding herds, the number of cattle between twelve and twenty-four months of age bears a very high proportion to the rest, and the withdrawal of them from the high-priced class must keep the total expenditure down.

Since the date of my last report, I have been constantly engaged at Yarra Yarra, going over the run, examining the different mobs, and seeing the infected cattle destroyed. During that time I have destroyed forty-eight head, all of which were diseased; and I have yet a considerable portion of the run to examine. I am carefully noting the different cases that occur among the general herd on the run, and will report at length when my inspection of it is completed.

The Honorable the Secretary for Lands,
Sydney.

I have, &c.,
ALEX. BRUCE,
Inspector.

(11.)

(11.)

Ten Mile Creek,
21 October, 1861.

Sir,

I have the honor to report that I have now completed the inspection of the Yarra Yarra Run; and I regret to have to state, that I do not believe there is a mob of cattle on it in which diseased beasts are not to be found, as I killed them on all parts of the run.

Considering, therefore, from my own experience, as well as from the failure of such a system when followed by duly qualified veterinarians in Victoria, that the attempting to stop the spread of the disease by picking out all diseased, and even infected, cattle from the sound, is only a waste of time and money, I would now respectfully request to be informed whether I am empowered, under clause 2 of my instructions, to order the destruction of every mob in which a diseased beast is found, even to the slaughtering of the whole of the Yarra Yarra herd. I also require to clearly understand this before proceeding to frame the draft regulations, ordered by No. 11 of my instructions.

Although clause No. 2 might be deemed to give me such power, yet I would consider that my acting upon it to that extent would be a stretch of my instructions; and I accordingly now address you for special authority (if I am to be allowed to act to this extent), which I trust will reach me *as soon as possible*, and, if practicable, by telegram from Kyeamba.

Even when every mob in which a diseased beast is found is destroyed, it would still be a matter of very great uncertainty if the disease would even then be stopped; for the best authorities hold that pleuro-pneumonia is readily given to sound cattle through their depasturing on the ground where infected cattle had fed; (and this was the way in which the disease spread, in the first instance, in Victoria); and I would respectfully submit, for your particular consideration, whether the only thoroughly effectual mode of eradicating the disease would not be by drawing imaginary lines round infected districts—keeping, of course, the nature and fall of the country in view in doing so—and destroying all cattle at the time within such lines, and any that might come on the ground for a stated period thereafter.

Single beasts, and even mobs of cattle, so shift from camp to camp, and not unfrequently change their feeding ground, that there can be no positive certainty that the disease is eradicated *unless there is also a certainty* that the ground considered infected was kept entirely clear of cattle; and this, it can easily be seen, could not possibly be done, if the mobs of cattle reckoned clean were left here and there in the neighbourhood of the ground thus cleared of cattle as diseased or infected. And this uncertainty applies with tenfold force to cattle fattening on a run on which they were not bred.

In other words, I would respectfully ask you to consider whether the only possible way of eradicating the disease in this district would not be to make the Yarra Yarra Run (which must now be held as wholly infected) a centre, and to describe imaginary lines around it on every side, till all the infected country and cattle are included; and to have all the cattle within such lines destroyed, and the ground thus cleared kept entirely free of cattle till it was considered clean. This proposal, if adopted, would entail the destruction of about 5,000 head of mixed cattle on Yarra Yarra alone; and if the disease has spread as far as I am afraid it has, we might put down some 8,000 or 9,000 head besides, before there was a certainty of its eradication.

Such a measure must therefore cause great loss to the parties whose cattle were destroyed; but even to them the first loss would be far preferable to being put under interdict, and the risk of the disease breaking out in fresh mobs of their cattle hanging continually over their heads, while all this time they dare not move or sell a beast.

So far as the country at large, again, is concerned, this plan is so plainly the best, even when the heavy outlay that it would entail is taken into consideration, as to require no arguments in its support.

If this suggestion is considered worthy of being entertained, I would further propose that there should be three Commissioners appointed by Government to fix the lines of what was considered infected country, as the doing so is the only difficult part of the proposed scheme.

As cattle are now likely to be killed in considerable numbers, it is a matter for consideration whether it is not possible to save the hides, as I am led to believe, from the information I have gathered on the subject, that it might be possible to get parties to kill the animal and burn the carcass, on being allowed to save the hide for their trouble. If the hides were counted, and marked by me or my assistants on being taken off, and again checked when packed to be sent off to Sydney or Melbourne, I cannot see that there would be any risk of their spreading the disease.

Having ordered the best looking cattle in the paddock at Yarra Yarra (already alluded to in my former reports as the mob of about 450 in which the disease first broke out) to be killed, and having found them diseased, the remainder have been destroyed indiscriminately, and not one of them has as yet proved to be free of the disease. There are now only about 150 head alive, and I expect they will be entirely destroyed in the course of this week.

Waiting your instructions,

I have, &c.,
ALEX. BRUCE,
Inspector.

The Honorable the Secretary for Lands,
Sydney.

After consultation with Colonial Secretary, I approve of the course indicated being carried out. Inform by telegram.—JOHN R. 26 Oct.

Telegram *via* Kyeamba, 28 October, 1861. Letter, October, 1861.

(12.)

Carabobala, 22 October, 1861.

Sir,

In accordance with instructions received by me, as chairman of a public meeting, held at Ten Mile Creek, on the 19th instant, I have the honor to enclose the resolutions passed at that meeting.

The Honorable
The Minister for Lands and Works,
Sydney.

And I have, &c.,
ELLIOT HERIOT,
Chairman.

Ten Mile Creek,
19 October, 1861.

Copy of Resolutions passed at a meeting held this day, at Ten Mile Creek—Elliot Heriot, Esq., J.P., in the chair—to consider the instructions given by the Honorable the Minister for Lands and Works to Mr. Bruce, the Inspector under the Pleuro-pneumonia Act, for the suppression of that disease.

Resolution 1st.—That this meeting considers that that portion of clause 4 which states "that no proprietor shall have any compensation whatever for cattle destroyed unless he shall have given notice to the inspector of his district, or his assistant, of the existence of the disease," if carried out literally, would in many cases inflict gross injustice, as the nature of the disease pleuro-pneumonia is such

such that, in most cases, it is impossible to prove its existence until the lungs have been examined. This meeting is therefore of opinion, that where no attempt has been made to conceal the existence of the disease, the owner should be entitled to compensation.*

Proposed by Henry Osborne, Esq.; seconded by William F. Greene, Esq.

Carried unanimously.

2nd Resolution.—That this meeting considers that, owing to the absence of any sufficient boundaries, it would be utterly impossible to carry out a system of quarantine in such a manner as to stop the spread of the disease pleuro-pneumonia, which, by preventing the removal of fat stock, would entail ruin on the owner. †

Proposed by William F. Greene, Esq.; seconded by Henry Osborne, Esq.

Carried unanimously.

3rd Resolution.—That this meeting, after mature deliberation, is convinced that the only effectual means of stopping the spread of the disease pleuro-pneumonia is to destroy the *entire portion* of the herd amongst which diseased cattle have been found, as it has been proved by experience that it is impossible to detect the disease in its early stages. ‡

Proposed by William F. Greene, Esq.; seconded by Henry Osborne, Esq.

Carried unanimously.

ELLIOT HERIOT,
Chairman.

(13.)

PLEURO-PNEUMONIA.

Ten Mile Creek,
26 October, 1861.

Sir,

Although I had lately the honor of addressing you on this subject, I find the disease spreading so steadily that I deem it necessary to keep you aware of its progress.

Since the 21st instant (the date of my last report) I have seen about sixty head of cattle, taken indiscriminately from a mob on the Yarra Yarra station, slaughtered; and although there were at least six different brands and breeds of cattle in the lot, every beast killed was more or less diseased, while some of them were apparently sound before being killed, and fat enough for market.

Several cases have also since occurred a few miles over the boundary of the Yarra Yarra run, in this immediate neighbourhood, which, with the cases in cattle other than those of Yarra Yarra, already reported on Messrs. Bowler and Bardwell's runs, clearly show that the disease must be very generally disseminated among the cattle belonging to other parties coming in contact with those of Yarra Yarra.

Everything, therefore, goes to show that the disease is highly contagious or infectious; and that, unless decided and energetic measures be at once taken, the disease will soon spread over too wide an extent of country to be eradicated.

I have also to state that I have stopped several dairies in the infected country; but in doing so have allowed the parties who were carrying them on to retain a few broken-in cows for milk for the families' use, and I trust I was right in giving this permission.

The Messrs. M'Laurin having consented to the destruction of all cattle belonging to them presently on other parties' runs, whether they belong to the infected lot or not, I am to employ another boundary keeper, to visit the different stations and see these stragglers destroyed on one side of the country, while one of the hands I had previously engaged in that capacity is out on the same errand on the other, and the third hand is constantly employed at Yarra Yarra.

I have also engaged a fourth party, and dispatched him to follow some store cattle, originally from White's, on "The Levels," which have gone off towards the Murrumbidgee from Mr. Samuel Bowler's run, on the Ten Mile Creek, now declared infected, and to see such cattle destroyed. Both this man, however, and the other extra hand to be sent after the Yarra Yarra cattle will be paid off when they return.

I would explain, with regard to the destroying of these stragglers on the ground where they are found, rather than collecting and bringing them back, that if any of them should turn out to be infected, the driving of them about the country would be sure to bring out the disease more rapidly, and the runs through which they would be thus driven on their way back here would be certain to be infected.

Although my instructions may scarcely warrant my entrusting these men with so great power as the following up and destroying the cattle in this way will give them, still I thought it better (as I could not possibly leave this quarter myself) to run the risk of exceeding my powers, rather than allow these stragglers to carry the seeds of the disease all over the Colony.

Before dispatching them, however, I have taken the precaution to order these boundary keepers to have the destruction of every beast thus destroyed by them certified by the owner of the run where killed; and I have also made them subscribe a declaration before a Justice of the Peace, that they will always give a correct account of all cattle they may thus see slaughtered, and that they will generally carry out any instructions they may receive, for staying the spread of the disease, to the best of their knowledge and abilities.

The best arrangement I could make with the Messrs. M'Laurin for the burning of their cattle was 5s. a head for the grown cattle, and 3s. each for those under twelve months, whether singly on the run, or in mobs in the yard. These rates I consider high, but I could get no other person in the district to undertake the work at less; and I deemed it better to give them their price than to employ hands myself whom I had not the time to overlook, being very frequently called away to different parts of the district to inspect ailing cattle. If the herd is to be destroyed, and my suggestion respecting the saving of the hides not to be entertained, tenders might be called for doing the work.

Waiting anxiously for instructions,

I have, &c.,
ALEX. BRUCE,
Inspector.

The Honorable the Secretary for Lands,
Sydney.

(14.)

Telegram from Under Secretary for Lands to Alexander Bruce, Esq., Ten Mile Creek, Kyeamba.

31 October, 1861.

The Secretary for Lands approves of the course indicated in your letter of the 21st ultimo being carried out. The special authority therein applied for, for the destruction of every mob of cattle in which a diseased beast is found, is hereby conveyed; the hides to be disposed of in the manner suggested by you. Further instructions by letter.

(15.)

* I do not apprehend that any Government would carry out this clause literally, if by doing so injustice would follow. All that would be done would be to carry out the clause in its spirit.

† If the disease is in the cattle, it will be in the fat stock as well as the others, and it is even more necessary to prevent them travelling to market than ordinary stock.

‡ Instructions in accordance with the views stated in this resolution have been given before.

JOHN R.
3 Nov.

(15.)

*Department of Lands,
Sydney, 2 November, 1861.*

Sir,

Referring to my telegram of the 28th ultimo, conveying the special authority applied for in your letter of the 21st instant, for the destruction of every mob of cattle in which a diseased beast is found—the hides to be disposed of in the manner suggested by you, namely to become the property of the parties killing the animal and burning the carcass,—I am directed to inform you, that Mr. Secretary Robertson has since seen reason to alter his views with regard to the disposal of the hides, which he now considers should be destroyed with the cattle.

2. Mr. Secretary Robertson, I am to add, approves of imaginary lines being drawn round infected districts, as recommended by you, with a view to the destruction of all cattle at the time within such line, and any that may come on the ground within a certain period thereafter, which period you will have the goodness to specify for approval.

3. If you are unable to determine these lines yourself, I am to request that you will have the goodness to name two gentlemen, who would be competent and willing to co-operate with you in the matter.

A. Bruce, Esq., Inspector of Cattle,
Ten Mile Creek, Kyeamba, *via* Tarcutta.

I have, &c.,
MICL. FITZPATRICK.

(16.)

Telegram from Alexander Bruce, Inspector of Cattle, Ten Mile Creek, Albury, to the Under Secretary for Lands, Sydney.

6 November, 1861.

As two competent and disinterested parties could not be found in the district, would I call in the assistance of one of the late Victorian Commissioners, under two and three of yours as 346 of 2nd November, and let the settlers in the district choose the third?

(17.)

Telegram from the Under Secretary for Lands, Sydney, to A. Bruce, Esq., Ten Mile Creek, Albury.

6 November, 1861.

Mr. Secretary Robertson sees no objection to your proposal, to call in the assistance of one of the late Victorian Commissioners, for the purposes mentioned in paragraphs two and three of my letters of second instant; the settlers in the district to choose the third.

(18.)

*Ten Mile Creek,
9 November, 1861.*

Sir,

I have the honor again to acknowledge the receipt (having already done so by telegraph) of your communication of 2nd instant (61/3892-346,) and have, in accordance therewith, countermanded my advertisements for parties to destroy the cattle for their hides. I may, however, be allowed to state that, from the applications already made for doing the work on those terms, I believe upwards of 2,000 a week would have been got through.

The Messrs. M'Laurin have been making inquiry as to the time of payment for the destroying of the cattle; and I would, therefore, beg respectfully to be informed how the £200—which by No. 12 of my instructions I would understand is to be expended for this purpose—is to be made available by me. The Messrs. M'Laurin say that they need the cost of destroying the cattle as soon as possible, to meet the heavy weekly outlay they are now at for hands to do the work.*

When, on a former occasion, I stated that I considered 5s. a head for destroying cattle over two years old, and 3s. each for those under that age too high, I was under the impression that the settlers would get them in without looking for payment. I now find that they would not, generally, be willing to do so without a consideration; and as there is nothing in my instructions to compel them to do so, 5s. a head for the getting in and destroying cattle over two years old, and 3s. a head for all under that age, would not be excessive—especially as everyone who undertakes the work will be bound to get in all the herd to the last head of the brand.

As diseased cattle have now been killed on Dora Dora run (which is bounded on one side by the Murray) it has been put under interdict; and I have been applied to by several settlers whose runs are also under interdict, and who wish to take away fat cattle, to allow them to do so through the interdicted ground, and to cross them into Victoria at Dora Dora, with the consent of the owner of that run, and after inspection by me.†

I might explain, that several stations have had cattle belonging to the Messrs. M'Laurin killed upon them, slightly diseased, and were accordingly put under interdict for a time; and it would be from some of these runs that the fat cattle would be taken (if allowed) across the Murray.

So far as Dora Dora, and the other stations through which such cattle would travel, are concerned, there could not be any harm done, as Mrs. Greenc's, Billybong, Mr. Bowler's, Ten Mile Creek, and Dora Dora—all adjoining Yarra Yarra—are, next to that run, the most infected in the district. It would be a matter for your consideration, however, whether the allowing these cattle from interdicted runs on this side the Murray to go into Victoria would not be remonstrated against by that Government, and, perhaps, lead to the passing of a measure to prevent cattle from crossing into Victoria from all parts of the Billybong district.

In

* The cost of destroying will be at once paid on presentation of certificate from Mr. Bruce.—JOHN R.—14 November.
† The Colonial Secretary should be asked to ascertain from the Government of Victoria, whether they would object to the fat stock alluded to passing into their Colony as indicated. It would be proper to give the Colonial Secretary a rough sketch of the runs now under interdict.—JOHN R.

In order to see whether the form meets with your approval, I send you, as under, a transcript of the headings of the book in which the entries of all cattle destroyed are made, and trust that it contains all the particulars that will be required.

Date.	Description.	Brands.	Age.		Owner.	How affected.	By whom destroyed.	By whom seen destroyed.	Remarks.
			Over 2 years old.	Under 2 years old.					
1861. Nov. 1	One red ox	AIA off rump	1	.....	J. M'Laurin & Sons	Badly	J. M'Laurin	P. R. Gordon	

Referring to your communication of 26th October (61/3706-340), regarding the alteration in the classification of cattle destroyed, I would respectfully request to be informed (as many parties are anxious to know) what price in money is now to be paid for each class of cattle. As it would require very considerable experience and knowledge of cattle to fix the price of these classes "at the same rate" as that already allowed for cattle over and under twelve months, taking the alteration of ages into "consideration," I can scarcely think that the fixing of the money value of the present classes of cattle is meant to be left to me, but will be done by competent parties deputed by you.*

I trust to be at work by the end of the coming week, under the plan approved of in your communication of 2nd November, paragraphs 2 and 3. The settlers meet on Wednesday next, to appoint one of their number to act along with me and Mr. Smith, from whom I hope to hear to-night, stating that he is coming up here at once.

It will be necessary, after such infected country is marked off, to keep the district for some distance round it under interdict for some months, lest by any chance some infected beast might have escaped our notice outside the line.

In the meantime, the destruction of the cattle at Yarra Yarra, and Mr. Bowler's, Ten Mile Creek, is being proceeded with; and when the proposed line is drawn, a commencement will be made on the outside of the proscribed country on every side.

Respectfully requesting an answer to the inquiry as to paying for the destruction of the cattle and the other matters requiring a reply.

I have, &c.,
ALEX. BRUCE,
Inspector.

The Honorable The Secretary for Lands,
Sydney.

(19.)

Telegram from A. Bruce, Esq., Cattle Inspector, Ten Mile Creek, Albury, to Thos. H. Mate, Esq., M.L.A., Sydney.

11 November, 1861.

As I can hear nothing of Mr. Smith, the Victorian Commissioner, could Mr. Weaton, or some qualified person, be got in Sydney to come up and assist in fixing proposed boundary of infected district? If you think so, apply to Government on subject. I wait reply here.

(20.)

Telegram from Under Secretary for Lands, Sydney, to A. Bruce, Esq., Ten Mile Creek, Albury.

12 November, 1861.

Mr. Mate has handed your telegram of yesterday to the Secretary for Lands, who desires me to say that, if you want instructions, you should telegraph to this department; and that as it was you who suggested that the assistance of the Victorian Commissioner should be called in, you should, if you cannot get him, suggest some other person, or else ask for sole power in yourself. It appears to Mr. Robertson likely, from the delay, that the advantage of immediate action will be lost while considering the mode.

(21.)

Telegram from A. Bruce, Esq., Cattle Inspector, Ten Mile Creek, Albury, to Under Secretary for Lands, Sydney.

12 November, 1861.

I would now name for approval Mr. S. A. Meyers, Mungaberoona, Albury, to act along with me and the gentleman appointed by the settlers to fix infected boundary. I wait reply.

(22.)

Telegram from Under Secretary for Lands, Sydney, to A. Bruce, Esq., Cattle Inspector, Ten Mile Creek, Albury.

14 November, 1861.

The Secretary for Lands approves of the appointment of Mr. S. A. Meyers (as recommended in your telegram of to-day), to act with you and the gentleman appointed by the settlers to fix infected boundary.

(23.)

Telegram from Secretary for Lands, Sydney, to A. Bruce, Esq., Inspector of Cattle, Ten Mile Creek, via Albury.

18 November, 1861.

The money for destroying the cattle will be at once paid on the production of the necessary certificate from you. With regard to the driving of the fat cattle referred to by you across the Murray into Victoria, the Chief Secretary of that Colony has been telegraphed to, to ascertain whether there will be any objections on the part of the Victorian Government to its being done.

(24.)

* What was meant was, that 30s. should be paid for all cattle twenty-four months and upwards; and 10s. for all under that age. Mr. Bruce, in his letter of 17th October, points out the ease with which cattle can be classed, as under on the one hand, or over on the other, than twenty-four months. The new arrangement is merely following Mr. Bruce's suggestion, and he will have to provide means for ascertaining the ages.—JOHN R.—14 November.

(24.)

Telegram from Inspector and Commissioners of Pleuro-pneumonia, Kyeamba, to Secretary for Lands, Sydney.

21 November, 1861.

Being alarmed by extent of pleuro-pneumonia on west side of Yarra Yarra, we separated and tried country in other directions. We have traced the disease from the Murray forty-two miles towards the Murrumbidgee, and at least 40,000 cattle would likely now be condemned. Further particulars in an hour.

ALEX. BRUCE.
GEORGE DAY.
S. A. MEYER.

(25.)

Telegram from Inspector and Commissioners of Pleuro-pneumonia, Kyeamba, to Secretary for Lands, Sydney.

21 November, 1861.

The number of cattle in last telegram is made up of those belonging to Yarra Yarra, Dora Dora, Wagra, Mungandra, Mountain Creek, Ten Mile Creek, Carrabots, Billybong, Cookendina, Kerry Kerry, Pullitop, Little Billybong, Four Mile Creek, Copabella, and Jenjemick, and the disease might be beyond these stations. What course will we now adopt, and to what extent would the Government go in compensation? Would it not be best for inspector to visit Sydney and explain? Shall the cattle which are being destroyed at Yarra Yarra and Mr. Bowler's still continue to be killed, and will the cattle on Mr. Bardwell's, which we have condemned, be destroyed. We wait reply here.

ALEX. BRUCE.
GEO. DAY.
S. A. MEYER.

(26.)

Telegram from Secretary for Lands, Sydney, to A. Bruce, Esq., Kyeamba.

22 November, 1861.

The Assembly is still discussing the resolutions. There is no hope of your receiving any further telegram to-night.

(27.)

Telegram from Secretary for Lands, Sydney, to A. Bruce, Esq., Inspector, Kyeamba.

23 November, 1861.

The Assembly has authorized a Special Commission, of which you will be a member. Till further instructions, only destroy cattle diseased, or supposed to be diseased.

(28.)

Telegram from A. Bruce, Esq., to Secretary for Lands.

Lest there should be a misunderstanding in telegraphing, we would explain that we saw diseased beasts in every mob, and also that we believe the disease extends considerably beyond the limits mentioned—we having turned back in order to telegraph at once.

(29.)

Telegram from Secretary for Lands, Sydney, to A. Bruce, Esq., Ten Mile Creek, Kyeamba.

26 November, 1861.

You will proceed with the destruction of cattle diseased, or supposed to be diseased, until further instructions. Your remuneration will be as heretofore. The Commissioners to be appointed by the Government to inquire into pleuro-pneumonia are Messrs. James Garland, S. A. Meyer, and G. Day; Mr. Bruce, a veterinary surgeon, to be attached. £2 10s. (two pounds ten shillings) with travelling expenses, will be allowed official members of Commission. To be considered as urgent questions:—First—What land, if any, within the boundaries thereof, should be placed under quarantine; to consider and report of the best means of staying the disease, whether within or without the boundary; to communicate frequently with me by telegram, as well as by letter, the views of the Commission subjoined; to appoint persons to guard the passes beyond the diseased boundaries of the land under quarantine, with power to destroy any cattle belonging to the last mentioned runs that may overstep the boundaries thereof—the owners to have no compensation for any such cattle.

(30.)

Ten Mile Creek,

26 November, 1861.

Sir,

We have the honor to report, that in terms of Nos. 2 and 3 of your communication to the inspector, of 2nd instant (61/3892-346), we commenced to define the boundaries of the infected country, on Thursday last, the 14th instant, by inspecting Mr. Bowler's cattle, on Ten Mile Creek; and after a careful examination of two days, we found that the disease was in every mob on the run, and had therefore no alternative but to condemn the whole herd, of some 1,000 head, and notice was given to the owner to destroy them.

After a like inspection of Mr. George Bardwell's herd, also on Ten Mile Creek, we found such proof of the existence of the disease all throughout his cattle as to lead us to condemn his run, and we gave him notice to destroy the stock accordingly.

On the afternoon of the 16th instant we commenced the examination of Messrs. Purtell and Dalton's runs, of Ten Mile and Mountain Creeks, and concluded at noon on the 19th, when, being alarmed at the extent of the disease in that direction, we came to the conclusion not to condemn their cattle until we found how far the disease had spread in other directions, and especially towards the Murrumbidgee (a line of fence about forty miles in length running in a northerly direction, from Mungandra to Mangoplar, in some measure protecting the Lower Billybong), and to telegraph the result to Government, from Kyeamba, on Thursday morning.

On

On the morning of the 20th, therefore, we separated—Mr. Meyer taking a north-easterly direction from Careboba to Pullitop; and Messrs. Day and Bruce inspecting the country from Ten Mile Creek to same place, and examining cattle on the runs of Mrs. Greene, Billybong; Heriot, Carabobala; Post, Cookendina; and Messrs. Cox and Keane, Pullitop, along the valley of the Back Creek and Major's Gully, in a northerly direction.

After meeting at Pullitop on the evening of the 20th, we regret to state that the result of our several inspections clearly showed that the disease had spread from the Murray River to Pullitop, and in all probability considerably beyond that run, in the direction of the Murrumbidgee.

Having come to this conclusion, we left early on Thursday morning for Kyeamba, inspecting some of the cattle as we went, and found the disease up to Kyeamba, where we inspected four head, and found three of these very distinctly diseased.

We then telegraphed the result of our inspection to you; and after repeated communications with your department—in the course of which we were given to understand that the Legislative Assembly had sanctioned the appointment of a Special Commission on the subject—we considered that the services of Messrs. Day and Meyer were at an end, and they accordingly left under that impression.

Before doing so, however, notice was sent to Mr. George Bardwell that the destruction of his cattle was to be deferred in the meantime; and we also thought it right respectfully to offer it as our joint opinion, founded on our experience, that any measures which might now be adopted to eradicate the disease this side of the Murrumbidgee would prove ineffectual unless the settlers generally could be roused, through a salutary dread of the disease, to take every possible precaution for protecting their stock from the infection, and some means could be discovered for preventing the owners of bullock teams from breaking interdicts by determinedly pushing through wherever their immediate interest leads them, regardless of the risk to themselves or the country at large.

We have, &c.,

ALEX. BRUCE, Inspector.
GEORGE DAY.
S. A. MEYER.

The Honorable the Secretary for Lands,
Sydney.

(31.)

Telegram from A. Bruce, Kyeamba, to Under Secretary for Lands, Sydney.

28 November, 1861.

Telegram of 26th received. As you could not be aware, from our telegrams, that the killing of all cattle diseased, or supposed to be diseased, might destroy some 8,000 or 10,000 head, my only action up to this time has been—pending inquiry by Commission—to place the country known to be infected under temporary interdict, and to continue the destruction of Messrs. M'Laurin's and Mr. Bowler's cattle, as almost all diseased and very liable to stray, and of stragglers from infected runs—which I hope meets your approval.

(32.)

Telegram from Under Secretary for Lands, Sydney, to A. Bruce, Esq., Ten Mile Creek, Kyeamba.

29 November, 1861.

In reference to your telegram of the 28th instant, I am directed to inform you, that the Secretary for Lands approved of the course mentioned as having been taken by you. Telegrams have been sent to-day, in answer to Messrs. Day and Meyer, that what is intended is, that cattle diseased, or supposed to be diseased, are those only that are to be destroyed. Also, that Mr. Garland and the Veterinary Surgeon left on Tuesday by mail. To prevent misunderstanding, I am to mention, that from Friday last, the allowance for cattle destroyed will be whatever the Parliament may approve.

(33.)

Ten Mile Creek,
30 November, 1861.

Sir,

In obedience to your instructions, we have the honor to inform you that Mr. Garland and Mr. Pottie arrived here last night, and, accompanied by Mr. Bruce, visited the Yarra Yarra station this morning.

We regret to state that pleuro-pneumonia has existed there in a virulent form, and that the Messrs. M'Laurin have already slaughtered five thousand head (5,000) of cattle.

Mr. Pottie made a minute inspection of a number of lungs in various states of disease, and his report is herewith enclosed.

In the course of the afternoon Messrs. Day and Meyer arrived, and we proceeded at once to consider the various questions connected with the very important duties we had to discharge. The decisions at which we arrived on the several subjects to which your instructions directed our attention, will be gathered from the three resolutions which we have the honor to enclose, and which were passed and entered on the minutes of our proceedings. We have not had time fully to discuss and decide upon the mode of compensation; but will take the earliest opportunity of coming to a conclusion upon this subject, which we will immediately transmit.

With reference to our recommendation to prevent horned cattle being removed from the Murrumbidgee Pastoral District to any other portion of the Colony of New South Wales, we beg to state that we have been induced to offer this suggestion, in consequence of having reason to believe that the infected district now under quarantine does not include anything approaching to the extent of diseased country; and until, by further inspection, we can ascertain its limits, we think it prudent to take every precaution; at the same time we do not consider that such a restriction will be productive of much hardship to the district, inasmuch as it will apply to a country almost wholly in connection with the Victorian markets, and will in no way interfere with taking fat stock there; while on the other hand, it will not operate against the introduction of sound stock from the Northern Districts. The only injury that can be sustained will arise from the inability to send fat stock from the district to the Lachlan Gold Fields.

The other two resolutions will, of course, be subject to modifications, as our information becomes more complete.

We have forwarded a telegram to-day, embodying the substance of this letter.

So far as we are at present advised, we do not know that the disease has extended further.

To-morrow we are about to proceed on a tour of inspection, and will lose no opportunity of communicating the result to you.

We have, &c.,

JAMES GARLAND.
GEORGE DAY.
S. A. MEYER.
ALEX. BRUCE.

To the Honorable the Secretary for Lands,
Sydney.

Telegraph approval of the resolutions alluded to, and instruct to act under them.—JOHN R.—5 Decr.

Resolutions

Resolutions passed by Board of Commissioners on Pleuro-pneumonia, at Ten Mile Creek, on 30th November, 1861.

Resolved,—That the country comprehended in that portion of the Colony of New South Wales known as the Pastoral District of Murrumbidgee, exclusive of that portion of the said district lying east of the watershed of the Tumut River, be temporarily proclaimed as a district from which no horned cattle of any description shall pass into any other portion of New South Wales.

That the runs already proclaimed by the inspector as infected shall remain under quarantine, and be subject to all the restrictions and disabilities now in force or hereafter to be imposed respecting such runs.

That in the meantime six stockmen be appointed as boundary keepers, to guard the runs immediately beyond the land under quarantine, or such greater number as an extended boundary may require, with power to prevent all cattle from passing such boundary from infected runs, and to destroy such cattle so passing over as the inspector shall indicate, with the approbation of the Board.

*Ten Mile Creek,
30 November, 1861.*

Sir,

In obedience to your instructions, I furnish, as an Appendix to the Board of Commissioners' Report for inquiring into the history, nature, and causes of that disease, said to exist among the cattle of this district, termed pleuro-pneumonia,—I have the honor to transmit a brief notice of such facts as came under my observation.

The history of the introduction of the disease remains as yet a mystery. Various and vague reports are current in this district, and the Messrs. M'Laurin are not prepared to say how it was introduced into their herd.

With regard to the nature of pleuro-pneumonia here prevalent,—it much resembles the same disease which for the last twenty years has ravaged the stock of Great Britain. The symptoms are generally of a typhoid character, and thus the disease escapes notice until it has advanced beyond the reach of cure. Evidently the contagious or spreading nature of the disease is just as virulent here as elsewhere; for on examination I found nearly all of Mr. M'Laurin's herd exhibiting the external symptoms of pleuro-pneumonia.

I at once commenced *post mortem* examinations, and had twenty cattle killed for that purpose. The following is an outline of what appeared:—

A cow six years old:—Abdominal parietics and peritonæum good; but symptoms of diarrhœa present within the intestinal canal, with derangement of fourth stomach.

Chest appearances very bad. Left lung studded with congestive spots, and the bronchial tubes within much inflamed; right lung firmly adhering through its pleura to the diaphragm and pleura costales, with effusion of lymph matter and blood. The lung, after being taken from chest, felt tremendous heavy; and upon cutting into its substance, found it perfectly hepatized and exhibiting the marble appearance so conclusive in this disease. The inflammation had also extended up the trachea, involving the larynx and pharynx.

The others exhibited similar symptoms in a minor degree.

I have, &c.,
JOHN POTTIE,
Veterinary Surgeon.

The Honorable the Secretary for Lands,
Sydney.

(34.)

*Mullangandra,
4 December, 1861.*

Sir,

We have had the honor to acquaint you by telegram that, after much discussion, we have experienced great difficulty in arriving at a conclusion with regard to the mode of awarding compensation for cattle slaughtered under "the Cattle Disease Prevention Act of 1861," till by further inspection we may be able to ascertain to what extent pleuro-pneumonia may have gone, the proportion of cattle affected in the herds, and whether and in what cases it may be desirable to slaughter the whole herd, or only such cattle as are diseased or supposed to be diseased. In the event of the disease being circumscribed within narrow limits, it may be advisable to slaughter, without loss of time, the whole of the herds affected, to prevent its extension, and in that case the propriety of the Colony giving an ample compensation to the owners has been argued.

It has been said also, that the amount ought not to be such as to offer any inducement to cattle owners to be indifferent to the inspection of their herds.

On the other hand, it has been contended, that as the runs of diseased cattle are placed under quarantine, it ought to be an element in the compensation that the owner should be remunerated for the loss he sustains by not being able to take cattle to market, as well as for the other disabilities under which he labours for the benefit of the country. Indeed, we are aware of cases of great hardship, when certain runs were placed under the first interdict, in consequence of diseased cattle from Yarra Yarra having been found thereon, at a time when mobs of fat cattle were just about to be removed for market, some of which had actually been sold and could not be taken away, while cattle were removed from adjoining runs, perhaps a day or two before the quarantine was proclaimed, without let or hindrance. On every extension of the quarantine, similar cases of hardship will occur.

These are, however, matters having reference to the amount of compensation rather than the mode of awarding it; but they are at the same time so intimately connected that we allude to them merely to convey some idea of the difficulties we have to encounter in arriving at an immediate conclusion.

On Monday, the 2nd instant, the Commissioners, accompanied by the Veterinary Surgeon, proceeded to Messrs. Partell and Dalton's run, Ten Mile Creek, where we shot two head of cattle, both of which were diseased. Our operations were much impeded by the heavy rain, which flooded the creeks to such a degree that we could not pass over them to adjoining runs without going to the Albury Road to avail ourselves of the bridges. Yesterday it rained very heavily; but in the afternoon we visited Mr. Morrice's run, Mullangandra, and slaughtered a heifer, which was distinctly diseased; but in order to be more fully assured, three others of the same herd were killed and examined this morning, which put the existence of pleuro-pneumonia there beyond a doubt.

We afterwards proceeded to the station called Cumberoona, and examined two of Mr. Hore's cattle, which were also slightly affected.

Mr. Pottie's report of these examinations we have the honor to enclose.

We beg to acknowledge the telegram communicating Mr. Michie's report on the cases that have occurred near Campbelltown; and

We have, &c.,
JAMES GARLAND.

The Honorable the Secretary for Lands,
Sydney.

Mullangandra

Mullangandra,
5 December, 1861.

Sir,

Since examining the Yarra Yarra cattle, I have examined Purtell's, of Ten Mile Creek, and Mr. Morrice's of Mullangandra, on both of which stations we found cattle diseased with pleuro-pneumonia. These cases exhibited, on *post mortem*, the first and second stages; but stray cattle had formerly been found on these runs, belonging to Yarra Yarra, exhibiting the third stage of the disease.

These runs are pastured by a mixed herd; that is to say, some of the cattle are of very good shape and colour, while others are very indifferent; yet many of the best cattle are found worst with the disease, exhibiting the greatest degree of internal destruction, the lungs being further and more generally disordered.

We find from inquiry, that the disease known as rot existed in a very virulent form some time ago among many of the cattle pasturing on the runs around Ten Mile Creek; and I find this verified by my *post mortem* researches. Properly this disease is termed tuberculosis. It seems to be a disorder of the assimilation of the elementary bodies of the blood. The animal takes into its constitution the embryo of an animalcule. These get deposited in the various tissues of the body, nature forming round them a kind of cyst—this cyst for a time receiving a deposition of phosphates, until the suppurative process is set up, manifesting appearances which we often see in the last stages of this malady, viz.:—The liver, and sometimes the lungs and kidneys, turned into a mass of white purulent matter. An animal labouring under this disease possesses a gross appetite while alive, greedily licking all sorts of rubbish. Though such a state robs the constitution of its full powers to withstand an epidemic, yet it does not necessarily create spontaneous disease, and could not of itself create pleuro-pneumonia. In fact, the cattle which have been impoverished by tuberculosis, and are still so, do not present so strong internal appearances of the present epizootic; but those cattle which have recovered, and are now speedily getting fat, seem to fall the readiest victims to pleuro-pneumonia.

I have, &c.,
JOHN POTTIE.

To the Honorable Secretary for Lands.

(35.)

Bawna, 5 December, 1861.

Sir,

Since writing our letter of yesterday's date, we have had the honor to receive your telegram of that day. In reference to it, we reply by telegram, to the effect, that if the resolutions we forwarded on the 30th ultimo were confirmed and proclaimed by the Executive, we should, in the meantime, be armed with sufficient authority. At the same time we suggested, that after the word "proclaimed," in the second resolution, the words "or to be proclaimed" should be inserted, in order to meet the extension of power necessary to an extended quarantine.

We have, &c.,
JAS. GARLAND.

The Honorable the Secretary for Lands,
Sydney.

(36.)

Albury, 7 December, 1861.

Sir,

In our letter of the 5th instant, we expressed our belief, that if the resolutions forwarded on the 30th ultimo were confirmed and proclaimed by the Government, we should be armed with sufficient authority; but on looking more closely into the Cattle Disease Prevention Act, we are now of opinion that they scarcely are sufficient. In order to proceed more rapidly with the investigation, we consider it desirable to separate into two or more parties, who may take different directions; and in such case the Commissioners will require power to go upon suspected runs, and to kill any suspected cattle, which power we do not think we at present possess. In the meantime, we do not suppose that the settlers will offer any obstacle to the prosecution of our investigations; and we think that, except in very doubtful cases, any of the Commissioners have now acquired sufficient experience to enable them readily to detect the existence of disease. If doubtful cases shall occur during the investigations of Commissioners only, a reference will be made to Mr. Pottie before any action shall be taken.

We are now so strongly impressed with the necessity for proclaiming the regulations to legalize the acts of the Commissioners, as well as of the inspectors, that we have for the last two days given much of our attention to the subject, with a view to the necessary powers being afforded to us as soon as possible. It is evident that the Act was passed mainly to prevent the importation or introduction into the Colony of diseased cattle, and did not anticipate the restrictions necessary to stay its progress when once it had obtained a footing. We at first attempted to draw out a full code of regulations; but finding so many difficulties surrounding the subject, as well as the urgency of prompt action, we have confined our efforts in the meantime to such regulations as are actually requisite to meet the present emergency. We did intend to forward them by telegram, but we find it too late to-day for official hours in Sydney, and the further intervention of Sunday will make the difference of time so short, as hardly, in our estimation, to warrant the expense and the risk of imperfect communication.

We have had some difficulty on the subject of the 7th regulation; but we think that the plan of appointing chief constables *ex officio* inspectors, for the purpose of guarding against any violation of the prohibition with respect to the Murrumbidgee District will, as a temporary measure, meet the case.

We have the honor to forward herewith a short draft of regulations, and Mr. Pottie's report, bringing up our labours of inspection from the date of our last communication.

We have, &c.,
JAS. GARLAND.
GEORGE DAY.
S. A. MEYER.
ALEX. BRUCE, Inspector.

The following Regulations, which have been made by His Excellency the Governor, with the advice of the Executive Council, for carrying into effect the "Cattle Disease Prevention Act of 1861," are hereby published for general information:—

1. The Government shall authorize all or any of the members of the Board appointed by the Government for the purpose of prosecuting the inquiry into the disease among cattle called pleuro-pneumonia, to enter upon any lands upon which cattle are supposed to be infected, to inspect cattle supposed to be infected, or which have been in the same herd with those which are or have been infected, and also to cause cattle supposed to be infected to be slaughtered and consumed by fire.

2. The country comprehended in that portion of the Colony of New South Wales, known as the Pastoral District of Murrumbidgee (exclusive of that portion of the said district east of the watershed of

of the Tumut River) shall be temporarily proclaimed a district from which no horned cattle of any description shall pass into any other part of New South Wales.

3. The Board of Commissioners shall appoint inspectors, to be approved of by the Government. Such inspectors to have the same powers, under the control of the Board, as those conferred on the Commissioners in the first of these regulations, with regard to the inspection and destruction of cattle supposed to be diseased.

4. Any inspector, with the advice of the Board, may from time to time be empowered to proclaim any infected lands under quarantine, or to release the same.

5. Any inspector, with the approval of the Board of Commissioners, may appoint stockmen as boundary keepers, to guard the lands immediately beyond those under quarantine, with power to prevent all cattle from passing such boundary from infected runs, and to destroy such cattle so passing over as an inspector, with the approbation of the Board, shall indicate; such stockmen to be paid at the rate allowed by Government.

6. The impounding of all horned cattle from infected lands, or from any lands within twenty miles thereof, shall be prohibited.

7. The chief constables at Hay, Wentworth, Gundagai, Tumut, and Wagga Wagga, shall be appointed inspectors *ex officio*, and be instructed to see that all quarantines and prohibitions be strictly observed, with power to destroy any cattle violating the same.

Albury, 7 December, 1861.

Sir,

I have the honor to submit a third report of my investigations.

Messrs. Hore's run, of Cumberoona, and Mitchell's, of Table Top, have been thoroughly examined, and diseased cattle found on both; but the majority of cases exhibited only the first stages of pleuro-pneumonia; that is, the lungs exhibited here and there fleshy patches, while the other parts of lungs seemed as if they could not collapse, even though completely emptied of arterial and venous blood. The muscular fibulae of lungs evidently lose their contractile power, and, as a matter of course, congestion to some extent is set up.

In the second stage of this disease black spots are visible beneath the outer membrane (pleura-pulmonalis) of lungs, and on cutting open the lung dark red patches appear, which, on close examination, I find to be made up of four distinct spots; these are the minute cells filled with blood. In this stage of the disorder the membrane pleura-costalis (lining inside of ribs) appears studded here and there with lymph. In due time the lungs, through the agency of this lymph, become adherent to ribs, and the third stage of the malady is set up, constituting in the interior of lungs the marble stage I before spoke of.

The cattle on Hore's run are well-bred, much attention having been paid to the symmetry and constitution of the bull and cow, and hence the progeny have a deep, square, well-built carcass, with fine, thin, broad bone close in its cancellated tissue.

Mitchell's cattle were also in good condition, exhibiting signs of care. Both these parties possess pure bred imported bulls, a fact which evidently tells strongly on the conformation of the progeny. Still melanoses and tuberculosos were present; a fact which must strongly urge the parties to use more salt and more nitrogenous food.

I have, &c.,
JOHN POTTIE.

The Honorable the Secretary for Lands,
Sydney.

(37.)

Wagga Wagga, 12 December, 1861.

Sir,

I have the honor to inform you that, after tracing Cumberoona (Mr. John Hore's) and Table Top (Mr. James Mitchell's), we made our way for Albury, examining those cattle pasturing on the commons round and close to the township.

These cattle are owned by various parties; they possess a more unthrifty appearance than the cattle on the runs, certainly the feed is bare, but from external appearances we could easily notice that pleuro-pneumonia was amongst them: one cow was slaughtered, and her internal organs confirmed our diagnosis.

You will observe that we have only examined those runs bounding the highway between Ten Mile Creek and Albury, because we were under the impression that many of the stray cattle from Yarra Yarra would take this route.

Next we paid sundry visits to the slaughter-yards near Albury, and found, on one of our visits, one animal at each place far advanced with pleuro-pneumonia; these cattle came from Cumberoona and North Gunningbell (on Billybong Creek), but they had been near Albury for three weeks.

It may appear startling to parties at a distance when they hear of the infected area being so large, but when we consider the time that has elapsed since it was first mooted that an animal had died at Yarra Yarra of pleuro-pneumonia, and when we add to that the time the disease must have existed previous to the first deaths, a period of not less than six or eight months has since passed, we cease to be surprised, knowing that the cattle on the several runs freely mix one with the other, and knowing also that bullock teams coming from Victoria (even after the N. S. W. Prevention Act was passed) and camping on the various runs, the wonder is, not that the disease has been so rapid in its progress, but that it has been so tardy.

Leaving Albury we took the road leading to Wagga Wagga, because many of the cattle which Mr. Bowler possessed had been purchased from the Lachlan District, and some of them sought to return.

Visiting the various runs on our way, we have traced the disease to Wagga Wagga; certainly, on the runs near this township, traces of the disease become more faint; but this is just what one would expect if we regard Yarra Yarra and Ten Mile Creek as the centre; here it has appeared most virulent, becoming less and less so as we go from that centre, until we reach the township.

The cattle in the pound of South Wagga Wagga appeared very bad; two head were killed, the lungs of which were far advanced with pleuro-pneumonia. Crossing the Murrumbidgee, we visited Messrs. Robey and Jones' run, found the cattle looking very well, and giving no external symptoms of disease. To prove the veracity of our opinions, one was slaughtered, and every organ found in perfect health, but we have yet others to examine on the commons of North Wagga Wagga.

I have, &c.,
JOHN POTTIE,
Veterinary Surgeon.

To the Honorable the Secretary for Lands,
Sydney.

(38.)

(38.)

Wagga Wagga,
12 December, 1861.

Sir,

When we first set out on a tour of inspection from Ten Mile Creek towards Albury, we had two objects in view,—first, to verify former examinations by Mr. Pottie's reports; and secondly, to ascertain whether the disease could be traced to Albury, and so open a communication to Victoria for the cattle previously placed under quarantine. We were sorry to find earlier reports too fully verified, and no less grieved that we should have so little difficulty in connecting the disease with Albury. Apprehending this latter circumstance, we conceived it to be our duty to declare the fact with as little delay as possible, to enable the occupants of runs previously under quarantine to send their fat stock to market in Victoria, provided the Commissioners of that Colony were satisfied that it would be safe to permit it. We observe the rules on the subject published by the Victorian Government in the *Gazette* of the 6th instant; and we imagine that if the cattle themselves do not exhibit symptoms of disease their ingress into that Colony will not be objected to.

Immediately after forwarding our last communications to your department from Albury, on the 7th instant, we deliberated on the best course to pursue. We had been informed that part of Mr. Bowler's cattle had been brought from the Lachlan District, and had crossed the Murrumbidgee near Wagga Wagga. We considered it important to ascertain whether any of them had been returning in that direction, and whether the disease might not be carried even across the river. We did not think it advisable to separate till we had learned the decision of the Government with regard to the draft of regulations which we had the honor to submit for its approval; particularly as it had been intimated to us by one gentleman (Mr. John Dight), that although he would not wish to throw any unnecessary obstacles in the way of our investigations, he should expect to be satisfied with our power to go into his herd and slaughter his cattle before he would assent to it. Some of the Commissioners have the authority which your instructions confer, but others have not.

We received your telegram of the 10th instant, to which we have replied. We are at a loss to know the particular "unnecessary injuries," which have been suggested as likely to arise from so much of the Murrumbidgee District being placed under temporary prohibition. Until the extent of diseased country was fairly understood, we deemed it the most prudent course to take a line which would be at once well marked and comparatively easily guarded, while at the same time the usual markets would be open to the district. So long as the disease is confined to the Murrumbidgee District no other line could be so effectual. We could not take an imaginary line across the district which would not intersect runs and be totally ineffectual. It is true we might take a continuous line by boundaries of runs, but that could not be done without great loss of time, and the assistance of a survey, or, at all events, of fuller maps than we at present possess. Even then we do not know where it would be safe to draw such a line, and promptitude of action was indispensable in such an emergency. Either from ignorance of the nature of the disease, or from an unwillingness on the part of the owners of runs to admit a belief of its presence, we have not in one instance been informed of its existence till it has been discovered by our own investigations. We are far from imputing wilful neglect in this particular, but it will tend to demonstrate how impossible it is for us, with our present information, to set specific bounds to the disease, which shall not be comprehensive and have the appearance perhaps of being arbitrary. Indeed it may even now be a question whether the Murrumbidgee intercepts it; but this we will shortly determine.

A great deal of misapprehension prevails with respect to the intentions of the Government. It is generally assumed that if one diseased beast is found in a herd, the whole herd will be destroyed. We had hoped that the Honorable Colonial Secretary, in his reply to Mr. Raper's queries in the Assembly, had made this sufficiently plain to be understood by everyone; but there are still many of the stock-owners labouring under this delusion. We have taken every pains to point out the facts, that when the Government understood the disease to be within a narrow compass the prompt and entire destruction of the infected cattle was ordered, with a view to eradicate the distemper at once; but that when it had got beyond those limits, had spread over a great extent of country, and infected a large number of stock, orders were given for the destruction of such cattle only as were diseased, or supposed to be diseased.

Now that the malady extends over so large an area, and may yet be found over a much larger, we cannot recommend that the entire destruction of any more herds shall be had recourse to. Except where the disease may be found isolated in the midst of a sound district, which there might be reasonable hope to save from its further ravages, we think the system of wholesale slaughter both useless and impracticable. We are of opinion that when once the disease has established itself in a district, more good will be effected by the combined action of the settlers themselves, than by Government interference. Attention to the general management of the herd, to prevent such usage as would predispose them to the disease, or so close segregation as would assist contagion, and carefully and diligently to destroy all cattle exhibiting the slightest symptoms of infection, will doubtless yet be the chief antidotes to its virulence.

The settlers around Ten Mile Creek are, we believe, about to call a meeting there, for the purpose of considering the best course of action in the prospect they have before them; and amongst other things, they suggest the expediency of erecting a boiling-down establishment in the vicinity of Albury. This we consider a prudent suggestion, which no doubt the Government will offer every facility to carry out.

With regard to the two herds (Messrs. McLaurin's and Mr. Bowler's), the complete destruction of which was ordered, we understand that nearly the whole have now been destroyed. With a view to accomplish this more effectually, Mr. Inspector Bruce, with our advice, sent circulars to the owners of the surrounding stations, inviting their assistance to collect the whole of these herds on Monday last. No less than twenty-two circulars were sent, but two men only—representing Mr. Smith's station, of Kyeamba, and Mr. Greene's, Billabong Station—made their appearance on the appointed day; and these were too few to make a complete or satisfactory muster. We believed their own interests to be at stake, and were rather surprised to learn there had been so few in attendance.

While at Albury, the Commissioners and Mr. Pottie inspected several cattle, and found pleuro-pneumonia there in its advanced stages. On our way to this place we did not think it necessary to delay our progress by inspecting runs already under quarantine; but we regret to say, that on Mangoplar and Sandy Creek, as well as at this place, we found it in an unmistakable form.

We beg to enclose Mr. Pottie's fourth (4th) report, and a letter from Mr. Bruce.

We have, &c.,

JAS. GARLAND.
GEORGE DAY.
S. A. MEYER.
ALEX. BRUCE.The Honorable the Secretary for Lands,
Sydney.

(39.)

Wagga Wagga, 20 December, 1861.

Sir,

Since we had the honor to address you on the 12th instant, we have visited a portion of Mr. Gordon's cattle, of Berambula, which appeared in good health. We slaughtered one, and found it sound. We then proceeded over Mr. Pearson's Wagga Wagga Station, on which we slaughtered two cattle, and found the disease existing. One animal was also killed at North Wagga Wagga, the lungs of which exhibited no symptoms of pleuro-pneumonia.

It

It having been reported to us that stray cattle, which had originally been purchased from various settlers in the Lachlan District, were returning to their old runs from Mr. Bowler's Ten Mile Creek Station, and might probably be carrying disease along with them, the Board determined, by resolution, that Messrs. Garland, Bruce, and Pottic should proceed in that direction.

In pursuance of this resolution, we went to Messrs. White's run, called Merrybundinyah, on The Levels, in the Lachlan District. We slaughtered one steer, which had never been off the run; he was distinctly infected, and others exhibited very evident symptoms. The country intervening between Wagga Wagga and this run, for a distance of about forty miles, is occupied by sheep.

We have been informed that, about seven or eight months ago, the Messrs. White collected a number of wild straggling cattle from the scrub, belonging to themselves, and purchased others from their neighbours, Messrs. Hurley and Dallas, of the same description, some of which they sold to Mr. Bowler, of Ten Mile Creek; and that nearly one hundred head of these cattle were unaccounted for when Mr. Bowler's cattle were destroyed, many of which must have found their way back to The Levels. And further, that the inspector, having some time ago learned, on inquiry, that several head of these cattle had actually been seen on White's run, had sent a man to destroy them; but that this party when he went there could only hear of one beast bearing Bowler's brand, which he killed and found sound, although we have since learned that eight head in one mob had been seen crossing White's run about three months ago. Mr. White is of opinion that they chiefly belonged to Hurley's and Dallas's stations originally, and that they have returned there; but as, unless when water is scarce, it is almost impossible to drive them from the scrub, we did not think it necessary to visit these runs, although we may fairly assume that they are diseased, after finding a case so decided on Mr. White's run. We have been informed, further, that cattle have been straying back from Mr. Crisp's Mangobla Run to Mr. Stinson's Berry Jerry Station, also on The Levels, and more distant from this place than the runs already alluded to. We consequently came to the conclusion that, for one hundred miles, the Lachlan District is infected, so that the Murrumbidgee can no longer be available as a precautionary boundary. We therefore deemed it advisable, in terms of the resolution come to by the Board here on Saturday last, before separating, in case of the disease being found on The Levels, to return at once to Wagga Wagga, and put you in possession of the fact; and also to state, in that case, that any measures which the Board could think of, in the shape of quarantines, or prohibitions, would prove ineffectual to prevent the further spread of the disease, where no river, fences, or impassable ranges could be made available for that purpose.

It was also resolved that Messrs. Day and Meyer should take the direction of Urana and the Billybong, and reach Albury on the 23rd instant, where, being joined by Mr. Garland, they would negotiate with the Victorian Commissioner, Mr. Smith, the terms on which cattle might be allowed to pass over the River Murray at Albury and Wagunyah, in conformity with regulations published in the Victorian *Gazette* of the 6th instant. Mr. Smith addressed an official letter to us, requesting an interview for that purpose.

On the 12th instant we mentioned by telegram that certain cattle were about to cross the river, and were doubtful of Mr. Bruce's power to stop them. These were some 300 or 400 of Mr. Gordon's cattle, from Berambula. There were also a number of teams of working bullocks, the drivers of which had intimated their determination to take them across. We waited over Saturday, and until after mid-day on Monday, for a reply. We are afraid that the arrival of the mail had so occupied the telegraph wires as to hinder a reply till after we were gone. In the meantime, both the herd of cattle and the working bullocks passed over the river; the former on their way to a station on the Marule Creek, and the latter to Sydney, in drays loaded with wool. These teams, having come from Urana, have passed through country which we now know to be diseased, and may inflict mischief wherever they go.

We enclose Mr. Pottic's report, No. 5.

We have received your telegram this evening, and will proceed to Albury in the morning.

The Honorable the Secretary for Lands,
Sydney.

We have, &c.,

JAS. GARLAND,
ALEX. BRUCE.

Wagga Wagga, 20 December, 1861.

Sir,

I have the honor to submit a further Report of my investigations.

The commons on the banks of the Murrumbidgee, around North Wagga Wagga, are stocked with several lots of inferior cattle. They presented at first sight rather suspicious omens. On examination, however, I found that this arose from a disease vulgarly termed rot, under which many of these cattle now labour; but I found no proofs of pleuro-pneumonia there, nor did I receive any information respecting its importation into or through that neighbourhood, although the place must be liable to the introduction of this disease, on account of the public crossing place being furnished with a good punt, on which bullock teams from all parts cross—some on their way to the various stations, and some to the Lachlan and Lambing Flat Diggings, and to Sydney.

Leaving this we went to the Messrs. White's run, Merrybundinyah, in the Lachlan District, a distance of forty-five miles, where we heard many of Bowler's cattle had returned, having been a few months previously purchased from it and two neighbouring runs.

Many of the cattle we saw on this run appeared heavy, dull, and sickly. We selected one, had it shot, and found the lungs bearing plain and full proofs of pleuro-pneumonia.

I may add that, in general, the internal organs of the cattle I have opened appear very healthy, especially the spleen, with the exception of the lungs and pleura,

I have, &c.,

The Honorable the Secretary for Lands,
Sydney.

JOHN POTTIE,
Veterinary Surgeon.

(40.)

Albury, 23 December, 1861.

Sir,

We have the honor to inform you, that on the 16th instant we left Wagga Wagga at 2 p.m., having waited there until that hour, expecting a telegram from you. Messrs. Garland, Bruce, and Pottic to cross the Murrumbidgee, and proceed to Mr. Stephen White's station, on the road to The Levels. Mr. Bowler, of Ten Mile Creek, having purchased some cattle from Mr. S. White, and from neighbouring stockowners, we had every reason to believe that some of these cattle had returned infected with pleuro-pneumonia.

We were to continue the inspection to Urana, and from there to Albury, and meet Mr. Garland.

At Pomegolana, Messrs. G. and F. Desailly's station on Murrumbidgee (late Church's), we saw only a small number of cattle, which appeared very healthy; but finding a bullock of Mr. Bowler's brand, and knowing him to have come from Ten Mile Creek, we shot him. Upon examination we found him perfectly free from the disease. This is the first animal of Mr. Bowler's that we have found healthy, though we have shot a considerable number between Wagga Wagga and Ten Mile Creek.

Pomegolana, 19th December.—From this station we travelled down the Murrumbidgee River, and entered Beroggeley, Mr. John Letch's station. About two miles inside his boundary, we examined

a mob of about thirty head of cattle, bearing the brands of Mr. Letch and Messrs. G. and F. Desailly, as well as some unknown to us. We shot a cow showing symptoms of disease. Upon examination the disease was distinctly visible. We did not proceed to Beroggeley House, as it was some miles out of our way. Reaching Bullenbong, Mr. Davidson's station, at 1 p.m., we inspected a portion of the herd, which appeared tolerably healthy, except one bullock, which we shot, and found him badly diseased.

Bullenbong, 18th December.—We left this place and travelled to Urana, a distance of forty-five miles, principally occupied by sheep. Mr. Osborne's station, Brookong, is about half way.

Two miles from Urana we inspected about fifty head of cattle on Mr. Chapman's run. We shot a bullock, and found him suffering from tubercular disease, but free from pleuro-pneumonia.

Urana, 19th December.—Proceeded to Messrs. Talbot and Smith's station, Urana Creek. Found there some cattle belonging to the run, in the yard, which showed symptoms of disease. Upon examination found the disease. Suspected some of Mr. Chapman's cattle, among which most decided external symptoms appeared; but as Messrs. Talbot and Smith's cattle and Mr. Chapman's join, we did not consider it necessary to shoot any more.

Urana, 20th December.—Having received from Mr. Broughton, of Broughton and Walker, a message requesting us to visit their station, Cocketgedong, on the Billybong Creek, seventy-five miles from Deniliquin, and sixteen miles west from here, we inspected a portion of their herd, and found the cattle generally looking healthy. Upon a closer inspection shot a calf, and found the disease distinctly.

Urana, 21 December.—Visited Messrs. M'Caughey and Co.'s station, Coonong (late Woodhouse's), on the Columbo Creek, and examined about 100 head, nearly every one of which show marked external symptoms of pleuro-pneumonia. We shot a two-year old steer, which proved to be badly diseased. This run is thickly covered with salt-bush.

At 12 a.m. we had the honor to receive your telegram of yesterday, which we could not fully answer before hearing Messrs. Garland and Bruce's report from the Lachlan District.

We started at once, and arrived here on Sunday evening.

Finding the disease on the Urana and on Columbo Creek in a very advanced stage, and as we could not hear of any cattle having strayed or been driven from the infected country to these places, we are of opinion that pleuro-pneumonia has been introduced from Victoria by the Lower Murray. Its existence at Wagga Wagga can be traced to cattle straying from Ten Mile Creek.

We have, &c.,
GEORGE DAY.
S. A. MEYER.

To the Honorable the Secretary for Lands,
Sydney.

(41.)

Albury, 27 December, 1861.

Sir,

The Commissioners met here on the 23rd instant, and entered at once upon a consideration of the regulations necessary for carrying into effect the law for preventing the propagation of pleuro-pneumonia in the Colony. After a long and careful discussion, we approved of the propositions which we had the honor to forward by telegram on that day. On the following day we were favoured with your telegram, intimating that the propositions indicated in your telegram of the 20th had been embodied in a proclamation. Until the *Gazette* be received, we do not know with what conditions the second paragraph may be qualified; but the Board is of opinion that an unrestricted power, on the part of the owners of uninfected runs, adjoining those that are infected, to slaughter, indiscriminately, the diseased cattle which may pass over the boundary, would be attended with serious disputes, and perhaps collisions. It was to guard against the abuse of such a power that we proposed that the cattle trespassing should not only be diseased, but that they should be negligently permitted to stray; and even then, that the power to slaughter them should come through the inspector, who would be supposed to be an impartial and disinterested person.

With regard to our second proposition, it was suggested, from the idea that the delay necessary for the ordinary mode of proclamation would admit of cattle being removed from runs in the meanwhile, which would encourage the spread of the disease; and we believe that a regulation, proclaimed in the *Gazette*, by the Government, giving the inspectors power to proclaim in the local papers and by placard, would legalize these proceedings, and expedite the power of the restrictions.

As in your telegram of the 24th instant there was no allusion to our draft regulations, and believing that there had been a mistake, we sent a telegram yesterday, to which we to-day received your reply. In a new telegram, received this afternoon, your anxiety for our report is intimated. We are somewhat at a loss to know whether our final report is alluded to, or simply a continuance of those reports which we have had the honor, from time to time, to transmit. If, as we now understand, our investigations are to proceed, and that we are to endeavour to discover what stations are infected, it will probably be some time before that work is accomplished, to enable us to send in a final report. It may be that, in reference to our telegrams from Wagga Wagga, our report on regulations for proclamation is alluded to; but we conceive that our telegram of the 23rd instant, conveying a draft of regulations, embraced as much of that subject as was necessary.

It has often been said that pleuro-pneumonia will not exist in a salt-bush country, and much reliance has been placed on this assumption. Messrs. Day and Meyer have found, however, that there is no immunity from the disease in this circumstance. It was found on the runs of Messrs. Talbot and Smith, on the Urana Creek; of Broughton and Walker, on the Billybong; and Mr. Chapman's, Butheva Station; as well as on Coonong and others, on all of which salt-bush is abundant. On the last-named run, the beast slaughtered for examination exhibited the disease in a very virulent form; and the external appearances of such of the herd as came under their notice manifested unquestionable symptoms of general infection.

We have had the pleasure to meet Mr. Smith, the Victorian Commissioner, at Albury. His instructions, it appears, directed him to see us, and to make amicable arrangements for the crossing of cattle into Victoria. He will, of course, exercise his own judgment as to what cattle may be sound or unsound; and living on this side of the river he can examine them before they cross. It will be people's own fault if they cross over cattle before he examines them, or after he declares them infected. All that he requires of the inspectors on this side of the river is, to furnish him with particulars of the state of the districts cattle may come from, in order that his inspection may be somewhat more minute, if from infected runs; and also, that owners may give him timely notice of their intention to send cattle to Victoria, so that arrangements may be made to facilitate the inspection, as his duties extend along the Murray River, from five miles above Towong, on the east, to ten miles below Wagunyah on the west.

We deem it our duty to mention, that Mr. Smith has kindly afforded us all the information in his power, respecting the course of the disease in Victoria.

Mr. Pottle has been engaged in prosecuting further examinations of the diseased cattle at Yarra Yarra and Mr. Bowler's.

We have, &c.,
JAS. GARLAND.
GEORGE DAY.
S. A. MEYER.
ALEX. BRUCE.

The Honorable the Secretary for Lands,
Sydney.

(42.)

(42.)

Albury, 28 December, 1861.

Sir,

In consequence of not getting the *Government Gazette* containing the Proclamation of the Regulations, to make us aware of the extent of our powers in continuing our investigations, and knowing that in our route we might not readily meet with it, we have deemed it advisable to stop over this day till it reaches us. In the meantime we have seen that the Parliamentary Session is drawing to a close; and as it may be important that you should be put in possession of our views on the subject of compensation, without delay, we have taken that subject under our consideration, and have now the honor to transmit the result of our deliberations.

It is a subject which has more or less occupied our attention at almost every meeting of the Board, and we feel that it is still surrounded with difficulties; but taking everything into account, and more particularly the fact that the further wholesale destruction of herds is both impracticable and inexpedient, we have come to the conclusion that a fixed rate of compensation will, on the whole, be most unobjectionable. We think it would be manifestly unjust that the Messrs. M'Laurin and Mr. Bowler should not get the amount they were led to expect when they commenced the total destruction of their herds, and we further consider the rates fixed by the Executive, viz., thirty shillings (30s.) and ten shillings (10s.), so equitable, that we beg to recommend these rates to be paid for all other cattle already slaughtered, as well as for those to be slaughtered under the direction of the inspectors, for the purpose of their investigations, which will not now be, in all probability, very many.

We have, &c.,

JAS. GARLAND.
GEORGE DAY.
S. A. MEYER.
ALEX. BRUCE

To the Honorable the Secretary for Lands,
Sydney.

(43.)

Albury, 4 January, 1862.

Sir,

Having brought to a close the labours which you did us the honor to impose on us, respecting the disease called pleuro-pneumonia, unhappily prevailing in the country,—we will now attempt to generalize some of the leading facts which have come under our observation, and to lay before you the deductions which present themselves to our minds on the various subjects to which our attention has been directed. In conformity with your instructions, we have communicated frequently and fully, both by letters and by telegrams, our views and the reports of the veterinary surgeon. From these we hope you will have been able to comprehend the difficulties we have had to encounter in dealing with this investigation, which, by reason of the diseased country embracing a much larger area than was anticipated, has been protracted far beyond our expectations.

The highest powers of veterinary skill have been taxed in vain to discover the primary causes of this disease, or to arrest its devastating progress. In its early stages its course is so insidious as to escape the notice of all but practised eyes. As a proof of this we have only to state, that in one case only has the disease been reported to us before discovering it by our own investigations, notwithstanding that our examinations have extended over herds containing on the whole not less than 100,000 head of cattle, amongst all of which, with one or two exceptions, the disease has been found. So far as our investigations enable us to judge, neither age, sex, nor condition seem to resist its inroads; neither food, temperature, nor locality appear to have any influence in arresting its onward course. A disease so malignant, a calamity so appalling, urgently demanded the intervention of the Government; and we sincerely regret that the promptitude that has been displayed should so far have been unsuccessful as to fail in extirpating the maledy.

Although pleuro-pneumonia has but lately made its appearance in the Australian Colonies, it is no new disease to the European farmer or veterinary practitioner. For a couple of centuries epizootic pneumonia has ravaged the herds of various States. An account of a species of pneumonia, mingled with pleurisy, was published in 1833, by M. Lecoq, of the Veterinary School of Lyons, which describes general symptoms precisely similar to those of the disease which at present prevails here. Analogous diseases have occasionally made their appearance in the United Kingdom; but, for upwards of twenty years past, the maledy now known as pleuro-pneumonia has, from time to time, been raging with great intensity, and destroying vast numbers of cattle there.

It was first introduced into the Colony of Victoria about three years ago, by a cow imported from England by Mr. Boodle, and has been traced from her to the borders of New South Wales.

With pleuro-pneumonia in our immediate neighbourhood, prompt and vigorous measures became necessary to prevent its introduction into this Colony; and an Act was passed by the Legislature, in the month of April last, with that object in view. This was, unquestionably, a commendable course to pursue; but, without inspectors to guard the Murray boundary, it was utterly impossible effectually to hinder its violation. Large numbers of store cattle were taken into Victoria from New South Wales; and everyone acquainted with the habits of cattle knows with what pertinacity they seek to return to their old runs. The Murray River would be but a slight obstacle to the gratification of this instinctive desire; and it is now certain that cattle crossed in considerable numbers. At the time the proclamation under the Act was promulgated, there were many bullock teams on their way to New South Wales from Melbourne with goods. It is a well known fact, that many of these teams were left on the other side, and the drays were brought across; but it is also a well known fact, that the bullocks disappeared quickly from the south side of the river, and the drays as quickly vanished from Albury. There cannot be a question but that the law has been evaded, and that bullocks have been brought over, and the drays and loading removed during the night time. It is estimated that some hundreds of bullocks have been brought over in this way, and it is likely enough that they have been instrumental in disseminating the disease in this Colony.

The first appearance of pleuro-pneumonia in New South Wales was in the herd of the Messrs. M'Laurin, of Yarra Yarra, at the head of the Billybong Creek, about the beginning of August last. It was said that this herd was infected by a number of store cattle brought by these gentlemen upon that station in the month of February last, from the Mitta Mitta River, in the vicinity of which the disease had been found. The Messrs. M'Laurin deny any knowledge of the existence of the complaint about the Mitta Mitta when their cattle were removed; and they advance as a reason why they could not have been infected at the time, that 300 or 400 head left behind on the run have not even yet exhibited the slightest symptoms of disease.

We are not at all disposed to doubt the perfect truthfulness of these statements, but still we are of opinion that they are not conclusive against the assumption that the disease might possibly have been introduced into the Yarra Yarra herd in this way:—Pleuro-pneumonia was, about the time of the removal of Messrs. M'Laurin's cattle from the Mitta Mitta Station, discovered very near to it; and it is possible, therefore, that the seeds of the disease may have been sown amongst them before they left, which might have required some time for development. It was not necessary that the whole herd should have been infected in the first instance. It would have been sufficient that one or two infected beasts had been taken to Yarra Yarra. The dissemination of the disease might, no doubt, be accelerated by the usage the cattle sustained by being tailed closely during the day, and pent up together in very wet yards,

yards, and in cold weather, during the night, for a length of time. The cold would pre-dispose to an inflammatory state of the lungs, and the close intercourse would render the disease more easily communicated.

On the other hand, we are free to admit that there are many other ways in which the disease might have been introduced into this herd. The Yarra Yarra Station is bounded by the Great Southern Road for six or eight miles; and before "The Cattle Disease Prevention Act" came into operation, teams of working bullocks from Victoria travelled in that direction in considerable numbers, and probably camped on the run. Some of these might not only have been infected—they might have died of the disease on the very station. The pasture might have become infected with the malignant saliva—the surrounding atmosphere contaminated with the malaria. Stray beasts, too, from the numerous herds of store cattle taken into Victoria from this Colony, might, in their efforts to return to their old runs, have passed over the station, or even remained on it, to communicate the evil.

Besides, we have been informed that a working bullock, which had been brought from Victoria in a team to Albury, just before the Act came into force, had strayed on to Messrs. M'Laurin's run; and that this bullock, when slaughtered with their cattle, was found to be infected with chronic pleuro-pneumonia. We believe that the disease was likely to have been communicated by this beast.

We are, at all events, satisfied that the Messrs. M'Laurin did not know at the time they took their cattle from Mitta Mitta that any disease was amongst them; and that these gentlemen did not neglect any reasonable precaution to prevent its introduction into the Colony.

Although we have not, in this case, been able to trace with certainty the infection from one beast to another, we do not entertain the shadow of a doubt of the disease itself being infectious in the highest degree. Some of the links of the chain may have escaped notice, but they were in existence nevertheless. In other cases the connection throughout has been so manifest as to defy disbelief. Mr. Veterinary Surgeon Pottic is strongly of the same opinion, as well as Mr. Smith, the Victorian Commissioner at Albury, whose experience in the investigation of this disease in the sister Colony has been considerable. However much Professor Dick and some others may have argued against the infectious nature of pleuro-pneumonia, no practical nor sane man will ever think of bringing diseased cattle amongst his herd, and hope to escape with impunity.

With respect to Terry's bullocks, which were found infected near Campbelltown, we have not been able to obtain such information as to connect them with other diseased cattle. We ascertained that, in the month of April last, he brought loading with bullock teams to Mr. Tompson, of Wagga Wagga; and it was thought that, at that time, he went some distance down the Murrumbidgee to his brother's residence; but we could not find that he had gone any further towards Ten Mile Creek or the country known to be first infected.

We shall now consider the steps that have been adopted, and how far they have been successful.

The manner in which the disease first appeared at the Yarra Yarra Station has been already described. Our colleague, Mr. Bruce, was appointed an inspector in the early part of September last, with power to have all the diseased cattle on the station destroyed, so soon as the symptoms made their appearance. From the voluminous reports, letters, and suggestions which he has forwarded to your department, and the information they afford we think it advisable, as they tend to throw considerable light on the early stages of the disease in the Colony, to enclose them in a collected form. We regret, however, that his exertions were not successful. His reports too plainly show the rapid and uncontrollable progress of the disease in the herd, notwithstanding that the work of destruction was going on; and the mingling of the cattle with those on Mr. Bowler's station quickly brought the latter into the same condition. The disease was now general throughout these two herds; and the Government, under the impression that it was still confined to them, and might yet be extirpated, determined on the total destruction and consumption by fire of the whole of the cattle on those stations, promising at the same time a certain compensation. A very large colonial interest was at stake, and the measure, under the circumstances, was perfectly justifiable. Had it been successful—and it was impossible to foresee, with what was then known of the disease, that it would not—the service rendered to the country would have been incalculable. Unfortunately it was a work of greater labour and of more difficulty than was anticipated. It was also an unfortunate circumstance, that the disease should have first appeared in those two herds, as many of the cattle in each had recently been obtained from other runs, to which they would, of course, be disposed to return. A portion of Messrs. M'Laurin's cattle, as we have already mentioned, were brought from the Mitta Mitta River, and some from another station belonging to them on the Edward River. Part of Mr. Bowler's herd had been purchased from Messrs. White and other gentlemen on "The Levels," in the Lacluan District. Towards each of these places it was found that the cattle were straying back, and mixing with other cattle on their way; sometimes one or two remaining in a herd, while others would persevere in their journey towards their old runs. These cattle were followed, and as many of them as could be found were destroyed; but without a doubt the infection was disseminated by them as they went along.

Mr. Bruce, finding that no precautions which he could take—no power which he could exercise—prevented the disease from making its appearance on adjoining runs, sought the assistance of two practical gentlemen in the neighbourhood to aid him, by their experience and advice, in forming a line of demarcation between infected and uninfected lands. Our colleagues, Messrs. Day and Meyer, were nominated, and their appointments confirmed by the Government on the 13th November. These gentlemen, in conjunction with Mr. Bruce, immediately set about examining the herds in the neighbourhood of Ten Mile Creek; and on the 21st of November sent the following telegram to your department:—"Being alarmed by extent of pleuro-pneumonia on the west and south-west side of Yarra Yarra, we separated, and tried the country in other directions. We have traced the disease from the Murray fifty miles towards the Murrumbidgee, and 40,000 cattle would now be condemned." Here was truly an alarming state of things, which the subsequent reports of the Veterinary Surgeon too fully confirmed. The matter was immediately brought before Parliament, and a Commission was appointed to investigate, and report upon the best course to be adopted in such an emergency. We had the honor to receive your commands to carry out, with the assistance of Mr. Veterinary Surgeon Pottic, the objects of this Commission; and we will now endeavour to convey some account of the labours which devolved on us.

On the morning after Mr. Garland and Mr. Pottic arrived at Ten Mile Creek from Sydney, they, accompanied by Mr. Bruce, went to the Yarra Yarra Station, for the purpose of seeing the disease in all its stages, and remarking its symptoms and peculiarities. The living and *post mortem* appearances of the cattle have been fully described by Mr. Pottic. Let it suffice to say, that these appearances were but too indicative of the thorough prevalence of this lamentable scourge.

The way in which the cattle were destroyed was this:—Yards were erected on the banks of a narrow gully, and some hundreds of cattle were driven into them at a time. These were again put in smaller lots in the slaughtering yard, which, being high, was covered over like a network on the top with planks, upon which men walked, and with pointed goads pithed the cattle. So soon as the whole were down, some men set about bleeding and opening them, for the purpose of inspection. The age, brands, and state of disease of each beast were recorded; and the carcasses were then drawn into the gully by a team of bullocks, for consumption by fire.

We append a Return (No. 1) of the cattle slaughtered at Yarra Yarra, and also at Bowler's station. The destruction of property, at first sight, may appear very great; but when we consider the small number of sound cattle in each case, and that probably, with a more careful examination, they would have been found still fewer, we must see that the sacrifice is not so serious after all.

When Messrs. Garland and Bruce returned from Yarra Yarra to Ten Mile Creek, on the 30th November, they were joined by Messrs. Day and Meyer. The Board was then duly constituted, and deliberations

deliberations commenced that night, the results of which we had the honor to communicate to you. Upon that occasion our most important recommendation was, the prohibition against the removal of stock from the greater portion of the Pastoral District of Murrumbidgee to any other part of New South Wales. This was only intended as a temporary measure, and our decision was not rashly or inconsiderately arrived at. Some of the Commissioners, whose experience and information enabled them to form a more accurate estimate of the extent of the disease, were of opinion, that if a comprehensive prohibition was not in the first instance maintained, to keep the infection, if possible, within some certain limits till its actual bounds could be ascertained, the quarantines on infected runs merely, as they were found to be so, would be a sham and a delusion, while every freedom was allowed to the stock on runs not examined, but perhaps more diseased, to go where they pleased. The owners of such runs would send off whatever stock they wished to dispose of before the inspection reached them; and thus the infection would precede the examinations, without any fixed line to arrest it. Besides, we are of opinion that no imaginary boundary over an open country, without some natural obstacle or fence to assist in breaking the intercourse between the herds, could be effectual for such a purpose; and it was for these reasons that we recommended so much of the Murrumbidgee District to be placed under prohibition for the safety of the rest of the Colony. The result has shown that instead of being too comprehensive, the limits have not been sufficiently extended to circumscribe the malady. Besides, we found that working bullocks and herds of cattle, travelling over stations which we afterwards knew to be infected, passed into the Lachlan District, in defiance of any power that the Commissioners or Inspectors possessed to prevent them. But, having since found the disease far into the Lachlan District, of course the prohibition could be no longer of any value. Neither is it necessary that our other recommendations offered at that time be now entertained.

After leaving Ten Mile Creek we proceeded on our tour of inspection, the results of which will be gathered from our various progress reports. We append a tabulated Return, No. 2, of the stations visited, and the state of the disease on each. This, however, may be far from correct, as indicating the intensity of the disease on the several stations. In some instances we saw but a limited number of cattle, and we were satisfied when we found one decided case on each run, although there may have been other cattle more severely affected.

We deemed it a matter of some importance to the owners of runs about the Upper Billyong, whose stations had been placed in quarantine, that they should be able to take their fat stock to the Melbourne markets, provided the Victorian Commissioner should be satisfied of their being sound. If it was found that disease really existed all the way to Albury, then there would be an outlet in that direction for sound cattle from interdicted runs. We prosecuted our examinations towards Albury accordingly, and had little difficulty in tracing the disease continuously to that place. In the meanwhile, we every day saw more and more the necessity for having fuller powers than the law afforded to us, to carry out our examinations satisfactorily. We felt that until regulations were proclaimed twice in the *Gazette*, in accordance with "The Cattle Disease Prevention Act," we had no power to do anything which might be contrary to the wishes of stockowners; and that they were liable to no penalties if they resisted the inspectors or violated the quarantines. We therefore devoted our attention to the framing of regulations, and transmitted a draft for your consideration; but they do not seem to have met with the approbation of the Government.

From Albury we went to Wagga Wagga, and on our way we pursued our inquiries. We traced the disease to that township; and having learned that cattle from Bowler's station had been straying back to Messrs. White's, Hurley's, and Dallas's runs in the Lachlan District, probably carrying the disease along with them, we decided on examining these runs, and discovering whether they were infected or not, and to report at once the result—giving it as a resolution passed by the Board, that if the disease had crossed the Murrumbidgee, any measures which it could think of in the shape of quarantines or prohibitions, would prove ineffectual to prevent the farther spread of the disease, where no rivers, fences, or impassable ranges could be made available for that purpose. Messrs. Garland, Bruce, and Pottie proceeded to the Messrs. White's run, on "The Levels," where they found the disease; they therefore at once returned to Wagga Wagga, and having reported, in conformity with the resolution of the Board, came on to Albury.

In the meantime Messrs. Day and Meyer had continued their inspections down the Murrumbidgee for some distance, and thence by Urana to the Colombo and Billyong Creeks. They examined the stations as they went along, and found disease on them all. They reported particulars to Government by telegram, and hastened to Albury.

Much stress has been laid on the assumption that the salt-bush would be an antidote to pleuro-pneumonia; but Messrs. Day and Meyer have found it prevailing on several stations on the Urana, Colombo, and Billyong Creeks, where this plant is very abundant. On one of these stations (Coonong) the beast slaughtered for examination proved to be highly infected, and the external appearances of such of the herd as came under their notice evinced strong symptoms of general infection.

We may observe, that the settlers generally were unwilling to acknowledge, and certainly very much annoyed to be made aware that their runs were really infected. We were surprised to find that so little concern was manifested by them in a matter of such grave importance, and one so intimately affecting their interests. It was to be supposed that they would have visited the Yarra Yarra Station, to make themselves acquainted with the disease in all its forms, so as to be able to detect and deal with it the moment it made its first appearance in their own herds. We should have expected to see public meetings in all parts of the district, to discuss the matter thoroughly, at which opinions could have been expressed to guide combined action on the subject; but with one or two exceptions, we do not find that anything of the sort has been done.

In compliance with the instructions contained in your telegrams of the 20th December, the Board met at Albury on the 23rd, and on the same day approved of and transmitted suggestions as bases of regulations; but it appears that they were not in conformity with the views of the Government, since they have not been adopted.

Mr. Smith, the Victorian Commissioner at Albury, addressed to us an official letter, requesting an interview, for the purpose of making amicable arrangements for crossing cattle into Victoria. He has to guard against the crossing of diseased cattle over the Murray, from five miles above Towong upwards to ten miles below Wagunyah downwards. After discussing the subject with Mr. Smith, we find that he will remain on this side of the river, so as to be able to examine all cattle before they cross. Should anyone be so foolish as to evade his inspection, or take cattle over after he has declared them unsound, it would subject them to be immediately placed in quarantine. Mr. Smith will exercise his own judgment of the soundness or unsoundness of the cattle which he inspects, and will not object to pass any that he may deem healthy; but he wishes that timely notice may be given to him by persons intending to take cattle over the river, in order to facilitate the inspection, since he has so large a frontier to guard.

When the Commissioners addressed their letter to you of the 23th December, on the subject of compensation, we were under the impression that the proclamation would be similar to the propositions indicated in your telegram of the 20th; but instead of a limited number, as we supposed, of cattle being destroyed for the purpose of examination, and these only, we find by the proclamation of the 24th, since received, that power is given to destroy an indefinite number. Consistently with the opinions which the majority of the Commissioners have entertained on the subject under similar circumstances, we beg now to suggest that a valuation by arbitration will be the fairest mode of dealing with the subject for the future; as, however, the Messrs. M'Laurin and Mr. Bowler were led to expect a certain fixed rate at the time when their cattle were ordered for destruction, we think it would be unjust to those gentlemen to alter the rates, as far as they are concerned. Nor do we think it advisable that

that the few cattle already slaughtered for the purpose of examination should be paid for in any other way. But for all cattle slaughtered subsequent to the date of the proclamation of 24th December, 1861, subject to the instruction of the Minister for Lands, we would recommend that compensation be given according to the amount fixed by an arbitrated value, arrived at in the usual way; but with a deduction of twenty-five per cent. on account of their being diseased. We believe that such a rate will neither tend to the concealment of the disease, nor induce an indifference to its introduction.

The Commissioners have now to express their regret that, owing to the unexpected wide spread of the disease, we have neither been able to ascertain its precise limits, nor to suggest the means of effectually arresting its progress, much less of thoroughly eradicating it; and, in conclusion, we beg to offer the following remarks and suggestions, with a view to its restraint and general treatment:—

We find—

1. That pleuro-pneumonia is a disease of a very highly infectious and contagious character, and cannot be detected with certainty in its early stages.
2. That, from our experience, it is infectious, or contagious, at a very early stage.
3. That it was introduced into Victoria through a cow imported for Mr. Boodle, from which the infection was carried into various parts of that Colony by M'Kennon's working bullocks, and other diseased beasts, until it reached the Murray border of New South Wales.
4. That although the mode in which it has been introduced into this Colony may not be definitely and indisputably ascertained, the extensive intercourse with the south side of the Murray, by herds of cattle, stray store stock, and teams of working bullocks, leaves little doubt of its having been brought by some of those means.
5. That it has been discovered throughout that portion of the Colony extending from the Dora Dora Station, on the Hume River, to Cocketgedong, on the Billybong Creek, in one direction; and from Albury to "The Levels," in the Lachlan District, in another, which includes about 130 miles square, and about 100,000 cattle.
6. That there is every reason to believe that it has extended even much further.
7. That it is impracticable to maintain a strict quarantine effectually.
8. That it is inexpedient to slaughter whole herds or mobs of cattle.

We would recommend—

1. That inspectors should be appointed to ascertain the extent of infected country, with power to carry out the law.
2. That diseased country, as inspected, be proclaimed in *Gazette* and local newspapers.
3. That no cattle should be removed from infected runs, nor from any lands within ten miles thereof, without being first examined by an inspector, who would grant certificate of such inspection, to be produced when required.
4. That cattle from infected runs should not pass through country not declared to be infected.
5. That no impounding should be carried on from, or in, infected country; nor from lands within ten miles thereof.
6. That when small lots of cattle within enclosures become diseased in the midst of a sound country, it may be expedient to destroy them.
7. That as working bullocks have been the chief instruments in spreading the disease, their use should be disallowed in diseased country, or within fifty miles thereof, except on the runs or farms to which they belong.
8. That inspectors should have power to order the destruction of diseased cattle driven over, or negligently allowed to stray on, land not declared infected, as well as the destruction of all cattle moved in contravention of these suggestions.
9. That solemn declaration should be made of number, brands, and state of disease of cattle so destroyed.
10. That stock-owners should make themselves acquainted with the disease, and should, as much as possible, prevent intercourse between infected and sound cattle, by destroying the former, or confining them to a paddock.
11. That stock-owners ought, by frequently assembling together, and by combined action, to devise means to meet every emergency of the disease as it arises, and to give every assistance in carrying out the law.
12. That boiling-down establishments ought to be erected at once at Albury and Wagga Wagga, where they would be within reach of water carriage, and at other places as occasion required. And with a view to the speedy accomplishment of this desirable end, the Government should offer inducement to private enterprise, either by grants or leases of land.
13. That for cattle already slaughtered for the purposes of "The Cattle Disease Prevention Act," compensation should be paid at the rates already fixed by Government; and for all cattle destroyed after 24th December, 1861, by one-fourth less than their value, arrived at by arbitration—provided the latter be killed subject to the instruction of the Minister for Lands.
14. That the Government should, without delay, instruct properly qualified persons to conduct experiments in inoculation, and otherwise to prosecute researches into the nature and peculiarities of this disease.

We would also observe, that the incompleteness of the provisions of "The Cattle Disease Prevention Act of 1861" does not admit of our proposing further measures for restraining the disease, which we would otherwise recommend.

We have, &c.,

JAS. GARLAND.
ALEX. BRUCE.
GEORGE DAY.
S. A. MEYER.

The Honorable the Secretary for Lands,
Sydney.

Albury, 4 January, 1862.
3 p.m.

P.S.—Since closing the above Report, we have been informed, on reliable authority, that on the station on the Mitta Mitta River from which Messrs. M'Laurin brought their cattle, pleuro-pneumonia is now raging with much severity among the cattle that were left behind, and that a good many of them have been slaughtered, and died, in consequence. It is also stated that Mr. Patton, the present occupant of the station, has been contending with the disease for the last two months.

This circumstance does not lead us to assume that the Messrs. M'Laurin knew that their cattle were diseased before they removed them, but it tends to confirm the suspicion that the disease was imported to Yarra Yarra from that quarter, where we learn it now prevails to a considerable extent.

J. G.
G. D.
S. A. M.

Mr.

Mr. Bruce to be instructed to the effect that he and his assistants, Messrs. Stalley and Mr. Lockhart, should carry out the recommendations herein, with regard to the searching for the disease and submitting to me the boundaries of new localities found to be infected, in order that they may be placed under quarantine. He should also ascertain, from time to time, whether or not some of the lands now under quarantine are sufficiently clear of the disease to be released therefrom. He should also be informed of the statement communicated by Mr. Chisholm, to the effect that the disease had visited Goulburn, and he should be requested to examine the cattle there. He should also be informed that the recommendations herein, providing for the mode of removing cattle on infected runs, after inspection, are approved, and to be acted upon. Same with regard to impounding from off such runs. With regard to the destruction of small lots of cattle within enclosures, special authority must be obtained before doing so. The inspectors have, under the regulation of 24 February, the power asked for under 7 and 8 paragraphs, except as regards the permission for acting upon it fifty miles beyond the boundaries of the land under quarantine, and that I do not think ought to be allowed. Thank the Commissioners for their services in the matter. Hand both Reports to the Press, for publication for general information.

JOHN R.—6 Feb.

(44.)

No. 1.

RETURN of Cattle killed on account of Pleuro-pneumonia.

	Apparently sound.	Slightly.	Distinctly.	Badly.	Very badly.	Last stage.	Total.		Total.		Total.	
							Over 12 months.	Under 12 months.	Over 2 years.	Under 2 years.		
Messrs. Jas. M'Laurin and Sons:—												
Over 12 months ....	....	276	25	300	178	38	817	....	....	....
Under 12 months ..	....	18	1	31	9	....	....	59	....	....
Over 2 years	6	856	2,146	730	82	29	....	....	3,849	....	
Under 2 years.....	4	326	697	225	15	7	....	....	....	1,174	
											5,899	
Samuel Bowler and Sons:—												
Over 12 months....	....	7	....	2	3	1	13	....	....	....
Under 12 months ..	....	....	....	....	1	....	....	1	....	....
Over 2 years	270	836	14	54	6	4	....	....	1,184	....	
Under 2 years.....	12	35	1	8	....	....	....	....	....	56	
											1,254	
Strangers:—												
Over 12 months ....	....	8	....	17	4	....	29	....	....	....
Under 12 months ..	....	....	....	1	....	....	....	1	....	....
Over 2 years	14	83	41	105	30	7	....	....	280	....	
Under 2 years.....	11	27	6	13	2	....	....	....	....	58	
											365	
Add—	317	2,472	2,830	1,486	330	86	859	61	5,313	1,288	7,521	
Cattle killed by order of Commission ..	6	8	15	2	3	....	....	....	21	13	34
Cattle killed by Messrs. M'Laurin previous to instructions of 30 Sept...	All in last stage.						163	180	3	183
	323	2,480	2,845	1,488	333	269	1,039	64	5,334	1,301	7,738	

Albury,
4 January, 1862.

ALEX. BRUCE,
Inspector.

(45)
No. 2.

RETURN of Cattle Slaughtered by order of the Commission, for the purpose of Investigations.

Date.	Description.	Brands.	Owner.	Age.		How Affected.	Remarks.
				Over 2 years.	Under 2 years.		
1861.							
Dec. 2..	One black & white steer	JP off rump	John Partell, Mountain Creek	..	1	Faintly	
" 2..	One spotted ox	AP off rump	Ditto	1	..	Distinctly	
" 3..	One light strawberry heifer	JM off rump O	John Morrice, Mullangandra	..	1	Very distinctly	
" 4..	One red steer	Ditto	Ditto	..	1	Badly	
" 4..	One strawberry cow	Ditto	Ditto	1	..	Distinctly	
" 4..	One strawberry steer	Ditto	Ditto	1	..	Very badly	
" 4..	One red and white ox	Like anchor with T off rump	John Hore, Cumberoona	1	..	Distinctly	
" 4..	One dark strawberry	IH off rump	Ditto	1	..	Faintly	
" 5..	One strawberry steer	Illegible brand off rump	A. Prichard, Albury	..	1	First symptoms	Killed at Cum'eroona.
" 5..	One brown cow	Like anchor with T off rump	John Hore, Cumberoona	1	..	Ditto	
" 5..	One red cow	Ditto	Ditto	1	..	Ditto	
" 5..	One roan steer	IH off rump	Ditto	1	..	Very slightly	Killed at Table Top.
" 5..	One yellow steer	IJT off ribs	Messrs. M'Laurin, Yarra Yarra	1	..	Very badly	Do., where he had been for 18 months.
" 6..	One yellow heifer	JW off rump, J off shoulder	Jos. Wharton, Albury Municipality	1	..	Distinctly	
" 10..	One brindle ox	CC off loin	Charles Crisp, Mangoplar	1	..	First stage	
" 10..	One roan steer	CC off hip	Ditto	..	1	Distinctly	
" 11..	One white heifer	MP off ribs	Michael Burke, Sandy Creek	..	1	Ditto	
" 12..	One spotted steer	MT over D off rump	Mr. McIntosh, Wagga Wagga	..	1	Sound	Killed at Messrs. Robey and Jones', Gobagumbalin, Lachlan District.
" 12..	One brown cow	S+B off thigh, JH off ribs	S. Bowler, Ten Mile Creek	1	..	Very badly	Killed from among pound cattle, South Wagga Wagga.
" 12..	One brown cow	Ditto	Ditto	1	..	Distinctly	
" 13..	One white heifer	JGJ off ribs, f off shoulder	J. Gardiner, township North Wagga Wagga	..	1	Sound	
" 13..	One strawberry steer	TG off rump	Thomas Gordon, Burambula	..	1	Ditto	Killed at Gunly Gunly.
" 13..	One yellow-sided ox	S+B off loin, WC off ribs, + off shoulder	S. Bowler, Ten Mile Creek	1	..	Distinctly	Killed at Wagga Wagga Station, J. Pearson.
" 13..	One brown cow	R reversal with B conjoined off rump, 7 off thigh	- Pearson, Wagga Wagga	1	..	Doubtful	
" 17..	One red and white steer	SW off ribs	Stephen White, Merrybundinyah	..	1	Distinctly	
" 16..	One dark brown ox	S+B off thigh, JH conjoined off rump	S. Bowler, Ten Mile Creek	1	..	Sound	Killed on F. and G. Desailly's run, Pomegodana.
" 17..	One red & white heifer	D off ribs, Δ off cheek	F. and G. Desailly, Pomegodana	1	..	Distinctly	Killed at Berry Jerry.
" 17..	One spotted ox	Dn off ribs	A. Davidson, Bullenbong	1	..	Badly	
" 18..	One white and red ox	JH to off ribs, WC off neck	W. Chapman, Urana	1	..	Tubercular disease	
" 19..	One yellow cow	OB off rump, □ off cheek, 7 near rump	W. Chapman's, Urana	1	..	Decidedly	Killed at Talbot and Smith's, Urana.
" 19..	One red & white heifer	WC over H off ribs	Broughton and Walker, Cocketgedong	..	1	Doubtful	Ditto.
" 21..	One red & white bull calf	X off ribs	Ditto	1	..	Distinctly	
" 21..	One white cow	B near rump	Ditto	..	1	Sound	
" 21..	One white steer	WE off rump	M'Caughy and Co., Coonong	..	1	Very badly	
				21	13		

(46)

Albury, 4 January, 1862.

ALEX. BRUCE.

(46.)

Albury, 3 January, 1862.

Sir, I have the honor to add a further and fuller report of my professional investigations respecting pleuro-pneumonia epizootica, as follows:—

INTRODUCTION OF DISEASE.

Pleuro-pneumonia epizootica was first noticed and first made known in New South Wales, by the Brothers James and Robert M'Laurin, on their Yarra Yarra Station, in the early part of August, 1861. These gentlemen did not seek to cloak the fact, but, on the other hand, ordered their stockmen to pick out every ailing beast, and had it destroyed and burned, until they had in all destroyed nearly 200 head of cattle. During this time they invited the squatters round to come and see the disease in the living and dead subjects. As they were tailing the mob in which the disease was first observed, the best of opportunities were offered for inspection. The herd was made up of cattle bred on the Yarra Yarra Run, on Curnalla and Moroco, Lower Murray, and on the Mitta Mitta, Victoria, the last draft of which came over in the month of February, 1861.

As it became generally known that pleuro-pneumonia epizootica had broken out at Yarra Yarra, the settlers began to speculate regarding its introduction: one class asserting that it must have come from Mitta Mitta with the last draft of cattle, and another, that the severe system of tailing practised during the wet season must have been the means of producing the disease; while the Brothers M'Laurin say, that they believe that it must have been introduced among their cattle by a strange working bullock, which was found among the first that they destroyed, with one lung enclosed in a membranous sack, constituting the chronic stage of pleuro-pneumonia epizootica. Evidently this bullock had been, at some distant period, very bad; and, no doubt, while thus suffering, was turned adrift upon the run. Another fact also adds weight to this supposition. It is this: that 300 head of the same cattle as those last brought from Mitta Mitta were left on that run, and are still free of the disease. Again, if it had been produced by the severe system of tailing there adopted, we have pleuro-pneumonia epizootica produced spontaneously on Yarra Yarra, a fact never before demonstrated, and which, coming as it now does merely as a supposition, must be received with scepticism.

Having made all the inquiry possible, I am bound to state that it is my opinion, judging from the combined history, that the strange working bullock above alluded to introduced the disease, probably before the Mitta Mitta cattle came to Yarra Yarra in February; and that, although the tailing cattle might not have been the first infected, they were the first to show symptoms of the disease, from the manner in which they were kept, and from being immediately under the eye of the person in charge of them.

The next two herds that were noticed were Mrs. Greene's, Billybong, and Mr. Bowler's, Ten Mile Creek. These two stations bound Yarra Yarra on the north and west. Mrs. Greene's cattle had been on her run for a lengthened period, while some of Mr. Bowler's had come from a station on the Mitta Mitta, and some from Mr. White's run of Merrybundinyah, in the Lachlan District. Mr. Bowler's cattle were brought from Mitta Mitta one month later than the Messrs. M'Laurin's; and certainly, though a public road passes through Mr. Bowler's Mitta Mitta Station, and though from the Victorian Commissioners' Report I find that diseased bullocks are said to have passed that way, yet I do not think Bowler's cattle brought it, otherwise those he left would also have given evidence of the same disease. The store cattle he brought from White's do not seem to have been first attacked.

But the disease seems so virulent in some quarters so far distant from either of these runs above mentioned, that we must now look for its introduction not to one point but to many. For instance, we have Messrs. Talbot and Smith's run of Urana Creek, and Messrs. M'Caughy and Co.'s (late Woodhouse's) station of Coonong, both in the salt-bush country, and both very badly infected. How it came there none can tell. We see cattle migrating from one part of the Colony to another, and from one Colony to the other. They are sold, change hands, and though often taken long distances, many of them find their way back to their old runs. All this has been going on while the disease has been raging on the Victorian bank of the Murray. Bullock teams have gone and come from one Colony to the other, crossing and camping just as they liked. Diseased bullocks from some of these teams may have been left on runs, or strayed away on this side of the Murray. Thus the possibility for its introduction here existed in various ways; and we know that it was first taken from Boadle's farm in Victoria by working bullocks; and we know from the Victorian Commissioners' Report that working bullocks have strewed the venom of this disease across the Colony. We know also that working bullocks took it to Campbelltown. All history seems, therefore, to point to these migratory birds, singling them out as the principal actors in the dissemination of the venomous seeds of pleuro-pneumonia epizootica.

SPREAD.

It is a remarkable fact with respect to pleuro-pneumonia epizootica, that it seems to possess the power of spreading by every known and unknown channel. The laws which govern it have never been clearly demonstrated, and hence we are startled at its wondrous and rapid progress; but we become less and less so, the more we know of the country, and of the habits of the cattle depasturing in that country.

Certainly the country is divided into runs, and these are divided from one another in many cases by natural boundaries, such as creeks, ranges, and rivers, and sometimes only by lines of marked trees. But although these lines assist each squatter to know the confines of his runs, yet they do not as a rule prevent cattle from straying off their own runs, and they mostly roam at freedom where they like, sometimes feeding on their own runs, sometimes just over the boundary on their neighbour's, and sometimes many miles away from their regular beats.

It is a law with cattle always to return to the run on which they were bred, no matter how great the distance. Some cattle have been known to return 600 miles, while 300 is no uncommon distance for them to go back.

Cattle thus returning are subjected to a particular examination by the cattle in the various mobs through which they pass on their way back. They are strange, and the cattle on these runs surround them on their first appearance, smelling, licking, and butting them; hence, if an animal straying in this way possesses any contagious or infectious disease, it has a good chance of making rapid progress.

Coming, then, to Yarra Yarra and Ten Mile Creek herds, we find part of them lately brought to these runs from different districts; and we find many of these cattle afterwards leaving both Messrs. M'Laurin's and Mr. Bowler's, and making for their old runs, roaming through all the stations round, and straying here and there, diseased and not diseased.

Hence we come to get a clue to the progress of a disease so subtle, yet so sure, and we have also a clear explanation of its wondrous development among the cattle running on those infected stations specified in the *Gazette* of 24th December, 1861.

NATURE.

NATURE.

Pleuro-pneumonia is a disease of a low typhoid nature, showing but very slight external symptoms at the period of its incubation; in fact, so slight as wholly to exclude all chance of certain notice, especially among bush cattle. Though we do often observe among domesticated cattle that high inflammatory fever sets in when the lungs are first attacked, still we have good reasons to believe that the active element has been doing its deadly work among the component parts of the blood long before symptoms of lung attack set in; and I believe that many of the cases I have dissected go a long way in demonstrating this fact. I am led to this inference from observing that if the blood of many of those animals but slightly attacked in the lungs be collected, a thin, milky-looking fluid gathers on its surface, which I take to be disorganized fibrine; and I believe fibrinous effusions take place very early in the lungs after they are attacked, but what may be the cause of this disintegrated state I cannot say.

Many animals attacked with pleuro-pneumonia epizootica recover; that is to say, the lung, or part of the lung, that has become hepatized gets inclosed in a newly-formed membranous sack, when the communicating powers of the disease cease: but often a suppurative cyst forms in the centre of the hepatized part, and gradually spreading until it comes in contact with healthy tissue, pleuro-pneumonia epizootica starts anew. Or before this time some external cause may start the disease anew, and in both cases it resumes its powers of communication from one animal to another. The dormant period, then, is that between the cessation of the first attack and the commencement of the second.

Looking at the spreading properties of pleuro-pneumonia epizootica, nearly all who have scientifically studied the malady agree in this, that it spreads from one animal to another by ways and means not clearly understood.

But even if we take a glance at those we do know, it will teach us the amount of care needed to arrest its progress.

We know a contagious disease needs to touch, an infectious disease needs but be breathed; and he must either be a bold or an ignorant man who would stand up and assert that pleuro-pneumonia epizootica cannot avail itself of both these channels.

It matters little how the virus is communicated—whether by the food, the drink, the air, the skin of another animal, or the clothes or hands of a man. It matters not how you bring the virus. It may fall on the grass and be dried up by the burning sun. Whatever disturbs that grass sends the poisonous particles afloat on the wings of the wind, to be breathed or licked by some unfortunate beast.

And we can go further, and speak of a healthy member of a diseased family communicating the malady; and why not, if the virus should fall on its skin. And if, as is sometimes the case, that animal's constitution resists the attack, may it not be breathed or licked from his hide? Instances of disease being thus communicated are not wanting in human pathology—especially in the case of measles and small-pox.

It matters little though the virus be imperceptible to the naked eye. The inoculating matter is so on the point of the surgeon's lance.

We know, too, that inoculation will produce pleuro-pneumonia epizootica without even a scratch. The superficial absorbents take it up most keenly, though it would be difficult, without actual experiment, to say with certainty at what stage of the disease it is communicable.

CAUSES.

- 1st.—Primary.
- 2nd.—Predisposing.
- 3rd.—Exciting.

1st.—Primary causes are those which first operate in the production of a new disorder. Of course, pleuro-pneumonia epizootica must have been at first produced—assuming what may be termed spontaneous production.

Now we know that there are some men standing high in scientific circles, who argue that because it was first so introduced, it must, of necessity, be so produced again in every individual case; but there are too many *dead* facts against this theory.

For my own part I cannot entertain the notion, as everything seems dead against it.

What may have been the primary cause or causes of pleuro-pneumonia epizootica I do not know; but this I do know, that the exposing of healthy cattle to the virus from diseased animals in such a way that it becomes absorbed is now the primary cause of production.

2ndly.—Predisposing causes are those which arise out of a peculiar state of the constitution, made so by the inheritance of parental weakness, or from long continued ill-treatment.

The communication of parental points depends much on the temperament of each parent. If the temperament be nearly balanced, the offspring will partake equally of each; but if there be a preponderance on one side, the offspring will take most from the parent with the stronger temperament.

Hence, should there be a chest weakness in any one, that one will communicate the weakness or tendency to disease, if he or she possess the stronger temperament.

Many of the *fetus* found in the wombs of diseased cattle had also the disease.

3rdly.—Exciting causes are such as assist in the speedy development of the disease—such as cold, damp air, hot, burning winds, filthy yards or sheds, hard work, and hard unnatural treatment of any kind. In fact, the subjecting an animal to any new course of treatment diverting or forcing it from its wonted habits, may act as strong exciting causes.

The most common exciting causes in this country will be drafting, tailing, and driving the cattle long journeys.

SYMPTOMS.

The external symptoms common to this disease will not be easily detected amongst bush cattle, first, because their great constitutional strength (as compared with animals more under domestication) prevents the disease at first from making a decided stroke; and even though it does, the animal never suffers nor shows the same amount of pain.

Their habits of life, too, are such that immediately on the approach of man a degree of alarm takes hold of them; and then all symptoms are shrouded, unless of a most aggravated nature.

Still, a practised eye will soon see,—if the coat stares and appears drier than usual, if the animal appear crouched up when standing, or cramped when walking or running—if he be in this state the eye will appear swollen, and watery effusion flowing from inner canthus; nose dry, inferior opening wider than usual, and a thin watery discharge running from it. The disease has just commenced in the lungs.

After the malady has proceeded into the second stage, the discharge from nostril is white and thick, sticking in patches about it.

In the third stage you have, in addition, a short grunt of a cough; and all the above-mentioned symptoms accelerated.

POST MORTEM APPEARANCES.

I have opened and seen opened some hundreds of diseased cattle in all stages of pleuro-pneumonia epizootica. Of course, I had no means of determining exactly the length of time the animals had been ailing.

That which seemed to be the earliest organic destruction of lung consisted of a white dry distended cellular stage. The red corpuscles evidently do not now enter the capillaries for the purpose of being aerated, though the coloured blood may be seen in all the large vessels.

In this stage I believe the air cells to be filled with a kind of steam. They will not collapse even though pressed from without; or else the muscular tissue has gone into a spasmodic state.

However, I found in other parts of the lung watery effusion, which I regarded as this steam condensed. A state of lung which led a professor of pathology to set down the disease as one of a dropsical nature.

I have also, in the same lung, observed congestive stage of pleuro-pneumonia epizootica, differing from common congestion in this, that you cannot press out the blood from the part, and it seems as if turned into muscle.

Taking this in connection with the pale state, one would almost be led to suppose that it was not the want of iron, nor of the red corpuscles carrying that iron, but rather its excessive effusion in some places, and non-effusion in others, from local or general causes.

In the second stage the congestion has gone nearly over the whole of the lungs, and the fleshy spots increased in size and number, while the cells appear filled with dark carbonaceous blood and areolar tissue filled with lymph effusion.

If the congestion be more superficial than deep-seated, the lung appears all mottled outside, and you have extensive pleuretic disease with effusion of lymph; and the blood drawn from the animal appears very black in colour, with a milky looking substance floating on its top.

I am inclined to believe that this dark spotted congestive state is caused, to a great extent, by the improper mode in which the blood has been aerated.

But how to account for the milky matter on the top of the blood I do not know. I have before stated my opinion on that subject.

The third stage is the marble or hepatized stage. The absorbents have been busy at work, clearing out the dark blood from the cells, while lymph has been effused in greater quantity in the areolar tissue.

But in the cells a deposit remains, and that deposit seems principally made up of the fibrinous portion of the blood. The capillaries ramifying between rings of trachea are congested in this stage, and much irritation exists round the vocal chords, and in the region of glottal opening. All this time the adhesive process has been making rapid progress, so that now, when hepatization is complete, the lung has generally become firmly attached to the ribs.

If the animal survives all this, the lymph effusion continues, and a new membrane is formed around the diseased lung. This continues until the envelope is complete, and then this disease ceases; but another commences, termed the suppurative process. This I have explained in another part of my paper.

In all the animals I opened bad with pleuro-pneumonia epizootica, I found all the other organs remarkably healthy, except the lungs and pleura, except the first case given in my first report.

For this reason, I am inclined to think the per centage of deaths among the present generation will not be great.

In the *post mortem* appearances of cattle in this country, there are many remarkable differences compared with the cattle of Great Britain. You have there, accompanying this disease, great effusion of water into the chest, and you have great stench in the last stages; you have also great derangement of digestive organs.

Seeing these appearances are not common among the cattle of the southern portion of the Colony, and seeing the various tissues of their body so healthy and strong, we may safely assert that the per centage of deaths will not be nearly so great here as in Great Britain.

RECOMMENDATIONS.

1st.—All cattle imported by sea or land to be examined by a duly qualified person.

2nd.—Destroy all animals bad with pleuro-pneumonia epizootica.

3rd.—Stop all bullock teams from travelling beyond their own land; horses to be employed instead.

4th.—Erect boiling-down establishments; boil down rather than travel a herd to market known to be diseased. The virus is destroyed by boiling.

5th.—Shift cattle as little as possible.

6th.—Inoculate all cattle while young.

7th.—Do not breed from cattle now diseased, or recovered from disease.

8th.—Burn all grass where diseased cattle have been pasturing.

9th.—No diseased cattle to be sold out of the pound.

As the disease is now in many herds, and as in all likelihood inoculation will be practised as the great preventative, we may expect a per centage of losses, and it will become an important question what mode of treatment can with ease, safety, and success be adopted, so as better to enable the animal suffering, whether from inoculation or otherwise, to withstand the fatal risk it runs. I would suggest that all owners of cattle use the following, where practicable:—

1 bushel of corn or oats, crushed,	} mixed.
1 lb salt,	
½ lb sulphate of iron, well powdered,	

This will assist in the assimilation of the elementary parts of the blood, adding, at the same time, tone and vigour to the system.

It will also be necessary to secure for the cattle clear, cold water. Such water will be relished under such a mode of treatment, and it will add much more oxygen to the system than hot, dirty water would.

Many of the runs I have passed through possessed good springs. A very little trouble spent in digging a hole would have secured for the herd the best water, and always plenty of it.

Were my professional services required for the special treatment of valuable or imported stock, I should of course follow the best mode now practised by the profession. It would not do for me to specify that here, as the proper application of it requires the advice and care of a veterinary surgeon.

EXPERIMENTS.

EXPERIMENTS.

A series of experiments might be instituted, for the purpose of ascertaining the degree of time that elapses between the period of incubation and the exhibition of external symptoms.

Also to ascertain at what period of the disease its contagious and infectious nature can act.

Also to ascertain under what conditions the virus loses its power.

Also whether it would be better to expose young cattle to diseased ones, or to inoculate.

Also to test whether inoculation will cure or prevent, or do both.

Also to see whether the catching virus is confined solely to the lungs, or is general to other excretory organs and blood.

GENERAL REMARKS.

Looking over my reports, it will be observed that many diseases exist here besides pleuro-pneumonia epizootica. During my visits I have attempted to explain the difference between these and pleuro-pneumonia epizootica, for the benefit of cattle owners.

I have often been asked, "Is the flesh of animals labouring under pleuro-pneumonia epizootica poisonous to the human subject?" I say, No. But yet it cannot be good for human food, especially if the disorder has reached its second and third stages;—in fact, it must become highly dyspeptic.

I have, &c.,

JOHN POTTIE,

Veterinary Surgeon.

The Honorable the Secretary for Lands,
Sydney.

(47.)

Ten Mile Creek,

20 January, 1861.

Sir,

I have now the honor to forward herewith final and complete return of all cattle destroyed on account of pleuro-pneumonia under my inspection; and I trust it will be found correct, and afford all the information required. Till I hear from you with instructions to do so, I will not forward the books I have kept here; but I may mention, that they may be sent at any time without inconvenience to the people whose cattle have been destroyed, as I have got a complete copy of all the entries in the scroll books kept by the parties seeing the cattle destroyed.

I have also the honor to acknowledge the receipt of your communications of 10th January instant, with enclosures from Feeney and Heard, which shall receive my immediate attention.

I have also to inform you, that I have inoculated some fifteen head of cattle, and am carefully noting the result, which I will do myself the honor to communicate to you in due course; and

I have, &c.,

ALEX. BRUCE,

Inspector.

The Honorable the Secretary for Lands,
Sydney.

SEPARATE APPENDIX.

29

RETURN of Cattle Killed and Destroyed on account of Pleuro-Pneumonia; shewing number killed from date of receiving instructions, on 9th October, till classification was changed, on 2nd November; the number from that date till 22nd November—date of debate in Assembly; and number since the latter date.

NAME AND ADDRESS OF OWNERS.	Apparently Sounded.	Slightly.	Distinctly.	Badly.	Very badly.	Lost stage.	From 9 Oct. to 2 Nov.		From 3 to 22 Nov.		After 22 Nov.		TOTAL.	
							Over 12 months.	Under 12 months.	Over 2 years.	Under 2 years.	Over 2 years.	Under 2 years.		
A.														
Arundel William, Ten Mile Creek	1	....	....	..	..	....	..	....	1	....	..	1	
B.														
Baker Abraham, Ten Mile Creek	1	....	....	..	..	....	..	1	..	....	..	1	
Bardwell George, Ten Mile Creek	5	13	....	6	..	1	..	7	..	14	3	25	
Bell James, near Albury	1	..	..	..	..	..	..	1	..	1	
Bowler Messrs., Ten Mile Creek	293	873	7	63	11	6	13	1	251	14	935	39	1,253
Bradley Matthew, Ten Mile Creek	2	5	5	..	1	..	..	1	..	8	4	13
Broughton and Walker, Cockatodong, Urana	1	..	..	1	..	..	..	..	..	..	1	1	2
Bruce Alexander, Ten Mile Creek	2	..	1	..	..	..	..	..	1	2	..	3
Bruce James, Ten Mile Creek	2	8	..	..	..	3*	..	6	..	1	..	10
Burke Michael, Sandy Creek	1	..	..	..	..	..	..	..	1	..	1
C.														
Campbell Angus, Cudgewa Creek, Victoria	1	....	1	..	..	1	..	1	..	..	..	2
Chapman W., Urana	1	1	..	..	..	..	..	..	..	..	1	1	2
Cox John, Pullitop, Wagga Wagga	2	..	..	..	..	..	1	..	1	..	2
Crisp Charles, Mangoplar, Wagga Wagga	1	1	..	..	..	..	..	..	..	1	1	2
D.														
Davidson Alexander, Bullenbong, Wagga Wagga	1	..	..	..	..	..	..	1	..	1
Day George, Albury	1	5	3	7	3	..	..	..	4	2	13	..	19
Desailly F. and G., Pomengolana, Wagga Wagga	1	1	..	..	..	..	..	..	2	..	2
E.														
G.														
Gardner J., North Wagga Wagga	1	....	....	..	..	..	..	..	..	..	..	1	1
Goodfellow Wm., Bowna, Ten Mile Creek	1	..	..	..	..	..	..	..	1	..	1
Gordon J., Barambula, Wagga Wagga	1	..	..	..	..	..	..	..	..	..	..	1	1
Gordon, P. R., Ten Mile Creek	1	4	..	1	1	..	..	..	6	..	1	..	7
Greene William F., Billabong, Tarcutta	2	7	9	22	1	..	3	1	6	2	23	6	41
H.														
Henty Richmond, Walla Walla, Ten Mile Creek	1	..	1	..	..	..	..	..	1	1	2
Henty Thomas, Round Hill, Ten Mile Creek	1	..	..	..	..	1	..	..	..	1
Heriot Ancrum, Carabobala, Ten Mile Creek	1†	..	..	..	..	..	1	..	..	..	..	..	1
Heriot Elliot, Carabobala, Ten Mile Creek	2†	2	1	2	..	..	2	..	3	1	1	..	7
Hore John, Cumberoona, Ten Mile Creek	7	2	1	..	..	..	..	2	..	8	..	10
K.														
Kane John, Pullitop, Wagga Wagga	1	3	1	..	..	..	..	4	..	1	..	5
Kidd and Brickell, Albury	1*	..	..	..	..	..	..	..	..	..	1	..	1
L.														
Lunt Thomas, Little Billabong, Tarcutta	2	5	1	..	..	..	1	1	6	..	8
M.														
Mate T. H., Tarcutta	1	..	..	..	..	..	1	..	1
Moore and M'Mahon, Dora Dora, Ten Mile Creek	3	13	3	32	16	2	15	..	26	2	26	..	69
Morrice John, Mullengandra, Ten Mile Creek	1	3	1	1	..	..	..	1	1	2	2	6
M'Auliffe J., Glenroy, Tumberumba	2	3	..	..	..	..	..	..	4	1	..	..	5
M'Caughey and Co., Coonong, Wagga Wagga	1	..	..	..	..	..	..	..	1	1
M'Faddon Frederick, Yarra Yarra, Ten Mile Creek	1	..	1	..	..	..	..	..	1
M'Intosh J., North Wagga Wagga	1	..	..	..	..	..	..	..	..	..	..	1	1
M'Laurin James & Sons, Yarra Yarra, Ten Mile Creek	..	22	1,440	2,966	1,316	284	77	910	61	2,075	573	1,881	605	6,105
M'Micking R., Mannus, Jumberumba	3	..	3	..	..	1	..	4	..	1	..	6
Carried forward	338	2,383	3,020	1,472	319	89	951	63	2,405	599	2,935	668	7,621

* Workers.

† Rot.

SEPARATE APPENDIX.

RETURN of Cattle, &c.—continued.

NAME AND ADDRESS OF OWNERS.	Apparently Sound.	Slightly.	Distinctly.	Badly.	Very badly.	Last stage.	From 9 Oct. to 2 Nov.		From 3 to 22 Nov.		After 23 Nov.		TOTAL.
							Over 12 months.	Under 12 months.	Over 2 years.	Under 2 years.	Over 2 years.	Under 2 years.	
Brought forward	338	2,383	3,020	1,472	319	89	951	63	2,405	599	2,935	668	7,621
O.													
Osborne Henry, Buckaginga, Ten Mile Creek..	1	....	....	....	..	..	....	..	1	..	....	..	1
P.													
Pabst Frederick, Ten Mile Creek	3	1	....	....	..	..	....	..	1	1	1	1	4
Pabst Mrs. J., Ten Mile Creek	1	2	1	....	..	..	1†	..	2	..	....	1	4
Pearson Chas. J., Wagga Wagga	1	....	....	....	..	..	....	..	..	..	1	..	1
Post E., Cookendina, Ten Mile Creek .. .. .	..	..	..	1	..	..	....	..	1	..	....	..	1
Pritchard A. B., Albury .. .. .	..	..	1	..	..	..	....	..	..	..	....	1	1
Purtell Miss Alice, Ten Mile Creek	1*	1	1	2	..	..	2	..	2	..	1	..	5
Purtell John, Ten Mile Creek .. .. .	..	16	11	4	..	1	..	..	7	3	14	8	32
Purtell Patrick, Ten Mile Creek.. .. .	..	5	1	3	2	1	1	..	3	2	2	4	12
R.													
Robinson James, Copabella, Ten Mile Creek ..	3	4	2	10	1	..	....	..	5	..	13	2	20
Rial William, Four Mile Creek, Ten Mile Creek	..	....	2	5	..	..	....	..	3	1	2	1	7
S.													
Smethwick Messrs., Jingellick, Ten Mile Creek	..	2	5	2	2	..	1	..	2	..	7	1	11
Smith John, Kyeamba, Tarcutta .. .. .	..	1	....	....	..	..	....	..	..	1	....	..	1
Strachan John, Maracket, Ten Mile Creek ..	..	1	1	1	..	..	....	..	2	..	1	..	3
Smyles Thomas, Ten Mile Creek .. .. .	..	1†	....	....	..	..	....	..	....	..	1	..	1
V.													
Vardy John, Mountain Creek, Ten Mile Creek	..	4	....	....	..	..	....	..	....	..	3	1	4
Vokins William, Ournee, Ten Mile Creek ..	..	1	....	....	..	..	....	..	....	..	1	..	1
W.													
Waite James, Cumeroona, Albury .. .. .	..	....	....	1	..	..	....	..	....	..	....	1	1
Walker Arthur, Albury .. .. .	..	3	....	....	..	1	....	..	1	1	2	..	4
Walker Frank, Dickson's Swamp, Ten Mile Creek	1	7	....	2	..	1	2	..	3	..	6	..	11
Wharton Joseph, near Albury .. .. .	..	....	1	....	..	..	....	..	....	..	1	..	1
White Stephen, Merrybundinyah, Gundagai ..	..	....	1	....	..	..	....	..	....	..	....	1	1
Williams William, Little Billabong, Tarcutta..	..	1	1	7	..	1	....	..	2	1	6	1	10
World Fred., Little Billabong, Tarcutta ..	..	....	1	....	..	..	....	..	....	..	1	..	1
<i>Unknown Owners.</i>													
Spotted ox, bald, JS over JHD conjoined off ribs, JS off rump .. .. .	..	1	....	....	..	..	1	..	....	..	....	..	1
Yellow cow, 5 off rump .. .. .	..	....	....	1†	..	..	....	..	1	..	....	..	1
Spotted worker, J TK conjoined or JR off rump ..	..	....	....	1	..	..	....	..	1	..	....	..	1
Red and white cow, like MP or MT off ribs ..	..	1	....	....	..	..	....	..	....	..	1	..	1
White cow, quart pot off ribs .. .. .	..	....	....	1	..	..	....	..	....	..	1	..	1
Yellow and white ox, TB over 2 off rump ..	..	....	....	1	..	..	....	..	....	..	1	..	1
Red cow—calf at foot—MP off rump and ribs..	..	....	....	2	..	..	....	..	....	..	1	1	2
Strawberry heifer, CD off rump .. .. .	..	....	....	1	..	..	....	..	....	..	....	1	1
Blue cow, HYS near rump, and calf at foot ..	..	....	1	....	1	..	....	..	....	..	1	1	2
Yellow cow, OB over 7 off rump, □ off cheek ..	..	....	1	....	..	..	....	..	....	..	1	..	1
White ox, WL over 5 off rump .. .. .	..	1	....	....	..	..	....	..	....	..	1	..	1
Brindle ox, BXL △ off side	1	....	....	....	..	..	....	..	....	..	1	..	1
Brindle and white cow, SS over WE off rump, S over — off ribs .. .. .	..	....	....	1	..	..	....	..	....	..	1	..	1
	350	2,436	3,051	1,517	326	94	959	63	2,442	609	3,007	634	7,774

* Consumption.

† Workers.

‡ Chronic.

Ten Mile Creek,
20 January, 1862.

ALEX. BRUCE,
Inspector.

In addition to the foregoing, there were killed:—

By Messrs. M'Laurin, previous to Inspector receiving instructions of A1A Cattle	Over.	Under.
By Mr. Herriot, of same brand, previous to 15th December	182	3
And there were burned by the Messrs. M'Laurin, A1A cattle found dead of pleuro-pneumonia	8	0
	48	2

A. B.
(48.)

(48.)

Ten Mile Creek,
27 January, 1862.

Sir,

I have the honor to transmit herewith "Statement of Claims for Killing and Burning Cattle," destroyed under the Cattle Disease Prevention Act, in this District; and I trust that it will be found correct.

With regard to the cattle inoculated, according to Mr. Pottie's instructions, with the virus from the lung of a diseased beast, I have to inform you, that the operation took a visible effect on the whole sixteen head, with one or two exceptions. Although, however, the inoculation created a very visible case of fever (which seemed to be at its height on the morning after the operation), the attack was not so severe as to completely stop the animal from feeding; nor was the swelling in the tail nearly so severe as that stated in the cases at the Cape of Good Hope. I may add, that we performed the operation in two ways: by a lancet or knife, as on the human subject; and by drawing a thread of soft twine, saturated with virus, through the tail by means of a sail needle, and leaving a portion of the thread in the tail like a seton.

As I am now no longer occupied with the books, I shall devote my time, till further instructions, in making continued experiments on this subject, and report to you.

I have, &c.,

ALEX. BRUCE,
Inspector.

The Honorable the Secretary for Lands,
Sydney.

STATEMENT of Claims for Killing and Burning Cattle.

Names and Addresses of Parties destroying Cattle.	At 5s. each. Over.	At 8s. each. Under.
A. Arundell George, Ten Mile Creek .. .. .	.....	3
B. Bardwell George, Ten Mile Creek	3	.....
Bowler Samuel, do. own cattle	1,150 | 50	
Do. do. Messrs. M'Laurin's cattle	17 | 4	
Do. do. Sundry owners' cattle	68 | 23	
Broughton and Walker, Cocketgedong, Wagga Wagga	1,235	77
Bruce James, Ten Mile Creek	1	1
Do. do. Messrs. M'Laurin's	23 | 1	
	1 | ..	
Burke Michael, Sandy Creek, Wagga Wagga	24	1
	.....	1
C. Chapman W., Urana	1	.....
Cox John, Pullitop, Wagga Wagga	1	.....
Crisp Charles, Mangobla, do.	1	1
D. Davidson Alex., Bullenbong, Wagga Wagga.. .. .	1	.....
Desailly, F. and G., Pomegolana, do.	1	.....
G. Gardener J., North Wagga Wagga .. .. .	.....	1
Gordon John, Berambula, Wagga Wagga .. .. .	.....	1
Greene Wm. F., Billybong, Ten Mile Creek	6	.....
H. Heriot Ancrum, Carabobala, Ten Mile Creek	1	.....
Heriot Elliot, do. do.	4 | 1	
Do. do. Messrs. M'Laurin's	6 | ..	
Hore John, Cumbeeroona, Albury	10	1
Hamilton Robert, Mullangandra, Messrs. M'Laurin's	3	1
	13	4
K. Keane John, Pullitop, Wagga Wagga	2 | ..	
Do. do. S. Bowler's	1 | ..	
Kidd and Brickell, Albury	3	.....
	1	.....
L. Leitch J., Berry Jerry, Wagga Wagga	1	.....
M. Mitchell James, Table Top, Albury	1 | ..	
Do. do. Messrs. M'Laurin's	1 | ..	
Moore and M'Mahon, Dora Dora, Ten Mile Creek	2	.....
Do. Messrs. M'Laurin's	4 | ..	
Do. S. Bowler's	31 | 2	
	2 | ..	
Morrice John, Mullangandra, Ten Mile Creek	37	2
M'Caughy and Co., Coonong, Urana	3	3
M'Faddon Fredk., Yarra Yarra, Ten Mile Creek .. .. .	.....	1
M'Intosh J., North Wagga Wagga	1	.....
	.....	1
Carried forward	1,349	99

STATEMENT, &c.—continued.

Names and Addresses of Parties destroying Cattle.	At 5s. each. Over.	At 3s. each. Under.
Brought forward	1,349	99
M'Laurin James and Sons, Yarra Yarra, Ten Mile Creek, viz. :—		
Their own cattle	4,785	1,224
S. Bowler's cattle	34	4
Sundry owners' cattle	195	27
	5,014	1,255
O.		
Osborne Charles, Jerry Jerry, Wagga Wagga	1	.....
P.		
Pabst Mrs. J., Ten Mile Creek	1	.....
Pearson Charles J., Wagga Wagga	1	.....
Do. S. Bowler's	1	.....
	2	.....
Post Edward, Cookendina, Ten Mile Creek	1	.....
Purtell John, Ten Mile Creek	14	3
R.		
Robinson James, Copobella, Ten Mile Creek, Messrs. M'Laurin's ..	4	1
S.		
Smethwick Messrs., Jingellick, Ten Mile Creek, Messrs. M'Laurin's ..	.....	3
Smith John, Kyeamba, Tarcutta	1	1
T.		
Talbot and Smith, Urana	1	1
W.		
Wharton Joseph, Albury	1	.....
White Stephen, Merrybundinyah, Gundagai .. .. .	.....	1
Williams William, Little Billybong, Tarcutta	1	1
	6,890	1,365
Add—		
Killed and burned by Inspector and boundary keepers, which have not to be paid for, viz. :—		
By Inspector A. Bruce (Bowler's)	2	..
" James Bruce (M'Laurin's)	8	..
" M. Bradley (do.)	1	1
" H. Warren (Bowler's)	7	..
	18	1
TOTAL, AS PER DAY-BOOK	6,408	1,366

Ten Mile Creek,
26 January, 1862.

ALEX. BRUCE,
Inspector.

(49.)

Cape of Good Hope,
Colonial Office, 28 February, 1862.

Sir,

I have the honor to acknowledge the receipt of your letter of the 16th of October, 1861, requesting some information regarding the features and progress of the disease pleuro-pneumonia, which you state has made its appearance amongst the cattle in some of the Australian Colonies.

Your letter having only reached me on the 25th instant, I have not been able to procure from the Agricultural Society here a report containing the information you require, but I shall endeavour to forward it by the next opportunity.

As regards the ravages of the disease in this Colony, I may mention that a return presented to Parliament in 1856 states that, up to that time, 92,793 head of cattle had perished. A grant of £1,000 for the discovery of a cure was negatived in the House of Assembly; and no action was taken by the Legislature beyond the passing of Ordinance No. 1 of 1853, a copy of which I enclose for your information.

I have, &c.,

PERCY VIGORS,
Acting for the Colonial Secretary.
(Absent.)

The Honorable the Colonial Secretary,
Sydney, New South Wales.

[V. R.]

[V. R.]

(Signed) GEORGE CATHCART, Governor.

ORDINANCE, enacted by the Governor of the Colony of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, to prevent the spread of the Cattle Disease, commonly called "Long Ziekte."

- WHEREAS there has recently appeared amongst the horned cattle in some of the Western Districts of this Colony a contagious disease of a fatal nature, called in the Dutch language "Long Ziekte:" And whereas it is expedient to provide against the spread of the said disease: Be it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council thereof, that the owner of every animal which shall have, or be commonly deemed and taken to have, the said disease, called the "Long Ziekte," or the usual symptoms of the said disease, shall cause the same to be shut up in some kraal, or other complete enclosure; and in case any such animal shall, wilfully or by neglect, be permitted and allowed by the owner thereof, or his servants, to be or go from and out of such enclosure as aforesaid, unless in the actual and immediate charge of some person conducting the same by means of a riem, reins, or some such thing, such owner shall incur and become liable to a penalty not exceeding five pounds, and in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding one month.
2. And be it enacted, that if any person, whether the owner of any such animal as aforesaid or not, shall ride, lead, drive, or otherwise conduct any such animal upon or along any public road, street, or thoroughfare, or into any common pasture land or any outspan place, such person shall incur and become liable to a penalty not exceeding five pounds, and in default of payment thereof, to imprisonment, with or without hard labour, for any period not exceeding one month,—unless he shall prove to the satisfaction of the Court before which the case shall be prosecuted, that the said animal was not affected by the disease called the "Long Ziekte," or otherwise, that the said animal was at the time and place charged, in the act of being conducted to some particular place for the purpose of being examined or physicked, or otherwise treated for the sickness or disease under which it may be labouring, or in the act of returning from some such place; or otherwise, that the said animal, having first exhibited the symptoms of the said disease when absent from the owner's place or residence, was at the time and place charged in the act of returning or being conducted to the owner's, or some other place, in order to be duly secured and taken care of.
3. And be it enacted, that it shall and may be lawful for any person who shall find any such animal as aforesaid, without being in the charge of any person, in or upon any public road, street, or thoroughfare, or on any common pasture land, or outspan place, or upon the place or ground of the person finding the same, to destroy any such animal: Provided always, that every such person shall be bound, before destroying any such animal, to obtain the approval, after inspection, of some field-cornet or acting field-cornet, or otherwise, of two persons qualified to serve as common jurors; or otherwise, of three males of full age who shall not be the servants of the person so destroying the said animal, or related to him within the second degree of consanguinity. And in case any person shall destroy any such animal, without having obtained some such approval thereof as aforesaid, he shall incur and become liable to a fine not exceeding five pounds, and shall also be bound to make good to the owner of the animal destroyed, whatever damage, if any, he shall have sustained by the destruction of the same.
4. And be it enacted, that if any person shall sell, or expose for sale, for the food of man or beast, or supply to man or beast for food, the flesh of any animal which shall have died of the said disease, or which had, when killed, the said disease, or the usual symptoms thereof, such person shall, for every such offence, forfeit any sum not exceeding five pounds, and in default of payment shall be liable to be imprisoned, with or without hard labour, for any period not exceeding one month: Provided that when and as often as any person might, for any such act as is in this section mentioned, be proceeded against under or by virtue of any municipal regulation, such person may be prosecuted, either under such regulation or under this Ordinance; but any prosecution for any such act under such regulation shall be a bar to any prosecution under this Ordinance, and vice versa.
5. And be it enacted, that if any person, in charge of any such animal as aforesaid, so diseased as aforesaid, or supposed so to be, shall leave the same in any place whatever, public or private, except in the care and custody of some person who shall have undertaken to take and keep the charge thereof, such person shall forfeit any sum not exceeding five pounds; and in default of payment, shall be liable to be imprisoned, with or without hard labour, for any period not exceeding one month.
6. And be it enacted, that every person in charge of any animal destroyed for, or dying of, the disease aforesaid, at the time of its destruction or death, shall be bound to bury the carcass thereof, without skinning the same, or removing the horns thereof, at a depth of not less than three feet. And any person contravening this section shall forfeit any sum not exceeding five pounds, and in default of payment shall be liable to be imprisoned, with or without hard labour, for any period not exceeding one month.
7. And be it enacted, that any person or persons who shall give such information as shall lead to the conviction of any such offender as aforesaid, shall be entitled to receive one half of the penalty aforesaid, and that the other half of the said penalty shall be paid to the Colonial Treasury.
8. And be it enacted, that the terms "horned cattle," and "animal," as used in this Ordinance, shall extend to and embrace any bull, ox, cow, heifer, or calf.
9. And be it enacted, that this Ordinance shall commence and take effect from and after the promulgation thereof.

GOD SAVE THE QUEEN!

Given at the Cape of Good Hope, this 7th day of October, 1853.

By Command of His Excellency the Governor,

(Signed) RICHARD SOUTHEY,
Acting Secretary to Government.

By order of the Legislative Council,

(Signed) PERCY VIGORS,
Acting Clerk of the Council.

(50.)

Kyeamba, 21 January, 1862.

Sir,

I am requested by Mr. Robert M'Laurin to send you an account of diseased cattle killed by me, belonging to Yarra Yarra Run, and as I may not know all their brands, I prefer sending an account of every beast killed by me, whether diseased or not I cannot say.

1861.

Oct. — .. 1 bullock, branded AIA.
 Nov. 12 .. 3 head belonging to Mr. John Strachan, Marackep.
 1 beast, branded W~~E~~; a crawler.
 Nov. 19 .. 7 head, branded DK; crawlers.
 2 ditto, WW.
 1 ditto, WY.
 1 ditto, IW over 2.
 1 poverty-struck beast, brand illegible.
 Nov. 21 .. 1 small crawler, branded DK. Inspected by you, &c.
 1 old bull, blotch brand and S on ribs. Inspected by you, &c.
 Nov. 23 .. 1 bullock, branded DK; rotten with disease.
 Nov. 23 .. 1 ditto, TL; ditto.
 Nov. 26 .. 1 beast, branded AIA.

I have not found a strange beast on my run that I suspected to be diseased, since the 26th November last.

I have, &c.,

JO. SMITH.

Alexr. Bruce, Esq.,
 Cattle Inspector, Ten Mile Creek.

N.B.—I expect payment for the beast you killed belonging to me.

I hereby certify that the cattle belonging to Mr. S. Bowler, of the classes stated in the above account, were destroyed by my order, as Inspector of Cattle under the "Cattle Disease Prevention Act," at the dates and of the classes therein mentioned.

With reference to the cattle mentioned in the above account, the inspector has to state that he was present when some seventy head of them were destroyed, before he received his appointment, and Mr. M. Bradley, afterwards one of the boundary keepers, saw all of them destroyed, and speaks to the correctness of this account.



sig. 584.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPOUNDING BILL.

(COMMITTEE OF YASS DISTRICT HOSPITAL.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Committee of the Yass District Hospital,—

RESPECTFULLY SHEWETH:—

That your Petitioners have seen that it is intended, by the 39th clause of the proposed Impounding Act of 1862, now under consideration of your Honorable House, that the Colonial Treasurer shall carry over all moneys coming into his hands under that Act to the credit and account of the separate fund established by the "Pastoral Relief Contribution Act."

That hitherto, under the provisions of the present Impounding Act of 1855, a portion of the above-mentioned moneys have been paid over to the Treasurer of the Yass District Hospital, in augmentation of the funds of that Charitable Institution, and a large amount of benefit has thereby been secured to the sick and indigent people of the Southern Districts.

That owing to the increased number of persons who have obtained admission into the Yass Hospital, from the Lambing Flat and other Gold Fields, where a great amount of sickness at present exists, the funds of the Yass Hospital have been considerably diminished; and your Petitioners fear that, if some further aid be not soon granted them by the Government, the Institution must soon be closed.

That under such circumstances, the withdrawal of the poundage money must necessarily seriously affect the usefulness of the Institution which, it is humbly submitted, renders a greater amount of good to the public than can reasonably be expected to arise from the destruction of native dogs, or any other object to be gained under the provisions of the "Pastoral Relief Contribution Act."

And your Petitioners therefore humbly pray that, for the reason above mentioned, your Honorable House may not pass the 39th clause of the proposed Impounding Act of 1862.

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

[Here follow 12 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMPOUNDING BILL.

(COMMITTEE OF BRAIDWOOD HOSPITAL)

Received by the Legislative Assembly, 15 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Members of the Committee of the Braidwood Hospital,—

RESPECTFULLY SHEWETH:—

That by the 39th clause of the New Impounding Act, now under the consideration of your Honorable House, it is proposed that all moneys received by the Honorable the Colonial Treasurer under that Act, shall be placed by him to the credit and account of the fund established by the "Pastoral Relief Contribution Act."

That under the provisions of the present Impounding Act, a portion of such moneys has been payable, and hitherto paid to the Treasurer of the Braidwood District Hospital, in augmentation of the funds of that institution.

That such contributions, forming as they do, a considerable portion of its available funds, have been the means of materially extending the usefulness of the said Institution, and of providing sustenance, relief, and medical and surgical attendance for many unfortunate persons, to whom its doors must have otherwise been closed.

That the demands upon the said Institution must, in a district like Braidwood, be constantly on the increase, and that (the contributions by private subscriptions being even now quite inadequate to the relief of those who seek its assistance), the withdrawal of the moneys hitherto payable under the Impounding Act must necessarily lead to the exclusion of many suffering and distressed persons of the poorer classes from the relief and protection which such an Institution should afford.

Your Petitioners therefore humbly pray, that for the reasons abovementioned, your Honorable House will not pass the 39th clause of the proposed "Impounding Act of 1862" into law.

And your Petitioners will ever pray, &c.

Dated this ninth day of October, in the year of our Lord one thousand eight hundred and sixty-two.

[Here follow 6 Signatures.]

1862.

NEW SOUTH WALES.

ROAD TRUST ACCOUNTS.

Presented to both Houses of Parliament, by Command.

SCHEDULE.

NO.		PAGE.
1.	South Head Road, from January to June, 1860	2
2.	Do. from July to December, 1860	2
3.	Do. from January to June, 1861	3
4.	Do. from July to December, 1861	3
5.	Parramatta Road, from July to December, 1860	4
6.	Do. from January to June, 1861	4
7.	Do. from July to December, 1861	5
8.	Campbelltown Road, from July to December, 1860	5
9.	Do. from January to June, 1861	6
10.	Do. from July to December, 1861	6
11.	Windsor Road, from July to December, 1860	7
12.	Do. from January to June, 1861	8
13.	Do. from July to December, 1861	9
14.	Richmond Road, from July to December, 1860	9
15.	Do. from January to June, 1861.. .. .	10
16.	Do. from July to December, 1861	10
17.	Randwick and Coogee Road, from July to December, 1860.. .. .	11
18.	Do. from January to June, 1861	11
19.	Do. from July to December, 1861.. .. .	12

ROAD TRUST ACCOUNTS.

No. 1.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trust Account of RECEIPTS and DISBURSEMENTS for Half-year ending 30th June, 1860.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1859.		£ s. d.	1860.		£ s. d.
June 30	Receipts during half-year on account Toll rent from Mr. Davis, Lessee	1,101 6 8	Jan. 1	By Balance from 31st December, 1859.....	698 12 0
			June 30	„ Secretary's salary	25 0 0
			„ 30	„ Surveyor's do.	58 6 8
			„ 30	„ Advertising	8 0 0
			„ 30	„ Law costs	5 18 8
			„ 30	„ Fencing	6 0 0
			„ 30	„ Pyrmont metal	418 10 3
			„ 30	„ Wages for general work on roads and for gravel, (all as per Vouchers filed at Commissioners' Office)	445 1 11
			„ 30	„ Bank interest for over-draft last half-year, omitted in former account	21 0 4
„ 30	Balance, Commissioners ..	613 15 2	„ 30	„ do. present half-year	28 12 0
		£ 1,715 1 10			£ 1,715 1 10

Balance against Commissioners 30th June, 1860, £613 15s. 2d.
For the Commissioners,

DANIEL COOPER,
Hon. Treasurer.

No. 2.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trust Account of RECEIPTS and DISBURSEMENTS for the Half-year ending 31st December, 1860.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1860.		£ s. d.	1860.		£ s. d.
Aug. 10	Government grant in aid of funds	150 0 0	July 1	To Balance from 30th June, 1860	613 15 2
Dec. 31	Received from Messrs. Campbell and Beilby, as contribution towards Drain, Point Piper Road, (received 8 Jan. 1861)	10 0 0	Dec. 31	„ Secretary's salary	25 0 0
„ 31	Payment on account Tolls by Mr. Davis, Lessee, during half-year and January, 1861. Being balance due by him to 31st December, 1860	1,378 13 4	„ 31	„ Surveyor's do.	50 0 0
	Balance.....	486 8 9	„ 31	„ Timber	1 2 6
		£ 2,025 2 1	„ 31	„ Earthenware pipes for drains	16 2 6
			„ 31	„ Tools	2 12 9
			„ 31	„ Pyrmont metal	661 0 0
			„ 31	„ Wages for general work on roads, (all as per Vouchers filed in Commissioners' Office)	619 19 2
			„ 31	„ Interest on over-draft of Bank.....	35 10 0
					£ 2,025 2 1

Balance against Commissioners 31st December, 1860, £486 8s. 9d.
For Commissioners,

DANIEL COOPER,
Hon. Treasurer.

ROAD TRUST ACCOUNTS.

3

No. 3.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trusts ACCOUNT OF RECEIPTS AND DISBURSEMENTS for the Half-year ending on 30th June, 1861.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1861.		£ s. d.	1861.		£ s. d.
April 20	To contribution from Mrs. White towards Drain, New Road.	2 0 0	Jan. 1	By Balance from 31 December, 1860	486 8 9
June 7	„ Government Grant for Old Road, not yet expended	63 0 0	June 30	„ Secretary's salary, to date	25 0 0
„ 30	„ Lessee of Toll-gate, half-year's rent to date	1,240 0 0	„ 30	„ Surveyor's do. do.	41 13 4
			„ 30	„ Advertising	4 2 0
			„ 30	„ Postage and stationery	0 13 6
			„ 30	„ Tools	1 2 0
			„ 30	„ Gas	19 2 6
			„ 30	„ Expenditure in repair of Old Road during half-year	312 13 1
			„ 30	„ „ „ New Road	264 6 9
			„ 30	„ „ „ Old Point Piper Road.	38 16 3
			„ 30	„ „ „ Watson's Bay Road..	32 18 6
			„ 30	„ „ „ Darling Point Road..	32 4 0
			„ 30	„ „ „ Glenmore Road	25 18 0
			„ 30	„ Interest on overdrawn account at Commercial Bank to date	22 8 9
	„ Balance	2 7 5		All as per vouchers filed at the Office of Commissioners.	
		£ 1,307 7 5			£ 1,307 7 5

Balance against the Commissioners on the 30th June, 1861, amounts to £2 7s. 5d.

For the Commissioners,

T. W. SMART, Hon. Treasurer,
GERARD PHILLIPS, Secretary.

No. 4.

SOUTH HEAD ROADS TRUST.

THE Commissioners of the South Head Roads Trusts account of RECEIPTS AND DISBURSEMENTS for the Half-year ending on the 31st December, 1861.

DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1861.		£ s. d.	1861.		£ s. d.
July 8	To contribution from Messrs. Beaumont and Waller towards Drain, Glenmore Road	5 0 0	Dec. 31	By Balance from 30th June, 1861	2 7 5
Dec. 31	„ Six months' rent of Toll-gate.	1,240 0 0	„ 31	„ Surveyor's salary (6 months)	50 0 0
			„ 31	„ Special survey (alignment of roads)	10 10 0
			„ 31	„ Secretary's salary (6 months)	25 0 0
			„ 31	„ Paid for tools	2 18 10
			„ 31	„ Printing circulars 20s., postage 10s.	1 10 0
			„ 31	„ Expended in repair of Old South Head Road during half-year	546 13 3½
			„ 31	„ The like New South Head Road	208 6 3
			„ 31	„ Do. Old Point Piper Road	74 8 4½
			„ 31	„ Do. Darling Point Road	32 8 4
			„ 31	„ Watson's Bay Road	3 1 9
			„ 31	„ Do. Glenmore Road	2 15 2
			„ 31	„ Balance to credit of the Commissioners in the Australian Joint Stock Bank	285 0 7
				All as per vouchers filed in Commissioners' Office	
		£ 1,245 0 0			£ 1,245 0 0

Balance in favor of the Commissioners on 31st December, 1861, £285 0s. 7d.

For the Commissioners,

T. W. SMART, Hon. Treasurer.
GERARD PHILLIPS, Secretary.

No. 5.

No. 5.

PARRAMATTA ROAD TRUST.

ABSTRACT of all Moneys received, paid, and expended by the Commissioners of the Parramatta Road Trust, for the Half-year ending 31st December, 1860.

RECEIVED.		EXPENDED.		
	£ s. d.		£ s. d.	£ s. d.
Six months' Rent of Toll-gate at Broken Back Bridge	257 10 0	Salaries:—		
		Clerk and Treasurer, Vou. 2	18 15 0	
		Overseer, Vou. 3	33 15 0	
				52 10 0
		Miscellaneous:—		
		Wages for labor, Vou. 4	92 7 6	
		Purchase of tools, stores, &c., Vou. 5 & 6	6 8 0	
		Repairs to roads, dams, &c., Vou. 7	7 9 9	
		Repairs to tools, Vou. 8	2 11 6	
		Stationery and advertising, Vou. 1 & 9 ..	1 17 6	
				110 14 3
Total Receipts	£ 257 10 0	Total Expenditure,	£ 163 4 3	
Balance, 30th June, 1860	£ 147 11 0	Balance, 31st December 1860 ..	£ 241 16 9	
	405 1 0			405 1 0

We certify the above to be correct,

JAMES BYRNES,
NATHL. PAYTEN, } Commissioners.
JAMES PYE, }

E. L. ROWLING,
Treasurer.

Road Trust Office,
13th February, 1862.

No. 6.

PARRAMATTA ROAD TRUST.

ABSTRACT of all Moneys received and expended by the Commissioners of the Parramatta Road Trust, for the Half-year ending 30th June, 1861.

RECEIVED.		EXPENDED.		
	£ s. d.		£ s. d.	£ s. d.
Six months' Rent of Toll-gate at Broken Back Bridge	175 10 0	Salaries:—		
		Clerk and Treasurer	18 15 0	
		Overseer	45 0 0	
				63 15 0
		Miscellaneous:—		
		Wages for labor	133 1 6	
		Purchase of tools, stores, &c.	0 5 3	
		Repairs to roads, dams, and bridges ..	14 12 11	
		Repairs to tools	1 7 6	
		Stationery	1 2 6	
				150 9 8
To cash, Commissioner of Main Roads for repairs of Dogtrap Road for the year 1860	£ 60 0 0	Total Expenditure	£ 214 4 8	
To cash, Commissioner of Main Roads for repairs of Dogtrap Road for the year 1861	£ 60 0 0	Balance, 30th June, 1861	£ 323 2 1	
	120 0 0			537 6 9
Total Receipts	£ 295 10 0			
Balance, 31st December, 1860	£ 241 16 9			
	537 6 9			

We certify the above to be correct,

JAMES BYRNES,
NATHL. PAYTEN, } Commissioners.
JAMES PYE, }

Road Trust Office, Parramatta,
30th October, 1861.

ROAD TRUST ACCOUNTS.

5

No. 7.

PARRAMATTA ROAD TRUST.

ABSTRACT of all Moneys Received and Expended by the Commissioners of the Parramatta Road Trust for the Half-year ending 31st December, 1861.

RECEIVED.	AMOUNT.	EXPENDED.	AMOUNT.
	£ s. d.		£ s. d.
Six months' Rent of Toll-gate at Broken Back Bridge.....	175 10 0	Salaries :— Clerk and Treasurer 18 15 0 Overseer 6 15 0	25 10 0
		Miscellaneous :— Wages for labor 15 12 0 Purchase of tools, &c. 8 18 6 Repairs to roads, dams, and bridges 33 0 0 Repairs to tools 5 9 6 Law expenses 2 2 0	65 2 0
Balance, 30th June, 1861	323 2 1	Balance, 31st December, 1861.. ..	408 0 1
	£ 498 12 1		£ 498 12 1

We certify the above to be correct,

JAMES BYRNES,
NATHL. PAYTEN, } Commissioners.
JAMES PYE,

No. 8.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust, in Account Current for the Half-year ending 31st December, 1860.

Dr.

Cr.

PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
	£ s. d.			£ s. d.
To Balance from 30th June, 1860	1 4 9½	July 31	By Cash for labor as per voucher....	5 16 6
„ Six months' rent of Denham Court Toll-gate, to the 31st of December, 1860.....	50 0 0	Aug. 18	„ „ „ „	9 4 0
		„ 27	„ „ „ (slabs) „	2 10 0
		Sept. 4	„ „ „ „	0 12 0
		„ 12	„ „ tools, &c. „	3 8 0
		„ 29	„ One quarter's salary to Secretary	5 0 0
		Dec. 17	„ For repairing tools, &c.	1 2 6
		„ 31	„ One quarter's salary to Secretary	5 0 0
		„ 31	„ Stationery, &c.	0 13 0
		„ 31	„ Repairing tools, &c.....	5 4 6
			„ Balance, 31st December, 1860 ..	12 14 3½
	£ 51 4 9½			£ 51 4 9½

We certify to the correctness of the above Account,

WILLIAM FOWLER,
LAURENCE KENDALL, } Commissioners.
GEORGE TABER,

Campbelltown, 14th January, 1861.

No. 9.

No. 9.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust, in Account Current for the Half-year ending 30th June, 1861.

Dr.			Cr.		
DATE,	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1861.		£ s. d.			£ s. d.
	To Balance from 31st December, 1860	12 14 3½	Jan. 14	By sum paid William Fowler	0 5 0
	„ Six months' rent of Toll-gate at Denham Court	67 10 0	„ 25	„ <i>Herald</i> Agent.....	0 18 0
			„ 29	„ Rowley, Holdsworth & Garrick..	35 0 0
			March 20	„ Calderwood	1 2 6
			„ 22	„ Kendall	1 19 6
			„ 31	„ Secretary's Salary.....	7 10 0
			June 8	„ Gray and others	10 12 0
			„ 29	„ Secretary's salary	7 10 0
				Balance	15 7 3½
		£ 80 4 3½			£ 80 4 3½

We certify to the correctness of the above Account,

WILLIAM FOWLER,
GEORGE TABER,
LAURENCE KENDALL, } Commissioners.

Campbelltown, 12th July, 1861.

No. 10.

CAMPBELLTOWN ROAD TRUST.

THE Commissioners of the Campbelltown Road Trust, in Account Current for the Half-year ending 31st December, 1861.

DATE.	PARTICULARS OF SUMS RECEIVED.	AMOUNT.	DATE.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1861.		£ s. d.			£ s. d.
31 Dec. ..	To Balance from 30th June, 1861 ..	15 7 3½	July 31	By sum paid Ruddle and others as per voucher	21 17 0
	„ Six months' rent of Toll-gate at Denham Court.....	67 10 0	Aug. 31	„ Ryan & Ruddle, do.	4 6 0
			„ 31	„ John Doyle do.	8 9 0
			„ 31	„ Secretary's salary (two months)..	5 0 0
			Sept. 25	„ Patrick Gray, as per voucher....	1 2 6
			„ 25	„ <i>Herald's</i> Agent do.	2 11 6
			„ 30	„ Paper, envelopes and stamps	0 8 6
			Dec. 11	„ <i>Herald's</i> Agent, as per voucher	1 9 9
			„ 11	„ <i>Empire's</i> Agent do.	1 9 9
			„ 31	„ Secretary's salary (four months)	10 0 0
				„ Repairing rake	0 2 0
				Balance	26 1 3½
		£ 82 17 3½			£ 82 17 3½

We certify to the correctness of the above Account,

WILLIAM FOWLER,
GEORGE TABER, } Commissioners.

Campbelltown, 11th January, 1862.

No. 11.

ROAD TRUST ACCOUNTS:

7

No. 11.

WINDSOR ROAD TRUST.

Half-yearly Account of the RECEIPTS and DISBURSEMENTS of the Commissioners of the Windsor Road Trust, to 31st December, 1860.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
		£ s. d.			£ s. d.
1860.			1860.		
July 1	To Balance on 30th June last	156 12 8	July 10	By Cash paid J. Carney, repairs, Richmond Road	V. 1 41 8 0
" 9	" Rent of Fitzroy Bridge Tolls for June	42 1 8	Aug. 4	" Wages, Wilberforce Ferry approaches	2 12 12 0
" 27	" Do. Windsor Ferry for June	33 10 0	" 4	" Do. Windsor Road	3 8 11 3
Aug. 6	" Do. Fitzroy Bridge Tolls for July	42 1 8	" 11	" Do. Wilberforce Ferry approaches	4 21 19 6
Sept. 4	" Do. Windsor Ferry for July	33 10 0	" 11	" Do. Richmond Road	5 0 15 0
" 20	" Do. Fitzroy Bridge Tolls for August, (less £10 10s. allowed on account of flood)	31 11 8	" 11	" P. Hogan, repairs Fitzroy Bridge	6 0 15 0
" 29	" Do. Windsor Ferry for August	33 10 0	" 18	" Wages, Wilberforce Ferry approaches	7 24 12 0
Oct. 8	" Do. Fitzroy Bridge Tolls for September	42 1 8	" 25	" Do. Do.	8 16 12 0
Nov. 12	" Do. do. for October	42 1 8	Sept. 1	" Do. Windsor Road, repairs	9 18 17 0
Dec. 1	" Do. Windsor Ferry for September	33 10 0	" 5	" Pierce Lyons, slabs, Wilberforce Ferry approaches	10 3 19 6
" 21	" Do. do.	20 0 0	" 8	" Wages, Windsor Road repairs	11 16 12 0
" 8	" Do. Fitzroy Bridge Tolls for November, (less £10 10s. allowed for flood)	31 11 8	" 8	" Jno. Mills, repairs, George-street	12 6 10 0
" 31	" Balance	28 16 5	" 8	" Jno. Carney, repairs, Windsor Road	13 6 15 0
			" 10	" P. Carroll, repairs, Richmond Road	14 14 0 0
			" 10	" E. Rye, Plan of Bridge, Windsor Road	15 1 0 0
			" 10	" E. Mason, printing	16 2 0 0
			" 10	" Geo. Cleaver, repairs, Richmond Road	17 0 5 0
			" 15	" Wages, Windsor Road	18 16 12 0
			" 15	" Lyons and Ford, repairs, Wilberforce Bridge Ferry approaches	19 7 0 0
			" 15	" Carroll and Stubbs, repairs, Richmond Road	20 11 13 0
			" 22	" Thomas Cunneen, repairs, Windsor Road	21 7 0 0
			" 22	" Jno. Mills, George-street and Windsor Road	22 5 0 0
			" 22	" Wages, Windsor Road	23 13 0 6
			Oct. 6	" Do. do.	24 25 2 6
			" 6	" Jno. Mills, Punt Hill and Windsor Road	25 4 10 0
			" 8	" Faux and Beard, spikes	26 2 10 0
			" 8	" George Cleaver, Richmond Road	27 3 2 6
			" 8	" Secretary, one quarter's salary, 30th September	28 6 5 0
			" 8	" Do. stationery and postages	29 0 5 0
			" 13	" P. Lyons and Ford, Wilberforce Ferry approaches	30 5 7 6
			" 13	" G. Cleaver, repairs Richmond Road	31 1 5 0
			" 13	" Wages, Windsor Road	32 19 17 0
			" 13	" Do. do.	33 20 6 0
			Nov. 3	" James Skinner, repairs, Windsor Road	34 7 0 0
			" 12	" James Rose, Wilberforce Ferry approaches	35 2 0 0
			" 12	" J. Watt, repairs, Fitzroy Bridge	36 0 7 0
			" 12	" T. Cunneen and J. J. Hall, repairs, Windsor Road	37 25 0 0
			" 17	" John Carney, repairs, Windsor Road	38 7 0 0
			" 17	" George Cleaver, Richmond Road	39 2 7 6
			" 17	" G. A. Davis, Ferrying	40 6 5 2
			" 24	" James Skinner, repairs, Windsor Road	41 7 0 0
			" 24	" Wages, Windsor Road	42 4 5 6
			Dec. 1	" Do. Ferry approaches Wilberforce	43 24 12 0
			" 4	" John Ford, do. do.	44 4 0 0
			" 11	" John Carney, repairs, Richmond Road	45 10 0 0
			" 21	" T. Cunneen and J. J. Hall, Windsor Road	46 58 0 0
			" 21	" J. Skinner, do.	47 37 0 0
			" 21	" J. Jasper, Richmond Road	48 1 5 0
			" 21	" J. Ridge, do.	49 10 0 0
			" 26	" J. Watt, repairs, Fitzroy Bridge	50 1 5 2
			" 29	" Joseph Jasper, Richmond Road	51 1 2 6
			" 29	" Wages, Wilberforce Ferry approaches	52 2 4 0
			" 29	" Henry Cavanaugh, repairs, Richmond Road	53 4 0 0
			" 31	" Secretary, quarters' salary	54 10 0 0
			" 31	" Do. postages and stationery	55 0 5 0
		£ 570 19 1			£ 570 19 1

22nd January, 1861.

RICH. RIDGE,
 LABAN WHITE, } Commissioners.
 JOHN WOOD,

No. 12.

No. 12.

WINDSOR ROAD TRUST.

The RECEIPTS and DISBURSEMENTS of the Commissioners of the Windsor Road Trust, for Half-year ended 30th June, 1861.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	EXPENDITURE.	AMOUNT.
		£ s. d.			£ s. d.
1861.					
Jan. 1	To rent of Fitzroy Bridge Tolls for December, 1860	42 1 8	Jan. 1	By Balance on 31st December, 1860	28 16 5
Feb. 1	" " Windsor Ferry, balance for October, 1860	13 10 0	" 5	" Carroll and Stubbs, repairs, to Richmond and Windsor Road and Ferry approaches	1 13 7 0
" 1	" " Do. for November, 1860	33 10 0	" 12	" Carroll and Stubbs, repairs, Windsor Road	2 35 0 0
" 8	" " Fitzroy Bridge Tolls for January	34 5 0	" 12	" J. Jaspar, repairs, Richmond Road	3 1 5 0
" 26	" " Windsor Ferry for December, 1860	33 10 0	" 12	" Wages, Wilberforce Ferry approaches	4 8 15 0
Mar. 11	" " Fitzroy Bridge Tolls for February, 1860	34 5 0	" 19	" Do. do.	5 8 2 0
" 16	" " Windsor Ferry for January, 1861, as per Col. Treasurer	33 10 0	Feb. 9	" J. J. Hall, repairs, Windsor Road	6 10 0 0
" 19	" " Do. for February, 1861	10 0 0	" 18	" R. Edwards, advertising	7 1 8 0
April 10	" " Fitzroy Bridge Tolls for March	34 5 0	" 18	" E. Mason, printing	8 0 12 0
May 9	" " Do. for April £34 5 Less allowed for flood £4 10	29 15 0	" 18	" Stubbs and Carroll, repairs, Windsor Road	9 5 15 6
June 10	" " Fitzroy Bridge Tolls for May	34 5 0	Mar. 12	" George Seymour, commission	10 4 0 0
" 20	" J. Davis' account rent of Ferry for June, (having been sued for arrears to 7th June, £123)	23 0 0	April 11	" Secretary, quarter's salary	11 10 0 0
	" Balance brought down	91 5 11	" 11	" Same, postage and stationery	12 0 5 0
			" 11	" Faux and Beard, tools	13 0 5 2
			" 11	" Carroll and Stubbs, on account, repairs, ferry approaches	14 5 0 0
			" 20	" Wages, repairs, ferry and Windsor Road	15 3 18 0
			" 22	" Stubbs and Carroll, balance, repairs, ferry approaches	16 10 17 0
			" 22	" Wages, Bridge-street	17 4 11 3
			May 4	" Do. Bridge and George streets	18 1 17 6
			" 6	" Henry Cavanough, account, repairs to George-street	19 2 0 0
			" 11	" Wages, Bridge-street and ferry approaches	20 4 8 9
			" 11	" John Ridge, account, bridge, Windsor Road	21 25 0 0
			" 18	" Same, further account, ditto	22 15 0 0
			" 18	" Wages, George-street	23 5 0 0
			" 20	" J. James Hall, bridge, Windsor Road on account	24 5 0 0
			" 25	" Paid Henry Cavanough, account, repairs to George-street	25 5 0 0
			" 25	" J. Ridge, new bridge, Windsor Road	26 10 0 0
			" 25	" J. Jaspar and S. Donnelly, repairs, road to Windsor and Richmond	27 2 12 6
			" 25	" Wages, ferry approaches, Wilberforce	28 9 6 0
			June 1	" J. Ridge, bridge, Windsor Road, balance	29 9 0 0
			" 1	" Same, repairs, Windsor Road	30 16 0 0
			" 1	" Wages, Wilberforce Ferry approaches and Windsor Road	31 10 17 0
			" 1	" Peter Carroll, repairs to George-street on account	32 10 0 0
			" 1	" Henry Cavanough, do.	33 6 0 0
			" 8	" Same, do.	34 4 0 0
			" 8	" Wages, Wilberforce Ferry approaches	35 9 18 0
			" 8	" J. Ridge, repairs, Windsor Road	36 10 0 0
			" 13	" T. Callison, repairs, George-street	37 1 10 0
			" 14	" J. Ridge, repairs, Windsor Road on account	38 10 0 0
			" 15	" Wages, repairs, Wilberforce Ferry approaches	39 10 16 0
			" 20	" J. J. Hall, repairs, Windsor Road on account	40 5 0 0
			" 21	" John Ridge, repairs, Windsor Road, balance	41 4 10 0
			" 22	" Henry Cavanough, repairs, George-street, on account	42 6 0 0
			" 22	" James Hough, repairs, Windsor Road	43 4 0 0
			" 22	" William Stubbs, repairs, George-street	44 10 0 0
			" 22	" Wages, Wilberforce Ferry approaches	45 10 16 0
			" 24	" Peter Carroll, repairs, George-street	46 5 0 0
			" 27	" J. J. Hall, repairs, Windsor Road, balance	47 42 10 0
			" 29	" Henry Cavanough, repairs, George-street	48 3 0 0
			" 29	" Wages, Wilberforce Ferry approaches	49 10 16 0
			" 30	" Secretary, salary to date	50 10 0 0
			" 30	" Same, postages and stationery	51 0 7 6
			July 1	" Balance down	91 5 11
		447 2 7			447 2 7

E. E.

RICH. RIDGE,
JOHN WOOD,
WM. J. CREW,
LABAN WHITE, } Commissioners.

Windsor, 22nd July, 1861.

ROAD TRUST ACCOUNTS.

9

No. 13.

WINDSOR ROAD TRUST.

ACCOUNTS of RECEIPTS and DISBURSEMENTS of the Commissioners of the Windsor Road Trust, for the Half-year ending 31st December, 1861.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1861.		£ s. d.	1861.		£ s. d.
July 9	To Rent of Fitzroy Bridge Tolls for June	28 12 6	July 1	By Balance from last half-year	V. 91 5 11
Aug. 8	" " " July	34 5 0	" 4	" Peter Carroll, repairs to George-street	1 15 12 6
Sep. 9	" " " August	34 5 0	" 18	" Henry Cavanaugh, ditto	2 25 17 6
" 14	" Proceeds of sale of old timber, Fitzroy Bridge	6 12 6	" 22	" John Ridge, repairs, Fitzroy Bridge	3 1 0 0
Oct. 2	" " " "	5 13 6	" 22	" W. J. Woolley, repairs to tools	4 0 14 0
" 8	" Rent of Fitzroy Bridge for September	34 5 0	" 22	" George Winsor, posting notices	5 0 5 0
Nov. 7	" " " October	34 5 0	Aug. 10	" Wages, repairs, Windsor Road	6 2 17 0
Dec. 9	" " " (less £8 allowed)	26 5 0	" 13	" William Stubbs, repairs, George-street	7 20 0 0
	Balance	14 1 9	" 17	" Wages, repairs, Windsor Road	8 9 3 6
			" 17	" Wm. Stubbs, repairs, Windsor Road, Punt Hill, and George-street	9 10 5 0
			Oct. 4	" Wm. King, repairs, Windsor Road	10 9 5 0
			" 12	" Wm. King, ditto	11 1 16 6
			" 14	" Secretary, quarter's salary, due 30th September	12 10 0 0
			" 14	" Ditto, stationery and postage	13 0 5 0
			" 14	" Bank of New South Wales, interest on overdrawn account, 30th September	11 1 3 4
			Nov. 18	" W. J. Woolley, repairs to tools	15 1 0 0
			Dec. 7	" T. Sargeant, repairs to George-street	16 1 17 6
			" 14	" Ditto, George and Bridge streets	17 1 0 0
			" 31	" J. B. Laverack, auctioneer's commission	18 4 12 6
			" 31	" Secretary, quarter's salary	19 10 0 0
			" 31	" Ditto, postage and stationery	20 0 5 0
		£ 218 5 3			£ 218 5 3

RICH. RIDGE,
LABAN WHITE,
WM. J. CREW, } Commissioners.

No. 14.

RICHMOND ROAD TRUST.

ACCOUNT of RECEIPTS and DISBURSEMENTS of the Commissioners of the Richmond Road Trust, for the Half-year ending 31st December, 1860.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1860.		£ s. d.	1860.		£ s. d.
July 1	To Balance on hand, 30th June	276 10 11	Aug. 8	By paid T. Bucton, repairs, Blacktown Road	1 78 6 0
" 7	" Rent of Blacktown Tolls for June	10 0 0	" 8	" Faux and Beard, materials	2 3 10 0
Aug. 1	" " " July	10 0 0	" 8	" Thomas Douglass, repairs, Blacktown Road	3 20 0 0
Sept. 5	" " " August	10 0 0	" 8	" T. Bucton, ditto	4 3 10 6
Oct. 6	" " " September	10 0 0	Oct. 3	" T. Douglass, balance repairs, Blacktown Road	5 20 6 8
Nov. 6	" " " October	10 0 0	" 3	" T. Douglass, repairs, Blacktown Road	6 22 18 0
Dec. 1	" " " November	10 0 0	" 3	" E. Mason, printing	7 2 0 0
			" 3	" Secretary, quarter's salary, 30th September	8 6 5 0
			" 3	" Ditto, postages and stationery	9 0 7 6
			Nov. 7	" Thos. Douglass, repairs, Blacktown Road	10 20 0 0
			Dec. 7	" Thomas Douglass, ditto	11 14 0 0
			" 7	" L. White, auctioneer, commission	12 6 2 6
			" 31	" Margt. Seymour, use of room	13 3 0 0
			" 31	" Secretary, quarter's salary	14 7 10 0
			" 31	" Ditto, postage and stationery	15 0 5 0
				Balance on hand	128 9 9
		£ 336 10 11			£ 336 10 11

EDW. POWELL,
GEO. GUEST, SENR.,
GEO. M. PITT, } Commissioners.

No. 15.

RICHMOND ROAD TRUST.

THE RECEIPTS and DISBURSEMENTS of the Commissioners of the Richmond Road Trust for the Half-year ending 30th June, 1861.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1861.		£ s. d.	1861.		£ s. d.
Jan. 1	To Balance on hand, 31st December, 1860	125 9 9	Feb. 20	By paid T. Bucton, repairs, road to New Bridge	1 9 9 0
" 7	" Rent of Blacktown Tolls for December, 1860	10 0 0	" "	" Do. " "	2 6 2 6
Feb. 8	" " " January, 1861	25 10 0	" "	" J. James, " "	3 4 7 6
March 6	" " " February	25 10 0	" "	" T. Douglass, repairs, Blacktown road	4 57 4 6
April 10	" " " March	25 10 0	April 10	" R. Edwards, advertising	5 1 6 0
May 10	" " " April	25 10 0	" "	" Secretary, quarter's salary, to 31st March	6 7 10 0
June 11	" " " May £25 10s. " Less allowed for floods £10 0s.	15 10 0	" "	" Do. postages and stationery	7 0 5 0
			May 18	" T. Bucton, repairs, Blacktown Road	8 6 4 2
			June 5	" Do. " "	11 29 6 0
			" "	" Hy. Pye " "	9 2 10 0
			" 30	" Thomas Nippres " "	10 80 0 0
				" Secretary, quarter's salary	12 7 10 0
				" Do. postages and stationery	13 0 5 0
				" Mrs. Seymour, use of room	14 3 0 0
				" Balance on hand	41 0 1
July 1	" Balance on hand	£ 255 19 9			£ 255 19 9
		41 0 1			

E. E.

EDW. POWELL,
JOSEPH ONUS,
WM. FARLOW,
GEO. M. PITT, } Commissioners.

Richmond, 1st July, 1861.

No. 16.

RICHMOND ROAD TRUST.

RECEIPTS and DISBURSEMENTS of the Richmond Road Trust Commissioners, for the Half-year ending 31st December, 1861.

Dr.			Cr.		
DATE.	RECEIPTS.	AMOUNT.	DATE.	DISBURSEMENTS.	AMOUNT.
1861.		£ s. d.	1861.		£ s. d.
July 1	To Balance on hand	41 0 1	July 5	By paid Thomas Nippres, repairs	1 50 0 0
" 18	" Rent of Blacktown Road Tolls for June	25 10 0	Aug. 14	" William Fletcher, repairs, Blacktown Road	2 4 2 6
Aug. 13	" " " July	25 10 0	" "	" John Pye, repairs	3 6 0 0
Sep. 10	" " " August	25 10 0	" "	" Thomas Nippres, repairs	4 40 0 0
Oct. 21	" " " September	25 10 0	Oct. 2	" E. Masou, printing	5 0 7 0
" "	" " " October	25 10 0	" "	" Secretary, quarter's salary	6 7 10 0
Nov. 16	" " " November	25 10 0	" "	" Do. postages, &c.	7 0 5 0
" 18	" " " December	25 10 0	Nov. 6	" Thomas Nippres, repairs, Blacktown Road	8 38 0 0
			Dec. 31	" Margaret Seymour, use of room	9 3 0 0
			" "	" Hanson & Bennett, advertising	10 0 13 6
			" "	" Secretary, quarter's salary	11 7 10 0
			" "	" Do. postages and stationery	12 0 5 0
			" "	" Balance on hand	61 17 1
Dec. 31	" Balance on hand this date	£ 219 10 1			£ 219 10 1
		61 17 1			

E. E.

EDW. POWELL,
JOSEPH ONUS,
GEO. M. PITT, } Commissioners.

Richmond, 1st January, 1862.

No. 17.

ROAD TRUST ACCOUNTS.

No. 17.

RANDWICK AND COOGEE ROAD TRUST.

The Commissioners of the Randwick and Coogee Road Trust, in Account Current for the Half-year ending 31st December, 1860.

Dr.

Cr.

PARTICULARS OF SUMS RECEIVED.		AMOUNT.	PARTICULARS OF SUMS EXPENDED.		AMOUNT.
1860.		£ s. d.			£ s. d.
To amount of Toll receipts		338 7 6	By wages, as per Voucher, No. 1		23 7 2
„ Balance due Joint Stock Bank, (overdrawn account)		127 9 11	„ „ do. 2		51 1 6
			„ „ do. 3		36 12 3
			„ „ do. 4		21 3 5
			„ „ do. 5		7 14 6
			„ „ do. 6		13 5 10
			„ „ do. 7		14 10 0
			„ „ do. 8		19 4 4
			„ „ do. 9		4 19 6
			„ Contractor, (Collins' balance)		17 0 0
			„ Do., account of new Toll House		180 11 0
			„ Miscellaneous Voucher		59 18 4
			„ Secretary, as per Voucher		7 10 0
			„ Joint Stock Bank, amount due 30th June ..		8 19 7
		£ 465 17 5			£ 465 17 5

NOTE—There is also due the sum of £700 for mortgage effected on the Tolls, bearing interest at the rate of 8 per cent. per annum.

We certify to the correctness of the above Account.

SAML. HEBBLEWHITE, }
 J. B. HOLDSWORTH, } Commissioners.
 S. H. PEARCE. }

No. 18.

RANDWICK AND COOGEE ROAD TRUST.

The Commissioners of the Randwick and Coogee Road Trust, in Account Current for the Half-year ending 30th June, 1861.

Dr.

Cr.

PARTICULARS OF SUMS RECEIVED.		AMOUNT.	PARTICULARS OF SUMS EXPENDED.		AMOUNT.
1861.		£ s. d.			£ s. d.
To amount of Toll Receipts		342 4 6	By wages as per Voucher, No. 1		8 18 3
„ Cash for surplus stone, piping, and palings.		1 12 0	„ „ do. 2		16 11 6
„ Balance due Joint Stock Bank (overdrawn account)		107 5 1	„ „ do. 3		8 17 0
			„ „ do. 4		17 6 1
			„ „ do. 5		24 2 5
			„ „ do. 6		13 16 10
			„ „ do. 7		14 12 9
			„ „ do. 8		17 7 3
			„ „ do. 9		8 5 3
			„ Paid Joint Stock Bank, amount due 31st December, 1860		127 9 11
			„ Materials and Sundries for new Toll House.		75 10 7
			„ Miscellaneous Voucher		106 1 3
			„ Secretary, as per Voucher		7 10 0
			„ Collecting Tolls from 1st to 10th March		4 12 6
		£ 451 1 7			£ 451 1 7

We certify to the correctness of the above Account,

Sydney, 8th August, 1861.

SAML. HEBBLEWHITE, }
 J. B. HOLDSWORTH, } Commissioners.
 S. H. PEARCE, }

No. 19.

RANDWICK AND COOGEE ROAD TRUST.

The Commissioners of the Randwick and Coogee Road Trust, in Account Current for the Half-year ending 31st
December, 1861.

Dr.		Cr.	
PARTICULARS OF SUMS RECEIVED.	AMOUNT.	PARTICULARS OF SUMS EXPENDED.	AMOUNT.
1861.	£ s. d.		£ s. d.
To amount of Toll Receipts.....	334 12 6	By wages as per Vouchers	180 4 2
„ Balance due Joint Stock Bank (overdrawn account)	10 1 9	„ Joint Stock Bank, amount due 30th June, 1861	107 5 1
		„ Darby, as per Voucher	4 10 0
		„ Miscellaneous do.	45 5 0
		„ Secretary do.	7 10 0
	£ 344 14 3		£ 344 14 3

We certify to the correctness of the above Account, ,

Sydney, 28th February, 1863.

SAML. HEBBLEWHITE,
J. B. HOLDSWORTH,
S. H. PRARCE, } Commissioners.

[Price, 3d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MAITLAND ROAD TRUST.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 11 October, 1861, That there be laid upon the Table of this House,—

“Copies of all Correspondence which may have passed
“between the Government and the Warden or Secretary of
“the Maitland Road Trust, in reference to the accounts of
“the expenditure of Moneys issued to the Trust since the
“1st January, 1858.”

(*Mr. Burns.*)

SCHEDULE.

No.	PAGE.
1. Secretary to Trust to Under Secretary for Lands and Works, forwarding certain Accounts connected with the Trust (B.C. Memo to Auditor General endorsed). 12 October, 1857	3
2. Report of Auditor General. 1 November, 1857	3
3. Under Secretary to Secretary to Trust, in reply to letter of the 12th October, 1857. 20 November, 1857	3
4. Same to same, stating necessity for adjustment of Road Accounts. 26 February, 1858..	4
5. Same to same, enclosing letter from Auditor General on the subject. 1 April, 1858 ..	4
6. Same to same, reminding him of the matter. 15 May, 1862.. .. .	4
7. Secretary to Road Trust to Under Secretary for Lands and Works, relative to effect of Main Roads Bill upon liabilities of the Trust. 22 May, 1858	5
8. Under Secretary, in reply. 9 June, 1858	5
9. Same to same, further on the subject. 23 June, 1858	5
10. Secretary to the Trust, in reply. 24 June, 1858	6
11. Under Secretary for lands and Works, again applying for Accounts referred to in Letter of 15th May and previous dates. 25 June, 1858	6
12. Secretary to Trust, enclosing Statement of Receipts and Disbursements on Main Roads in their District. 22 July, 1858	6

NO.	PAGE.
13. Same to the same. 18 August, 1858	7
14. Same to the same, further on the subject. 24 August, 1858	7
15. Under Secretary for Lands and Works, again drawing attention (at instance of the Auditor General) to the delay in furnishing the necessary Accounts. 28 December, 1858	7
16. Same to Secretary to Trust, acknowledging receipt of a letter of 12th January, 1859. 31 January, 1859.. .. .	7
17. Same to the same, enclosing copy of a letter from the Engineer-in-Chief for Harbours and River Navigation, reporting upon the value of the Punts belonging to the Trust. 2 April, 1859	8
18. Same to the Commissioners of the Trust, respecting letter received from the Maitland Branch of the Bank of New South Wales, urging settlement of the debt due to the Bank. 16 August, 1859	8
19. Under Secretary for Lands to Secretary to Trust, enclosing a Statement received from Auditor General of all Accounts unadjusted, and stating that no more money would be issued until their settlement. 29 September, 1860	8
20. Warden to Secretary for Lands, respecting funds for Roads. 8 March, 1861	9
21. Under Secretary, in reply. 7 May, 1861	10
22. Same to the same, enclosing Report of Auditor General on the subject. 20 May, 1861.. .. .	10
23. Warden to Under Secretary for Lands, relative to the withholding of the funds voted for the Roads. 13 July, 1861	10
24. Under Secretary, in reply. 15 August, 1861	11
25. Auditor General to Principal Under Secretary, enclosing Correspondence from Warden, with Accounts. 24 April, 1862	11
26. Under Secretary for Lands to Warden, in reference thereto. 21 May, 1862	15
27. Auditor General to Under Secretary for Lands, enclosing letter from Secretary to Trust. 28 May, 1862	15
28. Warden to Secretary for Lands, in reply to letter of the 21 May. 7 June, 1862	16
29. Under Secretary for Lands to Warden, forwarding Books, &c. 21 June, 1862	16
30. Warden, acknowledging receipt of the same. 23 June, 1862	17
31. Under Secretary for Lands to Warden. 4 September, 1862	17
32. Warden to Secretary for Lands, reporting resignation of Mr. Chambers, and that he had handed in the Accounts. 9 October, 1862	17
33. Mr. Chambers to Colonial Secretary, explaining his conduct with regard to the Accounts. 20 October, 1862	17
34. Minute of Colonial Secretary thereon. 21 October, 1862	19
35. Auditor General's Report. 24 October, 1862	19
36. Under Secretary for Lands to Auditor General, to examine Accounts. 29 October, 1862	19
37. Same to Commissioners of the Trust, stating that moneys will now be issued to them. 29 October, 1862.. .. .	19
38. Same to Warden. 29 October, 1862	20
39. Auditor General to Under Secretary for Lands, in reply to letter of 29 October. 31 October, 1862	20

MAITLAND ROAD TRUST.

No. 1.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 12 October, 1857.

SIR,

By direction of the Auditor General I enclose to you an account of the dis-^{Returned.}bursement, by the Maitland Road Trust, of the Government Road advances from 1855. Attached to this account you will find vouchers, certified by the members of the Trust, which show the various payments made by the Commissioners, and which include as well payments from the Government advances as from the toll receipts.

There being no separate receipts on the Government advance account, the Auditor General declines to pass these accounts unless under your authority.

I have the honor, therefore, to request that you will be pleased to give this authority, and beg to assure you that no irregularity will in future arise, as I am now furnished with the various forms which are required by the Government regulations.

I have, &c.,

JOSEPH CHAMBERS,

Secretary.

Ask the Auditor General whether he is aware of any objection.—B.C., 14 Oct.—S. B. W.

No. 2.

REPORT OF AUDITOR GENERAL.

UNDER all the circumstances of the case, there appears to be no objection to a special authority being given for passing the accounts of advances to the Maitland Road Trust, upon the solemn declaration of the Warden and the certified statements of payments for 1855 and 1856. But should this be sanctioned, the accounts of 1853 and 1854 would still remain undisposed of, and, provided that no more satisfactory vouchers can be furnished for those years, it is suggested that the Commissioners of the Trust be called upon to furnish a declaration and certificate of payments similar to those proposed for 1855 and 1856, to embrace the transactions under advances from 2nd May, 1853, to 31st December, 1854. These documents would require to be submitted and authorized before they could be made use of to adjust the accounts in question.

B. C.—1 November, 1857.

W. C. MAYNE, A.G.

No. 3.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 20 November, 1857.*

SIR,

In acknowledging the receipt of your letter of the 12th ultimo, forwarding attested accounts of the disbursements of the Maitland Road Trust for the years 1855 and 1856, and requesting that an authority may be given to the Auditor General for passing them, I am directed to inform you, that if all is done that can be done to furnish accurate accounts, the Honorable the Secretary for Lands and Public Works will authorize the accounts of the Trust (embracing the transactions under advances from 2nd May, 1853, to 31st December, 1856) being passed by the Auditor General, on the declaration of the Warden and a certified statement of the payments made, similar to those proposed for 1855 and 1856, and on the understanding that no further irregularities will be excused under any circumstances.

2. The accounts for 1855 and 1856 are returned herewith, with a view to your correcting the error pointed out in pencil by the Auditor General.

I have, &c.

MICL. FITZPATRICK.

No. 4.

MAITLAND ROAD TRUST.

No. 4.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 26 February, 1858.*

SIR,

With reference to my letter of the 20th November last, returning to you the accounts of the Maitland Road Trust for the years 1855 and 1856 for correction, and stating at the same time that the Auditor General would be authorized to pass the accounts of the Trust (embracing the transactions under advances from 2nd May, 1853, to 31st December, 1856), on the declaration of the Warden and a certified statement of the payments made, similar to those proposed by you for 1855 and 1856, I am directed by the Honorable the Secretary for Lands and Public Works to draw your attention thereto, and to request that you will have the goodness to furnish the certified accounts alluded to with the least possible delay.

I have, &c.,
MICL. FITZPATRICK.

No. 5.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 1 April, 1858.*

SIR,

With reference to my letter of the 26th February last, and previous communications, respecting certain accounts of the Maitland Road Trust, I am now directed by the Honorable the Secretary for Lands and Public Works to annex a copy of a letter from the Auditor General, and to request that you will have the goodness to furnish the declarations and certificates of payments of the accounts therein alluded to with the least possible delay.

I have, &c.,
MICHL. FITZPATRICK.

[Enclosure in No. 5.]

*Audit Office, Sydney,
30 March, 1858.*

SIR,

Referring to your letter of the 26th February last, No. 14, informing me that Mr. Chambers, the Secretary to the Maitland Road Trust, has been requested to furnish the accounts of the Trust alluded to in my letter to you of the 18th of that month, I have the honor to inform you that the declarations and certificates of payments for the period from 2nd May, 1853, to 31st December, 1854, have not yet been received at this office, and to request that the Chairman of the Trust may be called upon to furnish them without further delay, in order that their advance accounts for these years may at length be finally closed.

I have, &c.,
W. C. MAYNE,
Auditor General.

To the Under Secretary for Lands and
Public Works, Sydney.

No. 6.

UNDER SECRETARY FOR LANDS AND WORKS to COMMISSIONERS OF TRUST.

*Department of Lands and Public Works,
Sydney, 15 May, 1858.*

GENTLEMEN,

With reference to my letters of the 1st April and 26th February last, drawing attention to a previous communication dated the 20th November, 1857, returning certain accounts, furnished by you for the years 1855 and 1856, for correction, and stating at the same time that the Auditor General would be authorized to pass the accounts of the Trust (embracing the transactions under advances from 2nd May, 1853, to 31st December, 1854, on the declaration of the Warden and a certified statement of the payments made, similar to those proposed by you for 1855 and 1856), I am directed by the Honorable the Secretary for Lands and Public Works to point out to you the inconvenience caused by the irregularity and delay in furnishing those accounts, and to request that you will have the goodness to cause them to be furnished without further delay.

I have, &c.,
MICL. FITZPATRICK.

No. 7.

MAITLAND ROAD TRUST.

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No. 7.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 22 May, 1858.

SIR,

I am directed by the Commissioners of the Maitland Road Trust to communicate with you as to the manner in which the Trust may be affected by the Main Roads Bill, especially as regards the payment of the debt due by the Trust on the toll account.

I must first ask your consideration of the Act under which the Trust was constituted, viz., the 17th Vic. No. 16, whereby (sec. 22) the Commissioners are empowered to borrow, on credit of the tolls, to three times the amount of the income of a year, and to pledge the tolls as a security for repayment of the loan, and I must then place before you the circumstance under which the present loan was contracted, in order that you may determine the course to be adopted for its repayment.

At the time of the constitution of the Trust—1853—various expenses incidental to the establishment of the Trust, such as for toll and ferry houses, punts, gates, &c., &c., were necessarily incurred, and the Commissioners, having as yet no income, were constrained to raise the required amount under the before-mentioned authority. They therefore entered into a contract with the Bank of New South Wales for a standing credit of £2,000, and pledged the tolls as a security for its repayment.

In the course of the years 1854 and 1855 the Commissioners were enabled to discharge the first loan; and, up to 1857, had the satisfaction of appropriating all their income towards road repairs, and so maintaining the public works under their charge in the best repair their means would admit of; but towards the end of 1857 most disastrous floods swept through the country; bridges, &c., were swept away, and roads left in some places impassable. All the available means of the Commissioners were at once devoted to this emergency, but were found greatly deficient of the amount required. A survey was then held, showing that upwards of £3,000 was required to restore the highways to a safe condition. The result of this survey was communicated to you by letter dated the 19th September, in which a request was made that the Government would grant £2,500 for the purpose of these repairs. The Commissioners do not complain of the response made by the Government, but they beg you to remember that of this sum £1,450 only was contributed by the Government, and the remainder fell on the Commissioners as a sudden and unexpected loss.

To meet this loss and provide for the current expenses of their Board, the Commissioners were again constrained to raise money on their tolls, and have now a loan, for which their tolls are pledged, to the amount of about £2,000, and it is for the payment of this sum they now desire to make provision. The effect of the Main Roads Bill is to transfer from the Road Trust Commissioners to the Commissioners under the Act, the monthly income of £262 derivable from the tolls collected on the main road, leaving with the Trust an income of £88 per month, which is derived from ferries and by-roads; and the Trust Commissioners are of opinion that, as they now hand over the main road in far better condition than that in which it was received, and as that road has always been a tax on the other roads in the district, by reason of its expensive requirements for bridges, causeways, &c., and as the debt was created under careful authority, and in the necessary discharge of their public duty, they ought not now to be left to discharge it from their diminished income, for they can but feel that, if their trust were left a few months longer under their management, the debt would be fully discharged.

The Commissioners are of opinion that the difficulty may be removed by the Government suspending the Main Roads Bill, as respects their district, for a period of six or nine months, when the Commissioners would guarantee to hand over the main road without any charge on it. But if such a course could not be adopted, I doubt not the Commissioners would favourably consider other proposals; and I would suggest that it might be proposed that the Government should, on taking the main roads, pay up the arrears due to the Trust, and also a fair valuation for the toll-houses and gates; by which arrangement the debt would be considerably reduced.

I have, &c.,
JOSEPH CHAMBERS,
Secretary.

No. 8.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 9 June, 1858.*

SIR,

In acknowledging the receipt of your communication of the 22nd ultimo, relative to the manner in which the Maitland Road Trust may be affected by the Main Roads Bill, I am directed by the Secretary for Lands and Public Works to inform you, that the Chief Commissioner of Railways has been requested to furnish a report on the subject; and at the same time I am to state that the Government desires to deal liberally with the Trust in this matter.

I have, &c.,
MICL. FITZPATRICK.

No. 9.

MAITLAND ROAD TRUST.

No. 9.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 23 June, 1858.*

SIR,

Referring to my letter of the 9th instant, on the subject of the effect of the Main Roads Bill upon the Maitland Road Trust, I am now directed to request that you will have the goodness to state whether you have kept such accounts as will enable you to show what portion of the £2,000 (constituting the present debt of the Trust) has been expended on the main road, as well as what portion has been expended in punts and other matters unconnected with that road.

I have, &c.,

MICHL. FITZPATRICK.

No. 10.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 24 June, 1858.

SIR,

In reply to your letter of the 23rd instant, inquiring as to whether the accounts of the Maitland Road Trust have been kept so as to show the amount expended on the main road, I have the honor to inform you that the accounts will show the amounts received and disbursed on the main road since the creation of the Trust.

I will place your letter before the Trust, at their meeting on Monday next, and shall doubtless receive instructions to transmit the accounts to you.

I have, &c.,

JOSEPH CHAMBERS,
Secretary.

No. 11.

UNDER SECRETARY FOR LANDS AND WORKS to COMMISSIONERS OF TRUST.

*Department of Lands and Public Works,
Sydney, 25 June, 1858.*

GENTLEMEN,

With reference to my letters of the 15th May and previous dates, respecting the unadjusted accounts of the Maitland Road Trust, I am directed by the Secretary for Lands and Public Works to remind you of your neglect in furnishing the declaration suggested by yourselves in lieu of the proper vouchers uniformly required in such cases by the Government; and at the same time I am to point out to you, that no general settlement of your claim on the Government, arising out of the operation of the Main Roads Bill, can be made until you have furnished the accounts alluded to in the letters before mentioned.

I have, &c.,

MICHL. FITZPATRICK.

No. 12.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 22 July, 1858.

SIR,

I have now the honor to enclose you a Return showing the amounts received and disbursed by the Commissioners of the Maitland Road Trust on the main road in their district, viz., from Morpeth to Black Creek, from the creation of the Trust, 1853, up to the 30th June, 1858.

You will observe that the expenditure exceeds the receipts by the sum of £708 13s. 9d. and that there are outstanding liabilities to the amount of £1,334 2s.

You will also observe that the Government advance for the year 1854—£475—is still payable to the Commissioners, and they trust these circumstances will be taken into account when the adjustment of the existing debt of £2,000 is considered.

In conclusion, I would beg to refer you to former correspondence of the 17th January, 1857, and other dates, that you may see the main road was always found to require a greater expenditure than the sum furnished by tolls collected thereon.

I have, &c.,

JOSEPH CHAMBERS,
Secretary.

Returned.

No. 13.

MAITLAND ROAD TRUST.

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No. 13.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 18 August, 1858.

SIR,

Having been requested by the Commissioners of the Maitland Road Trust to wait upon you on matters connected with the Trust affairs, I have the honor to state that I intend proceeding to Sydney, and attending at your office on Saturday morning next, when I hope to have the honor of an interview.

The chief object of my mission is to endeavour to arrange some settlement of account before the Trust are required to surrender their tolls to the Commissioners under the Main Roads Act.

I have, &c.,

JOSEPH CHAMBERS.

No. 14.

SECRETARY TO TRUST to UNDER SECRETARY FOR LANDS AND WORKS.

Maitland, 24 August, 1858.

SIR,

With reference to the pending arrangements for relieving the Commissioners of the Maitland Road Trust from the liabilities legally incurred by them under the 22nd section of the 17 Vict. No. 16,—

I have the honor to suggest that the property of the Trust, consisting of four punts, &c., remaining in possession of the Trust, as not being connected with the main road, should be valued, such valuation to be ascertained by parties eventually appointed by the Government and the Commissioners, or by their umpire; and that when such value be ascertained, the amount thereof be deducted from the liabilities before referred to, and the balance be paid by the Government to the Commissioners.

Considering, for the purposes of this arrangement, that the entire property of the Trust was of equal value to its liabilities—say £2,400—then the amount of valuation of the punts would represent the value of the property left with the Commissioners, and the amount of the balance payable by the Government would represent the value of the property surrendered by the Commissioners to the Government under the Main Roads Act.

Trusting these proposals will meet with your favourable consideration,—

I have, &c.,

JOSEPH CHAMBERS,

Secretary.

No. 15.

UNDER SECRETARY FOR LANDS AND WORKS to COMMISSIONERS OF TRUST.

*Department of Lands and Public Works,
Sydney, 28 December, 1858.*

GENTLEMEN,

I am directed to draw your attention to my letter of the 15th May last, pointing out the inconvenience occasioned by your delay in furnishing to the Auditor General the accounts of the Maitland Road Trust for the years 1855 and 1856, and the declarations and certificates of payments, from 2nd May to 31st December, 1856, which had been previously repeatedly called for without effect.

2. These accounts, I am to remind you, were returned to you for correction, and for the declaration of the Warden, in my letter of the 20th November, 1857, and I am to state, by direction of the Secretary for Lands and Public Works, that you should not have allowed that communication and my subsequent letters on the same subject to remain unattended to so long.

3. Mr. Secretary Robertson trusts that the accounts, &c., in question will now be furnished to the Auditor General without further delay.

I have, &c.,

MICL. FITZPATRICK.

No. 16.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 31 January, 1859.*

SIR,

In acknowledging the receipt of your letter of the 12th instant, in which it is proposed that the punts belonging to the Maitland Road Trust shall be valued by arbitration, and the amount of such valuation be the share of the debt owing to the Bank of New South

This letter
cannot now be
traced.

South Wales on account of the Trust, to be paid by the Commissioners, and naming Mr. Dodds, of Maitland, as valuator on behalf of the Trust,—I am directed to inform you, that the Secretary for Lands and Public Works thinks that the better course would be, instead of going to the expense of having the matter settled by arbitration, for the Engineer-in-Chief for Harbours and River Navigation to value the punts in question, and to report on the subject to this department.

2. Mr. Moriarty has been instructed accordingly; and Mr. Secretary Robertson, I am to add, relies upon the Commissioners of the Maitland Road Trust being satisfied with this arrangement.

I have, &c.,
MICHL. FITZPATRICK.

No. 17.

UNDER SECRETARY FOR LANDS AND WORKS to SECRETARY TO TRUST.

*Department of Lands and Public Works,
Sydney, 2 April, 1859.*

SIR,

Referring to my letter of the 31st January last, with respect to the proportion of the amount owing to the Bank of New South Wales, on account of the Maitland Road Trust, to be paid by the Commissioners of such Trust, I am now directed to forward herewith, together with its enclosure, a copy of a letter from the Engineer-in-Chief for Harbours and River Navigation, reporting upon the value of the punts belonging to the Maitland Road Trust.

Not with the papers.

2. The Secretary for Lands and Public Works desires me to request, that the Commissioners of the Trust, having before them the above information, will now have the goodness to submit the amount of the debt they are liable for, in order that the balance to be paid by the Government may be handed over to them, to enable them to come to a settlement with the bank.

I have, &c.,
MICHL. FITZPATRICK.

No. 18.

UNDER SECRETARY FOR LANDS AND WORKS to COMMISSIONERS OF TRUST.

*Department of Lands and Public Works,
Sydney, 16 August, 1859.*

GENTLEMEN,

I am directed to inform you that a communication, dated the 8th ultimo, has been received from the Manager of the Maitland Branch of the Bank of New South Wales, urging the settlement of the debt due to the bank by you on account of the Maitland Road Trust; and I am, in reference to my letter of the 2nd April last, to remind you, that the matter cannot be settled until you have complied with the request therein contained, namely, to submit the amount of the debt you are liable for, a compliance with which was promised in Mr. Chambers' letter of the 13th May last.

Not now traceable.

I have, &c.,
MICHL. FITZPATRICK.

No. 19.

UNDER SECRETARY FOR LANDS to SECRETARY TO TRUST.

*Department of Lands,
Sydney, 29 September, 1860.*

SIR,

It appearing from a statement made by the Auditor General that the sum of six thousand and ninety-eight pounds fifteen shillings and ninepence, advanced at different periods during the last three years to the Maitland Road Trust, still remains unaccounted for, and that no replies have been received to the applications made by that officer for the half-yearly accounts required to be furnished under the Act of Council.—I am directed by the Secretary for Lands to inform you, that no more moneys of any kind will be advanced by the Government to the Trust until they have adjusted their accounts.

£6,098 15s. 9d.
15th July, 1857.
20th July, 1860.

I have, &c.,
MICHL. FITZPATRICK.

P.S.—I am to add, that under this decision the credit for the £85 alluded to in my letter of the 24th July last, for the repair of portion of the road from Maitland to Newcastle, has been withheld.

Not returned.

[Enclosure

No. 21.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 7 May, 1861.*

SIR,

Referring to your letter of the 8th March last, applying for funds to be placed at your disposal, for the repair of the roads in connection with the Maitland Road Trust, I am directed to apprise you, that a communication was, on the 29th September last, addressed to the Secretary of that Trust, intimating that, as the money advanced at different periods during the last three years to the Maitland Road Trust still remained unaccounted for, and as no replies had been received to the applications made to that officer for the half-yearly accounts required to be furnished under the Act of Council, no more moneys of any kind would be advanced by the Government to the Trust.

I have, &c.,
MICHL. FITZPATRICK.

No. 22.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 20 May, 1861.*

SIR,

14 May, 1861—
herewith.

In reference to your personal inquiry, whether the accounts of the Clerk to the Maitland Road Trust have been adjusted, I am directed to forward, for your information, a copy of the Report of the Auditor General, shewing what is necessary to render the accounts in question complete.

I have, &c.,
MICHL. FITZPATRICK.

[Enclosure in No. 22.]

Mr. Chambers was informed on the 4th May that the accounts, as now completed, were so far satisfactory, but that it was still requisite to furnish the Trust Account for 1858 and 1859, and also for the latter half of 1856. When these shall have been received and examined, the last advances will be adjusted. These are, however, in addition to those drafts against bank credits for which no vouchers have been furnished to be accounted for.—(See statement enclosed in letter from this office, dated 1st August, 1860.)

B.C.—14 May, 1861.

W. C. MAYNE, A. G.

No. 23.

WARDEN OF TRUST to UNDER SECRETARY FOR LANDS.

*Moor Park,
Morpeth, 13 July, 1862.*

SIR,

I have the honor, as Warden, to draw your attention to the dilapidated state of various roads and bridges under the supervision of the Maitland District Council and Road Trust.

The clerk, Mr. J. Chambers, has made application, in due form, for all moneys due from the Government, but no funds have been received.

The bank account of the Trust is now overdrawn some £600, and in addition several persons are complaining that they cannot get paid accounts against the institution over which I preside.

At a meeting of the members held lately, a resolution was passed agreeing to suspend operations until the Government pay all sums for roads in the district in arrear.

As I am placed in a very unsatisfactory and unpleasant situation with the public, and great discontent is expressed on the state of the roads and bridges in the district, I shall feel obliged, in order that I may be enabled to set myself right, if you will inform me the reason why the said sums have not been handed over in due course.

I have, &c.,
J. B. R. ROBERTSON,
Warden, Maitland District.

MAITLAND ROAD TRUST.

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No. 24.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 15 August, 1861.*

SIR,

With reference to the correspondence that has taken place, and especially to your letter of the 13th ultimo, respecting the non-issue of the moneys for the repair of the roads in connection with the Maitland Road Trust, I am directed to inform you that the reasons why the moneys in question were not placed at the disposal of the Trust were fully stated in my letter to you of the 7th May last, wherein you were apprised that a communication was, on the 29th September last, addressed to the Secretary of that Trust, intimating that as the money advanced at different periods during the last three years to the Maitland Road Trust still remained unaccounted for, and as no replies had been received to the applications made to that officer for the half-yearly accounts required to be furnished under the Act of Council, no more moneys of any kind would be advanced by the Government to the Trust.

2. When recently at Maitland, the Secretary for Lands had a personal communication with Mr. Chambers, who led him to hope that the difficulty would be immediately removed. Since then Mr. Chambers visited Sydney, and after seeing the Auditor General, the following report was furnished:—"The Trust accounts brought by Mr. Chambers were found still to require the Commissioners' signature, and that of 1856 to be prepared anew.—"Mr. Chambers took away with him the accounts wanting completion above referred to."

3. Mr. Secretary Robertson has again, to-day, caused inquiry to be made of the Auditor General, who says that Mr. Chambers has not yet complied with the requirement indicated by him as necessary.

4. The Secretary for Lands has been assured that Mr. Chambers has been informed of what is requisite, and until the Auditor General reports that he is satisfied with the accounts, Mr. Secretary Robertson is unable to authorize any further issue of money to the Trust.

I have, &c.,
MICHL. FITZPATRICK.

No. 25.

AUDITOR GENERAL to PRINCIPAL UNDER SECRETARY.

*Audit Office, Sydney,
24 April, 1862.*

SIR,

I do myself the honor to submit, for the information of the Honorable the Principal Secretary, the enclosed correspondence respecting the accounts of the Maitland Road Trust, consisting of five letters from the Warden, and of one letter from the Secretary to the Trust.

Vouchers for the expenditure of moneys allotted to the Maitland Road Trust out of Parliamentary votes having been furnished, the question raised as to the accuracy of the Trust Accounts, that is, of moneys raised and expended under the Maitland Road Trust Act, 17 Vic. No. 16, is one, it appears to me, for the Trust to settle with their own officer, the Secretary, Mr. Chambers, and not one that the Government are called upon to investigate.

The Trust Accounts Current have been rendered according to the Act, signed by the Warden, and after examination in this office have been published in the *Government Gazette* and laid before Parliament.

I have, &c.,
W. C. MAYNE,
Auditor General.

[Enclosures in No. 25.]

*Stony Creek,
9 April, 1862.*

Sir,

I have the honor to enclose to you the Maitland Road Trust Book of Account, as in some way tending to show how the deficiency in the Trust Account is to be explained, and the chief evidence of the accounts, as forwarded this post. By examining the book, you will see that in posting into a ledger now kept, it became necessary to analyze the amount, so as to be able to charge each road with its proper amount; in doing which I discovered that the amounts called wages contained the whole of the amount paid to McDonald, the contractor, viz., £1,169 15s. 3d., and that there was entered in the book £427 15s. 6d., being a part of Nixon's contract, though the whole other portion of Nixon's contract is not entered anywhere; and I saw that, in answer to your letter to the Trust, dated 23 March, 1861, that £1,775 0s. 1d. of these contracts had been appointed to satisfy the Government advances to the Trust, and consequently so much of the amount could no longer form a set-off against Trust receipts, as they appear to have been in the accounts sent in by Mr. Chambers to the Auditor General, as I see by the letter book, about August 6, 1861. And in making out my first set of accounts, and being assured by Mr. Chambers and his clerk that the Government moneys were all accounted for, and not having at any time seen the correspondence, I had no idea that the book had been made wrong by the apportioning of the above amount; nor did the Secretary's clerk, who assisted me to copy out all the items in the book, inform me, though he must, I think, have known,—but, on the contrary, he said all the amounts were as credits to the Trust, as the Government claims had been satisfied.

In

In further explanation of the difference in the accounts now rendered—after I had gone through all the accounts, and after receiving your memo. of the various amounts sent, I discovered a bank book of the Bank of New South Wales, in which the advances were entered. It will be seen by the present account that there is a difference in the Secretary's salary for each year. This arises from two items of salary being found to be paid him. In the bank book alluded to above, and by the items now being placed in their proper year, the overseer's salary is also different, chiefly from the amounts being now placed in their proper year; and some portion was found to have been charged to the Government. The interest also differs, as it is now made up from the bank book, and there was then discovered a charge for £10 11s. 6d. in the bank book. There are various other little discrepancies in the former accounts which appear nearly to balance each other, but which are now set right, having had claims sent in and other papers which has enabled me to do so. I now beg to refer you to my letter of this date, No. 3, and to say I do not see that I can do anything more in this troublesome business.

I have, &c.,

BOURN RUSSELL,

Warden, M. R. T.

W. C. Mayne, Esq.,
Auditor General, &c., &c.

Stony Creek, April 3, 1862.

Returned.

Sir,

I have the honor to enclose to you two Government cheque books of the Maitland Road Trust (and one butt). In these cheque books you will see various cheques signed by two members of the Trust, and some of them endorsed by Mr. Chambers, in all amounting to a considerable sum, and as I discovered that one (a blank one) of them had been removed since my appointment, I caused it to be returned, and cancelled the butt. I send them to you because I consider it dangerous for such things to lay about.

The object in drawing these cheques is said by Mr. Chambers' clerk, in whose keeping they were, was to draw a sum of money supposed to be due to the Trust from the Government, and that the amounts are actually paid and charged.

I have, &c.,

BOURN RUSSELL,

Warden, M. R. T.

W. C. Mayne, Esq.,
Auditor General.

Stony Creek, West Maitland,
9 April, 1862.

Sir,

Returned to the
Trustees. See
No. 29.

I have the honor to enclose to you the amended Maitland Road Trust Accounts, from 1st of July, 1856, to 31st December, 1860, as well also the Trust Account for the year 1861, showing a deficiency of £1,674 3s. 2d., which does not include the short credit on the main road tolls, amounting to £604, nor does it include the short credits of the punt tolls, amounting to £673 15s. 9d. (as it appears by the book), as I thought it possible that Mr. Joseph Chambers, the Secretary to the Trust, might explain how these deficiencies occurred. There has been much delay in sending these accounts, owing chiefly to the Secretary being so much from home on his official duties as Crown Prosecutor.

On Monday last the Trust met—having delayed a fortnight from their former meeting, at which the books were produced and balances declared—to give the Secretary an opportunity to explain. No satisfactory explanation however was given; Mr. Chambers denied that he had requested the apportionment of the contracts, amounting to £2,329 9s. 3d., as stated in your memo. of the 21st February last, and said it had been done by the Trust in his absence. You will at once see that this in no way explains the deficiency. He also produced an audited account by the Trust for the year 1858, which I could not see that it in any way affected the matter.

Since my letter of the 30th ultimo, I have endeavoured to find a solution of this vexed question, for which I beg to refer you to my letter, No. 2, of this day, and to apologize for clerical imperfections in the account, as I have to be my own scribe.

I have, &c.,

BOURN RUSSELL,

Warden of the District of Maitland.

W. C. Mayne, Esq.,
Auditor General, &c., &c.

Maitland, 12 April, 1862.

Sir,

I have the honor to inform you, that at a meeting of the Maitland Road Trust, held on the 7th instant, the Warden (Mr. Russell) stated he had caused the returns or accounts required by you to be prepared, and intended forwarding them to you.

The Trust, then, by a majority of three to one, passed a resolution to the effect that such returns and accounts should be prepared by their Secretary, at their place of business, as heretofore.

Mr. Russell, however, declined to abide by the resolution of the Commissioners, and has, I am informed, now forwarded the papers to you. I send you this information to guide your action in the matters, and beg to add, as regards myself, that I have not seen these papers; but from the circumstances under which they are made up, and from what I have heard to be their result, I know them to be full of the greatest inaccuracies.

JOSEPH CHAMBERS,
Secretary, Maitland.

P.S.—On reading this letter I deem it right also to add, that I consider Mr. Russell's conduct towards me to be ungenerous and unkind; and when it is remembered that for twenty years I have acted as Secretary, for twelve of which, though at a salary of £100 per annum, I left that salary to be disbursed for the public interest, because the income of the Council was so low, Mr. Russell's conduct appears to me to merit stronger terms.—J. C.

To the Auditor General,
Sydney.

Stony

MAITLAND ROAD TRUST.

13

Sir,

Stony Creek, 13 April, 1862.

I have the honor to refer you to my letter of the 9th ultimo, enclosing the accounts of the Maitland Road Trust, as I see that I omitted to mention that I had in these accounts entered in its proper year and place the sum of £118 Os. 2d. (a remittance to Messrs. Walker and Co., on 5th September, 1857), which had not been posted, as it was thought to be an error, but which I had afterwards found to be correct, and credited it by taking it off the last balance in the rough copy of ledger accounts sent. Its being now entered in the right year has, of course, altered all the intermediate balances.

W. C. Mayne, Esq.,
Auditor General,
&c., &c.

I have, &c.,
BOURN RUSSELL,
Warden, M.R.T.

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of July, 1856, to the 31st day of December, 1856.

DR.				CR.	
1856—July 1.	£ s. d.		£ s. d.	£ s. d.	
Balance, June, 1856.....	48 8 2	Secretary	25 0 0		
Rent of tolls	1,832 10 0	Surveyor			
		Overseer	92 8 0		
		<i>Miscellaneous.</i>			
		Wages for labour			
		Forage			
		Road metal and carriage			
		Metalling roads			
		Repairs to roads			
		Toll-houses, &c.			
		Erecting toll-houses, &c.	1,468 5 4		
		Repairing same			
		Advertising, &c.			
		Law expenses			
		Commissions and postage			
		Balance, December, 1856		1,685 13 4	
				186 4 10	
	£ 1,871 18 2		£	1,871 18 2	

BOURN RUSSELL, Warden.
Appointed 30th September, 1861.

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of January, 1857, to the 31st day of December, 1857.

DR.				CR.	
1857.	£ s. d.		£ s. d.	£ s. d.	
Balance, December, 1856..	186 4 10	Secretary	125 6 6		
Error in such balance	6 7 6	Surveyor			
Rent of tolls	3,431 5 6	Overseer	142 9 0		
		<i>Miscellaneous.</i>			
		Wages for labour.....			
		Forage			
		Road metal and carriage			
		Metalling roads			
		Repairs to roads			
		Toll-houses, &c.			
		Erecting toll-houses, &c.	3,579 18 2		
		Repairs to same			
		Advertising, &c.			
		Law expenses			
		Commissions and postage			
		Interest.....	12 8 3		
Balance, December, 1857..	236 4 1			3,860 1 11	
	£ 3,860 1 11		£	£ 3,860 1 11	

BOURN RUSSELL, Warden.
Appointed 30th September, 1861.

ABSTRACT

MAITLAND ROAD TRUST.

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of January, 1858, to the 31st day of December, 1858.

DR.		C R.	
	£ s. d.		£ s. d.
1858.			
Rent of tolls	3,602 17 0	Balance, December, 1857	236 4 1
		Secretary	150 0 0
		Surveyor	
		Treasurer	
		Overseer	125 12 0
		<i>Miscellaneous.</i>	
		Wages for labour.....	
		Forage	
		Metal.....	
		Metalling roads	
		Repairs	
		Tools	
		Toll-houses	
		Repairing same	3,432 16 1
		Painting	
		Law expenses	
		Commissions	
		Postage	
Balance, December, 1858..	499 16 1	Interest on Bank Account....	158 0 11
	£ 4,102 13 1		£ 4,102 13 1

BOURN RUSSELL, Warden.
Appointed September 30th, 1861.

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of January, 1859, to the 31st day of December, 1859.

DR.		C R.	
	£ s. d.		£ s. d.
1859.			
Rent of tolls	880 15 3	Balance, December, 1858	499 16 1
		Secretary	75 0 0
		Surveyor	
		Treasurer	
		Overseer	
		<i>Miscellaneous.</i>	
		Wages for labour.....	
		Tolls, metal, metalling roads..	
		Toll-houses	
		Repairing same	236 8 7
		Printing	
		Law expenses	
		Commissions	
		Postage	
Balance, December, 1859..	141 16 9	Interest on Bank Accounts ..	211 7 4
	£ 1,022 12 0		£ 1,022 12 0

BOURN RUSSELL, Warden.
Appointed September 30th, 1861.

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of July, 1860, to the 31st day of December, 1860.

DR.		C R.	
	£ s. d.		£ s. d.
1860.		1860.	
Rent of tolls	1,086 5 0	Balance, December, 1859	141 16 9
Received from Government to pay debt on Main Roads	2,400 0 0	Secretary	75 0 0
		Surveyor	
		Treasurer	
		Overseer	
		<i>Miscellaneous.</i>	
		Wages for labour	
		Forage	
		Metal.....	
		Metalling roads	
		Repairs	
		Tools	653 15 2
		Toll-houses	
		Repairing same	
		Printing	
		Law expenses	
		Commissioners	
		Postage	
		Interest on Bank Account....	93 17 10
		Paid Government part of debt on Main Road	649 0 0
		Balance, December, 1860	1,612 9 9
			1,872 15 3
	£ 3,486 5 0		£ 3,486 5 0

BOURN RUSSELL, Warden.
Appointed September 30th, 1861.

ABSTRACT

MAITLAND ROAD TRUST.

15

ABSTRACT of Receipts and Disbursements of the Commissioners of the Maitland Road Trust, from the 1st day of January, 1861, to the 31st day of December, 1861.

DR.			CR.		
	£	s. d.		£	s. d.
1861.			Secretary, arrears of salary ..	299	13 6
Balance, December, 1860..	1,872	15 3	Surveyor		
Rent of tolls	894	15 3	Treasurer		
Debt due the Bank, 31st December, 1861	452	18 4	Overseer		
			<i>Miscellaneous.</i>		
			Wages for labour		
			Forage		
			Metal		
			Metalling roads		
			Repairs	1,118	8 1
			Tools		
			Toll-houses		
			Repairing same		
			Printing		
			Law expenses		
			Commissions		
			Postage		
			Interest on Bank Account....	68	4 1
			Balance, December, 1861	1,674	3 2
					3,160 8 10
	£	3,160 8 10			£ 3,160 8 10

BOURN RUSSELL, Warden.
Appointed September 30th, 1861.

No. 26.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 21 May, 1862.*

SIR,

The Auditor General having forwarded to this department your letter of the 9th ultimo, and other correspondence respecting the expenditure of moneys allotted to the Maitland Road Trust, and as to the accuracy of Trust Accounts, that is of money raised and expended under the Maitland Road Trust Act, 17 Vict. No. 16, I am directed to inform you, that Mr. Secretary Robertson concurs in the opinion expressed by the Auditor General, that it is for the Trust to settle with their own officer, the Secretary, Mr. Chambers; and that the Government is not called upon to investigate the Trust Accounts.

2. Mr. Secretary Robertson conceives, however, that with a statement before him, such as that contained in your letter of the 9th ultimo, that the accounts of the Secretary show a large deficiency, and that although the Secretary had had an opportunity of explaining, his attempt to do so proved unsatisfactory to you, with an intimation that the Secretary has been suspended, and that during such suspension the accounts will be carefully examined—certainly the proper course to be pursued in such a case—and with no intimation that any other steps are being taken to clear up the difficulty,—the Secretary for Lands would not feel justified in authorizing any further payments to the Trust.

I have, &c.,

MICL. FITZPATRICK.

No. 27.

AUDITOR GENERAL to UNDER SECRETARY FOR LANDS.

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

SIR,

With reference to my letter, dated 24th ultimo, addressed to the Under Secretary to the Government, enclosing correspondence respecting the Maitland Road Trust Accounts, I have the honor to enclose a letter, received by me this day from Mr. Joseph Chambers, Secretary to the Trust, and, in reference thereto, to forward the book of accounts and butts of cheque books transmitted to me by the Warden, with his letters dated 9th April, Nos. 2 and 3 (and which letters were enclosed in my communication to the Under Secretary of the 24th of the same month), in order that instructions may be given as to the disposal of the book and butts of cheques above referred to.

I have, &c.,

W. C. MAYNE,
Auditor General.

[Enclosure

[Enclosure in No. 27.]

Maitland, 26 May, 1862.

Sir,

I have the honor to inform you that I returned yesterday from my duties on the Western Circuit. I should have prepared the returns and accounts of the Maitland Road Trust before I left, in accordance with the resolution of the Trust (referred to in my letter of the 12th ultimo), had Mr. Russell returned me the necessary books and papers; and I now beg to state, that I am prepared to make such returns and accounts as soon as such books and papers are put before me, as contemplated by the before-mentioned resolution.

To the Auditor General,
Sydney.

I have, &c.,
JOSEPH CHAMBERS,
Secretary to the Trust.

No. 28.

WARDEN OF TRUST to SECRETARY FOR LANDS.

Stony Creek, West Maitland,
7 June, 1862.

SIR,

I have the honor to acknowledge the receipt of your letter of the 21st of May last, in the first paragraph of which it is stated that the Secretary for Lands agrees with the Auditor General that it is for the Trust to settle with its own officers, &c., and that the Government is not called upon to investigate the accounts.

In reply to the above, I beg to refer you to the 23rd clause of 17 Vict. No. 16, wherein it is expressly provided that the Auditor General should examine these accounts. Were it not so, any amount of fraud might be committed under the form in which these accounts are furnished. It is no answer to this, that the Trust are to render true and correct accounts.

I quote the clause in support of my statement, wherein it will be seen that it is as binding on the Auditor General to examine these accounts as it is for the Trust to furnish them:—Clause 23, 17 Vict. No. 16. "The said Commissioners shall keep or cause to be kept true correct and particular accounts of all moneys received as well as of all moneys expended by them in the execution of their trust under this Act and they shall within one month after the expiration of each half-year render such accounts for such half-year to the Auditor General of the Colony who after examination of the same shall cause them to be delivered to the Colonial Secretary to be laid before the Legislative Council of the said Colony and published in the *New South Wales Government Gazette*."

I beg now to call the attention of the Secretary for Lands and the Chief Secretary to the way in which I was induced to accept the appointment of Warden of the Maitland District, viz., under instructions to get the account made out, &c., and promise of support; but I now find that the Auditor General and Minister for Lands refuse to do what the Act requires, but call upon me, the Warden, to comply with the Act, in rendering half-yearly accounts for a period of the Trust accounts over which I have had no control, although yearly accounts have been published for the other period of the Trust account over which I likewise had no control, and which accounts the Government have been informed are erroneous, and that the refusal of the Auditor General and the Government to examine the accounts rendered by me exposes me to an action at law in performing a public duty, and after immense labour in endeavouring to carry out my verbal instructions, in accordance with my duty as Warden of the Maitland District. At all events, such refusal will render it impossible that the accounts of the Trust can ever be properly adjusted, and if it is still insisted that these accounts must be adjusted, the Trust may be considered as virtually defunct.

I have, &c.,
BOURN RUSSELL,
Warden, D.M.

No. 29.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

Department of Lands,
Sydney, 21 June, 1862.

SIR,

Mr. Chambers having represented to the Auditor General that he would have prepared the returns and accounts of the Maitland Road Trust before he left on circuit, in accordance with the resolution of the Trust, had you returned him the necessary books and papers, at the same time stating that he is prepared to make such returns and accounts as soon as such books and papers are put before him, I am directed to forward to you the book of accounts and butts of cheque books transmitted by you to the Auditor General on the 9th April last, in order that Mr. Chambers may be enabled to have access thereto.

One book and
three butts.

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

No. 30.

MAITLAND ROAD TRUST.

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No. 30.

WARDEN OF TRUST to SECRETARY FOR LANDS.

*Stony Creek,
23 June, 1862.*

SIR,

I have the honor to acknowledge the receipt, this morning, of the Maitland Road Trust day book, together with two cheque books and one butt, also your letter informing me that Mr. Joseph Chambers was prepared to make up the accounts as soon as the books and papers were put before him. I have, immediately on receipt of the books this morning, called a meeting of the Trust for Monday next, the 30th proximo, at which meeting I shall hand over to the Trust all books and papers received from Mr. Joseph Chambers to enable me to make out the account.

From the tenor of your letters it seems these accounts are to ignore, a circumstance that I cannot quietly submit to, as I feel certain that it is the imperative duty of the Auditor General to examine these accounts, and to declare unequivocally whether they are right or wrong. I admit that slight clerical errors may perhaps exist, but substantially I am certain of their correctness.

And the public ought to know whether this is a mere dispute between the Warden and Mr. Chambers, the Secretary, or not, and is the only means of the Government setting itself right in the matter.

I have, &c.,
BOURN RUSSELL,
Warden, D.M.

No. 31.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 4 September, 1862.*

SIR,

In reply to your letter of the 23rd June last, relative to the Maitland Road Trust accounts, I am directed by the Secretary for Lands to refer you to my letter of the 21st May last, and to inform you that he cannot alter the decision arrived at.

I have, &c.,
MICL. FITZPATRICK.

No. 32.

WARDEN OF TRUST to SECRETARY FOR LANDS.

Maitland, 9 October, 1862.

SIR,

Referring to the correspondence relative to the accounts of the Maitland Road Trust, I have the honor to inform you that Mr. Chambers, at a meeting of the Trust held this day, formally resigned his appointment as Secretary of the Maitland Road Trust, handing in a set of papers which he states are the accounts of the Trust, and to which I beg to call your particular attention, and which I herewith transmit for your information.

I have, &c.,
BOURN RUSSELL,
Warden, M. R. T.

With Auditor General for examination.—See No. 36. Examined—W. B.

No. 33.

MR. CHAMBERS to COLONIAL SECRETARY.

Sydney, 20 October, 1862.

SIR,

I have hitherto refrained from addressing you respecting my connection with the Maitland Road Trust, because I had apprised the head of my department (the Attorney General) that I was prepared, whenever required, to give an explanation of my conduct, and because I was of opinion that, however much I might have felt the annoyance under which I was made to suffer, I was not justified, without his authority, in entering into any official correspondence or public disputation; but as the Attorney General has not seen fit to require such explanation, notwithstanding my name is frequently and publicly mentioned, I believe I cannot err in now addressing you. I think it unnecessary to allude to the personal animosity existing between myself and Mr. Russell, the late appointed Chairman of the Trust—my doing so could not greatly affect, though it might tend to account for, the present dispute, which I submit to be, whether or not I am indebted to the Trust.

763—C

But

But as regards the charge of delay in making up the Trust accounts, although I do not wish entirely to excuse myself from blame, yet I would show that delay does not wholly rest with me. And as regards the charge of being indebted to the Trust, I would require the opportunity of showing that such is not the fact.

As to the delay in making up the accounts, I beg to represent to you that in the year 1859 (I write from memory, not having here my papers to refer to) the Commissioners of the Trust arranged with Mr. Robertson, Minister for Lands, for the payment of the claims of the Trust on the Government, on account of the main road from Maitland to Singleton, and that it was then stated by the Minister that the Auditor General was, or would be, satisfied with the arrangements then made as answering all demands to that date. Messrs. Close and Eckford were present at the arrangement, and although I do not mean to say the Auditor General was bound by it, yet I beg to state that the assertion of the Minister made me careless of the applications of the Auditor, which for a long time after I looked on as the mere routine duty of some clerk in the Audit Office.

Mr. Child was Warden at the time, and having had all the accounts of the Trust audited, as required by the charter, and being of opinion that the Municipality Act repealed the Act creating and supporting District Councils, he resigned his office as Warden.

For nearly twelve months, during which the Auditor General frequently applied for a settlement of the Government accounts, no appointment was made. At length Mr. James Portus was appointed, and to him I at once sent all the vouchers and accounts requiring adjustment. They lay with that gentleman for upwards of six months, and some of the members of the Trust can tell how frequently I went with them to Morpeth to endeavour to get those papers attended to.

Mr. Portus at length resigned, and Mr. Robertson was subsequently appointed, but he declined to attend to the papers Mr. Portus ought to have completed.

Mr. Robertson at length resigned, and Mr. Russell was appointed, and he immediately took the papers and accounts to his house, and, as against me, made up an account which he had not knowledge to understand or data to go by. Mr. Russell announced the discovery of a large deficiency, and, notwithstanding the repeated resolution of the Trust, for many months withheld from me the books and papers, without which it was impossible for me to make up the accounts.

At length they were restored to me, and within nine days thereafter all accounts were on the table of the Commissioners.

Thus, then, I partially account for the delay.

The accounts of the Trust have always been kept in two distinct forms, namely, the "Government Account," which was for moneys received from the Government for expenditure, and which moneys were always expended in accordance with official direction, and the "Toll Account," which was for moneys collected from tolls, and which moneys were expended by the Trust irrespective of the Government. In the Government account no great irregularity could arise; the moneys were paid in at Sydney and paid out by the Commissioners in the country, and it will be found correct to a fraction, though it comprises from £8,000 to £10,000.

But the toll account was the Commissioners' current account with their bankers, created by moneys borrowed and tolls collected, and disbursed by orders of the Commissioners or their committees.

The payment by the Government in 1859, before alluded to, nearly relieved the Trust from debt, and when Mr. Child resigned the bank account was not greatly overdrawn; but during Mr. Portus' wardenship the Trust again got into debt, and that so deeply that the bank refused to pay the cheques drawn, and as contracts were still in course of completion, it became necessary to appropriate all moneys collected towards payment of the liabilities of the Trust.

The members of the Trust used then to draw orders on me, which I paid as readily as my private means and the amounts received by tolls enabled me to do so. I paid from my private means about £300 to take up cheques which the bank would not pay, and orders to other persons to a considerable amount.

Bearing in mind the nature of the receipts and disbursements, the latter being monthly labourers' wages, and that I was absent from home nearly nine months in the twelve, it is easily conceivable that inaccuracies in both sides of the account may appear, but by the account made up by me the Trust are in my debt about £300. But whatever the account may be, I am quite prepared for any investigation, which will enable me to prove the foregoing facts, and which will enable me, where vouchers are wanting, to give direct evidence of payment. I am ready to wait on the auditors of the Trust, they being required by their charter to audit, and having for the last twenty years audited their accounts; or I will proceed against the Trust in course of law, leaving the account to arbitration. Any plan which will bring all the particulars before those called on to adjudicate will be consented to by me, as I am not desirous of having the account settled.

I have, &c.,
JOSEPH CHAMBERS.

P.S.—It is right that I should add, that I believe all the Commissioners (whether now in office or who have gone out by rotation) who were acting during the occurrence of the matters referred to in this letter, will coincide with my views as to the manner in which the accounts should be adjusted.—J. C.

MAITLAND ROAD TRUST.

19

No. 34.

MINUTE OF COLONIAL SECRETARY.

THE Secretary for Lands has, I understand, forwarded all the accounts and papers to the Auditor General. This letter may also be referred to that officer, who will, perhaps, report upon it with the other documents now in his possession.

B.C., 21 October.

C. C.

No. 35.

AUDITOR GENERAL'S REPORT.

Audit Office, 24 October, 1862.

MEMORANDUM :—

The accounts and papers referred to in the Minute of the Honorable the Principal Secretary have not yet reached me.

The accounts of expenditure by the Trust of money from the revenue placed at their disposal having been adjusted, I have again to state the opinion which I have repeatedly expressed, that the Government is not called on to interfere with a matter which rests strictly between the Trust and its own officer, and my conviction that any interference on the part of the Executive in a matter in which it is obvious that local and personal feeling is involved will entail the inconvenience of a mischievous precedent and commit them to a vexed question with which they have strictly no call to interfere. Mr. Chambers expresses his desire to have the accounts in dispute subjected to the fullest investigation, and his readiness even to resort to legal proceedings to secure that; and I would, in the circumstances, suggest that, in reply to his letter, he be informed, that while declining interference with the case or with the exercise of his discretion as to the course, legal or other, to adopt for the final settlement of his accounts, it appears to the Executive that there can be no more expeditious, fair, or satisfactory mode of arriving at such settlement than by the whole of the accounts and vouchers being placed in the hands of a professional accountant of high character, selected by the Trust and by Mr. Chambers, for full examination, statement, and report; or if the Trust and Mr. Chambers cannot agree in the selection of one such accountant for the purpose, then in the hands of two, one named by the Trust, and one by Mr. Chambers, for their joint examination, statement, and report.

W. C. MAYNE,

Auditor General.

No. 36.

UNDER SECRETARY FOR LANDS to AUDITOR GENERAL.

*Department of Lands,**Sydney, 29 October, 1862.*

SIR,

In forwarding you the enclosed papers, said to be the accounts of the Maitland Road Trust, which have been handed in by Mr. Chambers, Secretary to the Maitland Road Trust, I am directed by the Secretary for Lands to request that you will have the goodness to have the same examined.

2. Although the Secretary for Lands does not think that it is your duty to investigate these accounts in detail, yet as Mr. Chambers is an officer employed by the Government, Mr. Secretary Robertson is of opinion that such an inquiry should be made as would enable the Government to determine whether or not that gentleman has acted faithfully in the matter.

3. Mr. Chambers, I am to add, resigned his office of Secretary on the 9th instant.

I have, &c.,

MICHL. FITZPATRICK.

No. 37.

UNDER SECRETARY FOR LANDS to COMMISSIONERS OF TRUST.

*Department of Lands,**Sydney, 29 October, 1862.*

GENTLEMEN,

I am directed to inform you that the Secretary for Lands has now approved of your being again entrusted with the expenditure of the money voted by Parliament for the repair of the roads by law, under the superintendence of the Maitland Road Trust; and I am to apprise you that the Under Secretary for Finance and Trade has accordingly been requested to cause to be placed to your credit, in the Bank of New South Wales, the sums noted in the annexed list, which have been voted for the repair of the roads specified in connection therewith.

I have, &c.,

MICHL. FITZPATRICK.

List referred to.

Newcastle Municipality to Maitland (Maitland end),							
six miles .. .. .	..	..	..	..	..	£60	0 0}
Morpeth to Four Mile Creek .. .. .	..	..	..	..	..	150	0 0}
							Being votes for years 1860, '61,
							and '62.

No. 38.

No. 38.

UNDER SECRETARY FOR LANDS to WARDEN OF TRUST.

*Department of Lands,
Sydney, 29 October, 1862.*

SIR,

In acknowledging the receipt of your letter of the 9th instant, enclosing certain papers purporting to be the account of the Maitland Road Trust, and notifying the resignation of Mr. Chambers, Secretary to that Trust, I am directed to inform you that those accounts have been transmitted to the Auditor General.

2. Although the Secretary for Lands does not consider it the duty of the Auditor General to investigate those accounts in detail, yet as Mr. Chambers is an officer of the Government, Mr. Secretary Robertson is of opinion that such an inquiry should be made as will enable the Government to determine whether or not Mr. Chambers has acted faithfully in the matter.

3. I am at the same time to inform you, that the obstacle which formerly existed to the issue to the Trust of the moneys voted for the roads by law under its care, having now been removed, the necessary authority has accordingly been given to the Under Secretary for Finance and Trade to transfer to the Commissioners any such balance as may be available.

I have, &c.,
MICHL. FITZPATRICK.

No. 39.

AUDITOR GENERAL to UNDER SECRETARY FOR LANDS.

*Audit Office, Sydney,
31 October, 1862.*

SIR,

I have the honor to acknowledge the receipt, yesterday, of your letter of the 29th instant, enclosing papers said to be the accounts of the Maitland Road Trust, which have been handed in by Mr. Chambers, formerly Secretary to the Trust, and conveying Mr. Secretary Robertson's request for their examination by this department.

2. Having within the last few days had referred to me for report, a letter addressed by Mr. Chambers to the Honorable the Principal Secretary, on the subject of the Maitland Road Trust accounts, and, having in reply to that reference, submitted the reasons before expressed, which appear to me to render inexpedient, and in principle objectionable, interference on the part of the Executive, and having also suggested a course consistent with arbitration, or ordinary process of law, either of which Mr. Chambers expresses his willingness to resort to, and which if adopted will attain the object sought by Mr. Secretary Robertson, I deem it my duty to suspend examination of the accounts forwarded with your letter until I shall have been further instructed.

3. In addition to what I have before offered as reasons against the interference of the Executive, I would urge on the consideration of the Honorable the Secretary for Lands, that Mr. Chambers asserts, that instead of the Trust having any money claim against him they are indebted to him to the extent of about £300. If this be the case, Mr. Chambers is in a position to pursue his claim at law, even while the accounts are under examination by this office (if that course be finally resolved on), and by so doing at any moment to put a stop to an investigation which Mr. Secretary Robertson himself considers is not a duty attaching to this department.

I have, &c.,
W. C. MAYNE,
A. G.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SUBORDINATE ROADS OF NEW SOUTH WALES.
(CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1863.)

Ordered by the Legislative Assembly to be Printed, 6 November, 1862.

CLASSIFICATION AND PROPOSED DISTRIBUTION FOR 1863.

NUMBER.	CLASS.	LENGTH IN MILES.		Proposed Expenditure out of £70,000 provided in Estimates for Roads other than Main Roads.
Sydney or Metropolitan Roads.				
1	2	7	Part of Road from Sydney to South Head (Upper South Head Road) ...	£ 175
2	2	5	Lower South Head Road ...	125
3	2	1	Upper to Lower South Head Road (Point Piper Road) ...	25
4	2	1	Upper to Lower South Head Road (Glenmore Road) ...	25
5	2	1	Lower South Head Road to Darling Point ...	25
6	2	4	Road from Sydney to Botany Bay (Mudbank Road) ...	100
7	4	2	„ Mudbank Road to Botany Bay (Gardener's Road) ...	20
8	2	3	„ Mudbank Road to Bunnerong ...	75
9	4	4	„ Sydney to Coogee (Randwick Road) ...	40
10	4	3	Randwick Road to Upper South Head Road at Waverley ...	30
11	2	5	Road from Sydney to Cook's River Dam (Newtown Road)...	135
12	2	6	„ Newtown Road, via Enmore and Undercliff Bridge, to George's River Road ...	150
13	3	2	„ Newtown Road, near Church, to Botany Road ...	30
14	2	3	„ Newtown Road, via Unwin's Bridge, to Undercliff Road ...	75
15	2	6	„ Cook's River Dam to Rocky Point ...	150
16	2	8	„ Rocky Point Road, near Dam, to George's River ...	200
17	3	4	„ Rocky Point Road to George's River Road (Koggerah Road) ...	60
18	1	2	„ Main Western Road to Glebe Island ...	100
19	2	2	„ Main Western Road to Balmain Municipality ...	50
20	2	3	„ Main Western Road to Canterbury ...	75
21	3	10	„ Canterbury, via Salt Pan Creek, to George's River ...	150
22	3	7	„ St. Leonard's to Pitt Water Road ...	105
23	3	16	„ Manly Cove to Pitt Water ...	240
24	4	2	„ Manly Cove to Balgowlah ...	20
25	2	18	„ St. Leonard's to Pennant Hills ...	450
26	5	4	„ St. Leonard's and Pennant Hills Road, by Flat Rock Creek, to Middle Harbour ...	28
27	2	1	„ Hunter's Hill Municipality to road from Parramatta to Bedlam Ferry (Onion's Point Road) ...	25
				£ 2,683

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 pass to the Consolidated Revenue, Parliament will be asked to vote the respective accounts for the repair of such Roads.

SUBORDINATE ROADS OF NEW SOUTH WALES.

NUMBER.	CLASS.	LENGTH IN MILES.	Northern Roads.				Proposed Expenditure out of £70,000 provided in Estimates for Roads other than Main Roads.
							£
1	4	17	Road from Newcastle Municipality to Maitland	...	...	170
2	5	9	" Newcastle Municipality to Maitland and Gosford Road...	..	..	63
3	5	17	" Stockton to Raymond Terrace	...	...	119
4	5	5	" Stockton and Raymond Terrace Road to Saltash	...	...	35
5	4	31	" Raymond Terrace to Stroud	...	..	310
6	5	73	" Stroud, <i>via</i> Gloucester, to Tinonee	...	...	511
8	3	7	" Tinonee to Cundle	...	...	105
9	5	5	" Cundle to Jones's Island	...	...	35
10	5	11	" Tinonee to Bohnock	...	...	77
11	4	6	" Tinonee to Wingham, south side of Manning River	...	...	60
12	3	6	" Tinonee and Cundle Road to Wingham	...	...	90
13	5	11	" Wingham to Wherrol Flat, Dingo Creek	...	...	77
14	5	6	" Marlee Flat, up eastern bank of Dingo Creek	...	...	42
15	5	56	" Cundle to Port Macquarie	...	...	392
16	5	35	" Port Macquarie to Kempsey	...	...	245
17	5	3	" Raymond Terrace and Stroud Road to Raymond Terrace and Seabam Road...	...	...	21
18	5	6	" Raymond Terrace and Stroud Road to Raymond Terrace and Clarence Town Road ..	..	..	42
19	4	8	" Seabam to Clarence Town	...	...	80
20	2	14	" Clarence Town to Dungog	...	...	350
21	4	8	" Dungog to Chichester River	...	...	80
22	5	9	" Clarence Town to half-way house on Raymond Terrace and Stroud Road	...	..	63
23	5	6	" Dungog to Fosterton	...	...	42
24	5	15	" Dungog to Stroud	...	...	105
25	4	19	" Raymond Terrace by east side of Williams River, to Clarence Town ..	...	...	190
26	3	8	" Raymond Terrace to Hinton	...	...	120
27	3	4	" Raymond Terrace and Hinton Road to Seabam...	...	...	60
28	3	8	" Hinton to Seaham	...	...	120
29	4	7	" Seaham and Hinton Road to Paterson	...	...	70
30	4	10	" Raymond Terrace to Maitland	...	...	100
31	4	4	" Raymond Terrace and Maitland Road to Morpeth	...	...	40
32	5	6	" Raymond Terrace to Hexham	...	...	42
33	5	5	" Alwick to Hexham	...	...	35
34	5	8	" Hexham to Fullerton Cove	...	...	56
35	2	16	" East Maitland to Mount Vincent	...	...	400
36	5	37	" Mount Vincent to Gosford	...	...	259
37	5	8	" Gosford to Kincumber	...	...	56
38	5	25	" Gosford to Mangrove Creek, and up that Creek...	...	...	175
39	4	2	" Morpeth to Largs...	...	...	20
40	4	5	" Morpeth to Four Mile Creek	...	...	50
41	3	12	" East Maitland to Paterson	...	...	180
42	5	5	" Maitland and Paterson Road, <i>via</i> Dunmore Punt, to Seaham and Hinton Road	...	..	35
43	5	16	" Paterson to Gresford	...	..	112
44	5	17	" Paterson and Gresford Road to Eccleston	...	...	119
45	5	12	" Gresford to Lostock	...	...	84
46	4	5	" West Maitland to East Maitland and Paterson Road	...	...	50
47	5	15	" West Maitland to Mulbring Creek	...	...	105
48	3	33	" Main Northern Road, near West Maitland, to Wollombi	...	...	495
49	5	11	" Wollombi Road to Congewai	...	...	77
50	5	29	" Wollombi to Warkworth...	...	...	203
51	5	60	" Wollombi and Warkworth Road to Colo River	..	..	420
52	4	44	" Wollombi to Wiseman's Ferry	...	...	440
53	4	7	" Main Northern Road, near Anvil Creek, to Glendon Brook	...	...	70
54	4	4	" Anvil Creek and Glendon Brook Road to Stanhope	...	...	40
55	4	14	" Main Northern Road, near Black Creek, to Cessnock, on Wollombi Road	...	...	140
56	5	11	" Main Northern Road, near Black Creek, <i>via</i> Glendon, to Main Northern Road, near Singleton	...	...	77
57	3	12	" Main Northern Road, near Munnimba Brook, to Warkworth	...	...	180
58	5	10	" Warkworth Road to Broke, Wollombi Brook	...	...	70
59	3	72	" Singleton, <i>via</i> Denman and Jerry's Plains, to Merriwa...	...	...	1,080
60	5	5	" Singleton and Jerry's Plains Road to Warkworth	...	...	35
Carried forward						£ 8,919	

SUBORDINATE ROADS OF NEW SOUTH WALES.

3

NUMBER.	CLASS.	LENGTH IN MILES.	Northern Roads—continued.				Proposed
							Expenditure out of £70,000 provided in Estimates, for Roads other than Main Roads.
						£	
					Brought forward...	8,919	
61	5	27	Road from Merriwa to Cassilis	...	...	189
62	5	75	" Cassilis to Conabarrabran	...	...	525
63	5	15	" Muscleebrook to Merton	...	...	105
64	5	39	" Scone to Merriwa...	...	...	273
65	5	8	" Scone to Page's River	...	...	56
66	5	30	" Gundi to Crawney Pass	...	...	210
67	5	18	" Main Northern Road north of Wallabadah to Nundle, Happy Valley, Hanging Rock, and Peel River Gold Fields...	...	...	126
68	4	50	" Main Northern Road, <i>via</i> Currabubula, to Tamworth	...	...	500
69	4	25	" Tamworth to Manilla	...	...	250
70	5	55	" Main Northern Road, at Bendemeer, to Bundarra	...	...	385
71	4	60	" Armidale to Glen Innes	...	...	600
72	4	58	" Glen Innes to Tenterfield	...	...	580
73	4	41	" Tenterfield to Maryland	...	...	410
74	5	130	" Armidale, <i>via</i> Walcha, to Port Macquarie	...	...	910
75	4	82	" Armidale to Kempsey	...	...	820
76	5	4	" Kempsey to Fredrickton	...	...	28
77	3	135	" Armidale to Grafton	...	...	2,025
78	3	115	" Grafton to Tenterfield (New Line)	...	...	1,725
79	4	65	" Grafton to Casino...	...	...	650
80	4	17	" Casino to Lismore	...	...	170
81	5	30	" Lismore to Ballina	...	...	210
82	4	70	" Lawrence to Grafton and Tenterfield Road, near Tabulam	...	...	700
						£ 20,366	
Western Roads.							
1	2	3	Road from Main Western Road to Parramatta River, at Bedlam Ferry	...	...	75
2	3	9	" Parramatta to Bedlam Ferry	...	...	135
3	3	1	" Parramatta and Bedlam Ferry Road to Pennant Hills Wharf	...	...	15
4	3	1	" Parramatta and Bedlam Ferry Road, at Ryde, to Parramatta River	...	...	15
5	2	1	" Parramatta and Bedlam Ferry Road to Gladesville Wharf	...	...	25
6	3	2	" Ryde towards Field of Mars Common	...	...	30
7	3	3	" Main Western Road towards Parramatta River (Concord Road)	...	...	45
8	2	10	" Parramatta to Castle Hill (Pennant Hills Road)	...	...	250
9	3	3	" Pennant Hills Road to Parramatta and Bedlam Ferry Road	...	...	45
10	4	13	" Castle Hill towards Wiseman's Ferry (Dural Road)	...	...	130
11	1	19	" Parramatta to Windsor	...	...	950
12	3	5	" Windsor Road to Pitt Town Punt	...	...	75
13	5	4	" Parramatta and Windsor Road, through Pitt Town Bottoms	...	...	28
14	4	8	" Parramatta and Windsor Road to Pitt Town	...	...	80
15	5	4	" Broken Back Bridge to Pennant Hills	...	...	28
16	4	20	" Pitt Town to Wiseman's Ferry	...	...	200
17	5	5	" Pitt Town Punt to Churchill's Wharf	...	...	35
18	5	4	" Windsor to Wilberforce	...	...	28
19	5	10	" Wilberforce to Kurrajong	...	...	70
20	4	1	" Wilberforce to Pitt Town Punt and Churchill's Wharf Road	...	...	10
21	5	2	" Pitt Town Punt and Churchill's Wharf Road to Sackville Reach	...	...	14
22	3	5	" Windsor to Richmond	...	...	75
23	3	6	" Windsor to Cornwallis and Richmond Bottoms	...	...	90
24	3	2	" Windsor to Blacktown Road	...	...	30
25	3	2	" Richmond to New Bridge	...	...	30
26	4	9	" Main Western Road, near Parramatta, through Domain, and by Old Windsor Road to Windsor Road	...	...	90
27	3	19	" Main Western Road, near Prospect, to Richmond (Blacktown Road)...	...	...	285
28	5	6	" Blacktown Road to Windsor Road	...	...	42
29	5	8	" Main Western Road, near St. Mary's, to Orphan School Road...	...	...	56
30	5	8	" Main Western Road, near St. Mary's, to Blacktown Road	...	...	56
31	5	12	" Main Western Road, near Penrith, to Richmond	...	...	84
32	4	12	" Penrith, <i>via</i> Castlereagh, to Richmond	...	...	120
33	5	45	" Richmond Bridge to Main Western Road, near Bowenfels (Bell's Line) ...	...	...	315
			Carried forward	...	...	£ 3,556

SUBORDINATE ROADS OF NEW SOUTH WALES.

NUMBER.	CLASS.	LENGTH IN MILES.	Western Roads—continued.			Proposed Expenditure out of £70,000 provided in Estimates for Roads other than Main Roads.
						£
						Brought forward... .. 3,556
34	5	9	Road from	Bell's Line to Colo River (Comleroy Road)	63	
35	4	15	"	Main Western Road, near Penrith, to Bringelly Road	150	
36	5	10	"	Penrith, <i>via</i> Regentville and Mulgoa, to Greendale	70	
37	5	2	"	Penrith and Greendale Road, at Mulgoa, to the Bringelly Road	14	
38	5	10	"	Main Western Road, at Little Hartley, to Gaubenang Swamp	70	
39	4	29	"	Hartley, <i>via</i> Fish River Bridge, to O'Connell Plains (Lockyer's Line)	290	
40	5	15	"	Hartley to Bathurst <i>via</i> Blaxland's Swamp and Lowther	105	
41	1	80	"	Main Western Road, at Bowenfels, to Mudgee*	
42	5	10	"	Mudgee Road, near Middle River, to Main Western Road, at Meadow Flat	70	
43	5	14	"	Mudgee Road to Rylstone	98	
44	5	40	"	Cudgegong Municipality to Cassilis	280	
45	5	50	"	Mudgee and Cassilis Road to Merriwa and Cassilis Road	350	
46	5	48	"	Cudgegong Municipality to Wellington	336	
47	5	22	"	Cudgegong Municipality to Rylstone	154	
48	4	21	"	Cudgegong Municipality to Hargraves	130	
49	4	5	"	Mudgee and Hargraves Road to Windeyer	50	
50	5	150	"	Mudgee to Forbes, <i>via</i> Wellington	1,050	
51	5	24	"	Louisa Creek to Pyramul Hill	168	
52	2	30	"	Main Western Road, at Brown's Hill, <i>via</i> the Limekilns, to Sofala	750	
53	4	13	"	Peel to junction of Brown's Hill and Sofala Road	130	
54	5	5	"	Coach and Horses at Kelso, to its junction at Winburndale Creek with the Sofala Road, by Limekilns	35	
55	5	9	"	Brown's Hill and Sofala Road, at Cheshire Creek, to Upper Turon	63	
56	5	8	"	Bathurst to Peel	56	
57	5	10	"	Green Swamp to Kelso and Upper Turon Road	70	
58	5	15	"	Sofala to Mudgee Road	105	
59	4	17	"	Sofala to Tambaroora	170	
60	5	27	"	Tambaroora to Louisa Creek	189	
61	5	35	"	Bathurst to Ophir	245	
62	5	40	"	Bathurst to Tambaroora, <i>via</i> Kellosiel and Lower Turon	280	
63	2	32	"	Bathurst to Carcoar	800	
64	4	34	"	Carcoar to Canowindra	340	
65	2	31	"	Carcoar to Cowra	775	
66	2	44	"	Cowra to Young	1,100	
67	2	20	"	Bathurst to Caloola	500	
68	4	16	"	Bathurst and Caloola Road to Rockley	160	
69	5	8	"	Bathurst and Caloola Road to Limekilns	56	
70	5	16	"	Rockley to Caloola and Tuena Road	112	
71	5	29	"	Caloola to Tuena	203	
72	4	30	"	Bathurst, by Gorman's Hill and Lagoons, to Campbell's River... ..	300	
73	5	29	"	Bathurst, <i>via</i> O'Connell's Plains, to Fish River Creek	203	
74	5	12	"	Orange to Ophir	84	
75	4	38	"	Orange to Stony Creek	380	
76	2	63	"	Orange, by Boree, to Forbes	1,575	
77	5	50	"	Orange to Nanima	350	
78	5	16	"	Stony Creek to Burrendong	112	
79	5	27	"	Stony Creek to Wellington	189	
80	5	54	"	Wellington to Dubbo	378	
					£ 16,714	
Southern Roads.						
1	3	2	Road from	Main Western Road, at Burwood, to Main Southern Road	30	
2	3	6	"	Main Western Road, near Parramatta, to Main Southern Road (Dogtrap Road)	90	
3	4	10	"	Main Western Road, near Parramatta, <i>via</i> Smithfield, towards Cabramatta	100	
4	5	3	"	Main Southern Road, near Irish Town, to George's River Road... ..	21	
5	4	6	"	Main Southern Road to Saltpan Creek (Punchbowl Road)	60	
6	5	15	"	Main Southern Road, near Lansdowne Bridge, to Penrith and Bringelly Road (Orphan School Road)	105	
				Carried forward	£ 406	

* Provided for in Estimates of Secretary for Public Works.

SUBORDINATE ROADS OF NEW SOUTH WALES.

5

NUMBER.	CLASS.	LENGTH IN MILES.		Proposed Expenditure out of £70,000 provided in Estimates for Roads other than Main Roads.
Southern Roads—continued.				
			Brought forward...	£ 406
7	5	3	Road from Liverpool to Orphan School Road	21
8	2	10	„ Main Southern Road to Campbelltown	250
9	1	6	„ Campbelltown to Menangle	300
10	2	4	„ Menangle to Main Southern Road, at foot of Razorback	125
11	2	12	„ Menangle to Picton	300
12	1	5	„ Campbelltown to Main Southern Road, near Narellan	250
13	3	10	„ Campbelltown to Appin	150
14	4	20	„ Appin, <i>via</i> Broughton's Pass and Mount Keera, to Wollongong and Kiama Road	200
15	4	11	„ Broughton's Pass, <i>via</i> Pheasant's Nest, to Main Southern Road	110
16	5	9	„ Broughton's Creek to Kangaroo Ground... ..	63
17	3	17	„ Appin <i>via</i> Rixon's Pass, to Wollongong and Bulli Road	255
18	4	8	„ Wollongong Municipality to Bulli	80
19	4	11	„ Kiama Municipality, <i>via</i> Shoalhaven, to Nowra Municipality	110
20	5	84	„ Nowra Municipality, <i>via</i> Ulladulla, to Bateman's Bay	588
21	5	7	„ Nowra and Ulladulla Road, at Tomerong, to Jervis Bay	49
22	4	17	„ Bateman's Bay to Moruya	170
23	3	16	„ Moruya to Boatalley	240
24	4	7	„ Nowra Municipality to Greenwell Point... ..	70
25	5	70	„ Nowra Municipality, <i>via</i> the Sassafras Range, to Braidwood	490
26	4	10	„ Main Southern Road, at Carne's Hill, towards Bringelly	100
27	5	3	„ Main Southern Road to Campbelltown Road, near Deubam Court	21
28	5	7	„ Main Southern Road to Cobbitty	49
29	2	4	„ Main Southern Road, at Camden, to Road from Menangle to Main Southern Road	100
30	5	15	„ Main Southern Road, at Camden, towards Burragarang	105
31	5	3	„ Main Southern Road, at Cawdor, to Westbrook Bridge	21
32	3	5	That portion of the Picton and Burragarang Road, <i>via</i> the Oaks,—from Picton to the junction of the Mulgoa Road... ..	75
33	5	13	That portion of the Picton and Burragarang Road, <i>via</i> the Oaks,—from the junction of the road to Mulgoa, to Burragarang	91
34	4	8	Road from Main Southern Road, near Mittagong, to Bong Bong	80
35	4	4	„ Main Southern Road, near Berrima, to Sutton Forest	40
36	5	15	„ Old South Road, near Berrima, towards Wollongong	105
37	5	12	„ Bong Bong to Main Southern Road, near Black Bob's Creek	84
38	5	10	„ Marulan to Bungonia	70
39	5	35	„ Bungonia to Braidwood and Goulburn Road	245
40	5	30	„ Goulburn to Taralga	210
41	5	60	„ Goulburn Municipality, <i>via</i> Clear Hills and Laggan, to Tuena... ..	420
42	5	40	„ Goulburn Municipality to Weeho	280
43	5	40	„ Goulburn and Weeho Road to Binda	280
44	5	12	„ Weeho to Binda	84
45	5	14	„ Goulburn Municipality, <i>via</i> Wollondilly River, to Mummell	98
46	5	42	„ Goulburn Municipality, <i>via</i> Collector, to Gundaroo	294
47	5	60	„ Goulburn Municipality to Braidwood	420
48	5	57	„ Goulburn and Braidwood Road <i>via</i> Bangalore Gap, Lake George, and Bungendore, to its junction with Braidwood Road	399
49	4	3	That portion of the Goulburn and Queanbeyan Road, by Lake George,—from the junction of the Braidwood Road to Queanbeyan	30
50	4	67	Road from Queanbeyan to Cooma	670
51	4	50	„ Cooma to Kiandra	500
52	5	57	„ Cooma to Bombala	399
53	5	25	„ Bombala to Delegate	175
54	4	50	„ Bombala to Merimbula	500
55	4	19	„ Merimbula, <i>via</i> Jellat Jellat, to Bega	190
56	2	45	„ Bombala and Merimbula Road, at Cathcart, to Eden	1,125
57	5	12	„ Eden to Sturt	84
58	2	6	„ Eden and Cathcart Road, <i>via</i> Panbula, to Merimbula Road	150
59	1	31	„ Braidwood to Nelligen	1,550
60	5	42	„ Braidwood, <i>via</i> Dirty Butter Creek and Araluen, to Moruya	294
61	5	11	„ Braidwood and Moruya Road, <i>via</i> Kiora, to Moruya	77
62	5	4	„ Moruya to the Heads	28
63	4	10	„ Braidwood to Elrington	100
64	5	20	„ Braidwood to Ooronmeir	140
Carried forward				£ 13,910

SUBORDINATE ROADS OF NEW SOUTH WALES.

NUMBER.	CLASS.	LENGTH IN MILES.	Southern Roads - <i>continued.</i>				Proposed Expenditure out of £70,000 provided in Estimates for Roads other than Main Roads.
							£
							£
					Brought forward...	...	13,910
65	5	24	Road from Braidwood to Molonglo	...	...	...	168
66	4	6	" Molonglo to Braidwood and Queanbeyan Road...	...	...	...	60
67	5	20	" Goulburn Municipality to Windellama	...	...	...	140
68	5	30	" Yass to Boorowa	...	...	...	210
69	3	80	" Wagga Wagga to Young, <i>via</i> Cootamundry and Wallendoon	...	...	...	1,200
70	5	30	" Wallendoon to Binalong, <i>via</i> Murrumbidgee	...	...	...	210
71	2	47	" Bowring to Young, <i>via</i> Binalong	...	...	...	1,175
72	4	20	" Gundagai to Tumut	...	...	...	200
73	3	12	" Tumut to Adelong	...	...	...	180
74	5	60	" Tumut, <i>via</i> Talbingo, to Kiandra	...	...	...	420
75	5	42	" Tumut to Tumbarumba	...	...	...	294
76	3	15	" Main Southern Road to Adelong	...	...	...	225
77	5	9	" Downing's Inn, at Gilmore Creek, to Middle Adelong	...	...	...	63
78	4	25	" Main Southern Road, at Tarcutta, to Wagga Wagga	...	...	...	250
79	3	18	" Albury Municipality to Howlong	...	...	...	270
80	5	77	" Albury Municipality to Wagga Wagga	...	...	...	539
81	5	50	" Deniliquin to Moama	...	...	...	350
							£ 19,864

SUMMARY of Proposed Distribution.

								£
Sydney or Metropolitan Roads	...	...	...	...	...	...	...	2,688
Northern Roads	...	...	...	...	...	...	...	20,366
Western Roads	...	...	...	...	...	...	...	16,714
Southern Roads	...	...	...	...	...	...	...	19,864
						TOTAL	...	£59,627

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 "

1862.

Legislative Assembly.

NEW SOUTH WALES.

ROAD SUPERINTENDENTS AND OVERSEERS.

(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 8 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 July, 1862, That there be laid upon the Table of this House, a Return shewing,—

- “ (1.) The names of the Main and Subordinate Road
“ Superintendents and Overseers.
- “ (2.) The occupation or trade of each previous to appoint-
“ ment.
- “ (3.) The locality where now employed, and the present
“ duty of each.
- “ (4.) The Salaries and Allowances paid to each.
- “ (5.) The number of miles of Road allotted to each Superin-
“ tendent and Overseer.
- “ (6.) The number of men each Superintendent and Overseer
“ has the superintendence of.”

(*Mr. Dangar.*)

[Price, 1d.]

ROAD SUPERINTENDENTS AND OVERSEERS.

NAMES of Main Road Superintendents and Overseers, &c., &c.

NAME AND POSITION.	Previous Occupation.	Locality.	Present Duty.	Salary per Annum.	Allowances.	No. of Miles.	Number of Men under Superintendence.	
SOUTHERN ROAD.								
S. Hawthorne, Overseer	Road Overseer	5th Mile-stone to Camden	To lay out and superintend the different Works on the portions of road under their charge, to make out vouchers for the payment of contractors and day labourers, and to report on the state of the road to their immediate superiors, superintendents, or commissioner, as the case may be.	£	Included in Salaries.		The number of day labourers is constantly changing, and the number of men employed on contracts varies at the option of the contractor and according to the nature of the works; no definite number can therefore be given, as at one time 6 or 8 men only may be employed (under an overseer), whilst at another from 100 to 300 are employed on the different contracts, &c. (under a superintendent.)	
H. Quodling, Superintendent 2nd Class	Surveyor	Camden to Goulburn		280				38
H. Moggridge, do. 1st Class	Civil Engineer	Goulburn to Adelong Creek		400				94
W. S. Chauncy, do. do.	Do.	Adelong Creek to Albury		600				134
A. C. Clarke, Overseer	Contractor	Bowning to Jugiong		600				114
A. D. Faunce, do.	None	Jugiong to Adelong Creek		255				35
E. L. Maitland, do.	Surveyor	Goulburn to Gunning		280				32
D. M. Brown, do.	Do.	Black Flat to Goulburn		255				35
E. I. Statham, do.	Articled to City Engineer	Adelong Creek to Billabong		255				50
WESTERN ROAD.								
G. Philben, Overseer	Surveyor	Sydney to Emu Ferry	255	34				
N. B. Dawson, Superintendent 1st Class	Farmer	Emu Ferry to Bathurst	600	90				
J. G. Johnson, do. 2nd Class	Surveyor	Bathurst to Wellington	400	86				
G. H. B. Gilbert, Overseer	Do.	Blue Mountains	275	40				
T. Faram, do.	Road Overseer	Solitary Creek to Denison Bridge	255	30				
NORTHERN ROAD.								
P. Doyle, Overseer	Contractor	Falbrook to St. Aubin's	255	35				
H. P. G. Williams, do.	Surveyor	St. Aubin's to Murrurundi	255	30				
W. Coghlan, Superintendent 2nd Class	Engineer	Murrurundi to Armidale	400	134				
O. H. Hannington, Overseer	Assistant Surveyor	Doughboy to Willow Tree	255	44				
Z. Hawkins, do.	Tanner	Bendemeer to Armidale	255	45				
MUDGEE ROAD.								
E. A. Nardin, Superintendent 2nd Class	Architect	Bowenfels to Mudgee	400	80				

7 October, 1862.

For the Commissioner,
S. G. SHAIRP.

Sydney: Thomas Richards, Government Printer—1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD SUPERINTENDENTS AND OVERSEERS.
(FURTHER RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 19 November, 1862.

RETURN (*in continuation*) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 July, 1862, That there be laid upon the Table of this House, a Return shewing,—

- “ (1.) The names of the Main and Subordinate Road Superintendents and Overseers.
- “ (2.) The occupation or trade of each previous to appointment.
- “ (3.) The locality where now employed, and the present duty of each.
- “ (4.) The salaries and allowances paid to each.
- “ (5.) The number of miles of road allotted to each Superintendent and Overseer.
- “ (6.) The number of men each Superintendent and Overseer has the superintendence of.”

(*Mr. Dangar.*)

ROAD SUPERINTENDENTS AND OVERSEERS.

RETURN shewing the Names of the Subordinate Road Superintendents; the Occupation of each previously to appointment; the Locality where now employed, and present duty; Salary and Allowance paid to each; the number of Miles allotted to each; and the number of Men each has superintendence of.

NAMES.	OCCUPATION OR TRADE PREVIOUS TO APPOINTMENT.	LOCALITY WHERE EMPLOYED.	DUTY.	SALARY.	ALLOWANCE.	MILES OF SUPERINTENDENCE.	NUMBER OF MEN IN EMPLOYMENT.
Adalbert Weber	Formerly Lieutenant in the Prussian Army—latterly Road Overseer.	Goulburn, <i>via</i> Queanbeyan, to Cooma; Cooma to Kiandra; Cooma to Bombala; Bombala to Eden and Merimbula; Eden to Sturt; Goulburn to Braidwood; Braidwood to the Clyde; Clyde to Araluen; Braidwood to Moruya; Braidwood to Oronmeir; Braidwood to Elrington; Braidwood to Bungendore; Monga to Major's Creek.	The preparations of plans and specifications calling for tenders; superintending the works; furnishing Road Accounts to Under Secretary for Lands, and seeing that the works, when completed, have been properly executed.	£ 300	£ 100	572	About 100.
James Keele	Merchant and Shipowner—latterly Storekeeper at Kiandra.	Minor Roads in the New England, Port Macquarie, the Macleay, the Clarence, the Richmond, and Maryland Districts.	Ditto ditto	300	100	1,020	About 200.
Kennedy Hill	Road Overseer.....	Western Districts, more particularly Roads leading to Forbes and Young.	Ditto ditto	300	100	505	Not ascertainable.*
William Goode Caporn..	Timber Merchant and Builder.	At present employed in superintendence of line of road leading to the Gold Fields of Forbes and Young.	Ditto ditto	300	100	468	Sec.*
Alexander Johnston	Overseer of Roads	In Districts Singleton and Merriwa—(Roads, Singleton, <i>via</i> Denman and Jerry's Plains, to Merriwa; Merriwa to Cassilis; Cassilis to Coonabarrabran; Main North Road, <i>via</i> Currabubula, to Tamworth; and Cudgegong Municipality, to Cassilis.)	Ditto ditto	300	100	289	Sec.*

* Works done by contract or taskwork; so that no accurate idea can be formed of the number of men employed.

RETURN shewing the Names of the Subordinate Road Overseers; the Occupation of each previously to appointment; the Locality where now employed, and present duty; Salary and Allowance paid to each; the number of Miles allotted to each; and the number of Men each has charge of.

NAMES.	OCCUPATION OR TRADE PREVIOUS TO APPOINTMENT.	LOCALITY WHERE EMPLOYED.	DUTY.	SALARY.	ALLOWANCE.	MILES OF SUPERINTENDENCE.	NUMBER OF MEN IN EMPLOYMENT.
John Rowley	Landowner and Settler ..	Cooma to Bombala; Bombala to Merimbula and Eden; Eden to Start.	To measure the works of the Contractors, and see that the works are done according to specifications. (Under Mr. Superintendent Weber.)	£ 200	3s. 7 ¹ / ₂ diem.	164	Thirty-five men employed on the Cooma Road. The Twofold Bay Roads are not commenced.
Colin Fletcher.....	Storekeeper, &c.....	Minor Roads in the New England, the Port Macquarie, the Macleay, the Clarence, the Richmond, and Maryland Districts.	Same duty (Under Mr. Superintendent Keele.)	200	3s. 7 ¹ / ₂ diem.	Same as Mr. Superintendent Keele.	Same as Mr. Superintendent Keele.
James Hetherington	Storekeeper	Western District, more particularly Roads leading to Forbes and Young.	Same duty (Under Mr. Superintendent Hill.)	200	3s. 7 ¹ / ₂ diem.	505	Work done by contract and taskwork.
William Shelley	Farmer	At present employed in charge of contract on road, Bowning to Coota-mundry.	Same duty (Under Mr. Superintendent Caporn.)	200	3s. 7 ¹ / ₂ diem.	.....	Work done by contract.
John Ainsworth	Commercial Broker, and formerly Settler.	Merriwa and Coonabarrabran	Same duty (Under Mr. Superintendent Johnston.)	200	3s. 7 ¹ / ₂ diem.	50	Work done by contract.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. W. R. COLLETT.

LATE INSPECTOR OF ROADS.

Ordered by the Legislative Assembly to be Printed, 9 September, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 22 July, 1862, That there be laid upon the Table of this House,—

“ A Copy of the Correspondence, telegraphic and otherwise,
“ between the Government and Mr. Collett, late Inspector of
“ Roads, on the subject of the dismissal or resignation of that
“ officer.”

(Mr. Dalgleish.)

SCHEDULE.

NO.	PAGE.
1. Under Secretary for Public Works to Mr. Collett, relative to his seeking a political position while employed in the Government service. 3 July, 1862	2
2. Mr. Collett to Under Secretary, in reply. 4 July, 1862	2
3. Do. to do., tendering his resignation. 10 July, 1862	3
4. Under Secretary to Mr. Collett, accepting resignation, and requesting him to hold office till successor be appointed. 14 July, 1862	3
5. Chief Clerk, Road Branch, to Mr. Collett, requesting him to perform duty till Mr. Beazely relieved him. 15 July, 1862	3
6. Telegram from Mr. Collett to Under Secretary, expressing willingness to perform duty for July, but deprecating Mr. Beazely's temporary supervision. 17 July, 1862	3
7. Under Secretary for Public Works to Mr. Collett, requesting him to hand over to Mr. Beazely, who has been sent to relieve him, all tools, &c., &c. 23 July, 1862	4

MR. W. R. COLLETT.

No. 1.

UNDER SECRETARY FOR PUBLIC WORKS to MR. COLLETT.

*Department of Public Works,
Sydney, 3 July, 1862.*

SIR,

I am directed by the Secretary for Public Works to inform you that his attention has been called to a letter appearing in the advertising columns of the *Maitland Mercury* of the 1st instant, and purporting to be addressed by Mr. W. R. Collett to the electors of Patrick's Plains.

2. Assuming that the signature referred to is yours, I am to express the surprise of the Minister that the Government should first be informed of such a step through an advertisement in a newspaper.

3. I am to add that it appears to the Minister to be the duty of any officer under the Government, who purposes to seek a political position, in the first place to relieve himself of subordinate duties incompatible with such position, and to inform you that, unless you immediately intimate your desire to resign your present office, Mr. Secretary Arnold will feel it his duty to bring the matter under the consideration of His Excellency the Governor and the Executive Council, with a view to your removal from the office which you now hold.

I have, &c.,

JOHN RAE.

No. 2.

MR. COLLETT to UNDER SECRETARY FOR PUBLIC WORKS.

*Singleton,
4 July, 1862.*

SIR,

I have the honor to acknowledge the receipt of a communication from you, dated July 3, 1862, having reference to my seeking a political position without in the first place informing the Government of my intentions, or relieving myself of my subordinate duties; and stating further, that unless I immediately intimate my desire to resign my present office, Mr. Secretary Arnold will feel it his duty to bring the matter under the consideration of His Excellency the Governor and the Executive Council, &c., &c.

As the Hon. the Minister for Works has invariably treated me with courtesy, I beg leave to submit the following explanation:—

On the reduction of my salary to one shilling per annum by the Legislative Assembly, I stated my intention openly of entering Parliament, and of resigning my Commissionership.

I was not permitted to do the latter, but was forced to make way for Mr. Moriarty, thereby having a most unmerited slur cast upon me.

My only hope of reinstating myself in public opinion was by the acceptance of my previous office of Superintendent, which, from a sense of duty I had quitted with regret after seven years' service. Having done so, I naturally expected to be treated as an officer of some experience and as a *gentleman*. I regret to state that Mr. Moriarty has ever since thought fit to make use of the most personal and insulting language towards me. He thought fit also to initiate and circulate crude and undigested theories, which have already cost the country thousands of pounds.

Except as regards myself I could not object to these novel notions; but having a character to lose in the Northern District and a road to maintain, it was my duty firmly and conscientiously to state my objections.

Mr. Moriarty's determination, however, seems to have been to throw all the odium and responsibility which have arisen from his indecision and delays on my shoulders, and his sending Mr. Beazeley up to Singleton, to teach me how to dig a drain and to prepare a specification for mending a rotten plank, was the climax of the whole.

Having been on the same day informed that Mr. Harpur intended to resign (which report, however, has since been privately contradicted), I issued the address dated June 26, 1862, which bears my name, and which was doubtless premature.

By this means, however, I sought to avoid the impending collision between Mr. Moriarty and myself. Not that I dreaded the result, but I was unwilling to state my case until I was in a position to make myself heard and respected.

If I had communicated to the Minister my intention to enter Parliament it might have been construed into a threat towards *him*, which never entered into my thoughts.

MR. W. R. COLLETT.

3

I was, moreover, not aware that it was my duty to do so. If such be the case, I beg to apologize for my unintentional want of courtesy.

I have no wish to hold my present situation for a day longer than I can fulfil its duties honorably and conscientiously. I only request that before sending in my resignation I may be allowed a personal interview with the Minister for Works, as I should sincerely regret to leave the department without endeavouring to offer some further explanation to Mr. Arnold on the causes which have led to the present correspondence.

I have, &c.,
WILLIAM R. COLLETT.

No. 3.

MR. COLLETT to UNDER SECRETARY FOR PUBLIC WORKS.

Singleton,
10 July, 1862.

SIR,

I beg to tender my resignation of the office of Superintendent of the 1st District of the Great Northern Road, and to request that you will be pleased to inform the Hon. the Minister for Works of my having done so, at your earliest convenience.

I have, &c.,
WILLIAM R. COLLETT.

No. 4.

UNDER SECRETARY FOR PUBLIC WORKS to MR. COLLETT.

Department of Public Works,
Sydney, 14 July, 1862.

SIR,

In acknowledging the receipt of your letter of the 10th instant, I am directed to inform you that the Secretary for Public Works has been pleased to accept your resignation, therein tendered, of your appointment as Superintendent of the 1st District of the Great Northern Road.

2. Mr. Secretary Arnold desires me at the same time to request, that you will have the goodness to continue to perform the duties of your office until your successor be appointed.

I have, &c.,
JOHN RAE.

No. 5.

CHIEF CLERK, ROAD BRANCH, to MR. COLLETT.

Department of Public Works,
Road Branch,
Sydney, 15 July, 1862.

SIR,

I am directed by the Commissioner to inform you, that in consequence of your resignation of the appointment of Superintendent of the 1st District of the Great Northern Road, and pending the appointment of your successor, Mr. Beazeley has been instructed to proceed to Singleton and take charge of the road in question. I am therefore to request that on his arrival you will hand over to him all tools, stores, and documents, the property of the Government, now in your possession.

I am also to request that, until relieved by Mr. Beazeley, who will probably not leave Sydney for a week, you will continue to perform the duties of Superintendent.

I have, &c.,
S. G. SHAIRP,
Chief Clerk.

No. 6.

TELEGRAM, received at 3 p.m., July 17, 1862.

Mr. Collett, } to { Mr. Under Secretary Rae,
Singleton, } Sydney.

Please inform Minister that I am quite agreeable to do duty for present month after two or three days in Sydney. Mr. Beazeley's temporary supervision will only confuse matters until my successor and an overseer for first division are appointed—latter urgent.

No. 7.

No. 7.

UNDER SECRETARY FOR PUBLIC WORKS to MR. COLLETT.

*Department of Public Works,
Sydney, 23 July, 1862.*

SIR,

Referring to my letter of the 14th instant, requesting you to perform the duties of the office of Road Superintendent, 1st District of the Great Northern Road, until your successor was appointed, I am now directed by the Secretary for Public Works to inform you that Mr. Beazeley, Engineer for Roads, has been instructed to proceed to Singleton to relieve you, and to request that you will have the goodness to hand over to him all documents, tools, and stores, the property of the Government, now in your possession.

I have, &c.,
JOHN RAE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM ORANGE TO WELLINGTON.
(EXPENDITURE ON.)

Ordered by the Legislative Assembly to be Printed, 8 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 12 August, 1862, That there be laid upon the Table of this House,—

“ A Return of the expenditure for the Repairs of the
“ main line of Road from Orange to Wellington *via*
“ Molong, during the years 1860, 1861, and 1862.”

(Mr. Samuel.)

ROAD FROM ORANGE TO WELLINGTON.

RETURN of Expenditure on Main Western Road, Orange to Wellington *via* Molong, during 1860, 1861, and 1862.

DATE.	NAMES.	LOCALITIES AND WORKS.	AMOUNT.
			£ s. d.
1860.			
July	A. McCall.....	Repairing Ploughman's Creek Bridge, and removing rock from approaches to Broken Shaft Creek	5 0 0
November...	James Bocking	Constructing culvert in Mr. Smith's lane, Molong, forming and ballasting the approaches, draining road, &c.	27 16 8
			32 16 8
1861.			
July	William Waring	Clearing 16 chains of road.....	8 16 0
"	Do.	Forming 352 lineal yards at Ploughman's Creek	44 0 0
August	Do.	Culvert at ditto.....	16 0 0
"	Do.	Drainage	16 10 0
"	Do.	Clearing	7 10 0
"	Do.	Ballast for culvert	3 15 0
September...	Do.	Minor bridge at Guana Hill	40 0 0
"	Do.	Clearing near ditto	7 4 0
"	Do.	Culvert ditto	16 0 0
"	Do.	Drainage ditto	1 2 0
"	Do.	Ballast for culvert	3 15 0
"	Do.	Culvert near Kite's Station	16 0 0
"	Do.	Ballasting Road at Ploughman's Creek	54 2 0
"	Do.	Forming ditto	16 10 0
"	Do.	Draining ditto	2 4 0
October....	Do.	Ballasting road near Mr. Smith's house, Molong.	7 4 0
"	Do.	Additional ballast opposite Mr. Smith's house ..	13 4 0
"	Do.	Culvert between Mr. Smith's house and Kite's Swamp	16 0 0
"	Do.	Approaches to ditto.....	6 12 0
"	Do.	Draining.....	1 2 0
"	Do.	Forming	2 0 4
			299 10 4
1862.			
February ..	A. Small	Sinking holes at Kite's Swamp for bridge	4 10 0
April.....	W. Waring	Constructing culvert in Mr. Smith's lane	15 0 0
"	Do.	Forming approaches, and supplying 12½ cubic yards of ballast.....	5 0 0
"	Do.	Drainage	10 0 0
"	Do.	Filling gullies with ballast, between Molong and Copper Hill	4 0 0
"	Do.	Ballasting ford over Molong Creek at Copper Hill, and cutting down banks ..	10 0 0
"	Do.	Filling in gullies between Copper Hill and Larras Lake	6 0 0
"	Do.	New floor, &c., to bridge at ditto	30 0 0
"	Do.	Forming and ballasting approaches to culvert near Kite's Station	5 0 0
"	Do.	Filling in gullies and diverting the water from road near the half-way house.....	3 0 0
			92 10 0

For the Commissioner,

7 October, 1862.

S. G. SHAIRP.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM BOWENFELLS TO MUDGEES.
(RETURN SHEWING EXPENDITURE ON.)

Ordered by the Legislative Assembly to be Printed, 16 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 6 June, 1862, That there be laid upon the Table of this House,—

- “ (1.) A Return of all moneys appropriated for the making
“ and repairing of the Road from Bowenfells to Mudgee,
“ since the 1st day of January, 1858.
- “ (2.) A Return of all moneys expended on the Road during
“ the same period, specifying on what parts of the Road
“ such money was expended, and the several amounts, the
“ dates of expenditure, and under whose superintendence.
- “ (3.) And particularly, the number of persons employed
“ monthly on the said Road, from the 1st day of January
“ last to the date of Return; the appropriation of money,
“ and expenditure during the said last mentioned period;
“ and the parts of the Road upon which such expenditure
“ has been made, the number of labourers employed, and
“ the number and names of the Superintendents and Over-
“ seers, and the Salaries paid to each.”

(Mr. Holroyd.)

ROAD FROM BOWENFELLS TO MUDGEE.

RETURN, from the 1st day of JANUARY, 1858, to 31st DECEMBER, 1861.

AMOUNT APPROPRIATED.	WHERE EXPENDED.	AMOUNT EXPENDED.	DATE.	SUPERINTENDENCE.
1858. £ s. d. 4,000 0 0		£ s. d.	1858.	
	Bowenfells to Brown's Mill	7 7 0	March.	R. B. Dawson.
	Orchard's Creek	17 10 6		
	Bowenfells	38 0 0	April.	
	Do.	5 1 6		
	Do.	7 14 0		
	Brown's Gap to Aldridge's Gully	12 5 0		
	Bowenfells	137 8 6	May.	
	Do.	1 1 0		
	Brown's Gap	16 11 8		
	Bowenfells	10 9 0		
	Brown's Gap and Aldridge's Gully	28 2 0	June.	
	Do.	13 16 6		
	Hart's Swamp	28 5 0		
	Aldridge's Gully	2 2 0		
	Williams' Inn	4 0 0		
	Hart's Swamp	7 7 0		
	Bowenfells, West	56 1 0		
	Aldridge's Gully	53 17 6	July.	
	Do.	2 13 0		
	Hart's Swamp	79 15 0		
	Oliver's Bridge	4 19 0		
	Bowenfells	5 1 6		
	Crown Ridge	30 9 0		
	Oliver's Creek	4 16 0		
	Wet Swamp	6 0 0		
	Aldridge's to Middle River	60 2 0	August.	
	Bowenfells	48 5 0		
	Binning's to Shumack's Hill	105 16 6		
	Hart's Swamp and Oliver's Creek	68 17 6		
	Ben Bullen	6 0 0		
	Sundry culverts	12 0 0		
	Brown's Gap	105 1 6	September.	
	Bowenfells to Orchard's Creek	101 9 6		
	Do.	36 8 0		
	Oliver's to Ben Bullen	53 12 6		
	Middle River to Brown's Gap	41 10 6		
	Do.	15 18 6		
	Bowenfells	2 9 0		
	Sundry culverts	14 16 0		
	Middle River	4 4 0		
	Bowenfells	2 12 6		
	Do.	8 8 0		
	Walker's Hill	10 0 0		
	Brown's Gap	3 10 0		
	Do.	69 13 6	October.	
	Middle River	67 1 6		
	Bowenfells	40 18 8		
	Orchard's Hill	4 18 0		
	Binning's to Orchard's	40 15 6		
	Brown's Gap	114 18 0		
	Do.	22 8 0		
	Brown's Gap to Bowenfells	105 14 6	November.	
	Do.	60 1 6		
	Do.	33 14 6		
	Brown's Gap	11 17 0		
	Binning's Paddock	7 12 0		
	Brown's Gap to Binning's Paddock	79 13 6		
	Do.	84 10 6		
	Ben Bullen	2 7 6		
	Brown's Gap to Bowenfells	17 12 0		
	Bowenfells	36 4 4		
	Do.	1 1 0		
	Smiths' work	5 0 0		
	Sundry places	8 5 0	December.	
	Bowenfells	35 1 0		
	Ben Bullen	10 0 0		
	Brown's Gap	39 0 0		
	Do.	85 8 6		
	Do.	35 7 0		
1859. 5,000 0 0			1859.	
	Bowenfells	61 15 0	January.	
	Do.	40 8 6		
	Sundry places	19 10 0		

ROAD FROM BOWENFELLS TO MUDGEE.

3

AMOUNT APPROPRIATED.	WHERE EXPENDED.	AMOUNT EXPENDED.	DATE.	SUPERINTENDENCE.
1859. £ s. d. 5,000 0 0		£ s. d.	1859.	
	Brown's Gap	85 10 0	January.	R. B. Dawson.
	Binning's Paddock	27 10 0		
	Brown's Gap	52 0 0		
	Brown's Mill-race	10 16 0		
	Bowenfells	24 0 0		
	Do.	18 7 0		
	Sundry places	19 10 0		
	Brown's Gap	199 10 0		
	Bowenfells	16 12 0	February.	
	Do.	28 7 0		
	Bowenfells, clearing	29 14 0		
	M'Coy's Pinch	115 0 0		
	Ben Bullen	34 5 0		
	Barnaby's Inn	49 13 0		
	Bowenfells	34 8 0		
	Binning's Paddock	72 10 0		
	Sundry places	18 0 0	March.	
	Bowenfells	18 19 0		
	Ben Bullen	47 5 0		
	Dividing Range	240 1 0		
	Bowenfells	30 3 0		
	Do.	57 10 0		
	Do.	2 2 0		
	Do.	9 16 0		
	Walker's Hill	24 0 0		
	M'Coy's Pinch	6 15 0		
	Brown's to Middle River	48 14 0		
	Do.	34 17 0		
	Do.	34 0 0		
	Brown's Gap	59 1 3		
	Brown's Gap to Middle River	33 3 0	April.	
	Do.	6 10 0		
	Lee's to Shumack's Hill	16 3 0		
	West of Hart's Swamp	26 2 0		
	Dividing Range	49 4 0		
	Stoney Pinch	60 5 0		
	West of Radford's	60 0 0		
	Swamp near Radford's	46 0 0		
	Round Swamp	41 16 0		
	Barnaby's Inn	56 11 0		
	West of Ben Bullen	40 0 0		
	East of Ben Bullen Creek	37 7 6		
	East of Brown's River	48 12 0		
	East of Orchard's Creek	30 13 9		
	Dividing Range	66 0 0		
	Do.	68 2 0		
	Sundry places	20 5 0		
	Bowenfells	88 2 0		
	Near Lee's Inn	36 18 0		
	Binning's Paddock	31 7 6		
	Shumack's to Bell's Line	69 12 0		
	Aldridge to Middle River	65 16 6		
	Walker's Hill	139 3 3		
	Wet Swamp Creek	47 0 0		
	Maddocks' to Blackman's	73 0 0		
	West of Dividing Range	35 0 0		
	Do. Hart's Swamp	22 0 0		
	Ben Bullen, East	59 18 0		
	Do., West	35 10 0		
	Crown Ridge, East	34 14 0		
	Do., West	6 9 0		
	East of Radford's	43 4 0		
	Sundry places	19 10 0		
	Bowenfells	10 8 0		
	Near Enright's Inn	1 8 0	July.	J. J. Harpur.
	Stoney Pinch	4 0 0		
	Dividing Range	1 8 0		
	West of Radford's Inn	20 0 0		
	East do.	10 0 0		
	West do.	22 0 0	August.	
	Cunningham's Creek	0 7 0		
	Ben Bullen	1 8 0		
	Dividing Range	0 14 0		
	West of Keen's Swamp	5 12 0	September.	
	Cherry Tree Hill	1 8 0		
	Binning's Paddock	3 15 0		
	Near Mudgee Bridge	8 15 0	November.	
	Sundry places	28 1 0	December.	
1860. 4,000 0 0			1860.	
	East of Cherry Tree Hill	23 2 0	February	J. D. Hill.
	Do. Leighton's Hill	15 2 0		
	West of Cherry Tree Hill	14 0 0		
	Contract No. 1—Readford's to Enright's, from 23 March to 10 November	292 1 0	Mar. to Nov.	E. A. Nardin.

ROAD FROM BOWENFELLS TO MUDGEES.

AMOUNT APPROPRIATED.	WHERE EXPENDED.	AMOUNT EXPENDED.	DATE.	SUPERINTENDENCE.
1860. £ s. d. 4,000 0 0		£ s. d.	1860.	
	Contract 2—East of Enright's	255 0 0	Mar. to July.	E. A. Nardin.
	Contract 3—Tabrabucca Swamp	350 0 0	Mar. to Oct.	
	Contract 4—Enright's to Cudgegong	280 0 0	{ Mar., 1860, to June, 1861.	
	Contract 5—Foot of Aaron's Pass	142 10 0	May to July	
	Contract 6—Gully West of Aaron's Pass	290 10 0	May to Aug.	
	Contract 7—Cudgegong Corner	226 0 0	Aug. to Oct.	
	Contract 9—Five Mile Creek to Stoney Pinch	253 10 0	June to Sept.	
	Long Gully Hill	35 5 6	April.	
	Tabrabucca Swamp	9 10 0	May.	
	Round Swamp Bridge	6 0 0		
	Keen's Swamp	3 10 0		
	Round Swamp	15 0 0	June.	
	Cherry Tree Hill	12 0 0		
	Five Mile Creek	10 16 6		
	Bald Hill	46 2 0		
	East of Enright's Inn	26 0 0		
	Blackman's Flat	19 0 0	July.	
	West of Readford's Inn	25 0 0		
	West of Bald Hill	42 16 9		
	Cudgegong Bridge	44 0 0		
	Bald Hill	37 14 3	August.	
	Five Mile Creek	15 18 0		
	Tabrabucca Swamp	11 10 0		
	Crown Ridge	12 0 0	September.	
	Aaron's Pass	7 10 0		
	Cudgegong Corner	3 12 0	October.	
	Wet Swamp Creek	4 0 0	November.	
	Tabrabucca Swamp	10 0 0		
	Bowenfells	21 14 0		
	Brown's Gap	3 6 0	December.	
	Tabrabucca Swamp	30 0 0		
	Cherry Tree Hill	3 0 0		
	Round Swamp	5 15 0		
	Bridge over Cudgegong	5 0 0		
	Cunningham's Creek	28 10 0		
	Wet Swamp	1 10 0		
	Contract 10—Wet Swamp Hill	430 10 0	{ Oct., 1860, to July, 1861.	
	Contract 11—Near Thompson's Inn	172 0 0	{ Sept., 1860, to Feb., 1861.	
	Contract 12—Thompson's to Oliver's	325 0 0	{ Aug., 1860, to May, 1861.	
	Contract 13—Oliver's to Barnaby's	613 3 0	{ Aug., 1860, to July, 1861.	
	Contract 14—Crown Ridge	295 10 0	{ Aug. to Dec., 1860.	
	Contract 15—Crown Ridge	304 0 0	{ Sept., 1860, to July, 1861.	
	Contract 16—M'Cully's to Readford's	180 0 0	{ Sept., 1860, to Feb., 1861.	
	Contract 17—West of Keen's Swamp	136 15 0	{ Sept., 1860, to June, 1861.	
	Contract 18—Round Hill	196 5 0	{ Aug., 1860, to May, 1861.	
	Contract 19—Cunningham's Creek	232 2 6	{ Sept., 1860, to May, 1861.	
	Contract 20—West of Readford's	203 5 0	{ Sept., 1860, to May, 1861.	
	Contract 21—Long Gully Hill	203 8 6	{ Nov., 1860, to June, 1861.	
	Contract 22—Tabrabucca Swamp	327 6 6	{ Sept., 1860, to May, 1861.	
	Contract 23—Cudgegong Corner	204 0 0	{ Sept., 1860, to June, 1861. 1861.	
	Long Gully Hill	35 0 0	February.	
	Keen's Swamp	2 10 0		
	At Oliver's Inn	8 3 0		
	M'Lennan's to Lee's Inn	36 7 6		
	Bowenfells	43 0 2		
	Do.	28 17 6	March.	
	Cherry Tree Hill	7 10 0		
	Do.	5 0 0		
	Near Thompson's Inn	7 16 0		
	Do.	4 5 0		
	Cunningham's Creek	18 5 0	April.	
	Do.	4 4 0		
	Coerwell Road	27 0 0		
	Tabrabucca Swamp	45 0 0		
	Near Maddox's Inn	26 0 0		
	Near Aldridge's	15 0 0		
	Bowenfells	4 10 0		
	Do.	23 13 0		
	Dividing Range	121 0 0	May.	

ROAD FROM BOWENFELLS TO MUDGEE.

5

AMOUNT APPROPRIATED.	WHERE EXPENDED.	AMOUNT EXPENDED.	DATE.	SUPERINTENDENCE.
1860. £ s. d. 4,000 0 0		£ s. d.	1860.	
	Maddox's Pinch	20 0 0	May.	E. A. Nardin.
	Brown's Gap	20 0 0	June.	
	Walker's Hill	194 10 0	May to Aug.	
	Shumack's Hill	4 13 0	May.	
	West of Readford's Inn	4 10 0		
	Cudgegong Corner	7 10 0		
	Aaron's Pass	41 0 0		
	Capertee Camp	71 5 0		
	Tabrabucca Swamp	20 0 0	June.	
	Do.	45 0 0		
	Cooerwell Road	4 18 0		
	Ben Bullen	20 0 0		
	East of Oliver's	35 0 0		
	West of Readford's	20 0 0		
	Kangaroo Flat	10 0 0		
	Hart's Pinch	15 0 0		
	Peto's Hut	12 10 0		
	Do.	62 0 0	July.	
	Do.	86 0 0	August.	
	Aaron's Pass	20 13 9	July.	
	Kangaroo Flat	21 0 0		
	Brown's Gap	6 0 0		
	Cherry Tree Hill.. .. .	50 0 0		
	Do.	40 0 0	August.	
	Do.	70 0 0	September.	
	Do.	15 0 0	October.	
	Middle River	15 0 0	August.	
	Do.	77 0 0	September.	
	Do.	42 0 0	October.	
	Do.	35 0 0		
	Stoney Pinch	95 16 8	August.	
	Do.	20 0 0		
	Do.	61 16 0	September.	
	Do.	15 12 6	October.	
	Blackman's Flat	19 10 0	August.	
	Crown Ridge	15 15 0		
	M'Cully's Swamp	4 0 0	September.	
	West of Ben Bullen	10 0 0		
	Crown Ridge	31 0 0		
	Bowenfelles	12 0 0	August.	
	Do.	104 12 0	September.	
	Do.	97 17 9		
	Do.	40 10 0	October.	
	Do.	24 10 0	November.	
	Do.	1 4 6	December.	
	East of Leighton's Inn	81 15 0	October.	
	Do.	57 0 0	November.	
	East of Barnaby's	44 0 0	October.	
	Do.	75 0 0	November.	
	Near Barnaby's Inn	15 0 0	October.	
	At Capertee Camp	15 0 0		
	Round Hill and Cunningham's Creek	12 0 0		
	Backall's Flat	15 0 0		
	Wet Swamp Hill	55 0 0		
	West of Leighton's	23 0 0		
	Do.	43 15 0		
	Do.	67 10 0	November.	
	Do.	49 15 0	December.	
	Tabrabucca Swamp	90 0 0	November.	
	Ben Bullen	20 0 0		
	Near German Blacksmiths	60 0 0	October.	
	Do.	20 0 0	November.	
	Stoney Pinch	13 0 0		
	Cooerwell Road	27 0 0		
	Stoney Pinch	45 12 0	Nov. & Dec.	
	Cherry Tree Hill.. .. .	75 0 0	October.	
	Do.	75 0 0	November.	
	Do.	136 10 0	December.	
	Running Stream	62 0 0		
	Keen's Swamp	80 0 0		
	Foot of Walker's Hill	40 0 0		
	Brown's River	12 0 0		
	Brown's Gap	30 0 0		
	Middle River East	20 0 0		
	Near Barnaby's	5 5 0		
	Tabrabucca Swamp	4 10 0		
	Cherry Tree Hill.. .. .	6 0 0		
	Aaron's Pass	4 0 0		
	Cudgegong	1 10 0		
	Jack Hall's Creek	40 0 0		
	Contract 1—Cherry Tree Hill	1,425 5 10	{ Oct., 1861, to	E. A. Nardin and W. Boyd.
	Contract 2—Cherry Tree Hill	245 13 5	{ Mar., 1862.	
	4 Maintenance men for 6 months	200 0 0		

ROAD FROM BOWENFELLS TO MUDGEES.

RETURN, from 1ST JANUARY to 30TH SEPTEMBER, 1862.

No. OF CONTRACTORS MONTHLY.		AMOUNT APPROPRIATED.	WHERE EXPENDED.	AMOUNT EXPENDED.	NUMBER OF LABOURERS EMPLOYED.	SUPERINTENDENT AND OVERSEER.	SALARY.			
MONTH.	No.									
January	..	£4,000	Cherry Tree Hill	£ s. d. 289 3 9	4	E. A. Nardin— per annum	£400.			
	2		Jack Hall's Creek	20 0 0						
			Cherry Tree Hill	121 8 0						
			Maintenance	33 6 8						
February	Cherry Tree Hill	380 9 0	8	W. Boyd — per diem	9/-			
	2		East of Wet Swamp	2 10 0						
			Maintenance	50 0 0						
March	Crown Ridge	8 0 0	10					
			Aaron's Pass	25 0 0						
			Jack Hall's Creek	141 0 0						
	3		Cherry Tree Hill	18 4 0						
			Maintenance	48 8 1						
April	Jack Hall's Creek	100 0 0	9					
			Cullen Bullen	2 0 0						
			Ben Bullen Creek	39 15 0						
			Near German's	16 0 0						
			Middle River	42 10 0						
			Blackman's Flat	16 0 0						
			Coerwell Road	13 15 0						
			Cherry Tree Hill	25 3 7						
			Cudgegong Flat	17 0 0						
			Cherry Tree Hill	49 12 8						
	10		Five Mile Creek	16 13 0						
			Maintenance	16 13 4						
May	Middle River	51 5 0				7		
			Coerwell Road	27 10 0						
			Jack Hall's Creek	18 9 0						
			Blackman's Flat	20 10 0						
			Ben Bullen	25 1 0						
			Tabrabucca Swamp	26 5 0						
			Aaron's Pass	23 0 0						
			Bowenfelles	9 10 0						
			Cherry Tree Hill	23 6 0						
			Five Mile Creek	13 10 1						
	8		Maintenance	16 13 4						
June	Coerwell Road	45 10 0	7					
			Wet Swamp	4 0 0						
			Cherry Tree Hill	1 2 6						
			Ben Bullen	10 0 0						
			Blackman's Flat	5 0 0						
			Tabrabucca Swamp	20 5 0						
			Bowenfelles	12 10 0						
			Stoney Pinch	22 10 0						
	5		Maintenance	16 13 4						
July	Stoney Pinch	24 10 0				2		
			Walker's Hill to Peto's	14 12 0						
	3		Carriage of roller	6 0 0						
			Maintenance	16 13 4						
August	Middle River	13 10 0	2					
			B. Ms., 30 and 33	15 15 0						
			Cullen Bullen	61 4 0						
			Crown Ridge	39 0 0						
			Cherry Tree Hill	47 14 0						
			M'Cully's Swamp	55 16 0						
			Cudgegong to Mudgees	120 7 6						
			Bowman's Pinch	5 0 0						
			Keen's Swamp	5 0 0						
	4		Maintenance	16 13 4						
Sept.	East of Middle River	43 17 0				2		
			B. Ms., 30 and 33	31 10 0						
			Cullen Bullen to Ben Bullen	30 12 0						
			Crown Ridge	35 10 0						
			Cherry Tree Hill	31 16 0						
			M'Cully's Swamp	69 12 6						
			Cudgegong to Mudgees	80 5 0						
			Stoney Pinch	34 2 6						
			Two-team Pinch	63 0 0						
			Tabrabucca Swamp	2 0 0						
	5		M'Coy's Pinch	5 0 0						
			Maintenance	16 13 4						

7/10/62.

(For the Commissioner.)

S. G. SHAIRP.

[Price, 2d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM SCONE TO MOONAN.
(EXPENDITURE OF SPECIAL GRANT FOR REPAIRS OF.)

* Ordered by the Legislative Assembly to be Printed, 19 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 16 December, 1862, That there be laid upon the Table of this House,—

“ (1.) Copies of all Correspondence and Petitions connected with the special Grant of £400, for repairs of Road from Scone to Moonan.

“ (2.) Copies of Vouchers for the sum claimed by Messrs. White and Collett, as expended without any authority from Government.

“ (3.) Copies of all Correspondence, and Report of Mr. Surveyor Debenham, connected with the recent survey of the Road from Brushy Hill to Moonan, with tracings.”

(Mr. Dangar.)

SCHEDULE.

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3. Minute of Under Secretary for Lands to Surveyor General. 21 November, 1861	2
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16. Mr. Dangar to Secretary for Lands. (Enclosure.) 22 September, 1862	5
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27. Telegram from Acting Surveyor General to Mr. Surveyor Debenham. 13 December, 1862	10
28. Report of Surveyor Debenham on survey of road from Bushy Hill to Moonan. 15 December, 1862	10
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ROAD FROM SCONE TO MOONAN.

No. 1.

THOMAS DANGAR, ESQ., M.L.A., to SECRETARY FOR LANDS.

43, *Hunter-street*,
Sydney, 8 October, 1861.

SIR,

I have the honor to apply to you for a sum of money for 1862, for the repair of the Road from Scone to the Denison Diggings, say thirty to thirty-five miles, *via* Moonan, on the Upper Hunter.

I have also been solicited, and request you will be pleased to place on the Estimates for 1862, say £300, for the repair of the Bulgoa Road, from McAlpin's to the crossing-place at the Hawkesbury.

I need not inform you this road is in a very bad state, and fat cattle and sheep are much injured in travelling over this rocky country in coming to the Sydney market.

I have, &c.,
THOMAS DANGAR.

No. 2.

MINUTE OF SURVEYOR GENERAL.

It was proposed to place on the Road Schedule for the current year, the road from Scone to the Denison Diggings, Upper Hunter, in consideration of the increased traffic to that field.

The only provision now is £56, from Scone to Page's River, and the Schedule being made up, nothing can be given beyond this sum from the Schedule allowance.

It may be well to make a special provision in Supplementary Estimate.

A. G. M.
B. C., 4 November.

No. 3.

MINUTE OF UNDER SECRETARY FOR LANDS.

ASK the Surveyor General what he deems sufficient.

M. F.
B. C., 21 November, 1861.

No. 4.

MINUTE OF SURVEYOR GENERAL.

It is proposed to make a special provision for the road from Scone to the Denison Gold Field, as is usual in regard to roads to new gold fields.

A sum of money has, I believe, been provided for the Bulgoa Road, on the representation of Mr. A. Hodgson and others.

A. G. M.
B. C., 18 January, 1862.

No. 5.

MINUTE OF SURVEYOR GENERAL.

THE population as yet being small, and the reefs not yet tested, it will perhaps be well to await the further development of the field.

The pressure of business in connection with the Land Act has prevented my acting in this matter in time for Supplementary Estimates.

A. G. M.
23 January, 1862.

No. 6.

ROAD FROM SCONE TO MOONAN.

3

No. 6.

UNDER SECRETARY FOR LANDS to THOMAS DANGAR, Esq., M.L.A.

*Department of Lands,
Sydney, 19 February, 1862.*

SIR,

In allusion to your letter of the 8th October last, applying for a sum of money for 1862, for the repair of the road from Scone to Denison Diggings, and requesting, at the same time, that £300 be placed on the Estimates for the repair of a portion of the Bulga Road, I am now instructed to inform you that it is proposed to make a special provision for the road from Scone to Denison Gold Field, as in other similar cases; and that a sum of money has already been provided for the Bulga Road, on the representation of Mr. A. Hodgson and others.

I have, &c.,
MICHL. FITZPATRICK.

No. 7.

MINUTE OF SURVEYOR GENERAL.

THIS may then await further development of the field, or other action.

A. G. M.

Approved—

John R. 28 February.

No. 8.

MINUTE OF SECRETARY FOR LANDS.

PRESENTED by Mr. Hoskins. Refer to the Surveyor General. The best mode would be to apportion a sum from the money authorized by Executive Council, in anticipation of vote of Parliament.

JOHN R.
21 July.

No. 9.

PETITION OF RESIDENTS, UPPER HUNTER.

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

The Petition of the undersigned, Miners and others, residing on the Upper Hunter Gold Field,—

RESPECTFULLY SHEWETH:—

That from the number of miners and others residing upon the Hunter Gold Field, and the consequent increase of traffic occasioned thereby in the transit of stores, &c., considerable delay and loss is sustained by your Petitioners by the uncertain line of road between this gold field and the Main Northern Road, as well as by the present dilapidated state of the line, insomuch that teams are occupied from five to six days in performing a journey from here to Scone, when, were the road put in efficient repair, two days would suffice for such journey.

That there are now four crushing machines on this gold field, one in full work and three in course of erection, which when completed our produce of gold will be considerable and our population increase. Your Petitioners are, therefore, induced to solicit that the road between here and the Main Northern Road may be proclaimed, and that a sum of money may be placed upon the Estimates for the purpose of putting such line of road in a state of repair.

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

(Here follow 127 Signatures.)

No. 10.

MINUTE OF SURVEYOR GENERAL.

I WOULD suggest that Mr. Johnston, Road Superintendent, should be directed to visit this road, and report on the necessities of it; and, at the same time, to put in hand the most urgent works.

A. G. M.
1 August.

No. 11.

No. 11.

POLICE MAGISTRATE, SCONE, to SECRETARY FOR LANDS.

Scone, 6 August, 1862.

MY DEAR ROBERTSON,

Would it not be as well to take advantage of Debenham being in the neighbourhood, to order him to lay out the road to the gold field? He will have completed the Mudgee and Merriwa Road directly.

It is little use sending a licensed surveyor to do such work; they won't take the time to select the best route. We have the road from Scone to Merriwa as an illustration.

Yours, &c.,

JAMES SMITH.

No. 12.

SURVEYOR GENERAL to SURVEYOR DEBENHAM.

*Surveyor General's Office,
Sydney, 21 August, 1862.*

SIR,

I have the honor to request that, after completing the work upon which you are now engaged, you will proceed with the survey of the road from Scone to the Denison Gold Fields.

2. I forward, for your information, a tracing from Mr. Licensed Surveyor Neill's survey of the road from Scone to the Upper Hunter, which will, I presume, form part of that to the gold fields.

I have, &c.,

A. G. M'LEAN.

No. 13.

MINUTE OF SECRETARY FOR LANDS.

YES; but it should be intimated that the Government would not be disposed to expend a greater sum than £400.

JOHN R.

21 August.

No. 14.

POLICE MAGISTRATE, SCONE, to SECRETARY FOR LANDS.

(Urgent.)

*Police Office, Scone,
26 August, 1862.*

SIR,

As the men are engaged for the purpose of effecting the repairs to the road from Scone to Moonan Brook, Upper Hunter Gold Field, I have the honor to request that you will be good enough to direct the money to be expended on this work to be placed in the Australian Joint Stock Bank, Singleton, with as little delay as possible.

I have, &c.,

JAMES SMITH, P.M.

No. 15.

MINUTE OF SECRETARY FOR LANDS.

I BELIEVE this money has been entrusted to Mr. Johnston, Superintendent of Roads. Is it not so? And if so, had Mr. Smith or any other person authority to expend it in the way stated in this letter?

JOHN R.

20 Sept.

THE money has not yet been entrusted to the Superintendent. Letter to Mr. Johnston, to carry out the most urgent works. See 62-4108.

ROAD FROM SCONE TO MOONAN.

5

No. 16.

THOMAS DANGAR, ESQ., M.L.A., to SECRETARY FOR LANDS.

43, *Hunter-street,*
Sydney, 22 September, 1862.

SIR,

I have the honor to enclose from a copy of a letter received from a respectable resident on the Upper Hunter Diggings, complaining of the interference of Messrs. Collett and White, in marking out a new road from Belle Vue to the Upper Hunter Diggings.

May I request your usual and prompt attention to this important matter, so that the grave error may be rectified (if Mr. Rowland's grievance is well founded) before it is too late? and perhaps if you will be pleased to call for a reply from Mr. Neill, it would be of the greatest importance in deciding on this local matter.

I have, &c.,
THOMAS DANGAR.

[Enclosure in No. 16.]

EXTRACT of a Letter received from Mr. T. S. Rancland, dated Moonan, 15 September, 1862.

You will no doubt have seen the flourish of trumpets in the *Singleton Times* about the road Mr. Collett was laying out to miss twelve crossings of the Hunter and eight of Moonan? I think it is advisable that you should be initiated into some of the secrets of how the law works out of doors. You pass laws, and vote sums of money, with the intention of doing good, and, of course, cannot be answerable for the misappropriation of one or the evasion of the other, if you know nothing about it. As far as the road to Moonan is concerned, it will be unexceptionable, though he only misses four crossings; but for the Hunter, I imagine, for good reasons, that Mr. White has a great antipathy to seeing his nine blocks of land disfigured for public road and the convenient thoroughfare and traffic; he, therefore, persuades Mr. Collett, a thing I fancy not hard to do over a good dinner and its concomitants, that he will show him a good road, with the advantage specially put forth that he will miss so many crossings; but I think he kept in the background from the public that this good road makes a detour all round by Student's Brook and round under the base of Woolmas Mountain, having, as I am well informed, three steep gaps and several deep ravines and crossings, requiring, I am told, twelve or thirteen bridges, and increasing the distance between here and Belle Vue some nine or ten miles at least.

This is, of course, nothing to do with Mr. White; if he can but get the road surveyed and proclaimed he can shut the other up, except for himself; and we hear that another surveyor has been directed to lay the road out, Mr. Neale, I understand, being too obstinately impartial, although from his having been employed surveying in this locality for the last three or four years, I should think he was of all men most fit to judge where the best road was.

I understand there have been £400 voted for this road, but my authority is, I think, reliable, who says £4,000 would not make the proposed new road so that a team could bring a full load, and eight bullocks brought fifty cwt. up here last week, unaided by one penny of the money last voted. A petition is now in course of preparation against its adoption, and will soon be forwarded, through Mr. Smith, to the Minister for Lands.

No. 17.

MINUTE OF UNDER SECRETARY FOR LANDS.

REFER for the report of Mr. Road Superintendent Johnston.

M. F.
B.C.—24 September.

No. 18.

SUPERINTENDENT JOHNSTON to UNDER SECRETARY FOR LANDS.

Muswellbrook,
8 October, 1862.

SIR,

I do myself the honor to inform you I have inspected the road from Scone to Moonan, or Upper Hunter Diggings, and beg to state there has been no deviation or new road marked, excepting over Cook's Gap, for which I believe a special sum has been granted.

The sum of £211 has been expended up to the present time, in my opinion very judiciously.

It would be advisable to defer any further expenditure until the road has been surveyed.

I have, &c.,
ALEX. JOHNSTON.

No. 19.

No. 19.

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

*Department of Lands,
Sydney, 14 October, 1862.*

SIR,

Referring to the Memorial presented by you from certain miners and others, residents on the Upper Hunter Gold Fields, applying for a sum of money to be appropriated for the repair of the road leading from Scone to those fields, I am directed by the Secretary for Lands to inform you that Mr. Road Superintendent Johnston has been instructed to visit the line of road in question, and to report on its necessities, putting in hand, at the same time, the most urgent works.

2. I am at the same time to apprise you, that it has been intimated to the Superintendent that the Government is not disposed to expend a larger sum than £400 on the work.

I have, &c.,
MICHL. FITZPATRICK.

No. 20.

UNDER SECRETARY FOR LANDS to SUPERINTENDENT JOHNSTON.

*Department of Lands,
Sydney, 14 October, 1862.*

SIR,

In forwarding to you the enclosed copy of a Memorial which has been received from certain miners and others, residents on the Gold Fields at the Upper Hunter, having reference to the condition of the road leading from the Great Northern Road to those Gold Fields, I am directed to request that you will have the goodness to visit the line of road in question, and report on its necessities, putting in hand, at the same time, the most urgent works.

2. I am, however, at the same time to intimate to you that the Government is not disposed to expend a greater sum than £400 on the work.

I have, &c.,
MICHL. FITZPATRICK.

No. 21.

POLICE MAGISTRATE, SCONE, to SECRETARY FOR LANDS.

*Police Office, Scone,
19 October, 1862.*

SIR,

I do myself the honor to transmit herewith vouchers for the payment of £239 7s. 8d., being for work done on the public road from Scone to Moonan.

With reference thereto, I beg to state that some misunderstanding appears to have existed with reference to the authority to expend this money. Messrs. White and Collett were under the impression that they were authorized to proceed with the improvements; but when a great portion of the work was completed, it was found that the money was to be expended under the superintendence of Mr. Road Superintendent Johnston. Mr. Johnston and myself have both inspected the work performed, and we find the improvements were necessary, and such as must have been executed in order to render the road passable.

Under these circumstances, as Messrs. White and Collett appear to have acted with *bonâ fides* and for the public benefit, although labouring under a mistake as to their authority, and as the money appears to have been economically and judiciously laid out, I have the honor respectfully to submit that the expense incurred may be defrayed out of the money set apart for the improvement of this road.

I have, &c.,
JAMES SMITH,
Acting Assistant Commissioner,
Upper Hunter Gold Field.

ROAD FROM SCONE TO MOONAN.

Moonan to Scone Road.

ABSTRACT and ACQUITTANCES of amounts paid to Contractors and others employed as herein described, from the 1st of September to the 30th April, 1862.

Names.	Locality, nature and quantity of work done by each individual or party to be here stated.	Date.	Day Work.		Amount.	We, the undersigned, hereby acknowledge to have received from the Under Secretary for Lands, the sums set down opposite to our several names, being in full of our demands respectively, for the services specified in this Abstract.	Witness.
			No. of full working days.	Rate.			
Overseer	William C. Clements	From 1st Sept. to 30th Sept.	27	8 4	20 0 0	W. C. Clements	W. C. Clements.
Ganger..	James Allen.....				11 5 0	Thomas J. Allen	
Labourer.	Thomas Connor		24	6 8	8 0 0	Thomas X Connor	
"	Patrick Fox		27	6 8	9 0 0	Patrick Fox	
"	Thomas Williams ..		7	6 8	2 6 8	Thos. X Williams	
"	Patrick M'Kay.....		12	6 8	4 0 0	Patrick X M'Kay	
"	John Gore.....		12	6 8	4 0 0	John X Gore	
"	Martin Clow.....		24	6 8	8 0 0	Martin X Clow	
"	John Haurigan.....		24	6 8	8 0 0	John X Haurigan	
"	Edward Boom		24	6 8	8 0 0	Edward X Boom	
"	John Kane		24	6 8	8 0 0	John X Kane	
"	Peter M'Guigan		24	6 8	8 0 0	Peter X M'Guigan	
"	Denis Murphy		23	6 8	7 13 4	Denis X Murphy	
"	John Allen		23	6 8	7 13 4	John X Allen	
					118 17 8		

We hereby certify that the above account, amounting to £111 17s. 8d., is correct in every particular, that the persons therein named have fully and fairly performed the work contracted for by them, and that the day labourers have been employed for the time stated against their respective names and at the current rate of wages.

FRANCIS WHITE.
WILLIAM R. COLLETT.

Road from Moonan to Scone.

The Department of the Secretary for Lands,
Dr. to Reuben Sims.

DATE.		AMOUNT.
	For the undermentioned Services, performed for the Department, viz. :-	
1862. Sept. 30.	Contract, No. 1. Clearing, forming, and embanking line of road from Cook's Gap to Moonan, being a distance of 112 chains	£ s. d. 80 0 0
	Total	80 0 0

I certify that the services charged in the above account were satisfactorily performed according to agreement, by the above-named individual. I 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 they were stipulated for.

Received on the _____ day of _____ 186 , from Francis White, the sum of eighty pounds sterling, in full payment of the above account.

Witness—W. C. CLEMENTS.

W. R. COLLETT.

REUBEN SIMS.

I hereby authorize the amount of the above account to be paid, on my behalf, to Mr. W. Pugh, Moonan.
A. J. Stock Bank.

No. 22.

MINUTE OF SECRETARY FOR LANDS.

LET me see the authority under which the £211 alluded to has been expended.

JOHN R.
21 October, 1862.

No. 23.

MINUTE OF CHIEF CLERK.

THERE does not appear to have been any authority for the expenditure of any such sum.
Mr. Superintendent Johnston, however, was instructed on the 14th instant to proceed to inspect the road, and to put in hand the most urgent works.

S. B. W.
21 October, 1862.

No. 24.

SUPERINTENDENT JOHNSTON to UNDER SECRETARY FOR LANDS.

Muswellbrook,
25 October, 1862.

SIR,

In attention to your letter, dated 14th October, 1862, No. 533, with reference to the road leading from the Great North Road to the Upper Hunter Gold Field, I have the honor to report I have visited the line of road in question, and the following are the works most urgently required:—

1. The banks of the Hunter and Page's River require cutting down, and large stones removed from the crossings.
2. Several sidelings between the Gold Fields and Belltrees require cutting down.
3. Drains are required in several places, and second class culverts, to prevent the water from cutting channels across the road.

Mr. Surveyor Debenham has received instructions to survey the line, and I should think it injudicious to expend any money until he had completed the work.

Awaiting further instructions,—

I have, &c.,
ALEX. JOHNSTON,
Superintendent of Roads.

No. 25.

UNDER SECRETARY FOR LANDS to MR. JOHNSTON.

Department of Lands,
Sydney, 26 November, 1862.

SIR,

In acknowledging the receipt of your letter of the 25th ultimo, reporting on the nature of works required for the formation of the road leading from the Great North Road to the Upper Hunter Gold Fields, I am directed by the Secretary for Lands to remind you that your expenditure on the road in question must not exceed the amount authorized, in which is to be included the sums spent by Messrs. Smith, White, and Collett on the line, and certified to by yourself.

I have, &c.,
MICHAEL FITZPATRICK.

No. 26.

MEMORIAL OF THE INHABITANTS OF THE UPPER HUNTER.

WE, the undersigned inhabitants of the Upper Hunter District, having heard with alarm that it is contemplated by some interested parties to alter the course of the road at present in use between the Upper Hunter and the Great Northern Road, causing it to make a wide detour from the original and long used line, and thereby adding several miles to the distance, as well as encountering considerable local difficulties and obstructions, beg respectfully to offer to you our earnest remonstrance against such alteration, feeling confident that the wishes of a community in matters of public importance need but to be made known to you to insure your gracious attention.

781—B

We

We feel grateful for the consideration of the Government in placing the sum of £400 on the Estimates for the improvement of our road, but we feel also assured that it would take a much greater amount to make the proposed new road at all passable; and we much doubt if it could ever be made of service for the purpose of the conveyance of goods and other traffic, except at an expense that the Government would never think of allowing.

We understand that a surveyor has been directed to examine and report upon the roads in question; but we conceive that we should be wanting in duty to ourselves, as well as in respect to you, if we did not take an opportunity of expressing our own wishes on the subject.

We therefore beg leave to say, that from long experience and thorough acquaintance with the country around it, the present line of road, with very little deviation, is the best that can be chosen, and the judicious application of the money granted on the present road would remove the chief of the existing difficulties, and leave it in very efficient condition for the transit of goods, &c.

We have the honor to be, Sir,
Your most obedient Servants,

[Here follow a number of signatures.]

The Honorable John Robertson,
Secretary for Lands.

No. 27.

TELEGRAM FROM ACTING SURVEYOR GENERAL to SURVEYOR DEBENHAM.
13 December, 1862.

To Surveyor Debenham, Maitland.

Have you furnished a report or survey to the office, of a road from Brushy Hill to Moonan, or what road is referred to? Reply by telegram on Monday, and by letter to reach here on Tuesday morning at the latest.

No. 28.

SURVEYOR DEBENHAM to ACTING SURVEYOR GENERAL.
West Maitland,
15 December, 1862.

SIR,

In reply to your telegram of the 13th instant, requesting me to inform you whether I have furnished a report or survey of the road from Bushy Hill to Moonan, I have the honor to state that I hold instructions to survey a road from Scone to the Denison Gold Fields, of which the road referred to in your telegram forms a portion. I am not instructed to furnish any special report.

The duty of this survey was entrusted to me at the instance of a letter from Mr. Smith, Police Magistrate, Scone, to the Secretary for Lands, I being at the time in that neighbourhood. The survey of Maitland for alignment purposes being a more urgent matter, and finding a scarcity of feed, and a difficulty in obtaining forage for my horses about Scone, in consequence of this dry season, I obtained permission to carry out the survey of Maitland prior to the survey of the road above mentioned.

I have, &c.,

JNO. DEBENHAM,

Ld. Surveyor.

No. 29.

TELEGRAM FROM SURVEYOR DEBENHAM to ACTING SURVEYOR GENERAL.

Received the following message from W. Maitland Station, at 12.50 December 15, 1862, from Mr. Surveyor Debenham to Acting Surveyor General, Sydney:—
THE road referred to in your telegram formed a portion of the road from Scone to the Denison Gold Field, which I hold instructions to survey. I have neither furnished a survey nor a report of the road alluded to to the office.

No. 30.

REPORT OF ACTING SURVEYOR GENERAL.

MR. Debenham, though he has instructions for the survey of the road in question (forming part of road from Scone to the Denison Gold Field), has not yet made any survey thereof, being engaged in the alignment of streets in West Maitland.

Surveyor General's Office,
16 December, 1862.

W. R. D.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM MONARO TO THE COAST.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20 September, 1861, That there be laid upon the Table of this House,—

“ A copy of all Correspondence relative to the best line of
“ Road from the Monaro Table-land to the Coast, upon
“ which to expend the £2,000 granted for special works
“ on such line, by the House last Session.”

(*Mr. T. Garrett.*)

SCHEDULE.

NO.	PAGE.
1. Report of Surveyor General, enclosing letter from Mr. District Surveyor Gordon upon Eden and Sturt line. 7 June, 1861	2
2. Petition alluded to in foregoing report. (Without date.)	4
3. Surveyor General to District Surveyor Gordon, as to line on which the £2,000 will probably be expended. 14 June, 1861	4
4. Same to Under Secretary for Lands on the subject, enclosing Report from Mr. District Surveyor Gordon on Mountain Pass Road, from Eden <i>via</i> Cathcart to Maneroo Table-land. 9 August, 1861	4
5. Under Secretary for Lands to Road Superintendent Weber, relative to the expenditure of the money. 20 August, 1861	6
6. Surveyor General to District Surveyor Gordon, on the subject. 6 September, 1861	6
7. Same to the same, requesting him to furnish survey of line from Lochiel to Panbula, on the Maneroo and Eden line. 9 September, 1861	7
8. District Surveyor Gordon, in reply. 4 January, 1862	7
9. Minute of Surveyor General, enclosing Plan and Book of Reference of Road alluded to for proclamation. 18 March, 1862	7
10. Executive Council Minute, authorizing notification of Road in <i>Gazette</i> . 16 April, 1862	9
11. Petition of Mr. B. Carragher to Secretary for Lands, objecting to proposed Road. 29 May, 1862	9
12. Do. of Mr. S. Thomson, do. with plan. 1 June, 1862	9
13. Do. of Mr. James Furner, do. with plan. 2 June, 1862	10
14. Report of Surveyor General as to objections above referred to. 23 July, 1862	10
15. Petition from Inhabitants of Eden, on the subject of the said Road. (Without date.)	10
16. Petition on the same subject. (Without date.)	10
17. Under Secretary for Lands to Road Superintendent Weber, stating that the line would not be opened. 13 August, 1862	11
18. Same to Mr. Carragher, to same effect. 13 August, 1862	11
19. Same to Mr. Thomson, do. 13 August, 1862	11
20. Same to Mr. Furner, do. 13 August, 1862	11

ROAD FROM MONARO TO THE COAST.

No. 1.

REPORT OF SURVEYOR GENERAL.

* Not necessary
for the purpose
of this return.
† See No. 2.

THIS report of Mr. District Surveyor Gordon's was called for in two enclosed papers, one being an *application from the Trustees of the Eden and Sturt Road for another special allowance of £300 for the road, and the other a †petition representing that the line *viâ* Sturt is the best and the shortest line from Eden to the Monaro table-land.

Mr. Gordon's report (see fourth paragraph) shows pretty conclusively that the line *viâ* Sturt does not possess equal advantages with the present main line; but as Mr. Gordon has still to report on a third line of ascent to the table-land—that by Tantawangola—I have requested him, when he shall have done so, to make a summary of the advantages and disadvantages of the three lines, having in consideration the character of the harbours to which they lead and other general grounds bearing on the question; and on the receipt of this summary, it will be practicable to determine finally which shall be the line of ascent on which the £2,000 specially voted shall be expended.

In reference to the application for £300, I would remark, that as the road is a new road and opens communication between Twofold Bay and (as Mr. Gordon reports) a considerable extent of agricultural land, something beyond the schedule allowance of a fifth class road might be made for it.

It appears, however, that in 1859 a special allowance of £300 was made for this road. It has been classified, and thus received £77 per annum for two years since the application for £300; and, considering the relative claims of other roads, I could not recommend that more than £100 to £150 should be allowed for the road, from the £5,000.

A. G. M.,

7 June, 1861.

[Enclosure in No. 1.]

Camp near Panbula,
20 April, 1861.

Sir,

In attention to your letter 60/1041 of 6 July last, directing my examination of the road from Eden *viâ* Sturt, and to report to you whether, in my opinion, it possesses such or any advantages over that from Eden *viâ* Panbula, towards Cathcart and Maneroo country, as will warrant its preferential adoption as the main leading thoroughfare thereto,—

I have the honor to report, that having duly visited and inspected the route in question,—

1st.—The only road at present used from those two points is that currently known or designated as the "Boyd Town Road," considered in length from eighteen to twenty miles *viâ* the west shore of Twofold Bay (now in parts all but impassable in condition, almost in disuse, and otherwise of a particularly hilly, rugged character, and the town traffic along it but very inconsiderable). From Sturt it is continued in a direction north-westward to its junction with that road, now in use as a main track, *viâ* Panbula and Honeysuckle, &c., their intersection occurring at Tuglamah. On the whole, this course is more circuitous and lengthy, and the eastern half much worse and inferior in respect to eligibility compared with the present Panbula route. That portion of the route, however, from Sturt *viâ* Jerusalem to Parricoot, is of a far better character; the ridges, spurs, and creeks present but few obstacles, and those in general unimportant. Any difficulties might be overcome and improved by slight detours and trifling cuttings. The most fatal objection and detriment prohibitory to its adoption is the numerous re-crossings in such latter moiety over the Towamba and tributaries, some being of a bad nature, and the bed of the river washed into holes, &c.

2nd.—The direct route from Eden to Sturt, designated as the "new line," as yet is unfrequented and not passable for traffic purposes, by reason alone of its incomplete, and unformed, and unfinished state. Its distance exceeds eleven miles, and with few and slight exceptions, it passes through and over barren, scrubby land, indifferently watered. As its position and course may be considered desirable to be known, I for that reason deemed it expedient to have effected survey thereof, and of which I now herewith beg to submit usual feature plan, as well a book of reference thereto.

3rd.—Starting centrally from Eden, this line firstly traverses for about some two and one-half miles over generally light sandy surface, but good sound subsoil, and of tolerably level, even, and good character for traffic purposes. Where not sandy, the ground is otherwise sound and firm; the hills and slopes are gradual and of easy incline. Little doing would be required along such distance, to render same very good, beyond corduroying and slabbing some small, narrow, insignificant flats of black soil and moist crossings, and at a trifling outlay. For considerable length onwards the road then follows on saddle-back of ridge, consisting of hard and firm bottom, ever descending a long stiff pinch and drag, and steep sideling, for a distance of some quarter of a mile to the bed of Gaynor's Creek; here a bridge is advisable, and I consider requisite, as it would effectually assist in relieving the existing and severe pinch on both its banks. The crossing over the Salt-water Creek is a good, firm, stony bottom—a bridge there would be unnecessary; hence, for some one and a half mile along sideling, as well as summit of ridge, at places encountering stiff pinches, the road follows and continues over a similar character of sound ground and high, crossing a tributary of Gaynor's Creek, over which a bridge structure is equally desirable and requisite; thence for some one and a half mile no impediments are encountered, the surface being pretty level, and equally firm, hard, and solid, till near the re-crossing of Gaynor's Creek, on each side of which, on approach to which, there is a very severe rigid fall and incline. That steepness occurs for some quarter to half a mile on either side. The creek bed at both the crossings is good firm, stony, and sound; no bridges are requisite, they would be ineffectual and of no avail in relieving the fall either way. The space intervening between the two adjacent crossings is

good

ROAD FROM MONARO TO THE COAST.

good and perfectly level. On the west extreme, pursued onwards in course, and before reaching the top of that main branch of spur ridge of southern lay or course, another very steepish elevated sideling and incline has to be surmounted; its surface, however, is of equally hard and firm a nature, and its subsoil good. The cutting hereabouts has been already executed.

On the line having reached this summit, the line at such spot ceases to have been cleared or formed, such point being a distance of some nine miles from Eden. The suspension of continuance of further work thereon, and for opening remaining portion onwards, having originated, I am informed, from the absence of sufficient funds and expenditure of former appropriation. For a considerable distance onwards (some half a mile) a very favourable saddle-back and sideling can be followed and passed, and on it no serious impediments are encountered, and from which a good available sideling descent and road, partially through dense scrub and bush, can, I consider, be obtained and formed. Its probable course and position is indicated on my plan, and proposed to connect with the old and existing "Boyd Town route," or thoroughfare; from its intersection therewith it traverses that line over uneven surfaces and hilly (some flat places and intervening spots requiring slabbing, bridging, &c.), until reaching Haigh's farm, opposite to the Sturt Village blocks.

4th.—On the whole, although the entire length of this route from Eden (via Sturt to Tuglanah) may be somewhat shorter, and a slight or inconsiderable saving of distance may be apparently gained by such adoption, as a line I do not consider it so desirably adapted for a main trunk thoroughfare as the already existing and established one (via Panbula), and less advantageous, as, I consider, likely to involve greater expenditure, the hilly surface and nature of the country, for some one and a half mile and more eastward from Sturt, presenting moreover further objections. The paucity of good available land, and greater scarcity of water, also tend to render it less desirable. Moreover, on assumption of substitution of such route as the main trunk, the detour for traffic from Panbula, Greig's Flat, &c., &c., would be so great, and generally considered so objectionable, that, without corresponding benefits otherwise to arise to existing interests, I fear the present established and frequented line would, in addition, still however eventually to be fully maintained, as well preferred.

5th.—The desirability to open and complete this new line, I, notwithstanding, consider important and beneficial—in fact, necessary in furtherance of and to public interests—it being the sole and readiest available approach from the coast to a capacious area of country, affording a large field of good tillage, and productive, as well grazing, soil well adapted and capable by nature for formation of farm settlement and numerous homesteads, the inhabitants of which, and future settlers, will, for years hence, possibly have to depend upon Eden and vicinity and port as market. Moreover, in support of its importance, it is the only direction whence approach via Bondi or Wog Wog and south-westerly onwards can eventually be beneficially carried; the interest of which part of Manero will, at future day, perhaps require extension of road connection, &c.

6th.—I may add that, along the Sturt line the incline and elevation of the hills, in some three or four places, are equal in sharpness, but no more than that in daily use of the "Box Range base," and its ascent from the Six Mile Creek, on the Panbula route; in this the greatest difficulty is encountered.

On the other hand, it possesses the advantage of, for and along several intervals of length of an occasional mile and more, excellent and particularly firm and sound even ground, not liable to bog or otherwise traffic to be impeded or affected much through wet, a desiderate much to be appreciated by teamsters and in the course of traffic. Its surface I am opinion can, with small expenditure, be maintained in efficient repair; for present requirements, cutting and reducing at occasional spots, the cutting of water-tables and placing breakwaters are needful and advisable. Abundance of suitable timber and stone is procurable in near proximity throughout.

I have, &c., LEWIS GORDON, District Surveyor.

The Surveyor General, &c., &c., &c.

[Sub-Enclosure in No. 1.]

BOOK OF REFERENCE of a Road from Eden towards Sturt, to be proclaimed as a Parish Road, under Act of Council, 4 Will. IV, No. 11.

Table with 12 columns: No., Portion of Road, Reputed owner, Occupier, Character of Land, Bearing, Length in Chains, Enclosure, Cultivation, Breadth of Road in links, Area, Remarks. It contains three rows of data describing road sections from Falkner's 80 acres to the intersection of Salt-water Creek and Curalo-street.

No. 2.

PETITION.

To the Honorable the Minister for Lands, &c., &c.

The humble Petition of the Inhabitants of the Town and District of Eden,—
HUMBLY SHEWETH:—

That your Petitioners are Merchants, Landowners, Householders, Traders, and others who are directly interested in the general prosperity of the district.

That your Petitioners are desirous of calling your attention to the incalculable benefits that would accrue to the community and the State, by immediately bringing into use the much neglected road proceeding from this township to the township of Sturt, from thence to Maneroo, and known as the Bondi Road.

That the distance would be considerably shortened between this town and Kiandra by adopting this road, and that any outlay that might be caused in placing the above road in thorough repair would be returned to the public exchequer many fold by the sale of an immense quantity of the finest agriculture land which would be thus rendered available for settlement.

And your Petitioners sincerely trust you will direct your attention immediately toward this important subject; for, independent of the national advantage which this route possesses over all others, a new field would be opened for the embarkation of that industry and capital within our Colony to which we are so justly entitled.

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

[Here follow 62 Signatures.]

No. 3.

SURVEYOR GENERAL to DISTRICT SURVEYOR GORDON.

*Surveyor General's Office,
Sydney, 14 June, 1861.*

SIR,

I have to thank you for the very comprehensive report and survey in relation to the various ascents to Cathcart, furnished in your letter of the 20th of April.

2. £2,000 have been voted for the construction of the road from the table-land of Monaro to the coast, and as this will be in addition to the schedule allowance, it will probably be all expended on the mountain ascent.

3. The expenditure of this money will, however, be made on the line which may, on the receipt of your further expected reports, be adopted as the main line from the table-land to the coast.

I have, &c.,
A. G. McLEAN.

No. 4.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,
Sydney, 9 August, 1861.*

SIR,

In transmitting the enclosed report, with plan and sections, by Mr. District Surveyor Gordon, of the roads ascending to the Monaro table-land by the Eden and Cathcart line, I have the honor to explain, for the information of the Secretary for Lands, that a controversy has existed for years past as to the best line of road from the table-land to the coast, some persons supporting the line herein particularly referred to, which is that hitherto generally considered the main line; some supporting the line by Tantawangla mountain, which leads from the harbour of Merimbula; and others supporting the line *via* Sturt, on the Towamba River.

It was intended that Mr. Gordon, after completing this report, should examine the other two lines referred to—one of which he has already partially examined, and on the other of which he is now engaged—and should then furnish a comprehensive report on the merits of all the lines, from which it could be determined which should be adopted as the main line, and on which the £2,000 recently voted should be expended.

3. It has, however, been personally represented that the choice really lies between the two routes leading respectively from Merimbula and Eden to Cathcart; that the unquestioned superiority of the harbour of Eden ought to determine the Government on adopting the latter line, and that by the recent large expenditure on the wharf there, not only is the harbour made more available, but the Government is virtually pledged to make the road which leads to the harbour where so much has been expended.

4. There is considerable force in these arguments, particularly that relating to the erection of the wharf; and I feel almost disposed to recommend the adoption of the Eden line, without delaying further for Mr. Gordon's report.

5. As, however, Mr. Weber will, I understand, have charge of the expenditure, I would advise that he should be authorized to provide a reliable superintendent whom he can leave in charge of the work, and should, with the superintendent, proceed as early as convenient to Eden, to which place will be transmitted the instructions in reference to the work to be performed, which he may now be told is on the ascent to the Monaro table-land, about forty miles from Eden.

6. Time will thus be saved; and should Mr. Gordon not have, by the time Mr. Weber reaches Eden, shown any reason to the contrary, the Eden and Cathcart road may be finally adopted.

7. On this being done, I would advise that the line be classified higher than at present, and that the Merimbula and Cathcart Road be omitted from the road schedule, that all expenditure may be concentrated on the Eden line.

I have, &c.,
A. G. McLEAN.

[Enclosure in No. 4.]

Camp near Pambula,
20 April, 1861.

Sir,

Referring to your letter 60-794, of 26th May last, in which you desire my inspection of the country on the mountain line of ascent from Eden, Pambula, &c., to Monaro, towards and by way of Cathcart, Bombala, &c., with the object of ascertaining whether any material improvement in the position of the road there can be adopted, and otherwise to perform such survey as will requisitely enable me to report thereon, you further inclose copy of Mr. Surveyor Bransby's report, and refer my especial attention to his remarks applicable to the locality in question.

I have now the honor to report, for your information, that—

1. Having devoted attention to a minute inspection of the surrounding country for a considerable distance around, I have not succeeded in the discovery of any position thereabouts promising or affording greater facilities for approach or ascent, or more desirable in direction of course than in those of existing thoroughfares, while great and formidable obstacles of even more rugged and steep ridges, and sharp and short spurs, intercepted by deep precipitous gullies and ravines, present themselves in deviations on either side.

2. The routes already formed, either in present actual use or traffic, or otherwise which have been abandoned, consist of four in number. In explanation of the position, &c., of each, I herewith beg to submit a local or feature* plan, from survey, on which I delineate the same.

No. 1, defined as the "Purgatory Line," being the first or old original one, of the oldest formation, generally following the saddle-back of one continuous ridge ascent of steep inclines. In several spots in its present position it is wholly impassable, there being some three pinches on it of particularly stiff severity and sharpness (and unless by very circuitous detours, almost incapable of being surmounted by horse power draught); difficulties are encountered almost impossible to avert or overcome. The Purgatory Pinch is washed into deep chasms and ruts, forbidding all possible access over it for drays.

No. 2 is defined as the "Cow Bail Line," likewise in disuse, and utterly impassable for loaded vehicles. Its present condition is most dilapidated and damaged, its surface in many places being worn into deep gutters and chasms and water-ruts; as a whole it is similar in features to No. 1, but generally less severe in steepness of inclines. Its direction is somewhat circuitous, having been originally intended as a direct course to Bombala rather than one towards more central parts of Monaro, *via* Cooma, &c., &c., and Kiandra. A large expenditure of some £1,200 has been injudiciously expended to little purpose on this line, and it is generally considered that from the impediments of its rugged character in many spots, liability to frequent damage from wet weather on its cuttings and sidelings, of embankments in several places artificially made or built up; otherwise, from its long succession of heavy steep drags, it is not considered favourably adapted to be permanently maintained as one of superior eligibility—an opinion in which I concur—without much expenditure and outlay on it, and expensive deviations from present route, which are now practicable. Absence of water, moreover, renders the route more undesirable to the choice of teamsters.

No. 3, designated the "Coal Hole Line." This section of country commences its rise at some two and a-half miles distant, and below the gap situated on or at the summit top of the Monaro table-land, and although somewhat tortuous in course, and the most lengthy, presents in point of incline, on the whole, the easiest approach known. Owing to its intersection by numerous dry surface watercourses or streams, and heads of gullies and feeders, it is of a most uneven surface nature, and at frequent spots traverses black adhesive soil, liable to soften and bog in wet, and in a great degree retentive to moisture. Several of these low, objectionable spots are logged, bridged, or corduroyed—all, however, now in indifferent state of repair. In other places low spurs and the saddle-back of little branch ridges of fair, firm bottom in some places have to be surmounted; the impediments encountered being mainly the sharp and stiff and frequent short pinches and inclines. For frequent and considerable lengths comparative evenness and flatness of surface is afforded, desirable as convenient resting places for teams and cattle. Some of these spur branches, by slight deviations, I deem readily capable of improvement by cutting of sidelings, the erection and construction of embankments, and the reduction of the crown of some of the heights, provided immediate replacement of good road, stone or metal, be made thereon. There are, notwithstanding, two or three particularly severe and rigid, although but short inclines, which I fear must be faced as unavoidable under any circumstances. The pinch at its base, firstly encountered and crossed, can be much relieved by an elevated bridge structure over such branch of the Kioh River sources.

One advantage appertaining to this route will be the copious supply thereon and easy acquisition of both water and grass. While its main disadvantage appears to consist in its low position and south-western or southern aspect, partaking but little benefit from the effect of the sun's warmth until near after meridian turn; thereby may be attributed, in a great measure, the cause of its retention, in great measure, of wet and moisture. I consider this objection and disadvantage can be considerably set aside and removed by barking of and eradication of the large forest trees now overshadowing the road so plentifully. This step would be the means of admitting fuller effect of the sun's rays, and more free current of air and wind; and further, still more effectually cured by cutting numerous water-tables, placing breakwaters, and digging deepish channels for due discharge of stagnant or surface surplus water during rain and storms, &c.

In dry weather this route, I think, is taken in preference by teamsters when heavily laden. At intervals the slabbing and wood work are in disrepair, and in places unsound. Past outlay on this line seems to have been considerable.

No. 4,

*Not furnished.

No. 4, designated the "Mountain Hut" or "Bridle Track," lies south-west and south of No. 3. This route proves the shortest (one and a half mile) and, of consequence, most direct. The obstacles, however, presented and encountered along its course are formidable. Its elevation or incline, from its junction, at the base, with that of No. 3, to its summit, is one of almost one continued pinch and great steepness, with additionally severe and rigid ones rising therefrom, at sudden and several intervals, and although in length a mile less, its elevation on main summit equals that of No. 3. It affords, consequently, but few desirable restings for cattle teams. It has, however, the advantage of generally possessing a sound, firm, and hard bottom and subsoil; and from following generally the ridge summits it proves less liable to injurious tendency from effects of wet and weather than No. 3, still less owing to the absence along its course of streams or dry watercourses. These occur only at two spots, and which present but little difficulty to render them in effectual and passable state. If, however, the southernmost branch of this line (that branching to the inn) be hereafter selected as preferential of these two, the crossing over the same flat would involve absolute necessity of a highly constructed bridge, as well as slabbing; but the ascent thence would be less than the northern branch. Preference is given to this route by horsemen, owing to shortness of distance; as well, for same reason, by many teamsters. During wet it is, equally with No. 3, impassable for many successive days. Owing to its more favourable and genial aspect, compared with No. 3, greater incline, and harder surface, it sooner becomes dry and passable. There are but few spots on its course susceptible, by deviation or detour, of much improvement, nor am I aware that anything can be devised for it, or effected on it, to do so, or relieve the great pinches, as the ground will not admit of top cutting or lowering. The cutting of water-tables at suitable intervals, fixing breakwaters at others, would certainly contribute to preserve its surface in some degree, and save, perhaps, the formation of ruts thereon, through the means of more rapid discharge and expulsion of water during storms. Little expenditure has been outlayed on this line.

No. 3. In illustration of the respective elevations or inclines of the two latter lines, I herewith submit a longitudinal section of the surface undulations respectively of each, as well as the approximate heights along each distance, by which it is exemplified that the "Mountain Hut" line, although partaking of equal heights to summit, in a space somewhat more than one mile less in comparison with that of the "Coal Hole," exhibits far steeper and more confirmed elevation in such whole distance, namely, one foot rise in some five and a quarter feet, its surface capable of little or no improvement; while that of the "Coal Hole" exhibits one foot gradient to some every eight and a half feet length, and contrariwise is capable of undergoing improvement.

No. 4. Although more lengthy in distance, I am of opinion that by once placing the "Coal Hole" route in a sound, effective, and solid passable state, by necessary performance of adequate cuttings, erection of requisite embankments and sideling works, logging, bridging, corduroying, &c., &c., and thenceforward by judicious attention to, and regard for, its future maintenance in good condition and permanent repair, such route would prove the most beneficial, advantageous, and eligibly serviceable for public interests. I may add, that in the surrounding proximity good stone and timber is readily attainable.

5. In regard to connecting roads, I consider that at "Rixon's Pinch" a deviation of present thoroughfare may advantageously be substituted in the adoption of a course to cross the Purgatory Pinch, and thence direct to the junction of Nos. 3 and 4 roads, provided a solid and high structure of viaduct or bridge be carried over that now serious impediment—thus escaping "Rixon's Pinch," now in most inefficient condition and great disrepair, and ere long must prove impassable unless repaired. From the main summit westward, at top of Coal Hole, the road thence to Cathcart and beyond presents few and unimportant obstacles, an even character; logging and slabbing alone is requisite at intervals, and causeways desirable to be made over two crossings, viz., at the Yellow Water-hole and at the Dragon.

6. The road westward from the "Mountain Hut" would require to undergo similar process of work in places, and one causeway at the "Junction." One advantageous deviation in this route, for a short distance, might be effected in its formation, by skirting the ridge more closely adjacent and south of present line, and thus avoid much boggy, soft ground.

The Surveyor General,
&c., &c., &c.

I have, &c.,
LEWIS GORDON,
District Surveyor.

No. 5.

UNDER SECRETARY FOR LANDS to ROAD SUPERINTENDENT WEBER.

*Department of Lands,
Sydney, 20 August, 1861.*

SIR,

I am directed to inform you that Mr. Secretary Robertson has authorized you to take charge of the expenditure of the money (two thousand pounds) voted for special works on the road from Monaro table-land to the coast, and to request that you will have the goodness to proceed as early as convenient to Eden, where a suitable person for leaving in charge of the proposed works will be sent to meet you, to which place will be transmitted the instructions in reference to the work to be performed, which is the ascent to the Monaro table-land, about forty miles from Eden.

I have, &c.,
MICHL. FITZPATRICK.

No. 6.

SURVEYOR GENERAL to DISTRICT SURVEYOR GORDON.

*Surveyor General's Office,
Sydney, 6 September, 1861.*

SIR,

I have the honor to inform you that the Secretary for Lands has decided on expending the £2,000 on the line of road from Eden to Cathcart, and that Mr. Weber is to be sent down to supervise the expenditure.

2. It will, therefore, not be necessary that you should make any survey of the Tantawangla line, although it is desirable that you should report officially the result of your examination, as stated verbally.

I have, &c.,
A. G. McLEAN,
A. S. G.

No. 7.

ROAD FROM MONARO TO THE COAST.

7

No. 7.

SURVEYOR GENERAL to DISTRICT SURVEYOR GORDON.

*Surveyor General's Office,
Sydney, 9 September, 1861.*

SIR,

Referring to my letter of the 6th instant, informing you that it was the intention to adopt the road from Eden to Cathcart as the main line to the table-land, I have now the honor to request that you will survey for proclamation the line through the village of Pambula, which, in your letter* of the 3rd April, you recommend should be opened to the road above referred to.

I have, &c.,

A. G. M'LEAN,
A. S. G.

No. 8.

DISTRICT SURVEYOR GORDON to SURVEYOR GENERAL.

*Eden Road, Pambula,
4 January, 1862.*

SIR,

In attention to the instructions contained in your letter of 9th September last, 61/1259, I have now the honor to transmit a plan showing the position of the road therein referred to, connecting in the best and nearest direction from the Monaro and Eden line towards Pambula and Merimbula, &c., as well also* books of reference of road.

In reference, I take leave to remark, that in its proposed course for adoption, consistent with suitability of ground, &c., I have exercised all endeavour to have avoided as much injury as possible to private property. The general lay of the road traverses over even and favourable ground, meeting with impediments of scarcely any importance, side drains alone, and elevating the crown of the road, being desirable work to be performed at a few alluvial or flat surfaces, to render the entire length thoroughly passable. The crossing place over the Pambula River is sandy, and the approaches on either side is considered good. A partial clearing of timber, which is but thinly interspersed, and in many parts already bared, as well as double fencing in the tilled paddocks, will prove an expenditure of requisite necessity. One serious obstacle to the formation and opening of this route will be the alleged injury or detriment to the interests of the three small freeholders or occupants who in some spots have cleared and put parts of their land under partial tillage.

* See Enclosure
to No. 9.

I have, &c.,

LEWIS GORDON,
District Surveyor.

No. 9.

SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

*Surveyor General's Office,
18 March, 1862.*

SIR,

Plan and book of reference of road from Pambula to Lochiel, on the Monaro and Eden Road, are forwarded herewith, for approval of the Governor-in-Chief and the Honorable the Executive Council.

A. G. M.

Plan not fur-
nished for Par-
liament.
Book of refer-
ence herewith.

[Enclosure

[Enclosure in No. 9.]

BOOK OF REFERENCE of Road from Town of Panbula to Lochiel, on the Monaro and Eden Road, to be opened as a Parish Road under the Act of Council, 4 William IV, No. 11.

Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures	Cultivation.	Breadth of Road.	Area.	Remarks.
1. From the boundary between the Town of Panbula and the Twofold Bay Pastoral Association 160 acres, at the west extremity of Yowaka-street in that town, to the east boundary line of L. Bolden's 155 acres.	Twofold Bay Pastoral Association.	Cusack, Wells, and Lockhart.	Arable, cleared, &c.	South-westerly	23-50	4	All ..	1 chain	a. r. p. 2 1 16	The general position of this road traverses the direction of that formerly known as the only one, and long in use and traffic, from Panbula towards Monaro, now adopted within a few years past, and which now commands all present traffic; also traversing the freeholds of the same proprietors and contiguous ones. In the subdivision of Bolden's (now C. Robertson), a road has been projected from its west to its east boundary, but its course and position have not been designed advantageously to suit the object now sought,—of a direct and short road to Panbula.
2. From the last-mentioned boundary to the west boundary of that land.	Chs. Robertson..	Clancy, Dunn, and Wells.	Arable, partly cleared.	Do. ..	20-00	4	In part	Do.	2 0 32	
3. From the last-mentioned boundary to the east corner of a measured portion of 177 acres at the left bank of the Panbula River, and crossing that river to the north extremity of a reserved road forming the boundary between B. Carragher's 162 acres and Js. Furner's 117 acres 1 rood 2 perches, thence along that reserved road, southerly, to a point situate on the east boundary of Js. Furner's 117 acres 1 rood 2 perches, bearing south and distant 450 links from the Panbula River.	The Crown and partly reserved road.	.....	Scrub, indifferent and grassy.	Southerly ..	12-50	....	....	Do.	1 1 0
4. From the last-mentioned point through Js. Furner's 117 acres 1 rood 2 perches to the boundary between that land and B. Carragher's 96 acres 3 roods 20 perches.	Jas. Furner ..	J. Furner ..	Arable and all cleared.	South-westerly	28-50	3	In part	Do.	2 3 16	
5. From the last-mentioned boundary passing through B. Carragher's (3 portions), viz.: 96 acres 3 roods 20 perches, 74 acres 2 roods 24 perches, and 53 acres 3 roods 17 perches, to the east boundary of Saml. Thompson's 34 acres 3 roods 20 perches.	B. Carragher ..	B. Carragher ..	Arable, but un-cleared; timbered and scrubby.	Do. ..	66-00	1 in part only.	Nil ..	Do.	6 2 16	
6. From the last-mentioned boundary to the Monaro and Eden Road in present use, at a point bearing south 62 degrees 10 minutes east from that road crossing over the Panbula River.	Saml. Thompson	S. Thompson and John Shipway	Sterile, barren, and heavily timbered.	Do. ..	19-00	Nil ..	Nil ..	Do.	1 3 24	

ROAD FROM MONARO TO THE COAST.

NOTE 1.—Each number will represent one block of property through which the road may pass, whether of the Crown, of an individual, or devoted to the public as a reserve or road.
 2.—Each portion of road will be within the property to which the No. applies, and should be described as "from the south boundary of John Smith's 600 acres, to the boundary line between that land and Thomas Jones' 50 acres."
 "From the last-mentioned boundary to, &c., &c."
 3.—The name of the reputed owner may be filled in from information obtained on the spot, or falling such information, with the name of the grantee from the Crown.

NOTE 4.—The name of the occupier, should there be one, can of course be ascertained on the spot.
 5.—The bearings should be stated from the nearest cardinal point, as "E. 10° N.," but where they are numerous, and shown in a table on the plan, the general bearing need only be stated as "north-easterly."
 6.—In the column of remarks may be introduced any information which cannot conveniently be inserted in any of the other columns: such as the dedication of the portion of the road to the public, in the subdivision of surrounding land. The reputed free use of road by the public for any specified period, &c.

No. 10.

MINUTE OF EXECUTIVE COUNCIL.

Minute 62/12, 16 April, 1862. Confirmed, 25 April, 1862.

THE Executive Council advise that the intended formation of the line of road herein referred to as a parish road, be notified in the manner prescribed by the Act, 4 Wm. IV., No. 11. See enclosure to foregoing.

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

30 April, 1862. Approved—J. Y.

No. 11.

PETITION OF MR. B. CARRAGHER to SECRETARY FOR LANDS.

The respectful Memorial of Bartholomew Carragher, of Yowaka, parish of Yowaka, County of Auckland, in reference to a proposed line of road, measured by Lewis Gordon, Esq., District Surveyor, through the said Bartholomew Carragher's property.

SIR,

Your memorialist begs most respectfully to state, being the owner of three farms at Yowaka, of respectively 53a. 3r. 17p., 74a. 2r. 24p., and 96a. 3r. 20p., through all of which the proposed line of road will come, to great injury of your memorialist, without any benefit to the public; the wants of the public could be met, without injury to private property, by opening the road laid out by the Government Surveyor between your memorialist's farm and the property of Mr. James Furner, which would answer the purpose better than the proposed line of road, the upper road being sounder; the road laid out by Lewis Gordon, Esq., along the river bank, being boggy and unfit for travelling.

Your memorialist hopes it is not the intention of the Government to injure private property, when the wants of the public can be satisfied without it; and begs that this matter, therefore, may be reconsidered, when it will be found that the line your memorialist mentions as already existing will be found to answer equally well.

BARTHOLOMEW CARRAGHER.

Panbula, 29th May, 1862.

No. 12.

PETITION OF MR. S. THOMSON to SECRETARY FOR LANDS.

The respectful Memorial of Samuel Thomson, of Yowaka, Landowner, in reference to a proposed line of road from Lochiel to Panbula, surveyed by Lewis Gordon, Esq., District Surveyor.

SIR,

Your memorialist begs most respectfully to state, that being owner of land at Yowaka, County of Auckland, situate as per sketch,* that the proposed line of road would be of no benefit to the public, but would be a serious hardship in his individual case. * Appendix A.

There was formerly a road through said land, as marked in annexed sketch, but said road was closed on the suggestion to the Government of S. L. Bransby, Esq., Licensed Surveyor, and instead the upper road (the one in present use) opened, as being approved of by C. E. Thomas, Esq., Government Superintendent, and the Trustees for repairing the road from Monaro to Panbula.

Since then your memorialist has improved the land, on the faith of the question of roads having been settled by the Government; but now, according to Lewis Gordon, Esq.'s survey, there will be three roads through your memorialist's land, and of which, so far as the public are concerned, only one will be fit for use, viz., the one at present travelled. The traffic on the road at present in use is very small. The cost of opening the proposed line of road would be very large, and is not required by the majority of the public; and if a fresh road was required, it would be better, for the benefit of the public, to open the road proposed by S. L. Bransby, Esq., Licensed Surveyor, on the opposite side of the river, and which would not interfere with any private property.

Hoping, sir, that the matter will be properly considered by the Executive, when it will be found that the statements of your memorialist are correct,—

I am, &c.,

SAMUEL THOMSON.

Panbula, 1st June, 1862.

No. 13.

PETITION OF MR. JAMES FURNER to SECRETARY FOR LANDS.

The respectful Memorial of James Furner, of Yowaka, parish of Yowaka, County of Auckland, Farmer and Landholder, in reference to a proposed line of road from Lochiel to Panbula, reported on to the Government by L. S. Gordon, Esq., District Surveyor, said road passing through your memorialist's purchased land,—

SIR,

Your memorialist would most respectfully state that, being owner, by grant of purchase, of a farm of 11a. 1r. 3p. at Yowaka, as shown in the accompanying sketch,* through which farm the proposed new line of road will come, such road, if carried into effect, would entirely destroy your memorialist's farm, as it passes through the only part of said land available for cultivation purposes; and your memorialist wishes to draw your attention to the fact of there being one road already provided by the Government, as per sketch, between the property of your memorialist and the land of Mr. Bartholomew Carragher, the difference in distance being only about twelve chains, and the upper road being the best for travelling in all seasons of the year; whereas the proposed line would, during the six months of the year, be boggy, and in consequence impassable.

Your memorialist, therefore, hopes that the matter in regard to the proposed line of road may be reconsidered, and that the road, as at present proposed, will not be carried into effect.

JAMES FURNER.

Panbula, 2nd June, 1862.

* Appendix B.

No. 14.

REPORT OF SURVEYOR GENERAL.

Surveyor General's Office,
Sydney, 23 July, 1862.

In the face of these objections I do not consider that the Government should open the road proposed, as the injury to individuals would, in my opinion, more than counterbalance the public advantage which would result.

A. G. M.

No. 15.

PETITION FROM INHABITANTS OF EDEN.

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

The humble Petition of the undersigned Landholders and Residents of the Police District of Eden, County of Auckland, in the Colony of New South Wales,—

HUMBLY SHEWETH:—

That whereas a new line of road has been surveyed by Lewis Gordon, Esq., District Surveyor, from Panbula to Lochiel, and such road is not required by the public, but would prove a serious hardship to parties through whose property the said road has been surveyed.

That the traffic on the road at present in use is very small; there is, therefore, not the slightest want of any additional road.

That the distance saved by the proposed road would not amount to twenty chains.

Your petitioners, therefore, humbly pray that your Honorable House will take cognizance of these facts, and that the said road may not be proclaimed.

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

[Here follow 44 Signatures.]

No. 16.

PETITION.

To the Governor of New South Wales, and the Executive Council.

We, your humble Petitioners, beg to petition your Excellency and the Executive Council against the movement which is now taking place in this district, namely, to form a road from the present Twofold Bay and Panbula Road, a distance of two miles from the township, which new road will make it no shorter—the present road being a good one; the reason for proposing this new line of road is mainly for the purpose of benefiting private property, and thereby injuring the public welfare of the district. The new road will cost the Government a large sum of money, and will want constant repairs after every rising of the rivers, without benefiting this district in the least, and the old road requires no expense to keep it in order, as it is sound and level.

We humbly pray your Excellency and the Executive Council to give this Petition your favourable consideration.

[Here follow 42 Signatures.]

No. 17.

No. 17.

UNDER SECRETARY FOR LANDS to ROAD SUPERINTENDENT WEBER.

*Department of Lands,
Sydney, 13 August, 1862.*

SIR,

Referring to the notice in the *Government Gazette*, of the 30th May last, respecting a proposed road from Panbula to Lochiel, on the Maneroo and Eden Road, I am directed to inform you, that in the face of objections raised thereto, Mr. Secretary Robertson does not consider that the Government should open the road proposed, it appearing that the injury to individuals would more than counterbalance the public advantage which would result from the opening.

I have, &c.,
MICHL. FITZPATRICK.

No. 18.

UNDER SECRETARY FOR LANDS to MR. CARRAGHER.

*Department of Lands,
Sydney, 13 August, 1862.*

SIR,

Referring to your memorial of the 29th May last, respecting a proposed road from Panbula to Lochiel, on the Maneroo and Eden Road, I am directed by Mr. Secretary Robertson to inform you that, in the face of the objections raised thereto, it has been decided not to open the road in question.

I have, &c.,
MICHL. FITZPATRICK.

No. 19.

UNDER SECRETARY FOR LANDS to MR. THOMSON.

*Department of Lands,
Sydney, 13 August, 1862.*

SIR,

Referring to your memorial of the 1st June last, respecting a proposed road from Panbula to Lochiel, on the Maneroo and Eden Road, I am directed to inform you that, in the face of the objections raised thereto, it has been decided not to open the road in question.

I have, &c.,
MICHL. FITZPATRICK.

No. 20.

UNDER SECRETARY FOR LANDS to MR. FURNER.

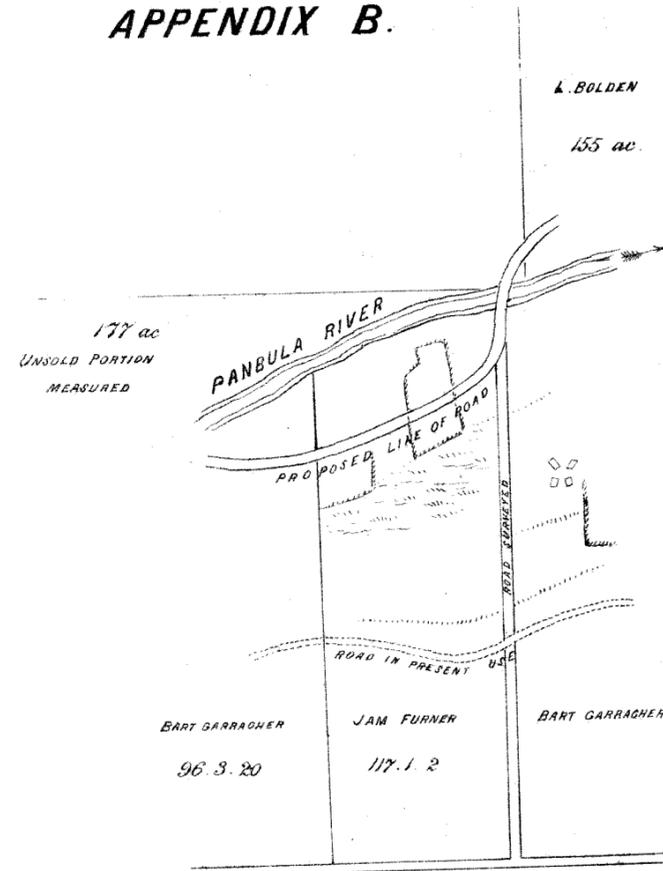
*Department of Lands,
Sydney, 13 August, 1862.*

SIR,

Referring to your memorial of the 2nd June last, respecting a proposed road from Panbula to Lochiel, on the Maneroo and Eden Road, I am directed by Mr. Secretary Robertson to inform you that, in the face of the objections raised thereto, it has been decided not to open the road in question.

I have, &c.,
MICHL. FITZPATRICK.

APPENDIX B.



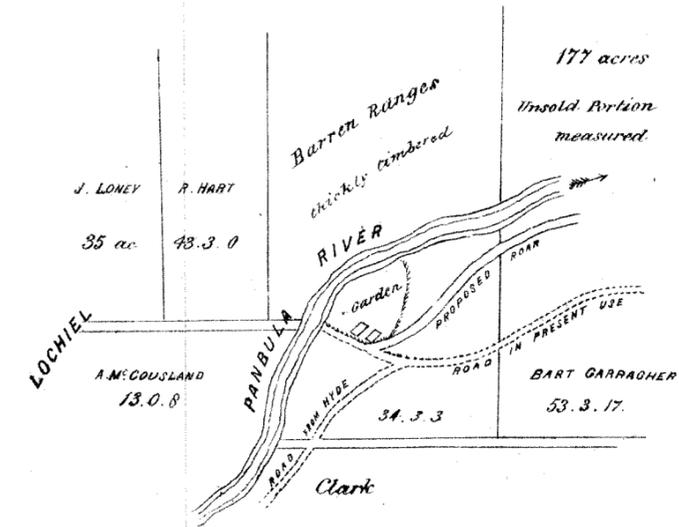
SCALE 20 CHAINES TO 1 INCH.

Sig 770.

MAP
SHEWING
JAMES FURNER'S
117.1.2
AT YOWAKA.
WITH PROPOSED LINE OF ROAD.

APPENDIX A.

SKETCH
OF
SAMUEL THOMSONS.
34.3.3
AT YOWAKA
SHEWING THE PROPOSED LINE OF ROAD.



Scale, 20 Chains to 1 inch

Sig 770.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM MUDGEE TO WELLINGTON *via*
THE DIGGINGS.

(CORRESPONDENCE, &c., RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 7 January, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of the Petition from the inhabitants of Mudgee to
“ the Executive Government, with reference to the procla-
“ mation of a Road from Mudgee to Wellington *via* the
“ Diggings, together with all plans, correspondence, and all
“ Reports or communications from any Surveyor, or any
“ Minute of the Executive Council having reference to the
“ said line of road.”

(Mr. Terry.)

SCHEDULE.

NO.	PAGE.
The Petition from the inhabitants of Mudgee, praying for a grant for the repair of the road from Mudgee to Wellington <i>via</i> the Diggings, was forwarded to Mr. Licensed Surveyor Combes, but was lost in consequence of the robbery of the Mail.	
1. Minute of Acting Surveyor General respecting survey of the road, Mudgee to Wellington. 18 March, 1861	3
2. Letter of instructions to Mr. Licensed Surveyor Combes. 20 March, 1861	3
3. Letter of instructions to Mr. Surveyor Price. 20 March, 1861	3
4. Mr. Licensed Surveyor Combes to Acting Surveyor General, reporting on survey. 1 June, 1861	4
5. Mr. S. B. Daniel to Minister for Lands. 1 June, 1861	4
6. Minute of Acting Surveyor General on same. 19 June, 1861	4
7. Acting Surveyor General to Licensed Surveyor Combes. 22 June, 1861	5
8. Under Secretary for Lands to Mr. S. B. Daniel. 12 July, 1861	5
9. District Surveyor Davidson, inclosing Mr. Simpson's report on survey and book of reference. 18 August, 1861	5
10. Acting Surveyor General to Mr. Licensed Surveyor Combes. 21 August, 1861	6
11. Do. do. do. 24 August, 1861	6
12. Mr. Licensed Surveyor Combes, in reply thereto. 30 August, 1861	6
13. Mr. Licensed Surveyor Combes' report of the survey of the road, plan, and book of reference. 9 September, 1861	6
14. Acting Surveyor General to Mr. Licensed Surveyor Combes, in reply. 26 September, 1861	7
15. Licensed Surveyor Combes, enclosing sketch of improved route. 7 October, 1861	8
16. Mr. Licensed Surveyor Combes to Acting Surveyor General, with plan and book of reference. 21 October, 1861	8
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18. Mr. Licensed Surveyor Combes' report on survey of road, Mudgee to Hargraves, plan and book of reference. 23 November, 1861.. .. .	9
19. Mr. Licensed Surveyor Combes' report on survey of road, Hargraves to Stony Creek, <i>via</i> Burrandong, plan and book of reference. 18 December, 1861	11
20. Mr. Licensed Surveyor Combes, enclosing section of rivers and creeks. 24 December, 1861	13
21. Surveyor General, in reply to Mr. Licensed Surveyor Combes, of 23 November. 23 January, 1862	13
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24. Minute for Executive Council. 8 March, 1862	16
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27. Minute of Surveyor General, in reply. 3 April, 1862	16
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29. Under Secretary for Lands to Clerk of Council. 16 April, 1862	17
30. Mr. George H. Cox, objecting to line of road. 24 April, 1862	17
31. Mr. Joseph Aarons, junr., do. 6 May, 1862	17
32. Clerk of Council to Secretary for Lands, enclosing objections. 12 May, 1861	18
33. Joseph Matthews to Secretary for Lands. 2 June, 1862	18
34. Surveyor General's Minute thereon. 25 June, 1862	18
35. Under Secretary for Lands to Mr. Joseph Matthews. 5 August, 1862	18
36. District Surveyor Davidson, reporting on objections. 5 August, 1862	19
37. Mr. District Surveyor Davidson to Surveyor General, enclosing copy of his letter to Mr. Simpson. 18 August 1862	20
38. James Keppie to the Under Secretary for Lands. 2 November, 1862	20

ROAD FROM MUDGEE TO WELLINGTON *viâ* THE DIGGINGS.

No. 1.

MINUTE OF ACTING SURVEYOR GENERAL.

INSTRUCT Mr. Combes to survey the line of road, with any improvements which he may be able to suggest, from Wellington to Mudgee; and in returning, to survey the line from Mudgee by Hargraves and Burrandong to Stony Creek.

These roads may be so marked during the survey that the formal opening may involve no more labour than the notice to remove or removal of fences where necessary. Refer Mr. Combes to the circular for formal opening, as to the character of marks.

A. G. M.
18th March, 1861.

No. 2.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR COMBES.

Surveyor General's Office,
20 March, 1861.

SIR,

I have to request that you will be good enough to survey the line of road, with any improvements which you may be able to suggest, from Wellington to Mudgee, and that in returning you will survey the line from Mudgee to Hargraves, and Burrandong to Stony Creek, and furnish the customary plans and books of reference, with sections of any places where works of a permanent character, such as bridges, would be necessary.

2. These roads may be so marked during survey that the formal opening may involve no more labour than the notice to remove or removal of fences when necessary.

3. The enclosed printed form will afford you information as to the character of marks.

A. G. M'LEAN.

[Enclosure in No. 2.]

GENERAL DIRECTIONS to be observed by Surveyors engaged in surveying roads proposed to be opened under the Act of Council, 4 William IV., No. 11.

HAVING proceeded to the locality, and having devoted such time to examination of the ground lying between the points to be connected by the road, as may be necessary to give the surveyor a thorough knowledge of it, he will proceed to survey the line which he may consider it expedient to open, and will furnish the Surveyor General with the usual plan and book of reference.

In selecting the line of road, in accordance, of course, with the provisions of section 2 of the Act, the first consideration should be, the convenience of that portion of the public by which the line will probably be used; and the second, the least possible interference with or injury to private property.

In pursuance of the latter consideration, the road should be carried, where practicable, along boundary lines of properties, the area being taken in equal proportions from each; the boundary line, where unfenced, forming the centre of the road, and where substantially fenced, the road being made to cross the boundary, to attain the object in view, without necessitating the removal of the fences.

It will be necessary to ascertain, in the course of survey, the position of boundary lines of portions through which the road may pass, so far as this may be done without much loss of time; and boundaries, the position of which may not have been ascertained, should be shown on the plan in dotted lines only.

The ordinary breadth for parish roads is one chain, but when the lands through which the road may be carried may be of more than ordinary value, the breadth may be reduced to 75, or even to 50 links; explanations being afforded in each case of the reasons for adopting any specific width. It is not essential that a road should be of equal width throughout.

In order that it may be easily followed by persons desiring to examine it, and eventually by any other surveyor who may be engaged in formally opening it, the road should be defined by the marking of trees or fences with the broad arrow, and where it can be done, by the letter R, and by stakes or lockspits, by which persons desiring hereafter 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 show the breadth.

The letter of transmission should convey a report on the difficulties (if any) of the line of road, with a statement of the breadths and depths of any creeks to be crossed, or other impediments, the means of surmounting such, and the probable cost of any bridges or other works, and of clearing the line and making it available for traffic.

No. 3.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR PRICE.

Surveyor General's Office,
Sydney, 20 March, 1862.

SIR,

I beg to inform you that Mr. Licensed Surveyor Combes has been instructed to survey the line of road between Wellington and Mudgee, as also the road from Mudgee by Hargraves and Burrandong to Stony Creek.

2. These surveys, though partly within your district, are advisedly entrusted to Mr. Combes, in connection with other road surveys which he has performed.

I am, &c.,

A. G. M'LEAN.

No. 4.

No. 4.

LICENSED SURVEYOR COMBES to ACTING SURVEYOR GENERAL.

Mudgee, 1 June, 1861.

SIR,

The survey of the road from Wellington to Mudgee, *via* Guntawang, having been completed, I have the honor to inform you the portion that follows the Goolygowdra Creek—about seven miles on the Wellington side of the Cudgegong—is of such a character as to prevent any considerable amount of traffic from ever travelling by that route. The road crosses the above-mentioned creek eleven times, and from the abrupt and rocky nature of the country it would require a very large expenditure to carry the road along its banks. This track also crosses the Cudgegong River at three places, viz., at Lahy's, Guntawang, and Eliza's Flat.

There is another track by way of Merindee Creek, which only crosses the Cudgegong once, but at present is quite impassable for any description of wheel carriage. I have been also informed a better road could be formed by again crossing the Cudgegong twice, much nearer to its junction with the Macquarie.

I spent a considerable time in exploring among the hills in the vicinity of the Goolygowdra Creek, but failed in discovering any better line than the one surveyed. I am, however, of opinion that more extended explorations could not fail to discover a better if not a much shorter route. With this exception, the line would make a very fair road.

I therefore beg leave to suggest that further explorations be made by way of the Cudgegong, and also *via* Merindee. The latter is the route taken by the horse mail from Wellington to Mudgee.

If it were desirable, I could complete the Cowra and Lambing Flat Road survey before these explorations were recommenced, and in the meantime obtain all the information possible from stockmen, &c., between Burrandong and Lahy's, on both sides of the Cudgegong.

I have, &c.,
EDWARD COMBES.

No. 5.

S. B. DANIEL, ESQ., M.L.A., to MINISTER FOR LANDS.

Victoria Club,
1 June, 1861.

SIR,

I do myself the honor to bring under your notice, at the request of the inhabitants, farmers, and others, in the district of Wellington, the dangerous and almost impassable state of the road between the towns of Mudgee and Wellington, and further to request you will be pleased to cause the sum of two hundred pounds (£200) to be placed either to the credit of the Bench of Magistrates at Wellington, or the gentlemen named in the margin, who would be willing to superintend the carrying out both the payment of the money and construction of the repairs required.

Mr. D. H. Dunlop, J.P., miller, Wellington; Mr. H. J. Lambert, storekeeper, Wellington; Mr. J. Callaghan, settler, Apsley, Wellington. I beg to recommend the above persons.

S. B. DANIEL.

From my personal knowledge of the necessary requirements, I consider the sum asked for reasonable, particularly as no public money has been spent upon this mail line of road before; and as the large quantity of land of late purchased and under culture, I am informed by the small farmers that they experience great difficulty in getting their produce to the market, and the increased traffic between the above-named towns calls for this small outlay, which I trust you will be pleased favourably to consider.

I have, &c.,
S. B. DANIEL.

No. 6.

MINUTE OF ACTING SURVEYOR GENERAL.

THE road referred to has not been provided for on Schedule, neither has it been surveyed, but as it connects an important town (Mudgee) with another town (Wellington), and with the pastoral districts west of the latter, I have recently taken steps to have it surveyed.

Mr. Combes, who has been employed on the duty, reports that portions of the tracks in use are in very bad repair, and naturally very difficult in character; and he recommends further explorations than he has yet made in search of improved lines on those portions of the road.

Under these circumstances, it would not, it appears to me, be advisable to expend so much money as has been asked for on portions of the road which may be abandoned; but perhaps £100 might be appropriated in the meantime, to render the bad parts passable.

A. G. M.
19 June, 1861.

No. 7.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR COMBES.

22 June, 1861.

SIR,

I beg to inform you, with reference to your letter of the 1st instant, on the subject of the road from Wellington to Mudgee, that I approve of the further exploration therein suggested, after the completion of the Cowra and Lambing Flat Road survey.

A. G. McLEAN.

No. 8.

UNDER SECRETARY FOR LANDS to S. B. DANIEL, ESQ., M.L.A.

Department of Lands,
Sydney, 12 July, 1861.

SIR,

In reference to your letter of the 1st ultimo, requesting that the sum of £200 may be granted for the repair of the road from Wellington to Mudgee, I am directed by the Secretary for Lands to state that he does not object to the granting of the sum asked for, and would willingly authorize a large allowance for a road of apparently so much importance. As, however, instructions have been issued for having a survey made of the road as speedily as possible, and the line decided upon may possibly supersede the tracks at present in use, Mr. Secretary Robertson would prefer that no expenditure should be made until such survey has been completed.

I have, &c.,

MICHL. FITZPATRICK.

No. 9.

DISTRICT SURVEYOR DAVIDSON to SURVEYOR GENERAL.

Kirkconnell, 18 August, 1861.

SIR,

I have the honor to forward, under separate cover, Mr. Licensed Surveyor Simpson's survey of the deviation proposed by me from Mr. Combes' survey of the line of road from Mudgee to Wellington.

Mr. Simpson reports no difficulties on the line as surveyed by him, and the distance is not much increased.

I forward also his book of reference and his charge for survey. I informed Mr. Simpson I thought he might charge for the day he was out with me inspecting the proposed alteration.

I have, &c.,

W. B. DAVIDSON,
District Surveyor.

[Enclosure in No. 9.]

2 August, 1861.

Sir,

By telegram to Mudgee I received instructions from the Surveyor General to have a survey made of the proposed deviation from Mr. Licensed Surveyor Combes' survey of a line of road from Mudgee to Wellington. I have now to instruct you accordingly. I am of opinion that the survey ought to commence after the road passes through the range near Mitchell's Creek, shown on the tracing transmitted, somewhere about stations forty to forty-four, but in this you will be guided by the formation of the ground which we inspected, and I pointed out to you on the spot, keeping also in view the direction of the line as near as may be to the round hill at the north-west corner of Montefiore's 5121 acres,—the road then taking the direction towards the village of Montefiores by the west boundary of Mr. Aaron's land. I have, however, to point out, when your survey reaches where the Gobolgen and Montefiores properties join, you will be careful not to interfere with the former by taking any portion of the land for the road, as the deviation proposed is to secure Mr. Aaron from great injury to his property from the line passing through the centre of his land, but before being fenced by Mr. Aaron open and used by the public for many years. It is only right that Mr. Aaron should give the necessary area for the road on the west side of his property. It will be in your recollection, that when we inspected the road there was no difficulty in taking the direction in which I have instructed you, the soil being good, if not better than that through Mr. Aaron's property. The questions to be considered are, the increased distance and other inconveniences which arise to the public by the proposed alteration, and the object of the survey is to show this. You will be good enough to plot your plan on the usual scale, and transmit it through me, with a book of reference, for the Surveyor General, as early as possible.

I have, &c.,

W. B. DAVIDSON.

Licensed Surveyor Simpson.

No. 10.

No. 10.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR COMBES.

Surveyor General's Office,
21 August, 1861.

SIR,

Referring to the instructions addressed to you on the subject of the roads from Mudgee to Wellington, &c., I now forward, for your perusal, a memorial* which has been received from certain of the residents of the town and district of Mudgee, having reference to that portion of road formerly in use from the Wilbertree and Mudgee Road, near the Cudgegong River, about one mile from Mudgee, to the junction of the Mudgee, Windeyer, and Hargraves Road with the Mudgee and Wellington Road, and I request that you will give the matter your consideration, and furnish a report with survey.

A. G. McLEAN.

* See Note on
Schedule—
Petition lost.

No. 11.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR COMBES.

Surveyor General's Office,
24 August, 1861.

SIR,

I hasten to inform you, with reference to my instructions to you respecting the road from Mudgee to Wellington, that the business is of great urgency, and to request that I may be informed by you when you anticipate its completion.

A. G. McLEAN.

No. 12.

LICENSED SURVEYOR COMBES to ACTING SURVEYOR GENERAL.

Frederick's Valley,
30 August, 1861.

SIR,

With reference to your letter of the 24th instant, No. 61/1185, I have the honor to inform you the survey of the existing track from Wellington to Mudgee has been completed some time since, and at present I am engaged on the plan.

I will carry out the "further explorations," according to your instructions, with all possible dispatch, and, weather permitting, I anticipate completing the whole within a month.

I have, &c.,

EDWARD COMBES.

No. 13.

LICENSED SURVEYOR COMBES to ACTING SURVEYOR GENERAL.

Frederick's Valley,
9 September, 1861.

SIR,

Agreeably to your instructions of the 20th March, No. 61/402, I have surveyed a line of road from Wellington to Mudgee, and have now the honor to submit for your consideration a report thereon, together with the plan* and its accompanying book of reference.

* Not furnished.
Book of reference
cancelled.

The line leaves Wellington by way of Lee-street, crossing the Macquarie River at the site chosen for the punt now about to be constructed; from thence taking an easterly direction it passes through the Nanima Estate, crossing Nanima Creek (No. 1), at which place a thirty-five feet bridge will be required.

On leaving J. B. Montefiores' 1172 acres the line takes a more northerly direction, following the present track, which is moderately good, requiring no extensive works until it arrives at Mitchell's Creek.

A bridge over this creek, above high flood level, could not be constructed for less than £350; I should, therefore, advise that the steep banks should be cut down to the creek bed, forming proper approaches. Very little obstruction will then be caused, the creek being generally almost dry.

The creeks from No. 2 to 11 require culverts, averaging in price from £10 to £15 each; or their respective banks could be cut away, and bottoms floored with logs pinned to sleepers, or pitched with stone. This method would probably be considerably the cheaper.

Leaving

ROAD FROM MUDGEE TO WELLINGTON *via* THE DIGGINGS.

7

Leaving Mitchell's Creek, the line winds through a comparatively good country until it reaches the Goolygowdra or Uamby Creek; here the country becomes exceedingly broken, the road closely following the creek, and crossing it repeatedly, to avoid the abrupt and rugged hills which run into the banks on either side.

The crossings of this creek require expensive bridges, varying from £50 to £130 each, while the country on both sides is so rocky and mountainous as to render a road winding round its banks almost an impracticability.

Further explorations are now in progress, and I anticipate being able to avoid this portion of the road altogether.

The line now leaves this creek and Lahy's farm to the northward, crossing the Cudgegong at a point where a good ford might be easily made. The course of the river is then followed through the V.R. and several small farms, leaving it to the northward at Mr. G. Rouse's sheep station, where the Piambong and Dirt-hole Creeks are crossed. The line then proceeds to Guntawang through a hilly country.

The hills at 92nd and 14th require a little cutting on the ridge, and "forming" some short distance down their sides, the surface having been washed into small gullies. The Piambong Creek requires a twenty-five (25) feet bridge, costing about £45. The smaller creeks, from No. 25 to 29, will require a sum averaging about £6 each expended on them, in pitching and forming approaches.

The Cudgegong River is recrossed at Guntawang. The present ford requires considerable improvement, which could be easily done by carting stone into the bed of the river. A bridge would be a heavy undertaking, the valley of the Cudgegong being subject to high floods.

At Guntawang the road from Dubbo joins this line, which now takes a general southerly direction to Mudgee, and, passing over a long range of hills at a favourable incline, again crosses the Cudgegong at the village reserve.

The flats on both sides of the river at this place are subject to inundation; the river has, however, a sound bottom, with a good ford.

Skirting the river the road reaches the Green Swamp, where it crosses M'Donald's Creek. Here, on the property of Mr. G. Cox, a village has been formed. The road is tolerably good the entire distance from Guntawang to Mudgee.

A divergence from the present track was made from 68° to 74° in order to meet the views of the rural municipality of the Cudgegong, money having been voted by that body to clear the road on the line of this divergence.

The smaller creeks between Guntawang and Mudgee require culverts. These will average in price from £10 to £25 each.

Mudgee is approached by a street, through the property of Mr. G. H. Cox—surveyed and laid out as an extension of the town in that direction—leading into Market-street. My traverse is closed in on the south-west corner of reserve for Court House in Market-street.

The portion of the road from Guntawang will be used in common by the traffic from Dubbo and Wellington.

The country from Wellington to the Goolygowdra Creek is granitic, very badly watered, and only suitable for pastoral purposes. Schists make their appearance on the Goolygowdra, with quartz veins and overlying trap. This portion has evidently an auriferous character. The precipitous nature of the hills renders the land of little value, with the exception of small isolated flats.

Sandstone of very good quality, and adapted for building purposes, crops out at Guntawang and M'Donald's Creek. At the latter place a considerable quantity has been quarried from the road side and carted into Mudgee.

Sections of all creeks have been taken on this line of road, and will be forwarded as soon as the explorations are finished in the vicinity of the Goolygowdra Creek.

I beg leave to state, I should have delayed sending this until the whole of the work was completed, but, from the matter being urgent, I thought it would be as well to forward the portion already finished.

I have, &c.,

EDWARD COMBES.

No. 14.

ACTING SURVEYOR GENERAL to LICENSED SURVEYOR COMBES.

*Surveyor General's Office,
Sydney, 26 September, 1861.*

SIR,

In directing your attention to the petition* forwarded to you by my letter of the 21st ultimo, having reference to that portion of the road formerly in use from the Wilbertree and Mudgee Road near the Cudgegong River, about one mile from Mudgee, to the junction of the Mudgee, Windeyer, and Hargraves Road with the Mudgee and Wellington Road, I have to request that I may be favoured with your early report thereon.

A. G. M'LEAN.

No. 15.

LICENSED SURVEYOR COMBES to ACTING SURVEYOR GENERAL.

Wellington,
7 October, 1861.

SIR,

I have the honor to inform you, that having made a more extended examination of the country on both sides of the Goolygowdra Creek, and being unable to find a less difficult route, I have explored the country further to the northward, and succeeded in finding a much more practicable line, wholly avoiding the creek above mentioned, and joining the surveyed line near the Cudgegong River.

A road can be formed on this line far more economically than by the Goolygowdra.

It has also another advantage, as the Dubbo road will, when surveyed, join it at W. Bushby's, nearly midway between Mudgee and Dubbo.

I enclose a sketch of this proposed line, which I am now engaged in surveying.

Another slight divergence should also be made as the road approaches the town of Mudgee, in order to cut off the angle formed by the fences of a paddock belonging to Mr. G. H. Cox, between stations 80^e and 82^e, taking the road across in a straight line. These fences were erected some two years since, before which period the road traversed the paddock in the manner I now advise.

I have, &c.,
EDWARD COMBES.

No. 16.

LICENSED SURVEYOR COMBES to ACTING SURVEYOR GENERAL.

Wellington,
21 October, 1861.

SIR,

I have the honor to submit for your consideration a report on a portion of the Wellington and Mudgee Road, surveyed in accordance with your instructions of June 22nd, No. 61/831, in order to avoid the broken country on the Goolygowdra or Uamby Creek. I also forward a plan* with book of reference.

*Not furnished.
See enclosure to
No. 23. Book of
reference cau-
culed.

I thoroughly examined the country by way of the Merinda Creek, also between that track and the former surveyed line, but failed to discover any less difficult track to the southward; exploring further to the northward, I succeeded in finding a much better line offering no obstruction whatever to traffic of any character.

This line leaves Wellington at the site of the proposed punt, and passing in a north-easterly direction through the Nanima Estate, crosses Mitchell's creek at Euramingulgal, a sheep station belonging to Mr. Joseph Aaron. Avoiding the rugged country to the northward, the line follows the course of Mitchell's Creek to Geenobly, where it again takes a general north-easterly direction, and skirting the Badangora Mountain above the Wallombubba Creek, crosses the main range by an easy gradient, and running down a valley to the northward, it arrives at the Springs sheep station.

The line now bears more to the eastward, and passing over an undulating country, favourable to the construction of a road, it reaches the Goolma Creek, where it joins the present track to Dubbo.

From this point there is a good track to the Cudgegong River.

The country traversed is well adapted to make a good bush road. The line being infinitely superior to the former surveyed track, I can confidently recommend it to be adopted, as a road could be formed for less than half the cost it would require by way of Lahy's.

The creeks crossed are few in number, and in each case the banks are favourable to form good crossings; their beds are sound, and without any bridge or culvert there is no difficulty calculated to delay traffic on the entire line.

The distance is two miles fifty-four chains and ninety links greater than the route *via* Lahy's. This difference is, however, amply compensated by the superiority of the country, the other track being entirely impracticable for loaded drays.

From Geenobly to the Goolma Creek, there is a quantity of good agricultural land; the soil is of granitic debris, granite crops out in many places; schists appear on the main range beyond the Springs sheep station, and from the frequent occurrence of quartz veins, I should judge the country in the neighbourhood of the Goolma to be highly auriferous.

Water can be obtained at easy stages along the whole line.

I also have the honor to forward a tracing of the divergence through Mr. Cox's paddock, which I recommended to be made near the town of Mudgee.

I am, &c.,
EDWARD COMBES.

No. 17.

ACTING SURVEYOR GENERAL *to* LICENSED SURVEYOR COMBES.*Surveyor General's Office,
Sydney, 24 October, 1861.*

SIR,

In reference to your further report of the 7th instant, on the subject of the road from Wellington to Mudgee, I have now to request that you will be good enough to supply plans, from which your previous plan and book of reference may be completed.

I am, &c.,
A. G. McLEAN.

No. 18.

LICENSED SURVEYOR COMBES *to* SURVEYOR GENERAL.

MUDGEE AND HARGRAVES ROAD.

*Frederick's Valley,
23 November, 1861.*

SIR,

I have the honor to report that, according to your instructions of March 20, No. 61-402, I have surveyed a line of road from Mudgee to Hargraves, and now beg leave to transmit, for your consideration, the *plan and book of reference.

*Appendix A.

With a few trifling exceptions, the surveyed line follows the present track.

From Mudgee to M'Donald's Creek the road is in tolerable condition, passing through an undulating country of schistose formation. This creek requires a bridge, which would probably cost one hundred and twenty pounds (£120). Stone and timber of this creek best quality exist here in abundance; the quarries in the neighbourhood of this creek supply Mudgee with building stone. From M'Donald's Creek the country is exceedingly unfavourable to road-making—a succession of ranges and ravines are passed over, sufficiently steep to render the road almost impracticable.

A large portion of this district is highly auriferous, more particularly so at Grattai, Avisford, and the spurs and gullies falling from the high table-land on which Hargraves is situate, towards the Meroo Creek. Quartz reefs are numerous, and it is my opinion that at some future time many of these will be worked to great advantage. On examining the country to the eastward I found a better road could be formed from Grattai to Avisford, *via* the Sugar Loaf Hill. This hill would require to be somewhat lowered by a cutting at the top, and forming a road on the sideling. While this would cost several hundred pounds, it would be judiciously expended, were there at any subsequent period sufficient traffic to warrant the outlay. My experience leads me to infer that this is not the case at present. The three crossings of Phillips' Creek require about thirty pounds (£30) expended on their approaches. Bridges at these places, as well as at the Meroo Creek, would require an enormous outlay. The ford of the Meroo at Avisford is in excellent condition. Captain William Browne, the Assistant Gold Commissioner stationed at Louisa Creek, has since my survey informed me, that a far more practicable route has been lately discovered to the westward of the present route, ascending from the Meroo Creek to the level of the Louisa Creek table-land by a much easier gradient. I beg leave to suggest that it would perhaps be expedient to examine this line before any considerable works were commenced on the line now surveyed.

I have, &c.,
EDWARD COMBES.

[Enclosure in No. 18.]

BOOK OF REFERENCE of Road from Mudgee to Hargraves, to be opened as a Parish Road, under the Act of Council, 4 William IV., No. 11.

Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures	Character and State of Preservation of Fencing.	Cultivation.	Breadth of Road.	Area.	Remarks.
1. From the south-west corner of Court-house reserve, at Mudgee, to the west boundary of G. Cox's 995 acres.	Municipality of Mudgee.	.....	.....	West	16-77	....	....	....	1-50	a. r. p. 2 2 2	Street in town.
2. From the last-mentioned boundary to the east boundary of G. Cox's 995 acres.	George H. Cox	G. Cox & others	Agricultural ..	Westerly ..	125-64	....	....	....	1-00	12 2 10	
3. From the last-mentioned boundary to the north boundary of W. Blackman's 640 acres.	Crown .. ..	.....	Pastoral and agricultural.	South-westerly	294-01	....	....	....	1-00	29 1 24	
4. From the last-mentioned boundary to the south boundary of W. Blackman's 640 acres.	W. Blackman ..	.....	Do. ..	Southerly ..	109-09	Partly	....	....	1-00	10 3 25	14 chains through bush paddock.
5. From the last-mentioned boundary to the east boundary of portion 348.	Crown	Unoccupied ..	Do. ..	Do. ..	117-57	....	....	....	1-00	11 3 01	
6. From the last-mentioned boundary to the south boundary of portion 348.	Crown	Do. ..	Do. ..	South-westerly	33-92	....	....	....	1-00	3 1 23	
7. From the last-mentioned boundary to the west boundary of portion 351 acres.	Crown	Do. ..	Mining and pastoral.	Do. ..	122-93	....	....	....	1-00	12 1 07	
8. From the last-mentioned boundary to the north boundary of portion 352 acres.	Crown	Do. ..	Agricultural ..	South-easterly	5-16	....	....	....	1-00	0 2 03	
9. From the last-mentioned boundary to the north boundary of R. Rayner's 5 acres 1 rood 8 perches.	Crown	Do. ..	Do. ..	Do. ..	7-83	....	....	....	1-00	0 3 05	
10. From the last-mentioned boundary to the east boundary of Rayner's 5 acres 1 rood 8 perches.	R. Rayner ..	R. Rayner ..	Do. ..	Do. ..	6-00	....	....	....	1-00	0 2 16	
11. From the last-mentioned boundary to the north boundary of W. Reeves' 921 acres.	Crown	Unoccupied ..	Do. ..	Do. ..	4-00	....	....	....	1-00	0 1 24	
12. From the last-mentioned boundary to the south boundary of W. Reeves' 921 acres.	W. Reeves ..	W. Reeves and others.	Do. ..	South-westerly	81-32	....	....	....	1-00	8 0 21	
13. From the last-mentioned boundary to the east boundary of H. Lewis' 892 acres.	Crown	Unoccupied ..	Auriferous and pastoral.	Southerly ..	627-53	....	....	....	1-00	62 3 00	
14. From the last-mentioned boundary to the south boundary of H. Lewis' 892.	H. Lewis ..	H. Lewis and others.	Do. ..	South-westerly	117-75	....	....	....	1-00	11 3 04	
15. From the last-mentioned boundary to the north boundary of the town of Hargraves.	Crown	Unoccupied ..	Auriferous ..	Southerly ..	162-90	....	....	....	1-00	16 1 06	
16. From the last-mentioned boundary to the south-east corner of section 29 in the town of Hargraves.	Crown	Occupied by miners & others	Do. ..	South-westerly	68-12	....	....	....	1-50	10 0 35	Through Merinda, Windeyer, & Borren Streets.
				TOTALS ..	1900-54	....	....	....	....	194 1 06	

NOTE 1.—Each number will represent one block of property through which the road may pass, whether of the Crown, of an individual, or devoted to the public as a reserve or road.
 " 2.—Each portion of road will be within the property to which the No. applies, and should be described as "from the south boundary of John Smith's 600 acres, to the boundary line between that land and Thomas Jones' 50 acres."
 " 3.—The name of the reputed owner may be filled in from information obtained on the spot, or failing such information, with the name of the grantee from the Crown.

NOTE 4.—The name of the occupier, should there be one, can of course be ascertained on the spot.
 " 5.—The bearings should be stated from the nearest cardinal point, as "E. 10° N.," but where they are numerous and shewn in a table on the plan, the general bearing need only be stated as "north-easterly."
 " 6.—In the column of remarks may be introduced any information which cannot conveniently be inserted in any of the other columns—such as the dedication of the portion of the road to the public, in the subdivision of surrounding land; the reputed free use of road by the public for any specific period, &c.

No. 19.

LICENSED SURVEYOR COMBES to SURVEYOR GENERAL.

*REPORT on Hargraves and Stony Creek Road via Burrandong.**Frederick's Valley,
18 December, 1861.*

SIR,

Having examined and surveyed the road from Hargraves to Stony Creek, *via* Burrandong, agreeably to your instructions of 20th March, 1861, No. 61-402, I have now the honor to submit, for your consideration, the following report:—

Plan—See
Appendix B.

The road on leaving Hargraves crosses the Louisa Creek on a flat; and passing through an undulating auriferous country, with many small creeks in the gullies, it reaches the high range of which the Burrandong Big Hill is the prominent feature. Here the line has many intricate windings, following the course of deep ravines and skirting the sides of precipices, with bad sidelings, and worse gradients—the spur known as “Big Hill” being more than a mile in length, and exceedingly steep. At and about this range I examined the country to a considerable distance on either side of the line, but failed in discovering anything better.

Having descended to the low ground, the line passes up the valley of the Oakey Creek, crossing it at four different places, to avoid the steep spurs of ranges that close in abruptly upon it. On leaving the cattle station of William Suttor, on this creek, the road improves; crossing the Macquarie River by an excellent ford at Burrandong, it bears southerly through the Burrandong township to Stony Creek, with a good road the entire distance. From the Black Willow sheep station to W. Suttor's cattle station the country is very difficult, and with the money usually granted for the improvement and repairs of parish roads may be considered wholly impracticable. Should there be another way of getting through the main range these difficulties may be avoided. This may probably be effected, were extensive explorations instituted. In a dry summer, with the exception of the Macquarie and the Oakey Creek, the road would be without water.

The country through which the line passes is generally unfitted for agriculture, but appears highly metalliferous; schists of various degrees of hardness, intersected with quartz veins, extend throughout the entire distance, and in several places on the Oakey Creek I obtained gold.

I have, &c.,

EDWARD COMBES.

[Enclosure

[Enclosure in No. 19.]

BOOK OF REFERENCE of Road from Hargraves to Stony Creek via Burrandong, to be opened as a Parish Road, under the Act of Council, 4 William IV., No. 11.

Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures	Character and State of Preservation of Fencing.	Cultivation.	Breadth of Road.	Area.	Remarks.
1. From south-east corner of 29 section, in town of Hargraves, to the south boundary of town.	Crown .. ..	.....	Auriferous ..	Southerly ..	1-50	....	....	....	1-30	a. r. p. 0 0 36	
2. From the last-mentioned boundary to the east boundary of portion 501.	Crown	Dr. Kerr and others.	Do. ..	South-westerly	710-92	....	....	....	1-00	71 0 15	
3. From the last-mentioned boundary to the west boundary of portion 501.	Crown .. ..	.....	Agricultural ..	Westerly ..	29-82	....	....	....	1-00	2 3 37	
4. From the last-mentioned boundary to the east boundary of G. Suttor's 1,118 acres.	Crown	Dr. Kerr and others.	Pastoral ..	North-westerly	735-77	....	....	....	1-00	73 2 12	
5. From the last-mentioned boundary to the south boundary of G. Suttor's 1,210 acres.	G. Suttor ..	W. Suttor ..	Do. ..	Do. ..	109-22	....	....	....	1-00	10 3 28	
6. From the last-mentioned boundary to the north boundary of G. Suttor's 1,210 acres.	G. Suttor ..	Do. ..	Do. ..	Do. ..	94-98	....	....	....	1 00	9 2 0	
7. From the last-mentioned boundary to the east boundary of A. Cox's 1,218 acres.	Crown	Do. ..	Do. ..	Westerly ..	61-54	....	....	....	1-00	6 0 25	
8. From the last-mentioned boundary to the east boundary of Wm. Foster's 2,560 acres.	Trustees of A. Cox.	.....	Auriferous and pastoral.	North-westerly	148-60	....	....	....	1-00	14 3 17	
9. From the last-mentioned boundary to the south boundary of Wm. Foster's 2,560 acres	Wm. Foster ..	.....	Do. ..	South-westerly	81-97	....	....	....	1-00	8 0 31	
10. From the last-mentioned boundary to the south boundary of W. Bell's 640 acres.	Wm. Bell ..	.....	Do. ..	Do. ..	92-44	....	....	....	1 00	9 0 39	
11. From the last-mentioned boundary to the west boundary of V. R. of Burrandong	Crown	Pastoral ..	Pastoral ..	Do. ..	62-09	....	....	....	1-00	6 0 33	
12. From the last-mentioned boundary of portion No. 251 on lithograph map.	Crown	Do. ..	Do. ..	Do. ..	13-11	....	....	....	1-00	1 1 10	Waste land on hill top.
13. From the last-mentioned boundary to the south boundary of portion No. 251	Crown	Do. ..	Do. ..	Do. ..	15-00	....	....	....	1-00	1 2 0	
14. From the last-mentioned boundary to the north boundary of portion No. 250.	Crown	Do. ..	Do. ..	Do. ..	1-10	....	....	....	1-00	0 0 18	Lane between farms.
15. From the last-mentioned boundary to the south-west boundary of portion No. 250.	Crown	Do. ..	Do. ..	Do. ..	20-31	....	....	....	1 00	2 0 05	
16. From the last-mentioned boundary to the west boundary of portion No. 248.	Crown	Do. ..	Do. ..	Do. ..	25-74	....	....	....	1-00	2 2 12	
17. From the last-mentioned boundary to the west boundary of portion No. 238.	Crown	Do. ..	Do. ..	Do. ..	21-71	....	....	....	1-00	2 0 27	
18. From the last-mentioned boundary to the east boundary of Aspinall, Brown, and Co.'s 640 acres.	Crown	Do. ..	Do. ..	Do. ..	133-77	....	....	....	1-00	13 1 20	
19. From the last-mentioned boundary to the south boundary of Aspinall, Brown, and Co.'s 640 acres.	Sir W. Verner..	Sir Wm. Verner	Do. ..	Do. ..	67-18	....	....	....	1-00	6 2 35	
20. From the last-mentioned boundary to the end of survey, being closed in on the Orange and Stony Creek Road survey at station 16.	Crown	Auriferous and pastoral.	South-easterly	780-44	1-00	78 0 7	

ROAD FROM NUJGEE TO WELLINGTON via THE DIGGINGS.

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 " 2.—Each portion of road will be within the property to which the No. applies, and should be described as "from the south boundary of John Smith's 600 acres, to the boundary line between that land and Thomas Jones' 50 acres."
 " From the last-mentioned boundary to, &c., &c."
 " 3.—The name of the reputed owner may be filled in from information obtained on the spot, or falling such information, with the name of the grantee from the Crown.

NOTE 4.—The name of the occupier, should there be one, can of course be ascertained on the spot.
 " 5.—The bearings should be stated from the nearest cardinal point, as "E. 10° N.", but where they are numerous and shown in a table on the plan, the general bearing need only be stated as "north-easterly."
 " 6.—In the column of remarks may be introduced any information which cannot conveniently be inserted in any of the other columns—such as the dedication of the portion of the road to the public, in the subdivision of surrounding land; the reputed free use of road by the public for any specific period, &c.

No. 20.

LICENSED SURVEYOR COMBES *to* SURVEYOR GENERAL.

SIR,

I have the honor to transmit, for your consideration, *sections of rivers and ^{*Appendix, C, D, and E.} creeks on the line of road between Hargraves and Stony Creek, *viâ* Burrandoug.

These sections I have charged at the same rate as in my previous surveys, viz., one pound (£1) each.

I am, &c.,

EDWARD COMBES,
Licensed Surveyor.

No. 21.

SURVEYOR GENERAL *to* LICENSED SURVEYOR COMBES.

*Surveyor General's Office,
Sydney, 23 January, 1862.*

SIR,

Referring to your letter of the 23rd November last, transmitting plan of the road from Mudgee to Hargraves, I beg to inform you that it is desirable that you should, at your convenience, examine the road between the two places pointed out by Mr. Assistant Gold Commissioner Browne.

I am, &c.,

A. G. McLEAN.

No. 22.

LICENSED SURVEYOR COMBES *to* SURVEYOR GENERAL.

*Frederick's Valley,
24 January, 1862.*

SIR,

I have the honor to transmit, for your consideration, sections of the principal ^{Not furnished.} rivers and creeks crossed by the line of road surveyed by me from Wellington to Mudgee, *viâ* the Goolygowdra Creek, and also *viâ* Earamingulgul, made in accordance with your instructions of 20th March, 1861, No. 61/402.

For particulars as to the bridges and fords required, I beg to refer you to my report on the above-mentioned line of road, of the 9th September, No. 61/18.

I have charged my services at the same rate you have hitherto allowed me for similar work, viz., one pound (£1) per section.

I am, &c.,

EDWARD COMBES.

No. 23.

SURVEYOR GENERAL *to* UNDER SECRETARY FOR LANDS.

The enclosed *plan and book of reference of the road from Mudgee to Wellington ^{*Appendix F.} are forwarded, with the view to the opening of the line under the Act 4 William IV., No. 11.

A. G. McLEAN.

B.C.—24 February, 1862.

[Enclosure

[Enclosure in No. 23.]

BOOK OF REFERENCE of Road from Mudgee to Wellington, to be opened as a Parish Road, under the Act of Council, 4 William IV, No. 11.

Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures	Character and State of Preservation of Fencing.	Cultivation.	Breadth of Road.	Area.	Remarks.	
1.	J. Aarons ..	Jos. Aarons ..	Pastoral.. ..	North-easterly	Nil .. Nil ..	Nil ..	1-00	a. r. p. 33 1 10	For deviation of this road to be adopted in the confirmatory notice, see book of reference, cut B, 235a, 1603, and is shown by a blue line upon plan, cut B, 247, 1603.	
2. From the west boundary to the north boundary of Sarah Lowe's 975 acres.	Crown .. ..	.....	Pastoral and agricultural.	Do. ..	25-50	Nil ..	Nil .. Nil ..	Nil ..	1-00	255 0 0	
3. From the last-mentioned boundary, passing through part of that 975 acres and through Sarah Lowe's 796 acres, to the Cudgegong River, forming the west boundary of Sarah Lowe's 975 acres aforesaid.	Wm. Lowe ..	W. Lowe ..	Pastoral.. ..	South-easterly	141-49	Nil ..	.... Nil ..	Nil ..	1-00	14 0 23	
4. From the last-mentioned boundary, crossing the Cudgegong River, to the east boundary of E. Rouse's 632 acres.	E. Rouse ..	G. Rouse ..	Do.	Easterly ..	87-00	Nil ..	.... Nil ..	Nil ..	1-00	8 2 32	
4a. From the last-mentioned boundary of G. Rouse's 30 acres.	The Crown	Do.	Do. ..	496	Nil Nil ..	Nil ..	1-00	49 2 30		Nearly.
4b. From the last-mentioned boundary to the east boundary of that land.	G. Rouse ..	.....	Do.	Do. ..	18-00	Nil ..	.... Nil ..	Nil ..	1-00	1 3 8
5. From the last-mentioned boundary to the west boundary of R. Rouse's 643 acres.	Crown .. ..	.....	Pastoral and agricultural.	Do. ..	60	Nil ..	.... Nil ..	Nil ..	1-00	6 0 0
6. From the last-mentioned to the Cudgegong River, and forming the east boundary of that land.	G. Rouse ..	G. Rouse & others	Agricultural ..	Do. ..	71-07	Nil ..	.... Nil ..	Nil ..	1-00	7 0 17	
7. From the last-mentioned boundary, crossing that river to the south boundary of R. Rouse's 4,000 acres at Guntawang.	E. Rouse ..	E. Rouse ..	Pastoral and agricultural.	South-easterly	89-12	Nil ..	.... Nil ..	Nil ..	1-00	8 3 26	
8. From the last-mentioned boundary to the east boundary of R. Rouse's 784 acres.	Do.	Do.	Pastoral.. ..	Do. ..	84-21	Nil ..	.... Nil ..	Nil ..	1-00	8 1 27	
9. From the last-mentioned boundary to the north boundary of H. Bayley's 709 acres.	Crown	Do.	Do. ..	173-81	Nil Nil ..	Nil ..	1-00	1 3 3	Nearly.	

Book of Reference, &c.—continued.

Portion of Road.	Reputed Owner.	Occupier.	Character of Land.	Bearings.	Length in Chains.	Enclosures.	Character and State of Proser- vation of Fencing.	Cultiva- tion.	Breadth of Road.	Area.	Remarks.
10. From the last-mentioned boundary to the north bound- ary of H. Bayley's 709 acres.	H. Bayly	Pastoral.. ..	South-easterly	17.08	Nil	Nil ..	1.00	a. r. p. 1 3 3	Nearly.
11. From the last-mentioned boundary to the west bound- ary of G. Cox's 926 acres.	Crown .. ..	.....	Do.	Do.	154.68	Nil ..	....	Nil ..	1.00	15 1 35
12. From the last-mentioned boundary to the Cudgegong River, forming the south boundary of G. Cox's 926 acres.	G. Cox	G. Cox	Agricultural ..	Do.	12.18	Nil ..	....	Nil ..	1.00	1 0 35
13. From the last-mentioned boundary, crossing that river, to the south boundary of the village reserve which forms part of the north boundary of H. Cox's 1,080 acres.	Crown .. ..	.....	.....	Do.	120.38	Nil ..	....	Nil ..	1.00	12 0 6
14. From the last-mentioned boundary to the east bound- ary of H. Cox's 1,080 acres.	H. Cox	H. Cox & others	Pastoral and agricultural.	Do.	55.92	Nil ..	....	Nil ..	1.00	5 2 15
15. From the last-mentioned boundary to the south bound- ary of H. Cox's 851 acres.	Do.	H. Cox	Pastoral.. ..	Do.	42.44	Nil ..	....	Nil ..	1.00	4 0 39
16. From the last-mentioned boundary to the south bound- ary of H. Steel's 2,000 acres.	H. Steel .. ..	.....	Do.	Do.	106.50	Nil ..	....	Nil ..	1.00	10 2 20
17. From the last-mentioned boundary to the west bound- ary of W. Ascough's 1,200 acres.	Crown .. ..	.....	Do.	Do.	104.68	Nil ..	....	Nil ..	1.00	10 1 35
18. From the last-mentioned boundary to the south bound- ary of W. Ascough's 1,200 acres.	G. Cox	G. Cox & others	Do.	Do.	105.65	Nil ..	....	Nil ..	1.00	10 2 10
19. From the last-mentioned boundary to the west bound- ary of G. Cox's 995 acres.	Reserved Road.		Do.	Do.	49.25	Nil ..	....	Nil ..	1.00	4 3 28
20. From the last-mentioned boundary to the west bound- ary of the Town of Mudgee, at the west termination of Market-street in that town.	G. Cox & others	G. Cox & others	Agricultural ..	Do.	115.00	Nil ..	....	Nil ..	1.00	11 2 6

Book of Reference compiled in the Surveyor General's Office, by Mr. Draftsman T. H. Lewis.—21 Feb., 1862.

- NOTE 1.—Each number will represent one block of property through which the road may pass, whether of the Crown, of an individual, or devoted to the public as a reserve or road.
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- NOTE 4.—The name of the occupier, should there be one, can of course be ascertained on the spot.
 " 5.—The bearings should be stated from the nearest cardinal point, as "E. 10° N.," but where they are numerous and shown in a table on the plan, the general bearing need only be stated as "north-easterly."
 " 6.—In the column of remarks may be introduced any information which cannot conveniently be inserted in any of the other columns—such as the dedication of the portion of the road to the public, in the subdivision of surrounding land; the reputed free use of road by the public for any specific period, &c.

No. 24.

MINUTE FOR EXECUTIVE COUNCIL.

*Department of Lands,
Sydney, 8 March, 1862.*

THE accompanying plan and book of reference of a proposed line of road from Mudgee to Wellington are recommended for the approval of His Excellency the Governor and the Executive Council, with a view to the opening of the road under the Act 4 William IV., No. 11.

JOHN ROBERTSON.

No. 25.

MINUTE OF EXECUTIVE COUNCIL.

Minute 62/9, 11 March, 1862. Confirmed, 18 March, 1862.

THE Executive Council advise that the intended formation of the road within mentioned be notified in the manner prescribed by the Act 4 William IV., No. 11.

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

Approved, 19 March, 1862.—J. Y.

No. 26.

UNDER SECRETARY FOR LANDS *to* SURVEYOR GENERAL.

THE Surveyor General is requested to say whether a copy of the approved plan has been sent to the Bench.

B. C.—25 March, 1862.

M. F.

No. 27.

MINUTE OF SURVEYOR GENERAL.

COPIES of the plan and book of reference have been sent to the Police Office, Mudgee.

A. G. M.
B C.—3 April, 1862.

No. 28.

NOTICE IN "GOVERNMENT GAZETTE."

*Department of Lands,
Sydney, 9 April, 1862.*

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 Mudgee to Wellington, running through the lands supposed to be the property of Messrs. J. Aarons, Wm. Lowe, E. Rouse, G. Rouse, H. Bayley, G. Cox, H. Cox, H. Steel, and others; notice is hereby given, that in conformity with the provisions of the Act of the Governor and Council, 4th William IV., No. 11, a plan and book of reference, shewing the intended line of the road above named, are now deposited at the office of the Surveyor General, in Sydney, and at the Police Office, Mudgee; 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-grounded objections which may exist to the formation of the road in question.

By His Excellency's Command,

JOHN ROBERTSON.

No. 29.

UNDER SECRETARY FOR LANDS to CLERK OF EXECUTIVE COUNCIL.

*Department of Lands,
Sydney, 16 April, 1862.*

SIR,

In drawing your attention to the notice in the *Government Gazette* of the 11th instant, respecting the intended formation of a parish road from Mudgee to Wellington, I am directed to request that you will have the goodness, at the end of one month from the date thereof, to inform me whether any objections have been received by you in respect of the said road, in pursuance of the notice alluded to.

I have, &c.,
MICHL. FITZPATRICK.

No. 30.

MR. GEORGE H. COX to CLERK OF EXECUTIVE COUNCIL.

Sydney, 24 April, 1862.

DEAR SIR,

I have this day examined the sketch of the proposed route of the Mudgee and Wellington Road, and find that it is marked through a field leased to a farmer named Jupp, and now under cultivation. Why it is to be changed from its present line I am at a loss to conceive, as the alteration would not make a better road, and would entail the expense of a double line of fence. I enclose a *sketch of the road at present used, and which has the further advantage of being upon high land; whereas the route marked on the chart in the Survey Office runs on to the flooded river flats. I object to the proposed road, because it would needlessly cut up a farm under cultivation, and now under crop; because it runs on to flooded land instead of keeping upon the ridge; and also, because it would entail the expense of a double line of fence.

I have, &c.,
GEO. H. COX.

You will observe that there is communication between the Coolah and Gratti and Wellington Roads.

No. 31.

MR. JOSEPH AARONS, JUN., to CLERK OF EXECUTIVE COUNCIL.

*Nanima, Montefiores,
6 May, 1862.*

SIR,

With reference to an advertisement in the *Government Gazette* of April 9th, 1862, notifying to all persons interested in the proposed line of road from Mudgee to Wellington through whose lands the said road has been marked, to send any objection they may have, directed to you, on or before the 9th May instant,—I beg most respectfully to object to that portion of the road which runs through my purchased lands, for the following reasons:—

1. I have, at considerable expense, fenced in large grazing paddock, containing about 7,500 acres, in which I depasture between 600 and 700 head of cattle. If the proposed line be adopted, and the road fenced on both sides, it would leave about 4,000 acres of the paddock on the west side perfectly valueless to me, from having no water for the stock depasturing there, and would entail upon me the necessity and expense of making dams and waterholes, or of removing the stock.

2. By taking a circuit round my paddock fence, of from one to one and a half miles, a better road, and one now in daily use, may be made, which will not interfere with any private lands, and which will run alongside of a large quantity of good agricultural Government lands, and touch at the point of the Macquarie River, below Gobolygon, where water can be obtained two miles nearer than by the proposed line. This I suggest is a great consideration to parties coming from Mudgee, as they cannot get a drink of water for stock after leaving Urneby Creek, a distance of sixteen or seventeen miles, even in ordinary seasons, unless at a well which is on a sheep station of mine, marked on the enclosed tracing as Euramengulga, and which is always dry in the summer seasons.

3. By the route I propose there is only one ascent beyond the Gobolygon boundary, and that an easy and short one, and when attained the road would be on a table-land, and in all seasons is a good, sound, dry road. I have measured the distance by the lines on the tracing No. 2, enclosed, and find it is not more than one and a half miles longer than the one surveyed by Mr. Combes; this, considering the loss and inconvenience to me, which thousands of pounds would not repay, I venture to hope will have weight with the Executive in adopting the line I propose, viz., to round the north-west corner of my paddock fence, down the west side line till it reaches the north-east corner of the Gobolygon boundary, and if there were any objection to follow the north boundary line of Gobolygon, down to the Dubbo Road. I would not object to give a road a chain wide, and to fence it in on both

18 ROAD FROM MUDGEES TO WELLINGTON, *via* THE DIGGINGS.

sides up to the road leading from Montefiores to Dubbo, without asking compensation. I may remark, that at the point where the two roads would join there is a watering place in the Macquarie, available for parties travelling; this advantage does not exist on Mr. Combes' proposed line, which, after going through my paddock towards Mudgee, passes through a scrubby, barren country, on the side of the ranges, totally unfit for agricultural purposes.

In adopting Mr. Combes' line through my paddock, the Government would have to put up on the sides of the road about eight miles of fencing, which at present prices would cost at least £850.

I remain, &c.,
JOSEPH AARONS, JUNIOR.

No. 32.

CLERK OF EXECUTIVE COUNCIL to SECRETARY FOR LANDS.

Executive Council Office,
12 May, 1862.

SIR,

Mudgee to
Wellington.

In compliance with the request contained in Mr. Under Secretary Fitzpatrick's letter of the 16th ultimo, No. 161, I do myself the honor to forward to you the objections lodged with me to the formation of the proposed parish road noted in the margin.

I have, &c.,
CHAS. COWPER, JUNR.,
Clerk of the Council.

No. 33.

MR. JOSEPH MATTHEWS to SECRETARY FOR LANDS.

Wellington, 2 June, 1862.

SIR,

I do myself the honor to address you on a matter of a road which was advertised in the *Government Gazette* some time since. It is the same that was surveyed by Mr. Combes, and approved of by the Government, from Wellington to Mudgee. May I request to be informed if the said road is open for the public to travel? My reason for troubling you is, to save litigation with the owner of some property near Wellington, who has that same road fenced in, which prevents the public from using it. The person to whom I allude is a Mr. Joseph Aaron, junr., Wellington.

I have &c.,
JOS. MATTHEWS.

No. 34.

MINUTE OF SURVEYOR GENERAL.

THE road has not yet been confirmed, objections having been made to it. It will not become a thoroughfare under the laws, until it shall have been confirmed, formally opened, and a return to that effect inserted in the *Gazette*.

A. G. M.
25 June.

No. 35.

UNDER SECRETARY FOR LANDS to MR. JOSEPH MATTHEWS.

Department of Lands,
Sydney, 5 August, 1862.

SIR,

Referring to your letter of the 2nd June last, inquiring whether the road from Wellington to Mudgee, as surveyed by Mr. Combes, is yet opened for public use, I am directed by the Minister for Lands to inform you that the road has not yet been proclaimed as confirmed, as several objections have been made to it; and that until this has been done, and the road formally opened, it will not become a thoroughfare under the Act 4th William IV., No. 11.

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

No. 36.

No. 36.

DISTRICT SURVEYOR DAVIDSON to SURVEYOR GENERAL.

Kirkconnell,
5 August, 1862.

SIR,

In reference to your blank cover letter of the 28th June, 62/1325, requiring me to report on the enclosed objections of Messrs. Aaron and Cox, two letters now returned. The latter you state is of comparatively small importance, but the former, affecting as it does, a valuable property and a large extent of fencing, is deserving of careful consideration.

You further inform me, that as expenditure will shortly be made between Mudgee and Wellington, with a view to facilitate communication between the former district and Forbes, it was desirable I should inspect and report at my early convenience.

I have the honor to inform you, immediately on my recovery from the attack of illness which I reported to you, I proceeded to Wellington, in order to inspect and make the required report.

I examined the deviation proposed by Mr. Aaron, down the north boundary of the 640 acres measured by me on the application of Mr. Challis, but I am not disposed to recommend this as the line of road in lieu of the one passing through Mr. Aaron's property to Montefiores, for the following reasons:—The line proposed along the north boundary of the Gobolyon property is rocky, and would take some labour to make it fit for traffic, and would also unnecessarily increase the distance. I propose instead, to deviate from Mr. Combes' line after passing through the range of hills on the Wellington side of Mitchell's Creek, and take a general bearing in the direction of a small rocky peak, close to the north-west corner of Montefiore's 5,120 acres. Mr. Licensed Surveyor Simpson, who accompanied me to the ground, has been instructed to make a survey. After rounding the small peak, I propose to continue the line south along the west boundary of Mr. Aaron's property, and when reaching where the Montefiores and Gobolyon properties join, to take the area for the road from the former, continuing the line south until it joins the present road from Dubbo, entering Montefiores by that road. If this line be adopted, the distance will not be greatly increased as compared with that passing through Mr. Aaron's paddock; nor do I think the public will be much inconvenienced by the alteration, as both lines enter Montefiores about the same point. Indeed the one now proposed is much more convenient to the ford generally used than the other, which is carried to the river bank, where it is proposed to place the punt, and about the best position for which there still appears to be some doubt. This line, although it may interfere with some of Mr. Aaron's fencing, could not in any way injure his paddock.

I have the honor to call your attention to the suggestion in Mr. Aaron's letter, as to keeping an access to the River Macquarie open along the north boundary of the Gobolyon property, and making a reserve fronting the river and adjoining it, for watering stock, and as a resting place for teams travelling from Dubbo, Mudgee, Maitland, &c. As this is the only good watering place now open for this purpose, it is important it should be reserved, as access to the river is generally fenced in about Wellington. All the traffic from the north-west country will pass through Montefiores and Wellington in the direction for Forbes, and is increasing daily. The prices at that place have been mainly kept down to a reasonable rate by the supplies sent not only from Mudgee but Maitland.

In reference to the objection of Mr. Cox, that the line is taken through his corn field unnecessarily, I have the honor to refer you to a tracing,* now transmitted, showing this line. The road left open in Mr. Cox's sketch is very objectionable, as in floods there is a rush of water from a lagoon into which there is a considerable watershed. The lagoon is shown on Mr. Cox's sketch. This feature, although a very important one, is not shown on the map at the Mudgee Court House. The course of the water-flow is directly from A to B, as on my tracing, the channel well defined, and bearing the marks of a torrent on the road, and must, in times of flood, be impassable. Near the point B the water spreads over the flat land, so that there is no perceptible channel.

No doubt, as represented by Mr. Cox, in very high floods the lower road is liable to be covered with water; still it is the one chiefly used, and appears the principal thoroughfare to Mudgee from that side by Market-street. The entrance by Mortimer-street is effectually stopped by a burial ground, extensively used and fenced in, leaving only about twelve feet of entrance to Mudgee by that street; so that, under any circumstances, the entrance to that town would be by Market-street. If the lower road is determined on, the line through the corn field would require to be opened; if the road shown in red on the tracing be adopted, a bridge would be required at A.

I am, however, of opinion it would give more general satisfaction if the line surveyed by Mr. Combes was adopted in its entirety.

I have, &c.,
W. R. DAVIDSON,
District Surveyor.

Appendix II.

No. 37.

DISTRICT SURVEYOR DAVIDSON *to* SURVEYOR GENERAL.*Kirkconnell, 18 August, 1862.*

SIR,

I have the honor to forward, under separate cover, Mr. Licensed Surveyor Simpson's survey of the deviation proposed by me from Mr. Combes' survey of the line of road from Mudgee to Wellington.

Mr. Simpson reports no difficulties on the line as surveyed by him, and the distance is not much increased.

I forward also his book of reference, and his charge for survey. I informed Mr. Simpson I thought he might charge for the day he was out with me inspecting the proposed alteration.

I have, &c.,
W. R. DAVIDSON,
District Surveyor.

[*Enclosure in No. 37.*]*2 August, 1862.*

Sir,

By telegram to Mudgee I received instructions from the Surveyor General to have a survey made of the proposed deviation from Mr. Licensed Surveyor Combes' survey of a line of road from Mudgee to Wellington. I have now to instruct you accordingly.

I am of opinion that the survey ought to commence after the road passes through the range near Mitchell's Creek, shown on the tracing transmitted, somewhere about stations 40 to 44; but in this you will be guided by the formation of the ground which we inspected, and I pointed out to you on the spot; keeping also in view the direction of the line, as near as may be, to the round hill at the north-west corner of Montefiore's 5,120 acres, the road then taking the direction towards the village of Montefiores by the west boundary of Mr. Aaron's land. I have, however, to point out, when your survey reaches where the Gobolyon and Montefiores properties join, you will be careful not to interfere with the former by taking any portion of the land for the road. As the deviation proposed is to secure Mr. Aaron from great injury to his property from the line passing through the centre of his land, but before being fenced by Mr. Aaron open and used by the public for many years, it is only right that Mr. Aaron should give the necessary area for the road on the west side of his property.

It will be in your recollection, that when we inspected the road there was no difficulty in taking the direction in which I have instructed you, the soil being good, if not better than that through Mr. Aaron's property. The questions to be considered are, the increased distance and other inconveniences which may arise to the public by the proposed alteration, and the object of the survey is to show this.

You will be good enough to plot your plan on the usual scale, and transmit it through me, with a book of reference, for the Surveyor General, as early as possible.

I have, &c.,
W. R. DAVIDSON,
District Surveyor.

Mr. Licensed Surveyor Simpson.

No. 38.

MR. JAMES KEPPIE *to* UNDER SECRETARY FOR LANDS.*Windeyer, 2 November, 1862.*

SIR,

I respectfully beg to state a fact, that on the 17th of August, 1861, I received a communication from the Department of Lands,* dated 13th August, 1861, informing me that my letter of the 5th† would receive due attention.

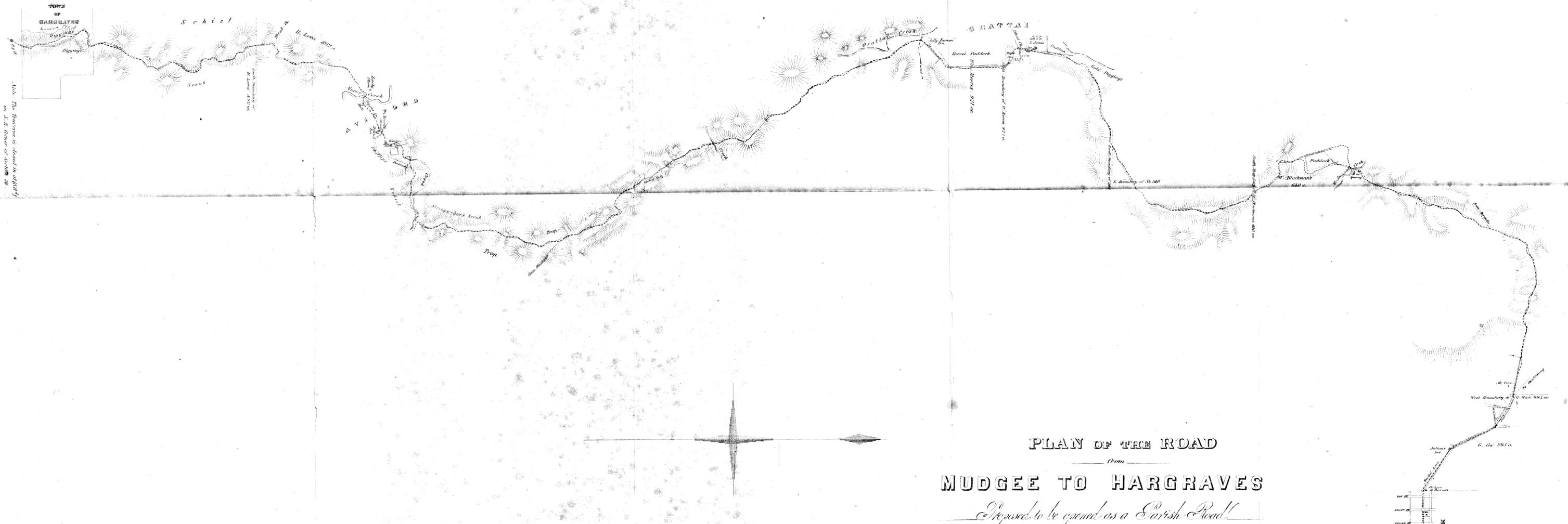
Subject: Road from Mudgee and Louisa Creek to Windeyer, &c.

I now beg to state, for your information, that up to this time no further notice has been taken in the matter, and request that you will be pleased to cause the sum or sums of money intended for said roads to be placed to the credit of the present Road Trust, which is as follows:—Mr. J. H. L. Scott, Commissioner; James Keppie, storekeeper; John Smith, gardener. The roads at present being in a very bad state of repair, causes me thus to trespass on your attention.

I have, &c.,
JAMES KEPPIE.

* Printed acknowledgment.
† This letter is not to be found.

APPENDIX A.

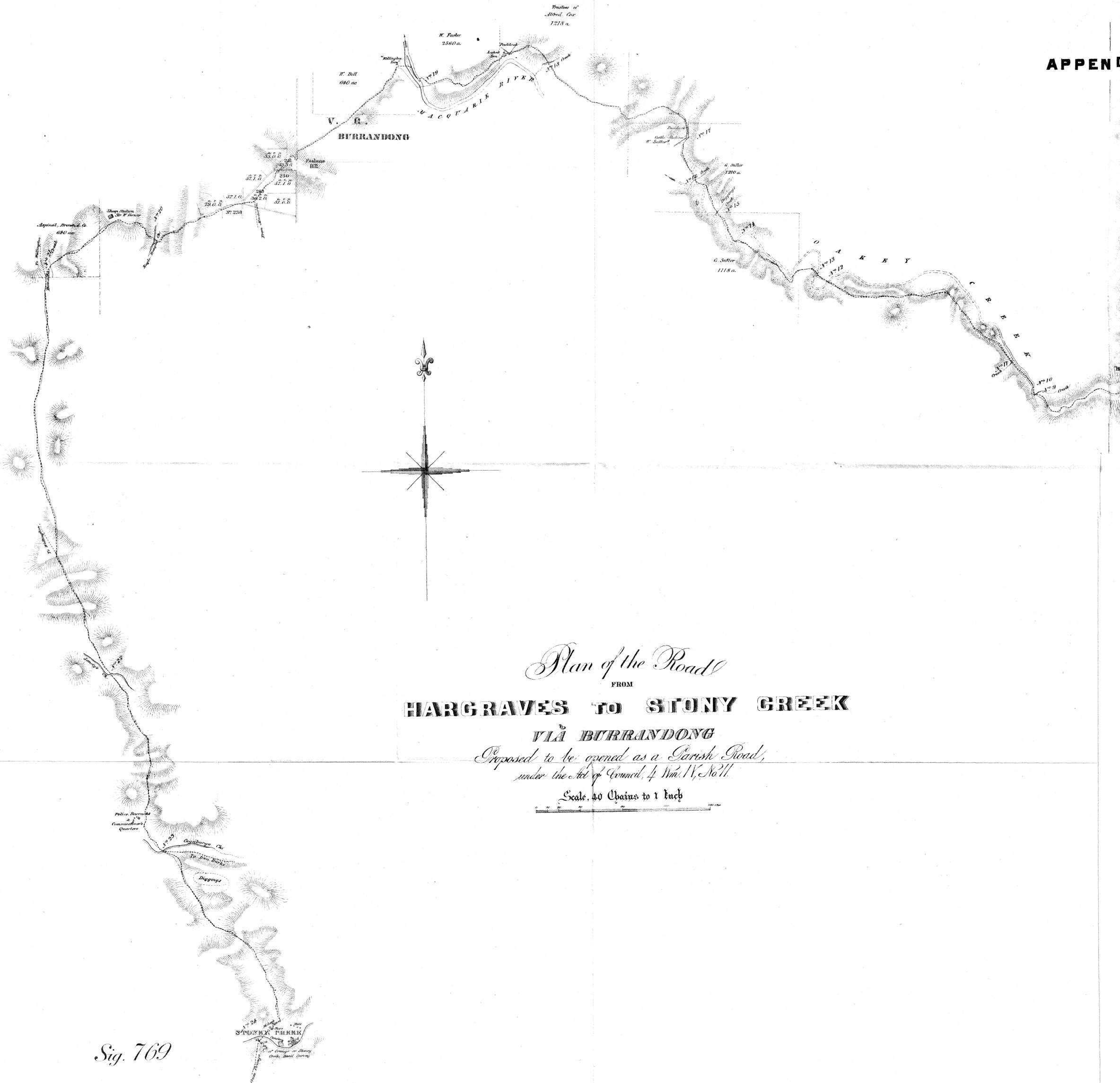


Signed B. Combes
29th Nov. 1861.

PLAN OF THE ROAD
From
MUDGEE TO HARGRAVES
Proposed to be opened as a Parish Road
UNDER THE ACT OF COUNCIL 4 WILL IV. NO. II
SCALE, 40 CHAINS TO 1 INCH

Sig. 769

STREETS
AND
ALLEYS

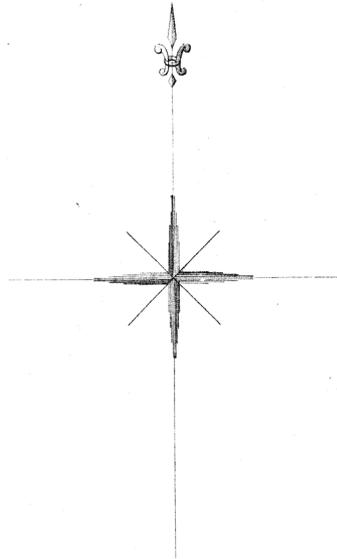


Plan of the Road
 FROM
HARGRAVES TO STONY CREEK

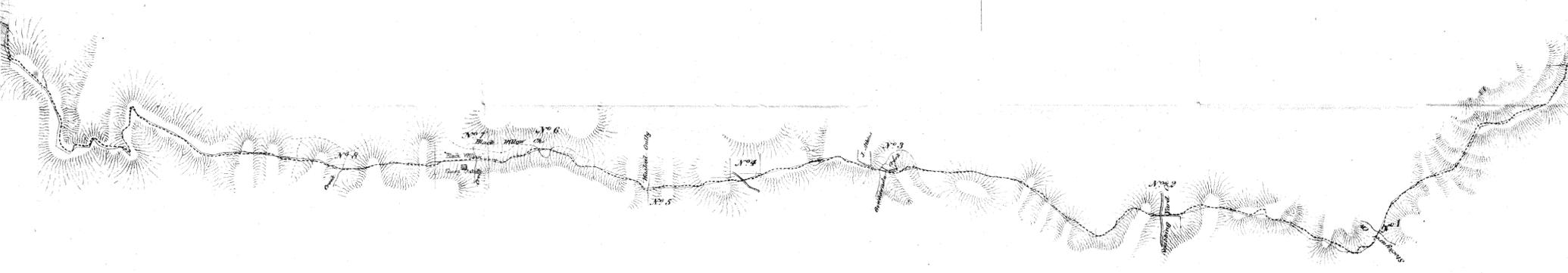
VIA BURRANDONG
 Proposed to be opened as a Parish Road,
 under the Act of Council, 4 Wm. IV, No. 11.

Scale, 40 Chains to 1 Inch

B.

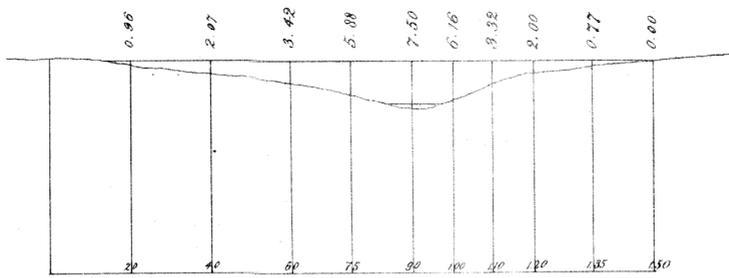


TOWN
OF
HARRISBURG
of the County of Madison, Pa.

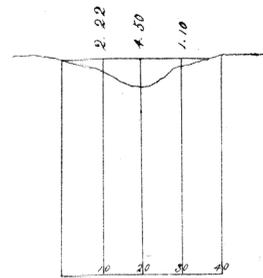


SECTIONS OF RIVERS AND CREEKS
ON THE HARGRAVES AND STONEY CREEK LINE OF ROAD VIA BURRANDONG.

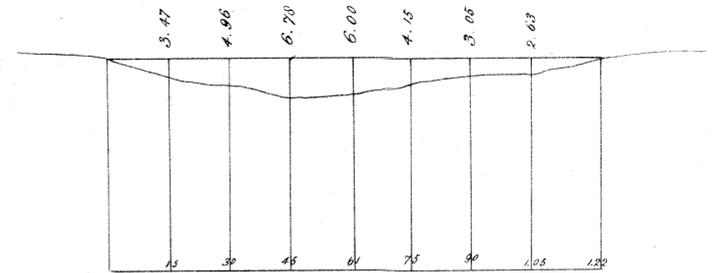
No 1.



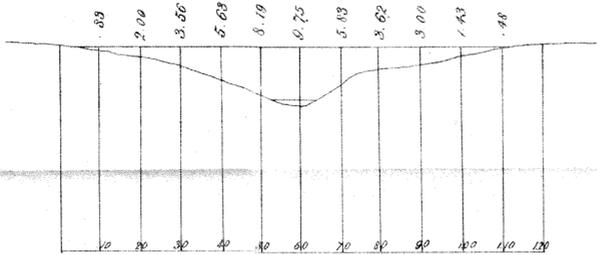
No 2.



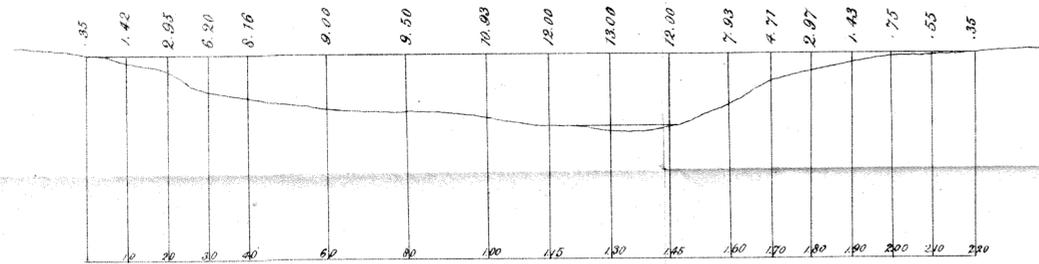
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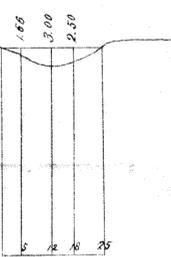
No 4.



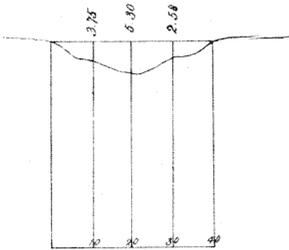
No 5.



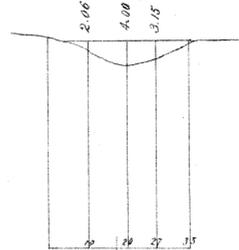
No 6.



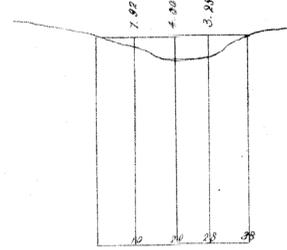
No 7.



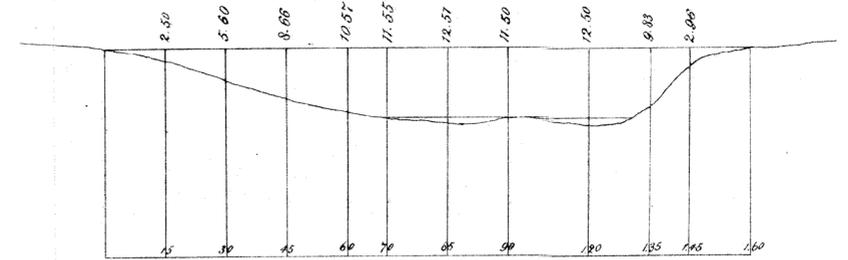
No 8.



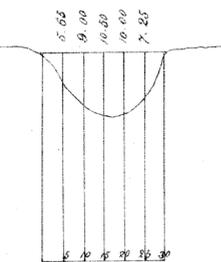
No 9.



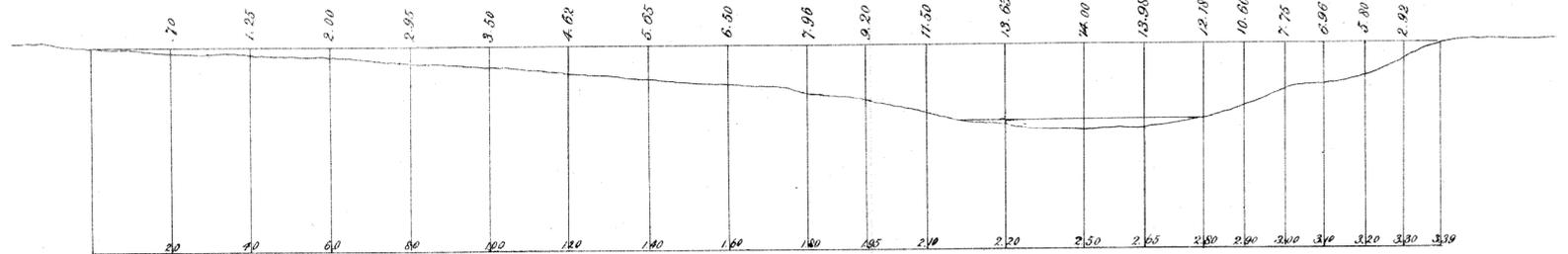
No 10.



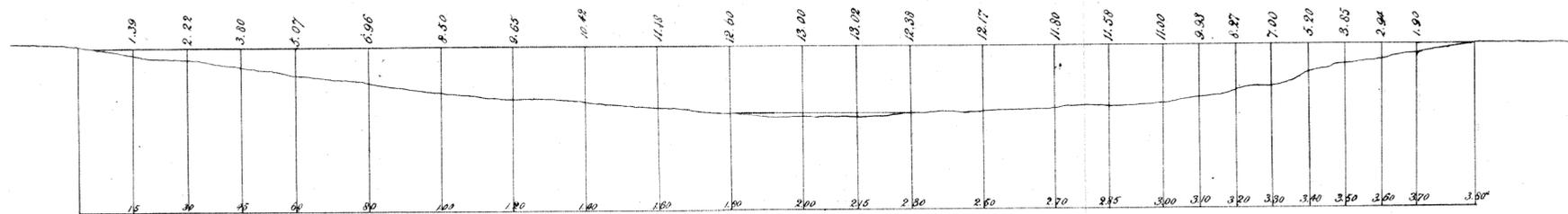
No 11.



No 12.

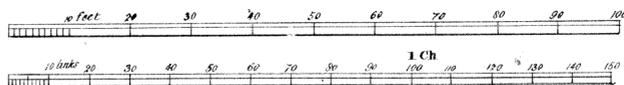


No 14.



VERTICAL SCALE

HORIZONTAL SCALE

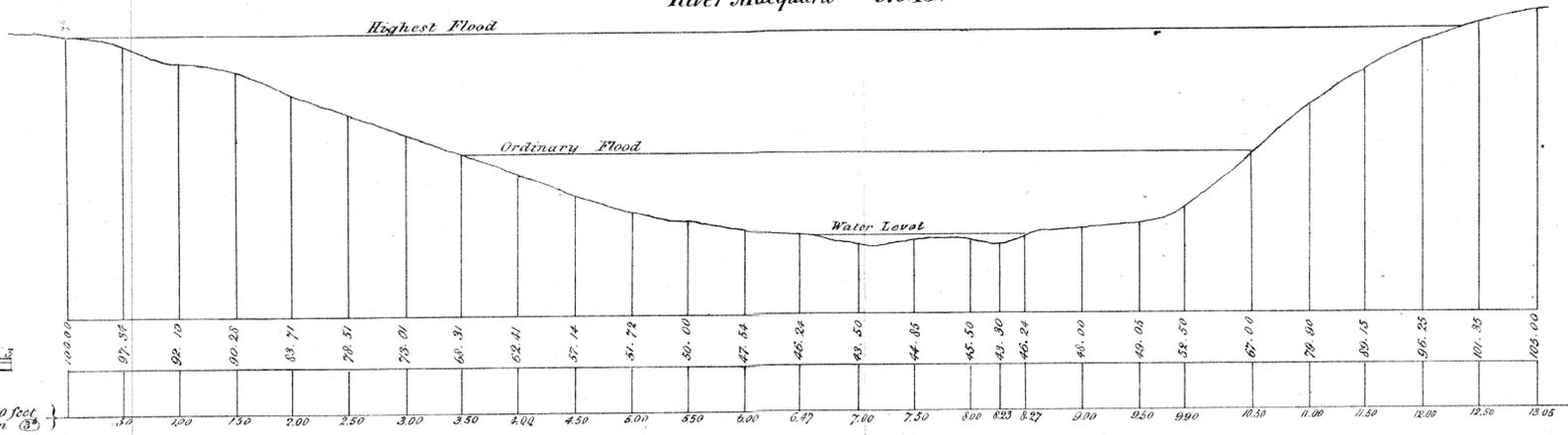


NOTE. These Scales refer to each figure with the exception of No 19. All the creeks are plotted from the flood line excepting Nos. 19 & 24.

APPENDIX D.

Trace from
SECTIONS OF RIVERS AND CREEKS.
ON THE HARGRAVES AND STONEY CREEK LINE OF ROAD VIA BURRANDONG.

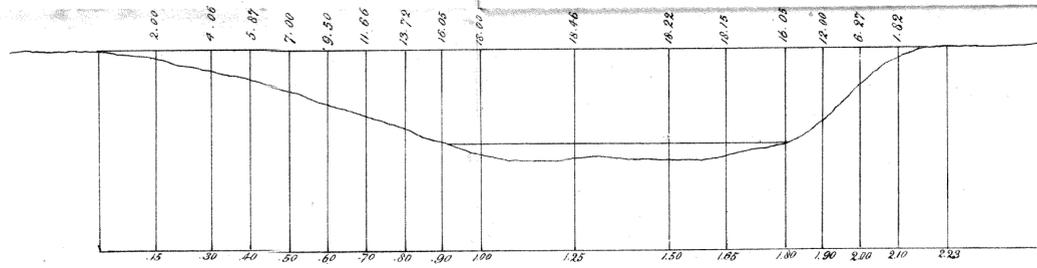
River Macquarie No. 19.



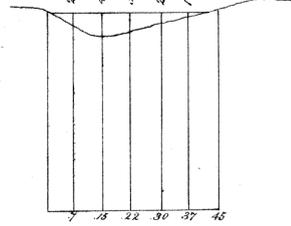
No. 19. Vertical Scale
Horizontal



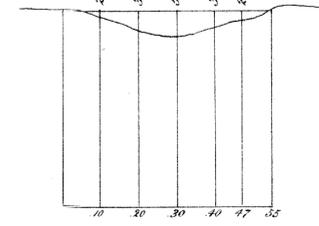
No. 15.



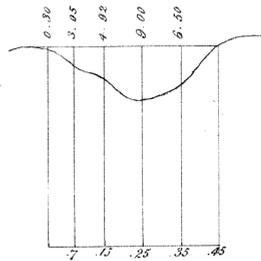
No. 15



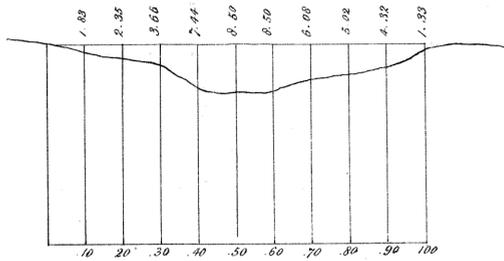
No. 16.



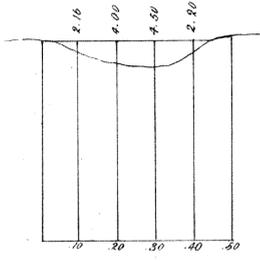
No. 17.



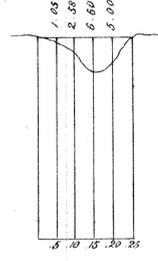
No. 18.



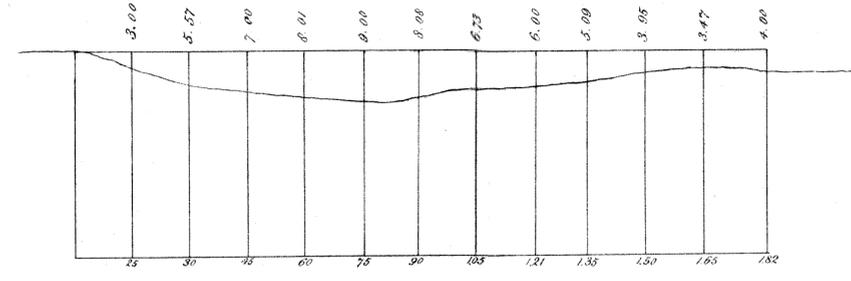
No. 20.



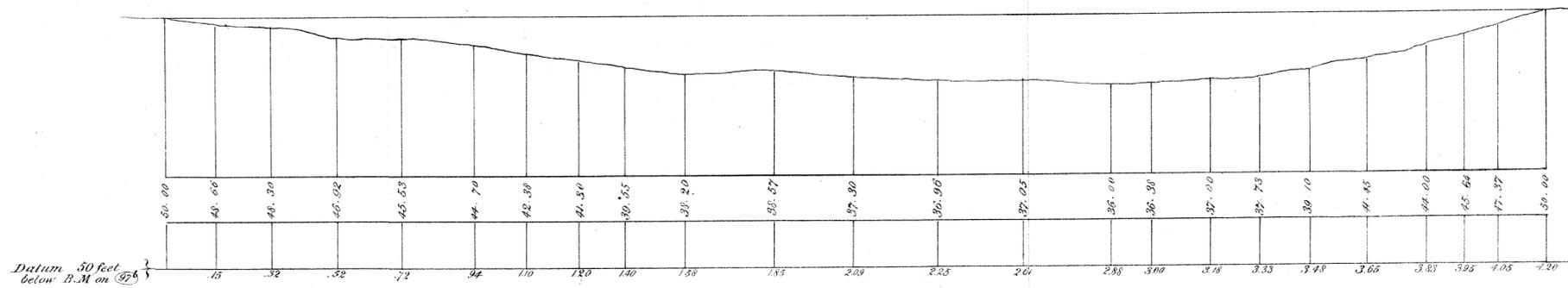
No. 21.



No. 22.

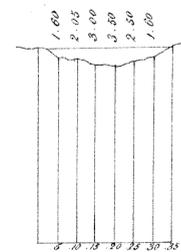


No. 24.



Datum 50 feet below B.M. on (57)

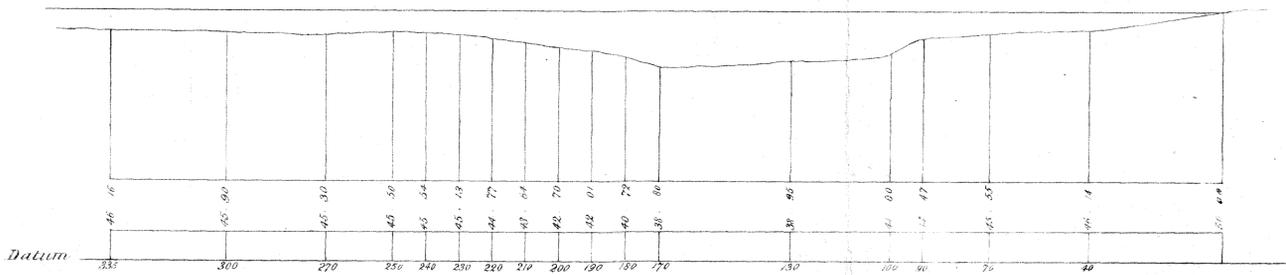
No. 25.



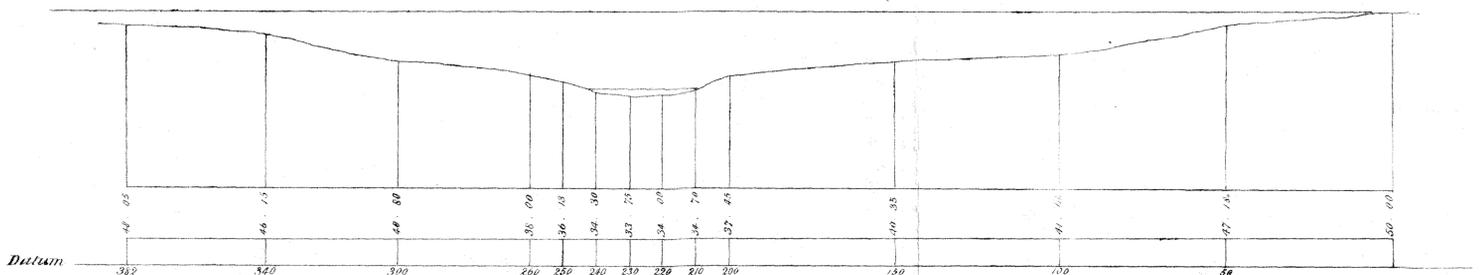
APPENDIX E.

SECTIONS OF CREEKS.
ON THE LINE OF ROAD BETWEEN MUDGE AND HARGRAVES.

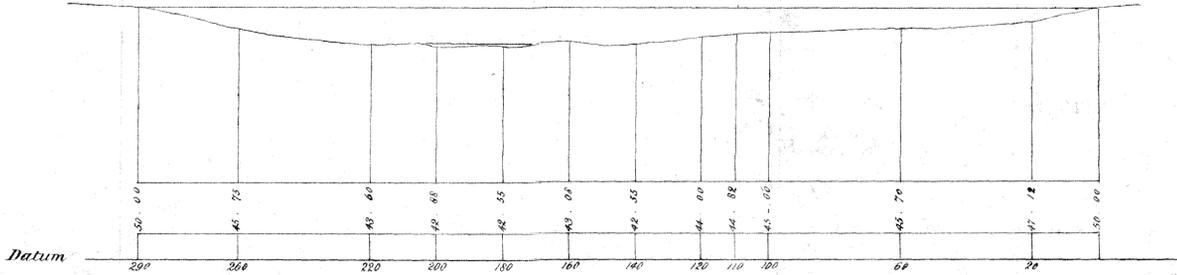
McDonald's Creek No 1.



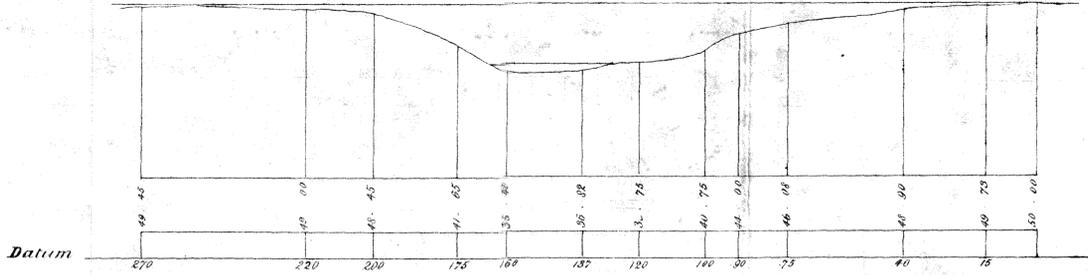
Phillips Creek No 7.



Phillips Creek No 8.

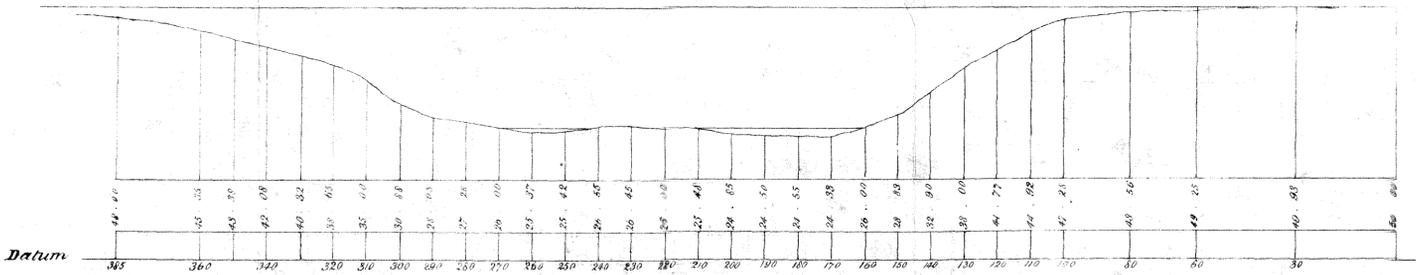


Phillips Creek No 9.

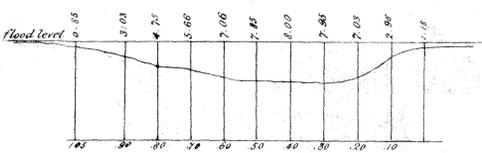


NOTE — The DATUM in each case has been placed 50 feet below High Flood Level.

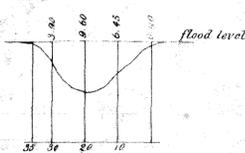
Meroo Creek No 10.



Creek No 2.



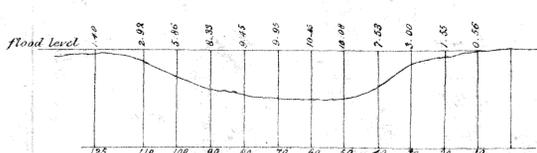
Creek No 6.



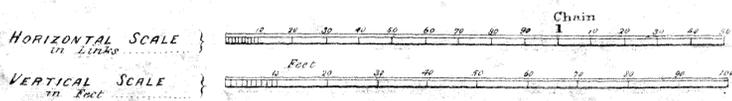
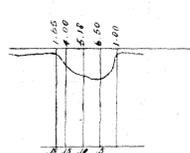
Creek No 3.

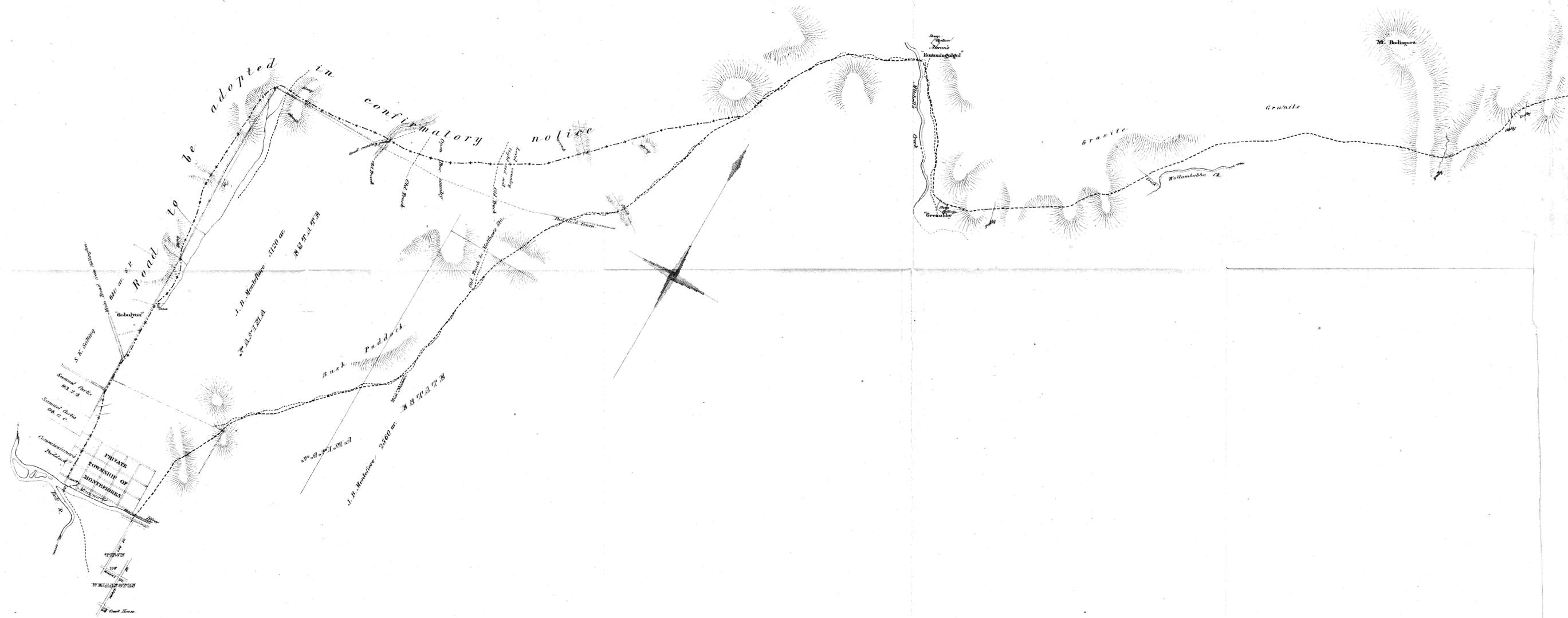


Creek No 4.



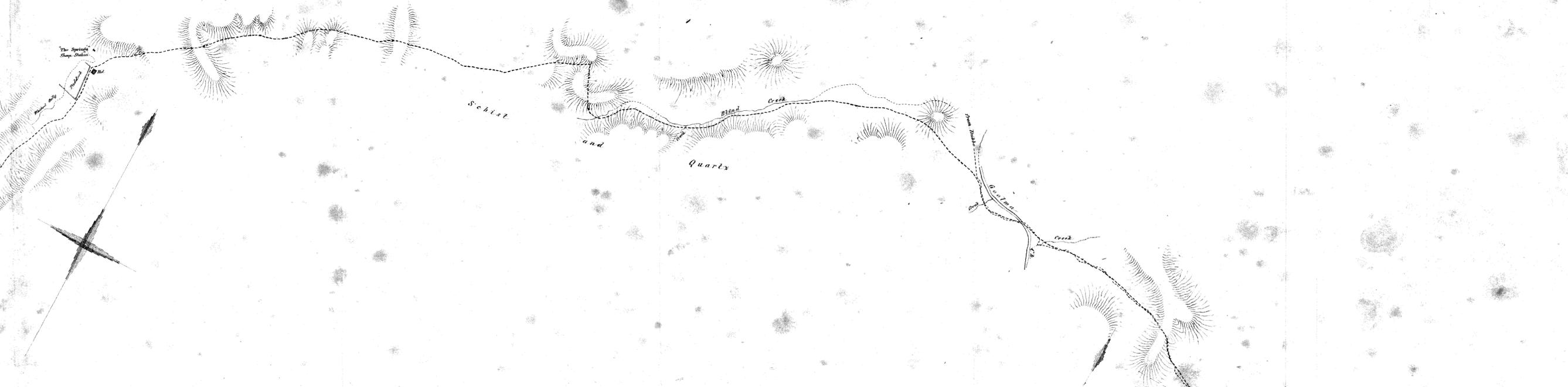
Creek No 5.





Sig. 769

F (1)



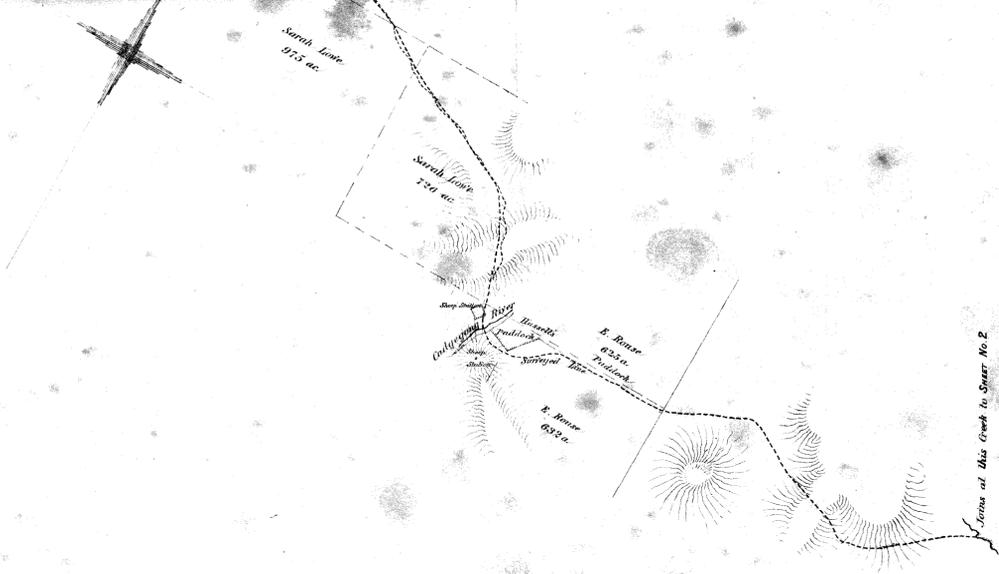
WELLINGTON AND MUDGEE ROAD

SHEET 1.

*Laid before the Executive Council
on the 11th. March, 1862*
(Signed) Charles Comber Esq
Clerk of the Council
Minute 2^o 11th. March, 1862.

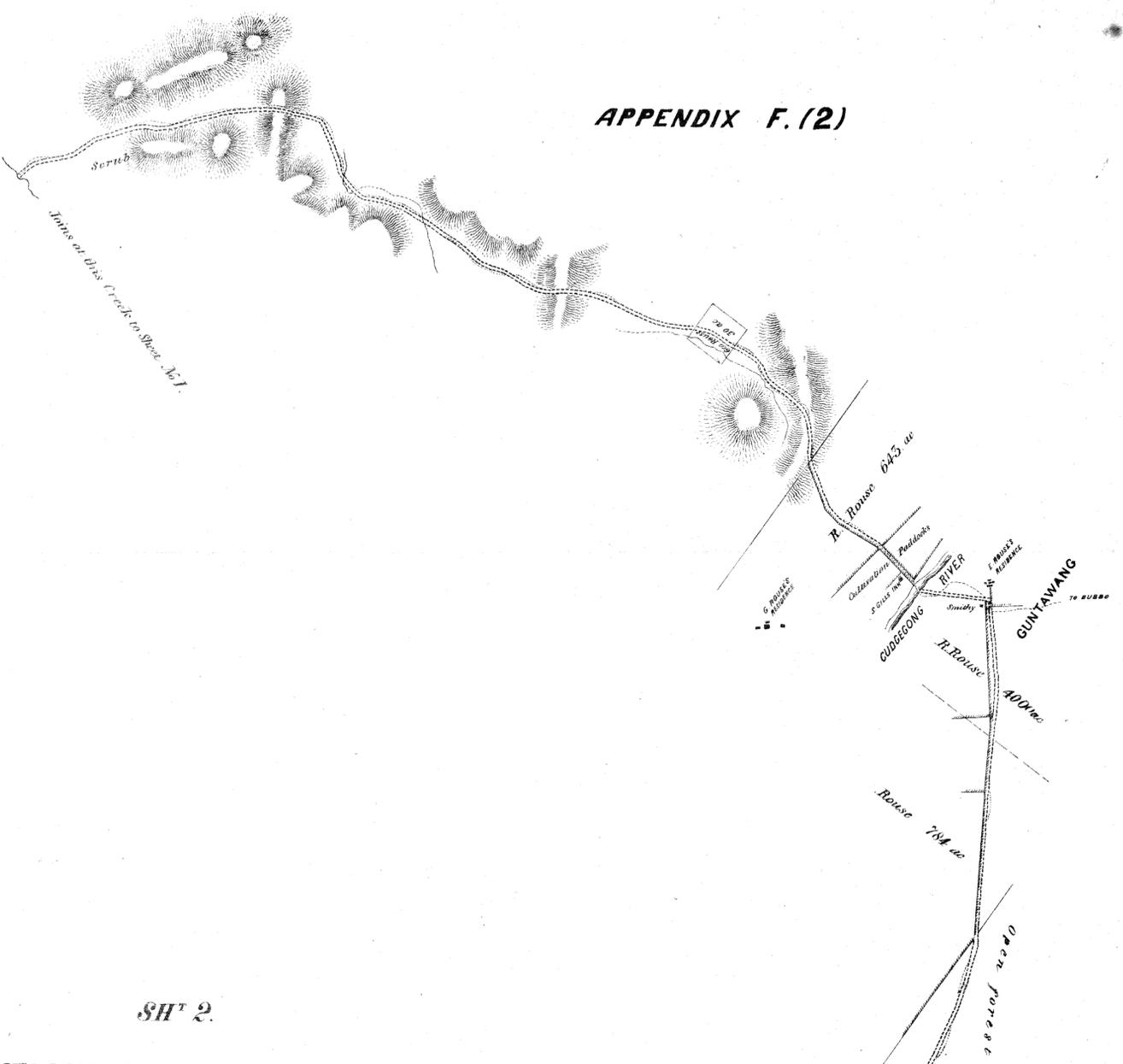
To be opened as a Parish Road, under Act of Council, 4 William IV, No. 2
Road to be opened is shown thus:-----
See Gazette Notice 9th. April, 1862. folio 710
The Line shown thus-----indicates a deviation from the Road
first proposed, & is to be adopted in confirmatory notice.

(Signed) Edward Combes



Continued on the Creek to Sheet No. 2

APPENDIX F. (2)



SH^t 2.

WELLINGTON TO MUDGEE ROAD.

To be opened as a Parish Road under Act of Council 4th IV N^o II.
Road to be opened is shown by a double dotted line.

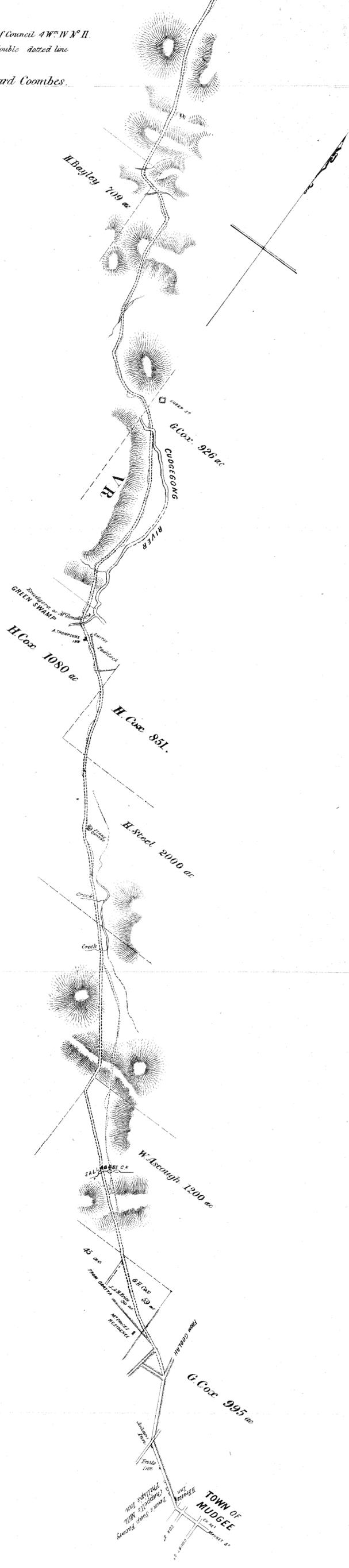
Sg^d Edward Coombes.



Laid before the Executive Council
on the 11th March 1862.

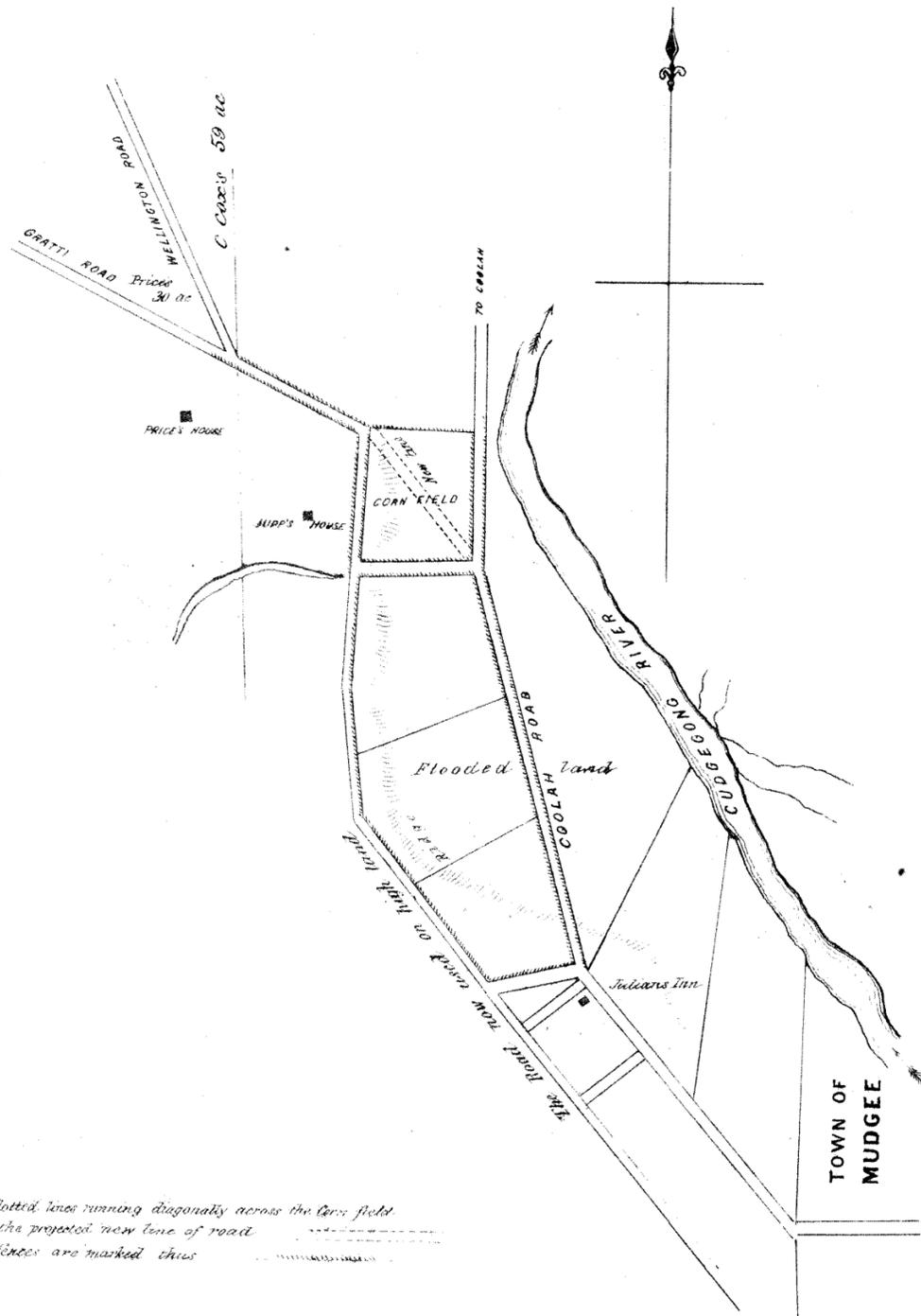
Sg^d Cha^s Couper Jnr
Clerk of the Council

Minute 62,9 - 11 MARCH 1862.



Sig 769.

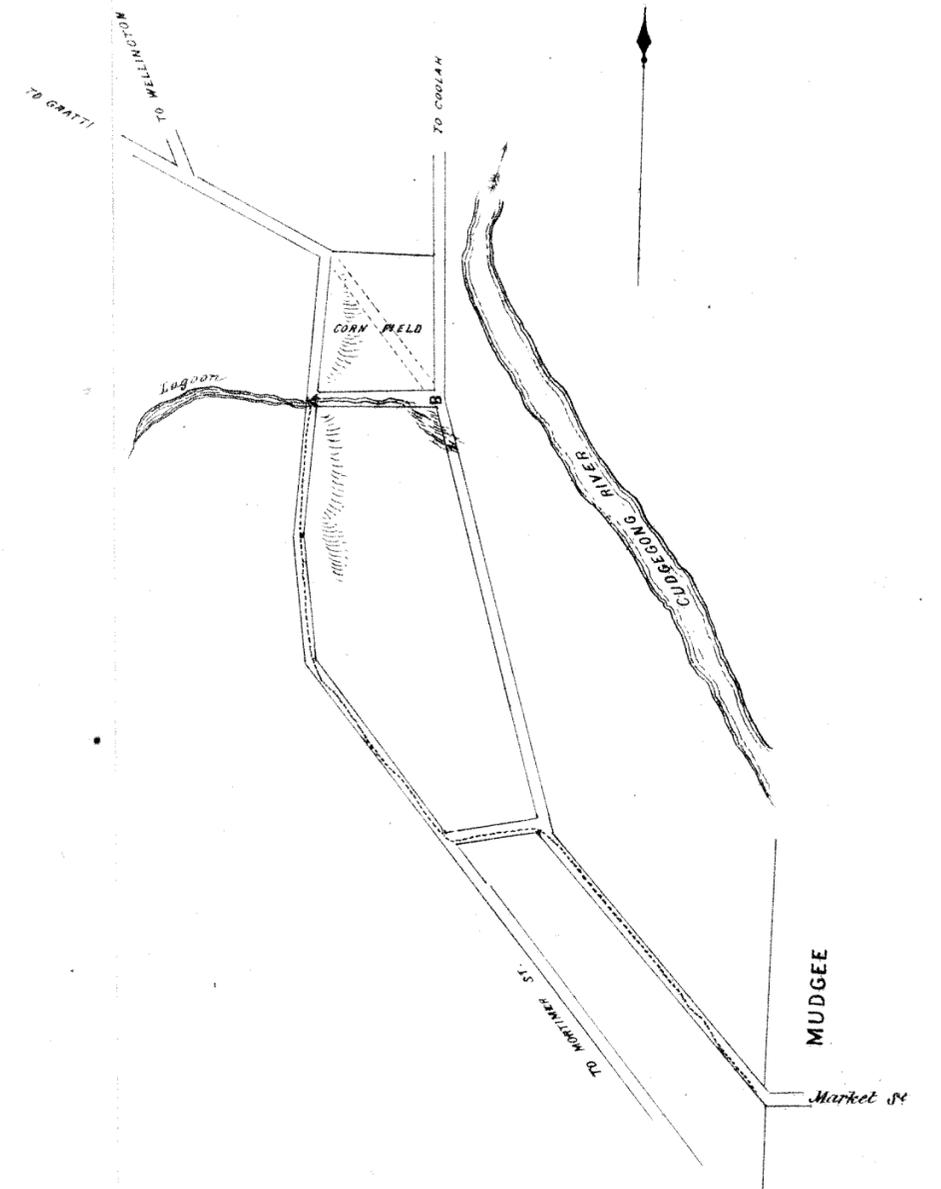
APPENDIX G.



The dotted lines running diagonally across the Cogn field shows the proposed new line of road
The fences are marked thus

Sig. 769.

APPENDIX H.



Sig. 769.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GREAT NORTH ROAD.

(CORRESPONDENCE RELATIVE TO APPOINTMENT OF TRUSTEES FOR PORTION OF.)

Ordered by the Legislative Assembly to be Printed, 23 October, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 6 May, 1861, praying that His Excellency the Administrator of the Government would be pleased to cause to be laid on the Table of this House,—

“ The Correspondence which has taken place with reference
“ to the appointment of Trustees for expending the Money
“ voted by this House for repairing that portion of the
“ Great North Road situated between the Parramatta Road
“ and Bedlam Ferry; including the letter written by B. C.
“ Rodd, Esq., recommending the appointment of a fresh
“ Trustee, viz., Mr. Patrick; the letter withdrawing that
“ recommendation; the letter recommending the appoint-
“ ment of Mr. Lyons; the Resolutions and other documents
“ forwarded by the Chairman of a Public Meeting, held at
“ St. Alban’s School House, Five Dock; the Petition
“ presented by Mr. Rodd, with the names attached thereto;
“ and all Correspondence connected with the appointment of
“ such Trustees.”

(*Mr. Lucas.*)

SCHEDULE.

No.	PAGE.
1. Mr. Robert Murray to John Lucas, Esq., M.P. 18 March, 1860	2
2. Petition or Memorial presented by Mr. Rodd	2
3. John Croker to John Lucas, Esq., M.P. 8 October, 1860	3
4. B. C. Rodd to Under Secretary for Lands (with enclosure). 22 September, 1860.	3
5. D. Alderton, Chairman of a Public Meeting held at Five Dock. Report (without date)	4
6. B. C. Rodd to Under Secretary for Lands 13 October, 1860	4
7. Memo. of Secretary for Lands. 2 March, 1861	5
8. Report of the Acting Surveyor General. 5 March, 1861	5
9. John Croker to John Lucas, Esq., M.P. 20 March, 1861	5
10. Minute of Secretary for Lands. 28 March, 1861	5
11. B. C. Rodd to Colonial Secretary. 23 April, 1861	5
12. Minute of Colonial Secretary. 26 April, 1861	6
13. Under Secretary for Lands to B. C. Rodd, Esq. 11 May, 1861	6
14. Same to Under Secretary for Finance and Trade. 11 May, 1861	6
15. Same to B. C. Rodd, Esq. 20 May, 1861	7
16. Same to Under Secretary for Finance and Trade. 20 May, 1861	7

GREAT NORTH ROAD.

No. 1.

MR. ROBERT MURRAY to JOHN LUCAS, ESQ., M.P.

*Ellbank, Five Dock,
18 March, 1860.*

DEAR SIR,

As one of the representatives of Canterbury, I take the liberty of addressing you a few lines respecting the state of the road leading from the Parramatta Road to Bedlam Ferry. There was, I believe, a sum of £40 voted last year for the repair of the said road, which sum was not got by any person, although I understand there were trustees appointed for carrying out the expenditure of this sum; but, through some inadvertence in the matter, it is still in the hands of G. Shank; if you would endeavour to find out the reason why it cannot be applied for the purpose it was granted. My reason for being so urgent in the matter is, that some few weeks ago a poor woman, in bringing her fruit to market, the cart turned over and her leg was broken, through the roads being in such a bad state; and as one accident is in general the forerunner of another, if immediate attention is not paid there is likelihood of many serious occurrences taking place.

I remain, &c.,
ROBERT MURRAY.

No. 2.

MEMORIAL.

WE, the undersigned proprietors and residents of land at Five Dock, and also travellers over and residing in the immediate neighbourhood and vicinity, and having every confidence in B. C. Rodd, consider him a fit and proper person to be a road trustee, and believe that any funds paid to him by the Government will be judiciously expended and faithfully accounted for.

W. Bland, 19½ acres on Five Dock Bay	James Gough, resident
Charles Frith, proprietor of 20 acres, Five Dock Bay	W. Dean, mortgagee, 50 acres
Robert Johnson, mortgagee for 80 acres	R. W. Johnson, mortgagee, 80 acres
W. Dean, proprietor 50 acres, Five Dock	W. Williams, house and land
W. Pratt, chemist, Parramatta-street	Rolla O'Farrell, by his agent Charles Abercrombie, 130 acres of land
William Preston, 18 acres	W. Wright, by authority Charles Aber- crombie, 65 acres of land
Henry Tilson, 9 acres	William Sloman, 6 acres of land
Samuel Moore, 1 acre	T. H. Wilkinson, householder, Ashfield
R. Burnett, 5 acres	John Want, freeholder, Ashfield
John Donaldson, 1 acre	Edw. Hollinworth, freeholder, Edgcombe Cottage, Ashfield, and connected with Five Dock
M. Nixon, 5 acres	Daniel Kelly, householder, Five Dock
Thomas Hose, 8 acres	Henry Halloran, Ashfield
Geo. Patrick, leaseholder	Daniel M'Gowrie, 2 acres, Five Dock
M. Camon, 10 acres	J. Donaldson, 2 acres
James Bol, householder	Patrick Kenyon, Catholic priest, Petersham, Burwood
James Hill, 3 acres	Henry Heming, 1 acre
Thomas James, freeholder	Lewis Wood, 3 acres
Robert B. Cumberland, householder	Samuel Lucas, 2 acres
George Robinson, householder	Thomas J. Underwood, landholder
John Murray, householder	Thomas Jones, carter to B. C. Rodd
George Paton, 20 acres	Samuel Lyons, 60 acres
William Steed, leasehold, 5 acres	Samuel Watson, part of 49 acres and homestead
Joseph Denham, householder	John Dawson, 6½ acres
Jean Seguin, 10 acres	Robert Watson, part of 49 acres
Thomas Denham, 4 acres	John Baptist, freeholder, 26 acres
William Potter, 6 acres	W. R. Templeton, Newtown
William Burgess, tenant	
Patrick Meaney, Charles Abercrombie for self and W. B. Gaden, R. T.	
B. Gaden, 193 acres of land	
John Gough, 2 acres	

No. 3.

No. 3.

MR. JOHN CROKER to JOHN LUCAS, ESQ., M.P.

*Harrabrook, Five Dock,
8 October, 1860.*

SIR,

Being engaged in Sydney the greater part of last week, I had no time to draw your attention to a letter, &c., of Mr. Rodd's, in last Monday's *Herald*; I now beg to give for your, and if necessary, for the information of the Minister for Lands, a few facts in reference thereto. On looking over the names to his certificate of character, I find there are forty names of persons who have no direct interest in the question at issue. Surely Mr. Rodd was hard-up when he had to get the names of persons being in Moreton Bay (Gaden), at Kiandra (the Goughs), at New Zealand (Mr. Wright), at Ashfield (Habroi, Kelly, &c.), of women (Mrs. Conner, Nixon, &c.), of his own hired servants (Robertson, Jones), and the owners of unimproved allotments, living in Sydney and elsewhere. Of the fourteen in Five Dock whose names are to the document, Tilson, Donaldson, and others, signed it through misrepresentation. "My boy, Brent" brought round the paper, and said there was £40 granted for to get stones for the road, but could not be got unless there was a certain number of signatures. F. Deunham never allowed his name to be put down. Speed is tenant, as well, to Mr. Rodd; many are old servants whose employment was so "good"; and Jones, Mr. Rodd's hired servant.

In reference to his letter, I am at a loss to know how he could think the meeting was for the purpose of obtaining a Parish Road Act, a matter I never before heard mentioned, and which is not wanted, and when the advertisement stated the object of the meeting.

I am also surprised at his saying he thought he gave general satisfaction, when complaints of his mismanagement were long and loud.

I am credibly informed that Wright positively refused to be associated with him in this matter.

I must observe, that Mr. Rodd is mistaken when he says he annoyed me by cutting a drain before my house; the drain does not do me a great deal of harm, though he wasted some money in filling up the proper watercourse and in making this drain. The consequence is, that the water, in making a new way for itself, has made a deep and dangerous hole on the side of the Parramatta Road, to which the attention of the Committee ought to be drawn. But I can easily understand him if he said he sought to annoy me in this way for refusing, as Churchwarden, to give him some money he applied for, to spend on the road leading to St. John's Church.

In conclusion, I would beg to say, that should this present application fail, the next step will be a petition to the Parliament. Apologizing for the length of this letter, which is longer than I intended,—

I remain, &c.,
JOHN CROKER.

No. 4.

B. C. RODD, ESQ., to UNDER SECRETARY FOR LANDS.

*Barnstaple Manor,
Five Dock, 22 September, 1860.*

SIR,

I beg to inform you, for the information of the Minister of Lands, that a meeting was held at the School-house, Five Dock, last night, called together by an anonymous advertisement,—“To take into consideration the state of the Five Dock Road, and other matters connected therewith.”

2. My notice having been called thereto, I presumed it was with the view of obtaining a Parish Road Act, so much spoken of and wanted; but having a previous appointment I could not attend.

3. The meeting came off, and not more than twenty-two residents of Five Dock attended.

4. Amongst the resolutions passed was one to the effect, “that the meeting had no confidence in B. C. Rodd as road trustee, and that the money entrusted to him was injudiciously laid out.” This was the substance; but as this particular and very select meeting refused to let my son have a copy of the resolutions, I cannot be precise.

5. Why the meeting should have singled me out, when it must have known that I am associated with Mr. Wright and Mr. Abercrombie, I am at a loss to divine, except it was led, in my absence, to follow entirely the getters up of it.

6. The fact is conclusive to my mind, that the meeting was got up and carried out from personal motives against myself. Amor I twice sued, and recovered against him; and to Mr. Murray I had to write a very pertinent letter touching the road, to which he was gentlemanly enough to return no answer.

7. Had I had notice that my conduct was to come under discussion, I would have been there at all inconvenience.

8. I enclose advertisement, a copy of letter I sent to the Chairman, and a copy of my letter to Mr. Murray.

9. I know there is a difference of opinion as to the name of the road to Bedlam Ferry; by law it is called the Great North Road, which by law has not been altered; it is now known as Bedlam Ferry Road; Five Dock Road should be its proper name.

10.

10. There was also a resolution to this effect,—that a deputation should wait upon Mr. Lucas, M.P., to use his influence with the Government to get me removed.

11. I am unable to enclose a copy of my letter to the Chairman, Mr. Alderton, he having, like a simpleton, given it with the resolutions to Croaker. This person is annoyed with me, I understand, because I had a drain made before his house; he (Croaker) has a quarry close to the road, and refused to allow some of his rubbish to be taken for the repairs of the road.

12. I am credibly informed that no person attempted to show how the money was misapplied.

13. In conclusion, I cannot resist observing the meanness and cowardice of these parties in attacking me behind my back without notice. Why, if they had any legitimate complaint, would not their proper course have been to apprise me of it in the first instance? I was under the full impression that I was giving full satisfaction to every person but Mr. Murray.

I remain, &c.,
B. C. RODD.

I beg to add, that not one word was said at the meeting as to how I had been acting injudiciously.

[Enclosure in No. 4.]

Sydney, 16 May, 1860.

My dear Sir,

I told my boy Brent last Sunday to ask you for a subscription to repair the road to Ashfield Church; and you said you would not give a sou towards it; if so, you had a perfect right to say so.

You travel on the road, and use it—that is more than I do to the road leading to your house, to which I gave 10s. Now, had this been all you said, as reported to me, you would not have heard from me. My boy says you went on to say, I had £28 to repair the Great North Road, and you did not know what I was doing with it, and you would write to the Prime Minister and see about it. Of course you can do so if you please; but if you take the trouble to go to the Audit Office you may see the vouchers I have had the trouble to write and send. Would you take this trouble to serve the public? Then, as to the employment of old Paddy Maney, it was good, and I only paid him for the work he did. Then as to the heaps left on the road, I am not responsible for that, for I ordered them to be spread. And now, if at any time you have anything to complain of, state it at once fairly to myself, face to face, and not behind my back.

And remain, &c.,
B. C. RODD.

To Robert Murray, Esq.,
Elswick.

No. 5.

REPORT.

At a public meeting of the inhabitants of Five Dock and its vicinity, held at St. Alban's School, Five Dock, on Friday, the 21st instant, at 7 o'clock, p.m., Mr. Alderton in the chair, the following Resolutions were duly put and passed:—

1st.—Proposed by Mr. Pitts, seconded by Mr. W. Croaker:—"That this meeting considers the Five Dock Road in a very bad and dangerous state, and requiring immediate repair."

2nd.—Proposed by Mr. Murray, seconded by Mr. Amor:—"That this meeting is of opinion that the money granted of late years for the repair of the Five Dock Road has been injudiciously laid out, and that B. C. Rodd, Esq., has not the confidence of this meeting."

3rd.—Proposed by Mr. McKnight, seconded by Mr. Budd:—"That this meeting recommends Mr. John Croker, Mr. Robert Murray, and Mr. John Denny, resident land-holders, as qualified and responsible persons to act as Trustees for the Five Dock Road."

4th.—Proposed by Mr. Murray, seconded by Mr. J. Croker:—"That Mr. Murray and Mr. Amor be appointed a deputation to wait on John Lucas, Esq., with the foregoing Resolutions, signed by the Chairman on behalf of the meeting, and request him to use his best exertions to have them carried into immediate effect."

On behalf of the meeting,
D. ALDERTON,
Chairman.

No. 6.

B. C. RODD, ESQ., to UNDER SECRETARY FOR LANDS.

Sydney, 13 October, 1860.

SIR,

In reference to my letter of the 22nd ultimo, relating to the Five Dock or Bedlam Ferry Road, I trust it may not be considered out of place my suggesting that a copy of my letter should be sent to the Chairman, Mr. Alderton, a respectable man, residing on the Parramatta Road, and that he be asked what reason was given at the meeting for not having confidence in me; and how I have expended the money entrusted to me and Messrs. Wright and Abercrombie, injudiciously.

I have, &c.,
B. C. RODD.

No. 7.

No. 7.

MEMO. OF SECRETARY FOR LANDS.

2 March, 1861.

I HAVE held over this matter, in hope of having time myself to go into it. That seems hopeless now. Refer these papers to the A. S. G., and ask his report and recommendation as to what is best to be done.

JOHN R.

A. S. General.—B.C., 4 March, 1861.

No. 8.

REPORT OF ACTING SURVEYOR GENERAL.

I HAVE looked carefully through the enclosed papers, and can see no grounds which, in my opinion, would warrant the removal from the Trust for the current year of any of the members.

The only grounds mentioned are, the expression of an opinion at a public meeting, that the money granted of late years for the repair of the road had been injudiciously expended, and a statement that Mr. Rodd had not the confidence of the meeting.

The numbers at the meeting are not stated by the Chairman, but are so by Mr. Rodd as twenty-two persons, and it appears to me that the removal of trustees, or any of them, should not be made unless some specific charge of neglect could be proved against them, or unless a very unanimous expression of want of confidence by the residents of the district were made.

It seems to me, further, that it would be highly inexpedient to appoint one or two of the present Trust with two or one other of persons in direct antagonism with them, as such a Trust could scarcely work harmoniously, or for the public benefit.

A. G. M.

B.C., 5 March, 1861.

No. 9.

MR. JOHN CROKER to JOHN LUCAS, Esq., M. P.

*Harrabrook, Five Dock,
20 March, 1861.*

DEAR SIR,

-At the request of several of the people at Five Dock, I beg to ask if anything has been done towards appointing a Trust for the Five Dock Road? It is high time something was done; the road is getting now in very bad order, and the winter is coming.

I trust you will do all in your power to have a proper Trust appointed, and as soon as possible, and you will add another obligation to this part of your constituency.

I remain, &c,

JOHN CROKER.

No. 10.

MINUTE OF SECRETARY FOR LANDS.

MR. Rodd being a relative of mine, perhaps the Chief Secretary will deal with the matter.

JOHN R.
28 March, 1861.

Principal Under Secretary.

Blank Cover—11 April, 1861.—M. F.

No. 11.

B. C. RODD, Esq., to COLONIAL SECRETARY.

Sydney, 23 April, 1861.

SIR,

I yesterday received a private note from the Minister for Lands, that he had referred a question to you about the North Road, and which he did not like to decide upon, as we are connected by marriage.

I have been a Trustee of the Great North Road for the last ten years, joined with others; but I had always the sole management, insomuch that the Government always recognized me solely. About six months since a hole-and-corner meeting was held at Five Dock

Dock concerning my conduct. I never had any notice of the meeting, or complaints made. I never had any direct notice of the meeting, or the result. I saw a report of it in the *Sydney Morning Herald*, and sent it to Mr. Robertson, together with testimonials in my favour of twice the number who signed the memorial.

I have been indirectly informed that Mr. Lucas (I presume the M.L.A.) has been writing to the Minister on the subject. If so, I believe the regular official routine is, that the communication ought to have been sent to me to answer. Mr. William Lucas, the brother of Mr. John Lucas, has repeatedly sent to me for the contract to repair this road, which I have declined. I believe Mr. John Lucas wishes to get me removed, and persons appointed who would give the contract.

I should like very much to speak to you on the subject, as I have that to say I would rather not put in a public letter.

B. C. RODD.

No. 12.

MINUTE OF COLONIAL SECRETARY.

26 April, 1861.

HAVING carefully read through all the papers regarding the Five Dock Road expenditure, I am of opinion that there exists no sufficient grounds for making other than the present arrangements. Mr. Rodd appears to me to have acted faithfully and zealously, and, though there is some dissatisfaction expressed, I apprehend that must be expected. Agreeing, as I do, with the view expressed by the Surveyor General, I would not advise any further appointments being made. Indeed, so far as the papers exhibited to me prove, Mr. Rodd is appointed sole trustee, with a suggestion that he should invite two or three more gentlemen to co-operate with him. I am not clear how Messrs. Wright and Abercrombie were appointed, but the primary correspondence evidently dealt with Mr. Rodd solely.

Having seen Mr. Rodd, I find he is unwilling that either Messrs. Croker or Murray should be united with him. To force him to accept them would be, virtually, to compel him to resign. I see no ground whatever for doing anything implying even a censure; and the sum is so small that to have five trustees for expending it would be an absurdity. Messrs. Abercrombie and Wright equally object to Messrs. Croker and Murray. The money may, in my opinion, be safely entrusted to Mr. Rodd, as hitherto.

C. C.

No. 13.

UNDER SECRETARY FOR LANDS to B. C. RODD, Esq.

*Department of Lands,
Sydney, 11 May, 1861.*

SIR,

I am directed to inform you, that the Under Secretary for Finance and Trade has been requested to open a cash credit in the Bank of New South Wales in your favour, in conjunction with Messrs. C. Abercrombie and W. Wright, for the sum of (£40) forty pounds—the amount provided for the year 1860 for the repair of the road leading from the Main Western Road to Parramatta River, at Bedlam Ferry.

I have, &c.,
MICHL. FITZPATRICK.

No. 14.

UNDER SECRETARY FOR LANDS to UNDER SECRETARY FOR FINANCE.

*Department of Lands,
Sydney, 11 May, 1861.*

SIR,

I am directed to request that you will cause a cash credit to be opened in the Bank of New South Wales, in favour of B. C. Rodd, Esq., and Messrs. C. Abercrombie and W. Wright, for the sum of forty pounds, for the repair of the road leading from the Main Western Road to Parramatta River, at Bedlam Ferry.

2. This sum, I am to add, is to be charged to the vote for Subordinate Roads (£35,000) for 1860.

I have, &c.,
MICHL. FITZPATRICK.

No. 15.

No. 15.

UNDER SECRETARY FOR LANDS to B. C. RODD, Esq.

*Department of Lands,
Sydney, 20 May, 1861.*

SIR,

I am directed to inform you, that the Under Secretary for Finance and Trade has been requested to open a cash credit in the Bank of New South Wales in your favour, conjointly with Messrs. C. Abercrombie and Wright, for the sum of one hundred pounds, for the repair of the road from the Main Western Road to the Parramatta River, at Bedlam Ferry.

I have, &c.,
MICHL. FITZPATRICK.

No. 16.

UNDER SECRETARY FOR LANDS to UNDER SECRETARY FOR FINANCE.

*Department of Lands,
Sydney, 20 May, 1861.*

SIR,

I am directed to request that you will cause a cash credit to be opened in the Bank of New South Wales, in favour of B. C. Rodd, Esq., C. Abercrombie, and W. Wright, for the sum of (£100) one hundred pounds, for the repair of the road from Main Western Road to Parramatta River, at Bedlam Ferry.

2. This sum, I am to add, is to be charged to the vote for Subordinate Roads (as per Schedule, £46,167) for 1861.

I have, &c.,
MICHL. FITZPATRICK.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ROAD THROUGH VILLAGE OF SUTTON FOREST.

(PETITION FOR.)

Received by the Legislative Assembly, 17 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Landowners, residents of the Village of Sutton Forest, and others in the Berrima District, and in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioners having purchased allotments of ground in the Village of Sutton Forest, from the Government, erected dwellings thereon, and being residents in the said Village, perceive that your Petitioners (in consequence of the estate known as Underwood's being fenced in) have no ingress or egress to the southern portion of the said village, thereby causing your Petitioners much annoyance and loss of time, besides having a circuitous route to proceed to the Post Office and the principal stores in the settlement or township of Sutton Forest, quite two miles in distance.

That your Petitioners beg most respectfully to state, that the above grievance could easily be obviated by your Honorable House causing a road to be opened opposite the Post Office, in Sutton Forest, along the boundary fence belonging to the land known as Cosgrove's and Edward Lord's, to the extent of one hundred and twenty rod, or a quarter of a mile and one furlong in length, when it meets the Crown land, and runs in a line with M'William's allotment and the corner of a street in the said Village of Sutton Forest. The whole distance of the required road would not exceed in length, from one point to the other in a direct line, the one hundred and twenty rod named.

That your Petitioners are led to believe, no objection would be made by either Mr. Lord or Mr. Cosgrove to the road passing through their respective properties for so short a distance. Your Petitioners also beg to state that, at the present time, persons from the cross roads and the southern parts, desiring to reach the Village of Sutton Forest, or the railway station (when completed), could not do so without going to nearly the end of the Township of Sutton Forest, and to enter by the north end of the Village of Sutton Forest to reach the south end thereof, a distance of at least two miles, which could be easily accomplished by the line of road suggested by your Petitioners, by barely a quarter of a mile and one furlong in length.

That your Petitioners not only consider a great boon would be conferred on themselves, but to the public generally, as much time, labour, and annoyance would be saved by the road prayed for being adopted.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to take the foregoing into your favourable consideration, and cause such measures to be taken as your Honorable House shall deem fit, that the road prayed for in the premises may be granted. And your Petitioners, as in duty bound, will ever pray, &c.

[Here follow 53 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD, SUTTON FOREST.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 6 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Landowners and Residents of Sutton Forest, Mount Broughton, Throsby Park, and Wingecarrabee Swamp, all in the District of Berrima, in the Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioners most respectfully beg to state, that after a line of road having been in existence for the period of thirty years, has within a few months ago been blocked up to the extent of about a quarter of a mile in length, from the old Southern Road in Sutton Forest, opposite McPherson's, through the property belonging to O'Keefe and Hollands, and adjoining that of Wilmott's, when the interruption ceases and the road then continues on till it meets the main road.

That one of your Petitioners particularly, named James Cairns Wilmott, residing within a quarter of a mile of the township of Sutton Forest, cannot reach the northern part of the said township without trespassing on private property to get to a road, and then a round of two miles in distance to be performed, not having as much as a roadway to and from his farm; in fact, completely closed in on all sides, which has only been till lately the case.

That your Petitioners, desirous of reaching the northern part of Sutton Forest, the Church, or the post road to Berrima, have, at present two and a-half miles to travel before they can accomplish the same, besides the unnecessary waste of time and labour, and are likewise compelled to take a circuitous route.

Your Petitioners also respectfully beg to state, that by your Honorable House causing a road to be opened, as formerly, that is, from McPherson's on the old Southern Road in Sutton Forest, through the property of O'Keefe and Hollands, to the extent of a quarter of a mile in a straight line, very great benefit would not only be derived by your Petitioners, but by the public generally, travelling to and fro from Wingecarrabee Swamp, Bong Bong, Throsby Park, and Mount Broughton, to Sutton Forest and Berrima.

That your Petitioners believe little or no objection would be made to the road passing through the said quarter of a mile by the parties owning the land, viz. :—O'Keefe and Hollands. Also it was always understood by your Petitioners the road as formerly was a proclaimed public road.

That your Petitioners consider it will be a great boon, conferred not only upon themselves, but to the public generally, by the grievance complained of being removed, and the road now closed being again thrown open to the public.

Your Petitioners, therefore, humbly pray that your Honorable House will be pleased to take the foregoing into your favourable consideration, and cause such measures to be adopted as your Honorable House shall deem expedient, that the road prayed for in the premises (to be again opened) may be granted.

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

[Here follow 91 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ROAD FROM GOORANGOOLA CREEK AND FALBROOK
TO SINGLETON.
(PETITION.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1862.

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

The Petition of the undersigned Landowners and Settlers on Goorangoola Creek and Falbrook,—

HUMBLY SHEWETH:—

That your Petitioners have from time to time purchased land from the Crown, on the above-named creeks, to the extent of about seven thousand acres.

That having no right of way to Singleton (the nearest post town), your Petitioners some two years and a half ago respectfully addressed themselves to the Honorable Minister for Lands, who caused a direct line of road to be surveyed, but no further steps that your Petitioners are aware of have been taken towards opening the road in question to the public, although the survey thereof was completed in May, 1860.

That your Petitioners have from time to time, since the survey of the road in question, pointed out to the Honorable the Minister for Lands the difficulties they labour under from the want of an authorized thoroughfare.

Trusting that your Honorable House will take the want we are under into your favourable consideration, your humble Petitioners will, as in duty bound, ever pray.

(Here follow 24 Signatures.)

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JAMES MILLER.
(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1862.

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

The Memorial of James Miller, of Corinda, in the District of Patrick's Plains, in the County of Northumberland, and Colony of New South Wales,—

MOST RESPECTFULLY SHEWETH:—

That, by order of the Honorable the Executive Council, a Parish Road leading from Singleton to Black Creek, by Belford, was opened up through my estate, Corinda, on the eighth day of January last, by Mr. Rodgers, Government Surveyor.

That the said Parish Road passes through the said estate to the extent of about $1\frac{1}{2}$ of a mile, and occupies an area of about thirteen acres.

That the opening up of the said Parish Road has been attended with serious inconvenience and injury to my stock in general, and to my breeding stock in particular, inasmuch as it has opened up the paddocks appropriated to their use, and cut them off to a considerable extent from the river.

That in order to the protection of my interest as far as possible, I have been compelled to erect on both sides of the said Parish Road, to the extent of $3\frac{1}{2}$ miles, a three-railed fence, at a cost of about two hundred and sixty pounds sterling.

That by Act of Parliament 4 William the IV, No. 11, section 18, the Parish is bound to compensate me for the said outlay in fencing. That inasmuch as there are no Parish Authorities to whom to apply, I am left, as far as the Parish is concerned, without means of redress.

That inasmuch as the General Government, by assuming and exercising the functions and prerogatives of the Parish Authorities, have, by the very act of opening up the said Parish Road, assumed the responsibilities and obligations of the said authorities, your Memorialist humbly prays that your Honorable House may be pleased to take these premises into favourable consideration, and grant such relief as to you may seem fit; and your Memorialist, as in duty bound, will ever pray.

JAMES MILLER.

Corinda, 26 November, 1861.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TOLL-GATE, MURRURUNDI.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Inhabitants of the Towns of Murrurundi and Haydonton, with the surrounding District,—

HUMBLY SHEWETH :—

That in October, 1861, a Toll-gate was established on the East side of Murrurundi.

That in consequence thereof, the major part of your Petitioners have an indirect tax to pay for each load of wood, &c., &c.

That the body of the agriculturists reside on the East side of Murrurundi, and therefore have a tax to pay for sending their produce to market.

That the Roman Catholics, of whom seventy per cent. reside on the East side of the Toll-gate, are visited periodically by their clergyman, and two out of every three such visits fall on working days of the week, whereby your Petitioners have to pay a tax for attending their place of worship on two occasions out of every three.

That your Petitioners will bear the expense of removing the Toll-gate and Hut from their present position to a place West of Murrurundi. Such removal would be a public good, and prevent many serious evasions of tollage at present practised.

That the Members of your Honorable House may take a favourable view of your Petitioners' prayer.

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

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RAILWAY CONTRACTS.
(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be Printed, 12 June, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 19 October, 1860, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“Copies of all unpublished Correspondence between the
“Government and the Agents of Sir Morton Peto and Co.
“in the Colony, relative to the existing Railway Contracts.”

(*Mr. Parkes.*)

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RAILWAY CONTRACTS.

No. 1.

SECRETARY FOR LANDS AND WORKS to SIR S. M. PETO & Co.

*New South Wales,
Department of Lands and Public Works,
Sydney, 12 February, 1859.*

GENTLEMEN,

Captain Martindale has placed in my hands your letter of the 12th December last, in which you state that you have decided to accept the proposition made to you, to enter into arrangements for the construction of Railways in this Colony.

2. I need only inform you by this opportunity that the Government will be happy to receive and to treat with the Agent, whom you state it is your intention of sending out by the January mail.

I have, &c.,
JOHN ROBERTSON.

No. 2.

S. WILLCOX, ESQ., to ENGINEER-IN-CHIEF.

*Great Northern Railway,
East Maitland, 10 June, 1859.*

DEAR SIR,

I have been over the line between Maitland and Lochinvar, and also that being marked out between Lochinvar and Singleton.

The portion between Maitland and Cutting No. 9, 21m. 60c., appears to be in an advanced state. The three miles between that place and Lochinvar have just been commenced; only 200 yards in Cutting 14, and 150 yards in Cutting 16, have been removed; and there are only some 15 men engaged upon it.

I find that, on the piece between Lochinvar and Singleton, some time must elapse before we can commence; the section is not ready, nor is the line definitively staked out.

As there is so little done between 21.60 and Lochinvar, I now propose taking it out of your hands, paying all expenses incurred upon it to the date of transfer, and taking too all the plant at your valuation—accepting, at the same time, all agreements which might have been made with sub-contractors for the execution of the works and the delivery of materials.

The addition of this portion of the line to our contract would be an advantage to me, for several reasons. As I am expecting men up from Victoria, I could put them to work immediately on their arrival; I could collect and concentrate men here, and draft them off to other parts of the line as we obtained possession of it; and as the rest of the line near Maitland is drawing to a close, I should then have the whole of the work in my own hands, which would give me a much greater control over the men.

Trusting that this proposition might meet with your approval,

I am, &c.,
SAML. WILLCOX.

No. 3.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 4 July, 1859.*

SIR,

I have the honor to inform you that I have perused the accompanying papers, which have been forwarded to me, I presume, as instructions for the preparation of a bond, to be given by Sir M. Peto and Co., for the faithful performance, by that firm, of certain Railway work between Campbelltown and Menangle, and that, until I am furnished with the contract entered into by Messrs. Peto and Co. and the Government, I am quite unable to proceed with the preparation of the bond. So far as I can see, the papers herewith do not in any way disclose the contract, for the due performance of which Messrs. Peto are to give security.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 4.

No. 4.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 4 July, 1859.*

SIR,

I have the honor to inform you that, amongst other papers received by my predecessor in office, I have found a letter, dated the 19th of May last, addressed to him by the Under Secretary for Lands and Public Works, in which Mr. Under Secretary Fitzpatrick explains that the arrangements have been concluded with the Agent of Sir M. Peto and Co., for the construction of Railways, on the authorized extensions, by that firm, and in which he requests my predecessor in office to prepare the necessary bond to be entered into, by or on behalf of Sir M. Peto and Co., for the due fulfilment of the conditions of the agreement, which will be furnished to him by the Commissioner for Internal Communication.

I think it right to remind you that I have not yet received the agreement in such letter referred to, and that I have consequently been unable to prepare the bond as requested.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

No. 5.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, Esq.

*Railway Branch,
Department of Internal Communication,
Sydney, 5 July, 1859.*

SIR,

Your letter of the 10th ultimo, addressed to the Engineer-in-Chief, has been laid by him before the Commissioner, and I am directed to inform you, in reply to it, that the Commissioner is prepared to recommend to the Government, that the construction of the Great Northern Railway between 21.60, and 25.30, should be intrusted to Messrs. Peto and Co., on the following terms:—

Messrs. Peto and Co. to accept all agreements which have been made with contractors for the execution of the works and delivery of materials.

For all contracts which the Government have already made, Messrs. Peto and Co. to receive only the price already settled with the contractors.

For all works not already contracted for, Messrs. Peto and Co. to receive payment at the prices contained in the schedule of prices already agreed upon.

Messrs. Peto and Co. to take over at once such of the Government Railway plant as the Government now wish to dispose of, and the remainder when the line is completed to 21m. 60c., at the valuation of the Engineer-in-Chief.

Messrs. Peto and Co., in addition to the construction of the line to formation level, to complete the line between 21m. 60c. and 25.30, provided terms can be agreed upon.

I am directed to observe, the delay in replying to your letter has arisen from the necessity of an interview with you upon this matter, and your absence from Sydney and other circumstances having prevented this taking place till yesterday.

I am, &c.,

JOHN RAE,
Secretary.

No. 6.

S. WILLCOX, Esq., to COMMISSIONER FOR RAILWAYS.

Sydney, 6 July, 1859.

SIR,

In reply to your letter of the 5th instant, I must beg, on the part of Messrs. Peto, Brassey, and Betts, to decline your offer.

As I explained to you yesterday, I have engaged several men for the Northern line, believing that before this (according to the terms of our contract) I should have been able to commence the works on that portion of the line between Lochinvar and Singleton. Several of these men have already arrived, and I am expecting others shortly. I am now paying a considerable amount daily for salaries and wages, which will be augmented on the arrival of other men.

For the purpose of keeping these men employed, I was induced to offer to undertake the completion of the line between the twenty-first and twenty-sixth miles.

My offer to you was, to take this line upon the same terms and conditions as agreed on between the Government and Messrs. Peto and Co. for the Railway works between Campbelltown and Menangle, and I can see no reason why there should be a difference between the two lines. I am still willing to undertake the works upon those terms.

I hope, however, that as the Government have only given eleven miles of Railway instead of the fifteen promised to be given by the 21st ultimo, that the four miles difference may be given to me at once on the Northern line, so that our losses may be lessened as much as possible.

I understand that the Government contend that the line between Campbelltown and Menangle forms a part of the fifteen miles; but this is an independent contract, entered into subsequent to the undertaking to give fifteen miles, and upon different terms to the general contract.

I am, &c.,
SAML. WILLCOX.

No. 7.

COMMISSIONER FOR RAILWAYS to UNDER SECRETARY FOR LANDS AND WORKS.

*Railway Branch,
Department of Internal Communication,
Sydney, 7 July, 1859.*

SIR,

I have the honor to transmit herewith, copies of a correspondence relative to an offer from Mr. Willcox, as Agent for Messrs. Peto, Brassey, and Betts, to construct that portion of the Great Northern Railway between 21.60 and 25.30, and which is now being carried out by this department direct.

The terms upon which Mr. Willcox wished to have this work are, to pay all expenses incurred upon it up to the date of transfer, to take all the plant at the valuation of the Engineer-in-Chief, and to accept all agreements already made on behalf of the Government with the sub-contractors; Messrs. Peto and Co. to be paid for the work as if it formed part of the main contract.

The arrangements for this work are so far advanced that I did not feel that I should be justified in recommending these terms to the Government. But desirous of carrying out the views of the Government of affording every facility to the Agents of Messrs. Peto and Co., I informed Mr. Willcox, after consulting with the Engineer-in-Chief, that I would recommend that the work which he desired to have should be given to him on modified terms: the alterations which I proposed being, that for contracts already made Messrs. Peto and Co. should receive only the price already agreed upon with contractors, and should take over the Government plant at two different times, in place of receiving the whole at once.

Mr. Willcox, by his letter of yesterday's date, declines these terms; but renews his previous offer.

Mr. Willcox argues that the present contracts have been made direct with navvies, and that upon the work undertaken by them he could therefore have no profit, not even remuneration for the cost of superintendence, &c.; and further, that whenever a rise of wages takes place, the navvies will either throw up the work or demand increased prices.

Under these circumstances I am desirous, before replying to Mr. Willcox's letter of yesterday's date, to receive the instructions of the Government.

I have, &c.,
B. H. MARTINDALE.

THE grounds upon which the application of Mr. Willcox appears to have been made is, that the Railway Department has failed in furnishing plans, &c., in accordance with agreements. Is this so, and are the Government therefore driven to make concessions?

JOHN R.

THE grounds upon which Mr. Willcox's application was made was not that the Railway Department had failed in furnishing plans in accordance with agreement, but that, for the reason stated in his letter, it would be an advantage to him to be intrusted with the work named by him, in addition to his contract. The date of Mr. Willcox's letter is the 10th June; the date when the plans were to be furnished to him is the 21st July.

I have already reported, by my letter of the 22nd instant, that the plans of the Northern line were not ready on the 21st instant; but the Engineer-in-Chief assures me that nine miles will be ready for proclamation next week—a length sufficient to afford Mr. Willcox full employment as soon as possession can be obtained of the land.

The only concession which, it appears to me, the Government should make, if Mr. Willcox requires it, is to extend the time for the completion of the works by whatever period may elapse between the dates when the plans are furnished and when they should have been furnished.

B. H. M.
26 July.

Under Secretary
for Lands and Works.

UNDER the circumstances stated, I would prefer that the minor contracts referred to, be carried out under the Railway Department.

JOHN R.
30 July.

No. 8.

No. 8.

S. WILLCOX, ESQ., to SECRETARY FOR LANDS AND WORKS.

*Great Northern Railway,
East Maitland, 16 July, 1859.*

SIR,

It would be a great convenience and assistance to us, in the execution of the works between Lochinvar and Singleton, if you would kindly grant us permission to enter upon the lands adjoining the Railway, for the purpose of cutting down any timber we might require for the construction of the line.

Trusting you will grant the permission,

I have, &c.,
SAML. WILLCOX,
Agent for Peto, Brassey, and Betts.

No. 9.

UNDER SECRETARY FOR LANDS AND WORKS to S. WILLCOX, ESQ.

*Department of Lands and Public Works,
Sydney, 21 July, 1859.*

SIR,

Your letter of the 16th instant, respecting cutting down timber for Railway purposes from lands adjoining the Great Northern line, referred for the report of the Commissioner for Internal Communication, &c.

I have, &c.,
M. FITZPATRICK.

No. 10.

S. WILLCOX, ESQ. to COMMISSIONER FOR RAILWAYS.

Sydney, 26 July, 1859.

GREAT NORTHERN RAILWAY EXTENSION—LOCHINVAR TO SINGLETON.

SIR,

On behalf of Messrs. Peto, Brassey, and Betts, I beg leave to submit to you the prices at which I am willing to undertake the execution of the following works and supply of material:—

- 1st. Fencing similar to that erected on the line between Maitland and Lochinvar, at per rod, 10s.
- 2nd. Clearing the line, at per acre, £7.
- 3rd. Sleepers delivered, each, 3s.

With respect to the permanent way and ballasting, I shall be happy to agree with Mr. Whitton as to price, after having seen the working sections of the line.

I have, &c.,
SAML. WILLCOX.

No. 11.

S. WILLCOX, ESQ., to COMMISSIONER FOR RAILWAYS.

Sydney, 28 July, 1859.

GREAT NORTHERN RAILWAY EXTENSION—LOCHINVAR AND SINGLETON.

SIR,

Having received no reply to my letter of the 6th instant, nor yet having been put in possession of any portion of the land or plans for the Northern line, I again take the liberty of addressing you.

According to the terms of our agreement, and as explained in my letter of the 6th instant, some portion of the line should have been given us on the 21st ultimo, and the whole on the 21st instant.

I must again urge upon you the necessity of giving us at least some portion of the line immediately, and beg leave to remind you of the heavy expenses we are daily incurring in having our staff upon the ground in expectation of receiving the land and plans at the specified — This expense might have been avoided had the Government accepted my offer to take a portion of the line between Maitland and Lochinvar.

I have, &c.,
SAML. WILLCOX,
For Peto, Brassey, and Betts.

RAILWAY CONTRACTS.

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No. 12.

UNDER SECRETARY FOR LANDS AND WORKS to S. WILLCOX, Esq.

*Department of Lands and Public Works,
Sydney, 3 August, 1859.*

SIR,

Referring to my letter of the 21st ultimo, I am now directed to enclose, herewith, for your information, a copy of the Report of the Commissioner for Internal Communication, on the subject of your request to be allowed to enter upon the lands adjoining the proposed Railway line from Lochinvar to Singleton, for the purpose of cutting timber required for the construction of that line.

2. I am to apprise you that the Secretary for Lands and Public Works concurs with the Commissioner so far as private lands are concerned, but that as the Railway will pass in some places through public lands, you may, by paying a comparatively nominal fee, obtain licenses from the local Benches of Magistrates, for your men to cut timber on any vacant Crown lands within the Police District, under the Regulations of 11th September, 1850.

I have, &c.,

M. FITZPATRICK.

[Enclosure in No. 12.]

Under clauses 84 to 87 of the Government Railways Act, the Commissioner can grant the permission Mr. Willcox seeks, in respect to lands within 200 yards of the centre line of Railway, under the restrictions named in those clauses. But as by reference to the clauses it will be seen that questions of damage and compensation are involved, the Commissioner is not disposed to grant the general authority sought by Mr. Willcox, but would prefer giving special permission as Mr. Willcox may require it, on condition of his indemnifying the Government against any claims that may be made arising from such permission.

Under Secretary for Lands and P. Works.
B.C.B. H. M.
26/7/59.

No. 13.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, Esq.

*Railway Branch,
Department of Internal Communication,
Sydney, 4 August, 1859.*

SIR,

I am directed by the Commissioner to acknowledge the receipt of your letter of the 28th ultimo, and to inform you that the Commissioner is waiting for the instructions of the Government upon your letter of the 6th ultimo, and that as soon as he receives these instructions he will communicate further with you. I am to observe that, on reference, you will see that there is nothing whatever in the terms of the agreement entered into between the Government and Sir S. M. Peto and Co., by which the Government were bound to give over any portion of the line to you on the 21st June. The whole was to have been given over to you on the 21st ultimo, and I am to express the Commissioner's regret that the Engineer-in-Chief has not found it possible to complete the plans within the time specified. I am further to observe, that both the Commissioner and Mr. Whitton verbally acquainted you with the causes of delay in the completion of the plans a day or two before the date of your letter, and also with the efforts being made to supply them as early as possible, and that the Commissioner at the same time acquainted you with the reasons why your letter of the 6th ultimo still remained unanswered.

I have, &c.,

JOHN RAE,
Secretary.

No. 14.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, Esq.

*Railway Branch,
Department of Internal Communication,
Sydney, 5 August, 1859.*

SIR,

I am directed by the Commissioner to acknowledge the receipt of your letter of the 26th ultimo, submitting on behalf of Messrs. Peto, Brassey, and Betts, the prices at which you are willing to undertake the execution of the fencing, clearing the line, and supply of sleepers, on the Extension from Lochinvar to Singleton; and in reply, I am to inform you that the Commissioner has referred the same for the consideration of the Government.

I have, &c.,

JOHN RAE,
Secretary.

No. 15.

RAILWAY CONTRACTS.

No. 15.

SECRETARY TO RAILWAY DEPARTMENT to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 5 August, 1859.*

SIR,

With reference to the instructions transmitted under blank cover to you on the 29th ultimo, in accordance with the request contained in your letter of the 4th ultimo, to enable you to prepare the contract between the Government and Sir S. M. Peto, Brassey, and Betts, I am directed by the Commissioner to request that you will have the goodness to complete the contract and bonds as early as possible, as it is desirable that these documents should be executed before any payment is made to the contractor, who is pressing for money.

I am to add, that Mr. Rhodes verbally informed me that Mr. Want, his attorney, will furnish you with the names of the sureties.

I have, &c.,
JOHN RAE,
Secretary.

No. 16.

CROWN SOLICITOR to SECRETARY TO RAILWAY DEPARTMENT.

*Crown Solicitor's Office,
11 August, 1859.*

SIR,

I have the honor to enclose, for the perusal of the Commissioner for Railways, a draft of the agreement proposed to be made with Messrs. Peto, Brassey, and Co, for the extension of the Great Southern Railway.

In it I have incorporated from the fourth to the fourteenth clauses of the specification, as they are clearly not specifications of the work to be done, but stipulations as to the manner in which it shall be done, and provisions against possible default, and therefore are more correctly part of the contract for the performance of the works.

If you will return the draft to me when perused by the Commissioner, I will forward it to Mr. Want, who will act for Mr. Rhodes.

Mr. Want proposes Mr. Rhodes and Mr. Willcox as sureties for the due performance of the contract;—will you inform me if they will be accepted?

I have, &c.,
JOHN WILLIAMS.

No. 17.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, ESQ.

*Railway Branch,
Department of Internal Communication,
Sydney, 11 August, 1859.*

SIR,

In further reference to your letter of the 6th ultimo, declining on the part of Messrs. Peto, Brassey, and Betts, to undertake the completion of the line between the 21.60, and 25.30 miles of the Great Northern Railway, on the terms named by the Commissioner in his letter to you of the 5th ultimo, I am directed by the Commissioner to inform you, that the correspondence has been laid by him before the Government, and that it has been determined that the minor contracts already entered into shall be carried out by this department direct. In reference to the concluding part of your letter I am to observe, that the Commissioner can find nothing in the terms of the contract entered into with Sir S. M. Peto and Co. that should have induced you to believe that before the 6th ultimo you would have been able to commence the works between Lochinvar and Singleton; and to inform that Mr. Rhodes has now received the plans of the whole of the Southern and Western Extensions at present authorized; that the plans of part of the Northern line will be handed over to you early next week, and the remainder as soon as they are completed and have been proclaimed.

I have, &c.,
JOHN RAE,
Secretary.

No. 18.

No. 18.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, ESQ.

*Railway Branch,
Department of Internal Communication,
Sydney, 16 August, 1859.*

SIR,

In reference to your letter of the 26th ultimo, stating that you are willing to undertake, on behalf of Messrs. Peto, Brassey, and Betts, the following works, including the supply of materials, on the Extension from Lochinvar to Singleton of the Great Northern Railway, viz. :—

- 1. Fencing, at per rod, 10s. ;
- 2. Clearing the line, per acre, £7 ;
- 3. Sleepers delivered, 3s. each ;—

I am directed by the Commissioner to inform you, that he has referred your tender to the Secretary for Lands and Public Works, and that the Government cannot accede to the terms for the fencing, sleepers, and clearing contained therein ; but that, to avoid the delay of procuring public tenders, Mr. Whitton has been directed to submit arrangements for the execution of the fencing at once, by procuring offers on the spot ; also, to fix a price on the spot for clearing, dividing the length into sections—and that the sleepers will be procured by public tender.

I have, &c.,
JOHN RAE,
Secretary.

No. 19.

SECRETARY TO RAILWAY DEPARTMENT to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 16 August, 1859.*

SIR,

In reference to your letter of the 11th instant, enclosing, for the perusal of the Commissioner, a draft of the agreement proposed to be made with Messrs. Peto, Brassey, and Co., for the extension of the Great Southern Railway, I am directed to return you herewith the draft, as revised, with general instructions, and specifications A, C, D, E, and Schedules B and F, and to request your early attention to the matter.

I am to add, that the Commissioner has submitted the names of Messrs. Rhodes and Willcox to the Secretary for Lands and Works, who has approved of them, as sureties for Messrs. Peto, Brassey, Betts, and Co.

The Commissioner presumes that you have satisfied yourself that Mr. Rhodes has full power to act, and suggests that the power of attorney in his favour, or a certified copy of it, should be obtained, and lodged with the Crown Law Officers, or the Commissioner for Railways.

I have, &c.,
JOHN RAE,
Secretary.

No. 20.

SECRETARY TO RAILWAY DEPARTMENT to ENGINEER-IN-CHIEF.

*Railway Branch,
Department of Internal Communication,
Sydney, 16 August, 1859.*

SIR,

I am directed by the Commissioner to inform you, that having laid before the Secretary for Lands and Public Works the difficulties that might arise from the delay in proceeding with the fencing along the line of Railway between Lochinvar and Singleton if tenders were called for, Mr. Secretary Robertson has sanctioned the Commissioner causing this service to be executed by private arrangement. I am therefore to request that you will submit for approval, at your earliest convenience, the names of the parties by whom, and the price at which, you could arrange to have this work executed, between Lochinvar and Black Creek, and between Black Creek and Singleton, but that you will not conclude any arrangements without further instructions.

I am to bring under your recollection the tender once made, but since withdrawn by Mr. Miller, to erect this fencing at 7s. 6d. per rod. I am further to inform you that, in accordance with the Commissioner's recommendation, the Secretary for Lands and Public Works approves of a price being fixed on the ground for clearing the line, dividing the length into sections, in preference to accepting Mr. Willcox's offer of £7 per acre ; and I am to request that you will arrange accordingly, reporting the measures you adopt. I am to suggest that it is desirable, if fair terms can be made, that this work should be done by Mr. Willcox. Tenders will be called for for the sleepers required for this extension.

I have, &c.,
JOHN RAE,
Secretary.

No. 21.

S. WILLCOX, Esq., to COMMISSIONER FOR RAILWAYS.

*Great Northern Railway,
East Maitland, 20 August, 1859.*

SIR,

In answer to your letters of the 11th and 16th instant, I beg to call your attention to paragraph 3 of Mr. Rhodes' letter to you of the 21st April last, as to the time within which the Government were to furnish the plans and sections of the lines to Messrs. Peto and Co., and to paragraph 2 of your letter of the 25th April to Mr. Rhodes; also to your letter of the 26th April to Mr. Rhodes, giving the additional line between Campbelltown and Menangle.

From these I have certainly been induced to believe, that the plans, &c., for fifteen miles of line, exclusive of the piece between Campbelltown and Menangle, should have been delivered on the 21st June last, and the whole for the entire lines were to have been delivered to Messrs. Peto and Co. by the 21st ultimo.

I must also call your attention to your letter of the 15th April, in which you will find the following passage:—"The whole of the works, of whatever nature and description, required in making the extensions, shall be included in the contract;" and although it certainly adds, "that should the Government and the contractors not agree as to prices not specified in the schedule, the Government retain the right of otherwise executing the work," this was consented to under the supposition that a price would not be offered which would leave Messrs. Peto and Co. no profit, if the value of their superintendence and responsibility is to be at all considered. It certainly was not at all understood, when Messrs. Peto and Co. were invited to this Colony, that the work should be done by tender, still less that portions of the work intrusted to them should be taken away from them and be offered to public competition. It would be (it is well known) to the interest of some persons to tender for the performance of certain small matters at a loss, to interfere with Messrs. Peto and Co.'s working.

I feel compelled further to state, that I consider the treatment of the Government towards Messrs. Peto and Co. has not been characterized with that liberality and fairness to which they are entitled.

I have, &c.,
SAML. WILLCOX.

No. 22.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, Esq.

*Railway Branch,
Department of Internal Communication,
Sydney, 2 September, 1859.*

SIR,

In reply to your letter of the 20th, received on the 25th ultimo, I am directed by the Commissioner to state, that he was not present at the interview between the Government and Mr. Rhodes, alluded to by Mr. Rhodes in his letter of the 21st April, but that he understands that no stipulation was made that the 15 miles were to be exclusive of the section between Campbelltown and Menangle.

You have already been made fully acquainted with the reasons why the whole of the plans could not be delivered to you on the 21st July, and with the efforts made to deliver them as rapidly as possible.

The Government were entirely disposed to leave the whole of the works in the hands of Sir S. M. Peto and Co.; but the prices at which you tendered to execute the fencing and provide the sleepers were so far in excess of what these services could be carried out for, that it was not possible for the Government to grant them.

The price for fencing named to you was 7s. 6d. per rod. Offers have since been received to execute it at 8s. per rod; but should you feel disposed to tender under this, it is still open for you to do so.

No work whatever included in that for which the Government undertook to enter into negotiations with Sir M. Peto and Co., in case of an Agent having been sent to the Colony, has been let by tender or public competition, until the endeavours made to arrange with Sir S. M. Peto and Co.'s Agents for its execution have failed, and fair prices have in every case been offered to them for the work.

The Commissioner must, in the strongest terms, repudiate any allegation that the treatment of the Government towards Messrs. Peto and Co. has not been characterized with that liberality and fairness to which they were entitled. On the contrary, every consideration which the Government could shew, and every facility which they could give, have been freely rendered to their agents.

I have, &c.,
JOHN RAE,
Secretary.

No. 23.

SECRETARY TO RAILWAY DEPARTMENT to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 6 September, 1859.*

SIR,

I am directed by the Commissioner to bring under your particular attention, that he has not yet received the contracts for the construction of the authorized extensions to be executed by Messrs. Rhodes and Willcox, on behalf of Sir S. M. Peto, Brassey, and Betts; and I am to request that the same may be furnished at your earliest convenience.

I have, &c.,
JOHN RAE,
Secretary.

No. 24.

CROWN SOLICITOR to SECRETARY TO RAILWAY DEPARTMENT.

*Crown Solicitor's Office,
Sydney, 6 September, 1859.*

SIR,

In reply to your letter just received, in which you say that you are directed by the Commissioner to bring under my particular attention that he has not yet received the contracts for the construction of the authorized extensions to be executed by Messrs. Rhodes and Willcox, on behalf of Sir M. Peto, Brassey, and Betts, and to request that the same may be furnished at my earliest convenience,—I have the honor to inform you that the papers are before Mr. Want, Messrs. Rhodes and Willcox's solicitors, for perusal, and that I have this morning written to Mr. Want, pressing him on the subject.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 25.

SECRETARY TO RAILWAY DEPARTMENT to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 14 September, 1859.*

SIR,

With reference to your letter of the 6th instant, stating that the draft contract to be executed by Messrs. Rhodes and Willcox are before Mr. Want, Solicitor for Messrs. Rhodes and Willcox, for perusal, and that you had written to Mr. Want pressing him on the subject, I am directed by the Commissioner to request that you will be good enough to inform me whether you have received a reply from Mr. Want, as the matter is urgent, and the Commissioner is very desirous to have the contract executed without further delay.

I have, &c.,
JOHN RAE,
Secretary.

No. 26.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 15 September, 1859.
2:30 P.M.*

SIR,

In reply to your letter of the 14th instant, only just received, I have the honor to inform you that I, on the 6th, and again on the 14th instant, wrote to Mr. Want, on the subject of the contracts to be entered into by Messrs. Peto & Co., and that I yesterday received a letter from him, in which he informs me that he has sent the papers to Mr. Willcox, at Hunter's River, and promises to communicate with me immediately he receives a reply from Mr. Willcox.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 27.

No. 27.

SECRETARY TO RAILWAY DEPARTMENT to S. WILLCOX, Esq.

*Railway Branch,
Department of Internal Communication,
Sydney, 22 September, 1859.*

SIR,

I am directed by the Commissioner to transmit to you herewith, a copy of the working plan and section of that portion of the Great Northern Railway from West Maitland to Singleton, extending from Black Creek to Singleton, being a distance of fourteen miles and ten chains.

I have, &c.,
JOHN RAE,
Secretary.

P.S.—The disposal of earth-work will be forwarded to-morrow.

No. 28.

S. WILLCOX, Esq. to COMMISSIONER FOR RAILWAYS.

Singleton, 26 September, 1859.

SIR,

I beg to acknowledge receipt of the plan and section of that portion of the line between Black Creek and Singleton.

I observe that the sides of the cuttings through rock on the above length are shewn to be perpendicular, and on the Lochinvar and Black Creek $\frac{1}{2}$ to 1. This I beg to state is contrary to what was understood when the prices were settled, and the price agreed upon for rock was supposing the slopes to be formed not less than 1 to 1.

The sections forwarded to London show that all cuttings shall have slopes of 1 to 1, and on that basis the price was given. I must further observe that your other lines are executed in this manner.

I need not remind you that it is much more costly to take out the middle of a cutting than to take off the sides where the gullet is through, and though I shall be happy to execute the work as directed, I shall be glad to know the system of measurement you propose to adopt. If the actual dimensions are to be taken, I beg to give notice that I shall expect an additional price, based on that agreed on for rock cuttings with slopes 1 to 1.

Or I am willing to accept the customary mode of taking the cube of the cuttings through rock, supposing the slopes to be $\frac{1}{2}$ to 1, whether excavated more or less upright.

I have, &c.,
SAML. WILLCOX.

No. 29.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 26 September, 1859.*

Messrs. Peto & Co., and the Commissioner for Railways.

SIR,

Mr. Want has returned the specifications in two of these contracts, with a letter, in which he takes exception to the terms of the agreement and specification. I forward his letter and the specifications to you, for your perusal, and will send you the agreement and third specification as soon as I receive them from Mr. Want, to whom I have made application for them.

I have, &c.,
JOHN WILLIAMS.

[Enclosure 1 in No. 29.]

Sydney, 22 September, 1859.

In the matter of Peto, Brassey, and Betts' Contract with the Commissioner of Railways.

Dear Sir,

I return herewith the agreement and specifications, with such alterations as Mr. Rhodes and Mr. Willcox have suggested.

1. One principal and general objection is, that the contract is unnecessary,¹ as the agreement is fully set out in the correspondence which has taken place between Mr. Rhodes and the Government, which appears to me to be amply sufficient for the protection of both parties.

2.

¹ May not be absolutely necessary, but is customary, and useful for reference.

2. The specification is an unusual² proceeding in extensive contracts, the contractors of which are bound by the terms of the agreement to perform their work satisfactorily before receiving payment; and although in little contracts a contractor may put himself entirely at the mercy of the Engineer,³ it cannot be so expected in large ones. Indeed, in a late case in England, the Judges animadverted strongly upon the folly of persons entering into such one-sided contracts.

3. Mr. Rhodes is, however, prepared to enter into any agreement, on the part of Messrs. Peto, Brassey, and Betts, which shall have the effect of binding them to perform the work in a satisfactory manner.

4. I cannot conceive the necessity of repeating clause⁴ by clause the same matters in both the agreement and specification; I have therefore struck out one set of clauses from the specification, leaving corresponding ones in the agreement; but it is immaterial to me whether they shall be in the specification or in the agreement.

5. We agree to paragraph No. 1, except that the contractors will not bind themselves to complete by the time mentioned; as, by the delay of the Engineer in not delivering the plans according to agreement (the whole of which even at the present time are not delivered),⁵ they cannot now fix the amount of damages⁶ they have sustained, nor the extra time they may require in consequence.

6. The last three months, it will be remembered, have been most favorable for them, but this may not continue.⁷

7. They will, however, do their utmost to complete the Contracts within the time, if possible, provided they have a sufficiency of rails and chairs.⁸

8. The Contractors would prefer that the Chief Commissioner⁹ should be the person to whose satisfaction the work should be done, subject, nevertheless, to the arbitration¹⁰ clause, in case of difference, as hereinafter contained.

[No. 2.]

9. For wrought iron straps, bolts, &c., substitute "ironwork, including nuts, bolts, and straps," as stated in the Schedule, which therefore comprises every description of iron-work.¹¹

10. I propose to strike out the words, "The Commissioner for Railways may, in such way as he may think fit, cause the said works to be constructed without reference to the said contracts,"¹² and substitute the following words, "The contractor shall execute the same to the satisfaction of the Chief Commissioner, and the price, in case of difference, shall be decided by arbitration, in manner hereinafter mentioned."

[No. 3.]

11. This clause must be struck out. It is at direct variance with the agreement contained in the correspondence, and would give the Engineer power to dismiss Mr. Willcox or Mr. Rhodes.¹³

[No. 4.]

12. The Contractors cannot accede to this clause; *First*—Because it substitutes an *indefinite* period for the delivery of possession of the railway land for the *definite* term¹⁴ before agreed to; *Secondly*—With respect to the liability for damages, occasioned by the destruction of the original fences referred to in this clause, the Contractors cannot undertake this liability, as, on a large portion of the line, the Government have taken the fencing¹⁵ into their own hands, and if it should be necessary in the formation of the line to pull down the

² I have never known a contract for Government works without a specification, and never could give my sanction to the present works being carried on without one.

³ The Contractor is not at the mercy of the Engineer. All Government officers are, of course, subject to its control, and to the Government the Contractor can always appeal.

A similar specification to those prepared for the present works was sent to Sir S. M. Peto and Co., and not objected to. It has been throughout laid down that the work was to be done according to the specifications, and I cannot assent to their being now abandoned.

⁴ I can see no objection to the clauses being repeated, with the exception only of the extra amount of writing, which can be of no moment.

⁵ The whole of the plans and sections for the authorized line have been sent to the contractors, the last having been sent on the 23rd instant. I have already recommended the Government to give an extension of time equal to any delay in the plans being given.

⁶ If I am to understand by this that the contractors intend to claim damages, the sooner that intention is openly avowed, and the question whether any are due is determined, the better.

⁷ I cannot see that this is of any moment in a contract extending to June, 1861.

⁸ The amount of rails and chairs furnished by the Government must not be mixed up with the time for the completion of the works. If the Government cannot spare what the contractors think sufficient, it is their place to find more.

⁹ Such a provision would be of no force in law, as the Commissioner is, under the Act, one of the contracting parties.

¹⁰ Arbitration was most deliberately given up by Mr. Rhodes, after prolonged discussion with the Government, and I cannot assent to it for a moment.

¹¹ Certainly not; under this Mr. Rhodes might claim 6½d. per lb. for wrought iron bridges or heavy castings, which is simply absurd.

¹² In other words, ALL the works must be done by Sir S. M. Peto & Co.'s assistants, at their own price, or under an arbitration clause! I dissent.

¹³ Clause can be amended so as to except these gentlemen. The Engineer must have the protection this clause—which is usual—affords him.

¹⁴ No alteration has been made in the clause, and no definite term was ever agreed to; but the Contractors have possession of all, or all but all, the land, and no delay has been, or can arise from this cause.

¹⁵ Where the Government have taken the fencing into their own hands the Contractors cannot be held liable for injuries sustained owing to the fencing not being erected, but they must be for any damage done by themselves, their agents, or workmen.

the cross fences, the Government may not have their side fencing performed, and the Contractors would in fact render themselves liable for the default of the Government; *Thirdly*—They cannot be liable for any damage done by their workmen, except by their order, or in the prosecution of works by their order.¹⁶

13. Mr. Rhodes and Mr. Willcox object also to the last part of the clause, which provides that the work shall be *set out* for the contractors, and that if the work is incorrectly *set out*, they are to be liable for the error of the Government.¹⁷

I have no objection to agree that the work shall be properly executed *according to such setting out*, and that if it should be improperly set out and require alteration, it must be at the expense of the Government, by whose fault it occurred.

We need not anticipate that the Government Engineers will set out the work improperly, but certainly if they do, they, and not we, should bear the loss. We shall also require to be furnished with the length of piles.¹⁸

14. We refuse to accede to this.¹⁹ [No. 5.]

15. Agreed to.²⁰ [No. 6.]

16. Objected to, for reasons stated as to clause No. 1.²¹ [No. 7.]

17. Nos. 8, 9, 10, 11, 12, agreed to.²²

18. In 13th, substitute the following:—"If, from any delay, default, or other cause whatsoever on the part of the Commissioner for Railways, the progress of the said works shall be stopped or retarded, the Contractor shall be allowed such further or other time as may be equivalent to the time so lost, calculated with reference to the price of labor and state of the labor market at the time of the loss, and be also entitled to such compensation for the loss and damages occasioned by such delay, to be decided on by arbitration in case of difference."²³

19. Substitute the Chief Commissioner²⁴ for the Chief Engineer, and provide that it shall not be a condition precedent to the Contractor's right to recover from the Government, either by arbitration or in the Courts of Law.²⁵ [No. 14.]

20. In the paragraph relating to the payment for the work I propose to add, after the words "Schedule hereto annexed," the words "or where there shall be no prices fixed in the Schedules, then a fair and reasonable sum for the works so performed."²⁶

21. I also propose to alter the succeeding paragraph as to the rails, namely,—that the Contractor shall be allowed all such rails and chairs as may be necessary for the performance of the works. Mr. Rhodes informs me that he always expected this, and that he could not have tendered at the price he did unless he felt sure that he would be allowed them, and he further informs me that the works cannot be done within four years unless he has them.²⁷

22. I propose to add to this clause the usual and customary clause, and which I have extracted from a specification of Mr. Lock, the President of the Institution of Engineers in England²⁸:—"It is intended to lay a single line of railway. The rails, chairs, spikes, keys, and sleepers will be furnished by the Commissioner for Railways, and delivered to the Contractor. The Contractor will be required to give a receipt for them at the time of delivery, and must be responsible. Should any of the rails or other materials be in any way injured by temporary purposes, the Contractor shall compensate the Commissioner for the whole amount of the injury done."

Or the following one from the specification of Mr. Jee, an engineer of great practice and repute:—"The rails will be used temporarily during the formation of the cuttings and embankments, for the purpose of conveying the materials. They must, however, be kept in good repair and condition, so that the rails may not be injured, and they will not be allowed to be used within 100 feet of any face in the cutting, but, for this purpose, temporary rails will be provided by the Government (Spanish.)"

In

¹⁶ Who then is to be liable? Surely not the Government.

¹⁷ I dissent generally from any deviation from the existing contract and specifications, but it may be arranged that the Contractors shall set out their own work according to plan and section, and be responsible for it.

¹⁸ I cannot assent to giving length of piles, for the reasons which I have already given to the Government.

¹⁹ I cannot give this clause up.

²⁰ Noted.

²¹ See remarks on clause 1.

²² Noted.

²³ I dissent to the alteration.

²⁴ Such a provision would be of no force in law.

²⁵ I certainly object to this. The very object of the clause is to avoid law and arbitration.

²⁶ Certainly not. Full provision is made in existing contract in respect to price not included in schedule.

²⁷ I dissent. Mr. Rhodes has never had any right to expect this, and other contractors can do, and do, similar work at the same prices as Mr. Rhodes, without any of the facilities given to him by the Government lending him, as agreed upon, such rails and chairs as they can spare. If Mr. Rhodes wants others, he is bound to find them at his own expense, and to complete the work in the time agreed on.

²⁸ Mr. Rhodes, on behalf of Sir S. M. Peto and Co., is the contractor for the sleepers, except on the Northern line, where the Government will provide them. To the remainder of the clause I dissent.

In connection with the question of rails, and in order that there may be no mistake as to a custom universally practised in England, I propose the following clause:—

23. The Contractors are to be at liberty²⁹ to lay the permanent road on formation whenever a quarter of a mile of formation is done, and the Contractor shall also be allowed to use such permanent road, without any charge being made for the use of the same.

24. The price for the damaged rails should not be their cost in the Colony³⁰ except when new rails are given, but the value of such rails as fixed, and on which the ten per cent. is payable; no interest to be charged for the rails when laid permanently, and all rails must be delivered at the terminus to the contractor.³¹

25. With respect to the payment of the final ten per cent., which is made payable on the certificate of the Engineer only—I have no objection to this, provided that the obtaining his certificate shall not be made a condition precedent to their right to recover from the Government the amount claimed to be due by them, in the event of the Chief Engineer, from any particular motive, refusing to give such certificate.³²

26. The certificate to be given as soon as any one of the four portions contracted for is ready for public traffic as far as the contractors are concerned.³³

27. In the event of dispute, all matters to be referred to arbitration to one person to be named by the Government, one person to be named by the Contractors—these two to select a third arbitrator, who shall decide in case of difference.³⁴

J. Williams, Esq.,
Crown Solicitor.

I have, &c.,
R. J. WANT.

[Enclosure 2 in No. 29.]

No. 139, Pitt-street,
22 September, 1859.

Dear Sir,

My clerk forgot to copy the following termination to my letter, which I now send, and beg that it may be taken as part of my letter of this date:—

28. As we are now about reducing into writing the whole of the matter, whether understood or otherwise, it will be necessary to alter the Schedule³⁵ with a view to fixing the length of lead, which is not to exceed half a mile—little more or less; and that, in the event of rock being hard rock, such as granite, a different price is to be paid as verbally arranged.

The above observations are all that suggest themselves to me at the present.

If you concur in them, and return me the draft so altered, I will then give a final approval.

J. Williams, Esq.,
Crown Solicitor.

I am, &c.,
R. J. WANT.

No. 30.

SECRETARY TO RAILWAY DEPARTMENT to CROWN SOLICITOR.

Railway Branch,
Department of Internal Communication,
Sydney, 27 September, 1859.

SIR,

I am directed by the Commissioner to acknowledge the receipt of your letter of yesterday's date, and to inform you that the correspondence has been referred to the Secretary for Lands and Public Works.

I have, &c.,
JOHN RAE,
Secretary.

No. 31.

²⁹ I dissent.

³⁰ This would open interminable questions as to what were old and what new rails. I certainly cannot agree to this.

³¹ Yet it is proposed that the contractor should use them for temporary purposes, and to have the carriage paid for him by the Government from Sydney, or any station to any point!!! I cannot agree.

³² I dissent to the alteration.

³³ I dissent from any alteration.

³⁴ I dissent, for reasons already given, most strongly.

³⁵ I cannot, for one moment, consent to alter the Schedule, and I may add that I would never have concurred in recommending the Government to give Mr. Rhodes the prices agreed to, except on the conditions at the time agreed upon.

B. H. MARTINDALE.
27 September, 1859.

No. 31.

CHIEF CLERK, RAILWAY DEPARTMENT, to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 28 November, 1859.*

SIR,

In reference to your letter of the 25th instant, requesting copies of the specifications, to attach to the contracts with Messrs. Peto and Co., for the works on the Great Southern and Great Northern Railways, I am directed by the Commissioner to enclose, herewith, a complete set of specifications and schedule of prices for these contracts, as shewn on the other side; at the same time I am to observe, that Messrs. Peto and Co. are not the contractors for the sleepers and fencing on the Great Northern Railway, and there is no specification for ballasting on the Great Northern Railway agreed upon.

I have, &c.,

R. MOODY,
Chief Clerk.

Great Southern Railway—Campbelltown to Menangle.

Contract No. 5.
" No. 5a.
Schedule of prices.

Great Southern Railway—Menangle to Picton.

Contract No. 6.
" No. 6a.
" for sleepers.
" for fencing.
Schedule of prices.

Great Western Railway—Parramatta to Penrith.

Contract No. 2.
" No. 2a.
" for sleepers.
" for fencing.
Schedule of prices.

Great Northern Railway—West Maitland to Singleton.

Contract No. 6.
Schedule of prices.

No. 32.

COMMISSIONER FOR RAILWAYS to CROWN SOLICITOR.

*Department of Public Works,
Sydney, 6 December, 1859.*

SIR,

Referring to my letter of the 22nd ultimo, respecting the signing of the agreement and bond for the fulfilment of Sir M. Peto and Co.'s Railway Contracts in this Colony, I am directed by the Secretary for Public Works to inquire what is doing in this matter?

I have, &c.,

B.-H. MARTINDALE.

No. 33.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 7 December, 1859.*

Messrs. Peto & Co.'s Contracts.

SIR,

In reply to your letter to me of the 6th instant, I have the honor to inform you that I have had an engrossment made of each of the four contracts, viz., the contract for the works from Menangle to Picton, the contract for the works on the Great Western line, the contract for the works on the Southern line, and the contract for the works on the Northern line; and have forwarded such engrossments to Mr. Want, for perusal, with an intimation that I am instructed by the Commissioner for Railways to make a formal tender of the agreements for execution, and with a request that Mr. Want will appoint a time when I may attend at his office to make the tenders.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

No. 34.

RAILWAY CONTRACTS.

17

No. 34.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 9 December, 1859.*

Messrs Peto & Co.'s Contracts.

SIR,

Adverting to my letter to you of the 7th instant, I now have the honor to inform you that I have this morning received a letter from Mr. Want, acknowledging the receipt of the agreements sent by me to him, as explained by me to you in my letter already referred to above, and informing me that Mr. Rhodes is at present absent on the works, and that he writes by this evening's mail (the mail of the 8th instant) to Mr. Willcox to come to Sydney.

Mr. Want further observes, that as soon as he is able to see those gentlemen, and to peruse the documents sent by me for his perusal, he will reply to my letter, in which I sent those documents, more fully.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 35.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 12 December, 1859.*

Messrs. Peto's Contracts.

SIR,

I have the honor to inform you, that I am of opinion that the Commissioner for Railways will have to adopt proceedings, by suit in Equity, to compel execution of these contracts, if, as I anticipate, Mr. Want should advise his clients not to execute the agreements that have been forwarded to him. As instructions for Counsel to prepare a Bill in Equity, it will be necessary that I should lay before him the *whole* of the correspondence, and as this is, I know, somewhat lengthy, I shall feel obliged by your having a copy of it made at your convenience, so that if necessity should arise for resorting to proceedings, I may be in a position to instruct Counsel without delay.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 36.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 15 December, 1859.*

SIR,

I have the honor to inform you that I have perused the accompanying Power of Attorney from Messrs. Peto and Co. to Mr. Willcox, and that I am of opinion that the Commissioner for Railways may pay to Mr. Willcox any money in respect of the contract for the Maitland and Singleton Railway.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 37.

CHIEF CLERK, RAILWAY DEPARTMENT, to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 20 December, 1859.*

SIR,

I am directed by the Commissioner to request that you will be so good as to state whether the Power of Attorney from Messrs. S. M. Peto and Co. to Mr. Alexander Rhodes authorizes that gentleman to receive moneys on behalf of the above-mentioned firm.

I have, &c.,
R. MOODY,
Chief Clerk.

No. 38.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 23 December, 1859.*

SIR,

In reply to your letter of the 20th instant, I beg to inform you that Mr. Alexander Rhodes, under the Power of Attorney from Messrs. Peto and Co., bearing date 5th January, 1859, has full power to "receive any moneys, securities, or payments, to be made, or become payable, or due to" Messrs. Peto and Co. in New South Wales, in respect of any contracts for the construction of Railways entered into by Mr. Rhodes as the Attorney for Messrs. Peto and Co.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 39.

COMMISSIONER FOR RAILWAYS to S. WILLCOX, ESQ.

*Department of Public Works,
Sydney, 29 December, 1859.*

SIR,

I have laid your letter of the 26th September last, relative to the cuttings through rock, before the Secretary for Public Works, and I am directed to inform you that you must be under a misapprehension when you state that the price for such cutting was agreed upon on the understanding that the slopes to be formed were not to be less than 1 to 1, as there was no such understanding. The price was fixed without any reference whatever to the character of the slopes, and I am to state that no addition whatever can be allowed to the contract price.

2. At the same time I am to observe that Mr. Secretary Eagar concurs in a suggestion offered by me, that if, on arranging for ballasting the permanent way, anything can be done to meet the difficulties you feel about the cuttings, the Government will be then prepared to consider the matter.

I have, &c.,
B. H. MARTINDALE.

No. 40.

S. WILLCOX, ESQ., to COMMISSIONER FOR RAILWAYS.

*Great Northern Railway,
West Maitland, 3 January, 1860.*

SIR,

I am in receipt of your letter of the 29th ultimo, in reply to mine of the 26th September last, and beg to say that I am under no misapprehension when I state that the price for rock cuttings was agreed upon on the understanding that the slopes should be formed not less than 1 to 1.

The trial sections (the only plans given to us when the price was agreed on) distinctly state that the slopes of cuttings should be 1 to 1, and further, when Mr. Rhodes went over the lines in course of construction before taking the contract, he was informed that the cuttings on the sections for which he was about to give a price would be executed in a similar manner. Upon the lengths above mentioned, no cuttings are excavated in the way you now propose for those on the Singleton extension.

With regard to the 2nd paragraph of your letter, I have to observe, that although you may consider the flattening of the slopes in connection with the ballasting and permanent way, I consider them entirely distinct questions, and feel compelled again to give notice that I shall either expect an increase in the price of the rock cuttings, or the customary mode of measurement, as stated in my letter of 26th September.

I must also observe, that from your long silence, and from the conversation we had on the subject, at our interview with Mr. Secretary Robertson in October last, I felt convinced that you saw the justice of my claim, or I should not have commenced the works before having the question settled.

To avoid further discussion on the subject, I am very willing to leave the matter to the decision of some disinterested and competent person, and trust you will see no objection to this fair proposition.

I have, &c.,
SAMUEL WILLCOX.

RAILWAY CONTRACTS.

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No. 41.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 4 January, 1860.*

Messrs. Peto & Co.'s Contracts.

SIR,

I have the honor to forward to you herewith, for your information, a letter that I yesterday received from Mr. Want, solicitor, relative to these contracts, and which letter you will, if you please, return to me at your convenience.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

[Enclosure in No. 41.]

Sydney, 31 December, 1859.

Messrs. Peto & Co. and Commissioner for Railways.

Sir,

I return you herewith the four several agreements accompanying your letter of the 5th December instant.

Mr. Rhodes declines signing them, as they do not embody the terms of the agreement under which the works are now being carried out.

I can only repeat that Mr. Rhodes is willing to sign any contract which shall fully carry out his agreement.

You are aware that since my letter to you of the 22nd September last, returning your draft contracts and specifications, various interviews have taken place and communications have been made between Mr. Rhodes and the Government, but as these were without prejudice, I am restrained from alluding to what took place at these meetings. As, however, these communications have enabled me to understand more clearly the views of the Government, I am induced now, on Messrs. Peto's behalf, still further to modify the terms of my letter to you of the 22nd September, upon the following points.

For more easy reference in referring to clauses, you will understand I am alluding to the agreement for extension of Southern Railway to Picton. The same suggestions will of course apply to the similar clauses in the three other agreements and specifications.

In addition to the objection contained in my previous letter to clauses 2 and 5, I think it right to inform you, that in the first negotiation with the Government for this contract, it was proposed that the work should be done in 20 months, and that Peto & Co. refused to accede to this proposition unless they were specially authorized to stop the works whenever the price of labour or other causes should arise, which, in their opinion, rendered it necessary for them to do so, and that in such case they should have an extension of time.

Long negotiations took place, and the contract was on the point of being abandoned, when it was agreed that 26 months should be allowed to them. This extension of time was given in order that they might perform the work in their own manner, and at such a rate as they should think necessary.

The proposition, therefore, that Peto & Co. shall do the work in such a manner, and employ such men, and proceed at such a rate as the Engineer should direct, would in fact neutralize entirely the agreement between them and the Government.

As Messrs. Peto's profit depends on the rapidity with which the works are performed, the Government have a sufficient guarantee for their diligence, independently of their position and character as contractors.

With reference to clause 7—this must of course depend upon the time when Peto & Co. are furnished with the plans of the bridges, the delay in the providing of which is a matter of very serious loss and inconvenience to them, and they will claim damages from the Government for their breach of contract in this respect.

Messrs. Peto would have no objection to waive the price in the schedule for iron, in respect of the construction of a tubular bridge, provided a satisfactory agreement as to price should be arrived at, otherwise they will not vary the schedule.

John Williams, Esq.,
Crown Solicitor.

I am, &c.,
R. J. WANT.

No. 42.

CHIEF CLERK, RAILWAY DEPARTMENT, to CROWN SOLICITOR.

*Railway Branch,
Department of Internal Communication,
Sydney, 6 January, 1860.*

SIR,

In reference to your letter of the 4th inst., forwarding a letter from Mr. Want relative to Messrs. Peto and Co.'s contract, I am directed by the Commissioner to return Mr. Want's letter herewith, together with a copy of previous correspondence on this subject, and to request that you will be so good as to prepare, without delay, for the Commissioner's perusal, a draft case to be laid before the Crown Law Officers, to advise as to the proper course to be adopted by the Commissioner to compel Messrs. Peto and Co. to execute the usual bond and contract.

I have, &c.,

R. MOODY,
Chief Clerk.

No. 43.

No. 43.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
9 January, 1860.*

Messrs. Peto's Contract.

SIR,

I have the honor to enclose for your perusal a letter from Mr. Want, received by me this morning.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[Enclosure in No. 43.]

Sydney, 6 January, 1860.

SIR,

I have been requested by Mr. Rhodes to make the following propositions to you, and which I request you will consider as incorporated in my letter of the 31st December last.

Mr. Rhodes' object is to clear away as many difficulties as possible, with a view, if possible, of coming to terms, as to the agreement to be signed by him, with the Government.

Mr. Whitton and Mr. Rhodes differ as to the understanding as to the mode in which the plate-laying and ballasting was to be carried out: Mr. Rhodes' offer being to do it according to the verbal understanding between him and the Engineer; the Engineer contending that it was to be done according to a specification to be sent to us.

A somewhat similar understanding also exists as to the fencing.

Under these circumstances, it cannot be considered that any final agreement has been entered into on the subject of your letter of the 23rd June; and therefore he desires me to say, that he considers all negotiation as to prices for extra work, contained in that letter, terminated, and the Government shall be at liberty to do the work themselves.

Mr. Rhodes hopes that this concession on his part will shew the Government his desire to remove a difficulty in the way of arriving at an agreement as to the terms of the contract.

John Williams, Esq.,
Crown Solicitor.

I have, &c.,
R. J. WANT.

No. 44.

S. WILLCOX, ESQ., to ENGINEER-IN-CHIEF.

*Great Northern Railway,
West Maitland, 16 January, 1860.*

SIR,

I have put off troubling you about rails, daily expecting the arrival of some at Newcastle. None have yet arrived, and as there are no more on the Maitland line, I must beg of you to have some forwarded as quickly as possible. All our cuttings with wagon roads will be at a standstill at the end of this week, if I receive none.

I have, &c.,
SAML. WILLCOX.

No. 45.

UNDER SECRETARY FOR PUBLIC WORKS to S. WILLCOX, ESQ.

*Department of Public Works,
Sydney, 21 January, 1860.*

SIR,

I have laid before the Secretary for Public Works your letter of the 3rd instant, in reply to mine of the 29th ultimo, relative to your claim for additional prices for cutting rock, if the slopes are to be less than one to one; and Mr. Secretary Eagar desires me to inform you that the measurement for rock cutting can only be taken and payments made in accordance with contract.

I have, &c.,
GERALD HALLIGAN,
For the Under Secretary.

No. 46.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 2 February, 1860.*

Messrs. Peto's Contract.

SIR,

I have the honor to forward to you, herewith, a copy of a letter that I have received from Mr. Want, by way of reply to a letter I wrote to him on the 25th ultimo.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

[Enclosures]

[Enclosures in No. 46.]

Crown Solicitor's Office,
Sydney, 25 January, 1860.

Sir,

I beg to inform you that I have been instructed by the Honorable the Secretary for Public Works to inform you, that the Government cannot consent to release Sir M. Peto and Co. from the contracts mentioned in your letter dated the 6th instant; and that it is a matter of surprise that the desire of Mr. Rhodes to be released from these contracts should be put forward as a concession.

I am, &c.,

JOHN WILLIAMS,
Crown Solicitor.R. J. Want, Esq.,
Pitt-street.

Sydney, 31 January, 1860.

Sir,

I have to acknowledge the receipt of your letter of the 25th instant, informing me that you had been instructed by the Honorable the Secretary for Public Works to inform me that the Government could not consent to release Sir M. Peto and Co. from the contract mentioned in my letter dated the 6th instant, and that it was a matter of surprise that the desire of Mr. Rhodes to be released from these contracts should be put forward as a concession.

In reply, Mr. Rhodes has desired me to say that, notwithstanding the Honorable Secretary's interpretation of his letter, he does consider that his assenting to that part of the proposition contained in Mr. Fitzpatrick's letter of the 25th October, 1859, as to the making void the contract relative to ballasting and plate-laying, is a concession on his part.

It is possible that Mr. Secretary Eagar may not be aware of the particulars relating to this transaction, and I will therefore briefly state them.

Before tendering for the plate-laying and ballasting, a conference took place between Mr. Whitton and Mr. Rhodes, as to the mode in which it should be done. Upon this occasion Mr. Rhodes offered to perform the contract, if it were done in a particular way, and with particular materials (and Mr. Rhodes desires me to say, that the way he proposed would be superior to any similar work performed in the Colony, and equal to any in England), for seventeen shillings and sixpence per yard.

Mr. Rhodes, in tendering for this work, in his letter of the 14th July to Capt. Martindale, used the following words:—"I am willing to perform the work of laying and ballasting the permanent way in the manner and according to the verbal understanding between myself and the Chief Engineer, at the rate of seventeen shillings and sixpence."

Captain Martindale, in his letter of the 23rd June, does not in terms accept the contract, but says he has written to the Government for their approval as to certain items, and amongst them was the "laying and ballasting the permanent way complete, according to specification, at seventeen shillings and sixpence." Here the matter, so far as contract is concerned, rests.

Mr. Rhodes presumes, naturally, that if his offer is accepted, it must be for the performance of the contract according to the verbal understanding, which was to be embodied in a specification to be prepared.

Mr. Whitton, on the contrary, I understand, disputes the verbal understanding, and contends that Mr. Rhodes tendered according to any specification he might prepare.

In consequence of the misunderstanding between the parties, it was thought advisable that all parties should be placed in *statu quo*, a course certainly more favorable to the Government than to Mr. Rhodes, who has already incurred expense in anticipation of the contract.

That this was the view of the Government appears by Mr. Fitzpatrick's letter of the 25th October, in the 16th paragraph of which he says,—“The portion of the contract relating to ballasting to be considered as void, but Messrs. Peto & Co. to be required to stack any stones or other materials from the cuttings that the Government may require, on payment of, say sixpence per yard for such stacking.”

Mr. Rhodes at first declined this offer, but subsequently on further consideration thought it better to concede the point, rather than there should be any dispute as to the verbal understanding, which, however, he is in a position to prove.

Mr. Rhodes is willing to perform the plate-laying and ballasting according to what he conceives to be the verbal understanding between him and the Government, or if this is disputed, to leave the matter as if no tender had been made.

J. Williams, Esq.,
Crown Solicitor.

I have, &c.,

R. J. WANT.

No. 47.

S. WILLCOX, Esq. to COMMISSIONER FOR RAILWAYS.

Great Northern Railway,
West Maitland, 8 February, 1860.

SIR,

In reply to your letter of the 21st ultimo, relative to rock cuttings with slopes less than 1 to 1, I beg to state that I think Mr. Secretary Eagar cannot understand the question when he states "that the measurements for rock cuttings can only be taken, and payments made, in accordance with contract." To what contract does he refer? I contend that we have no contract for the execution of rock cuttings in the manner proposed on the Singleton extension, and I must again repeat that if the rock cuttings are executed with slopes less than 1 to 1, I shall insist on extra payments on them.

I have, &c.,

SAML. WILLCOX.

No. 48.

No. 48.

COMMISSIONER FOR RAILWAYS to S. WILLCOX, Esq.

*Department of Public Works,
Sydney, 15 February, 1860.*

SIR,

In acknowledging the receipt of your letter of the 8th instant, in which you inquire to what contract my letter to you of the 21st ultimo, relative to rock cutting, refers, as you are not aware of the existence of any contract for the work in question, I am directed to inform you that reference was made to the contract contained in the correspondence between the Government and Mr. Rhodes, and I am now to repeat that payment can only be made under that contract.

I have, &c.,
B. H. MARTINDALE.

No. 49.

S. WILLCOX, Esq., to COMMISSIONER FOR RAILWAYS.

*Great Northern Railway,
West Maitland, 3 March, 1860.*

SIR,

In reply to your letter of the 15th ultimo, I beg again to state that the price for rock cuttings, given in the correspondence between the Government and Mr. Rhodes, was agreed to, with the understanding (written and verbal) that the slopes of the cuttings should be 1 to 1. This I proved to you when you were last at Singleton.

The alteration made in the plan of executing the cuttings of this line much increases their value, and I cannot comprehend the reason of your objection to pay an additional price.

It appears to me most unfair that you should refuse my offer of referring the matter to arbitration.

I must further state, that I will not execute the cuttings in the manner proposed, at the price mentioned in the correspondence to which you refer, for the reasons before stated, neither will I hold myself responsible for the delay occasioned in the progress of the works in consequence of the non-arrangement of this question.

I have, &c.,
SAML. WILLCOX.

No. 50.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
21 July, 1860.*

SIR,

I have the honor to return, herewith, the papers sent to me this morning, in reference to the payment about to be made to Mr. Willcox, under certificate of 2nd July instant, for works done at the Great Northern Railway, and to state that I am of opinion that the receipt, as altered by Mr. Willcox, is a sufficient acknowledgment of the receipt by him of the sum therein contained.

The Commissioner is only entitled to a receipt for the amount paid, and cannot, I think, claim as a matter of right to have inserted a statement that such payment is in full for the account upon which the receipt is given.

In the account I notice that the ten per cent., which by the agreement of the parties is to be retained by the Commissioner until the final completion of the works, is deducted, and the balance to be paid is shewn less that amount. Mr. Willcox therefore, I should suppose, might, with perfect safety, sign the receipt in its original form; the payment will in fact be in full for that account, although not in full for the work done, but he cannot be obliged to do so, and his refusal will not justify the Commissioner in declining to pay him.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

No. 51.

S. WILLCOX, Esq., to COMMISSIONER FOR RAILWAYS.

Sydney, 6 August, 1860.

SIR,

I have the honor to inform you that Mr. Rhodes has resigned his functions as Agent for Messrs. Peto, Brassey, and Betts, and is returning to England.

It is my intention now to take over the Southern and Western lines, as the lawfully constituted Attorney of Messrs. Peto and Co., and in future I have to request that all communications in respect to these lines may be addressed to me.

The Power of Attorney so constituting me to act in the event which has taken place, has been sent to you for perusal, and I believe you have a copy.

I have, &c.,
SAML. WILLCOX.

No. 52.

No. 52.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 14 August, 1860.*

Messrs. Peto and the Government.

SIR,

I have the honor to inform you, in reply to the query contained in your minute of this day's date, that I have perused the accompanying certified copy of Power of Attorney, of date 2 March, 1859, executed by Sir S. M. Peto & Co., E. L. Betts, and T. Brassey, in favour of Samuel Willcox, and that I am of opinion that if Mr. Alexander Rhodes has expressed in writing his unwillingness and his intention not to act further as the Agent of Sir M. Peto & Co. in this Colony, under the Power of Attorney from that firm to him of date 5 January, 1859, and has left this Colony with the intention of returning to England, the Government may recognize Mr. Willcox as the Agent, in this Colony, of Peto & Co., for the purposes referred to in the certified copy Power of Attorney above alluded to.

I have, &c.,

JOHN WILLIAMS,
Crown Solicitor.

No. 53.

COMMISSIONER FOR RAILWAYS to S. WILLCOX, ESQ.

*Railway Branch,
Department of Internal Communication,
Sydney, 22 August, 1860.*

SIR,

I have laid before the Secretary for Public Works your letter of the 6th instant, stating that Mr. Rhodes had resigned his functions as Agent for Messrs. Peto, Brassey, and Betts, and that in consequence it was your intention to take over the Southern and Western Lines of Railway, as the lawfully constituted Attorney of Messrs. Peto, Brassey, and Betts, and submitting the Power of Attorney constituting you their Agent for carrying out the works upon those extensions; and I am directed to inform you, that under the advice of the Crown Solicitor, that if Mr. Alexander Rhodes has expressed in writing his unwillingness and his intention not to act further as the Agent of Sir S. M. Peto & Co. in this Colony, under the Power of Attorney from that firm to him of date 5th January, 1859, and has left this Colony with the intention of returning to England, and you will furnish a certified copy of such writing, or any other sufficient proof of his having so done, the Government will then be prepared to recognize you as the Agent in this Colony of Messrs. Peto, Brassey, and Betts, for the purposes referred to in the Power of Attorney above alluded to.

I am to add, however, that it is very desirable, before steps are taken by you for carrying on the said works, that all the points in dispute with Mr. Rhodes, as Agent for Messrs. Peto, Brassey, and Betts, should be settled; and I am to write to you to call at this office, with a view to such settlement as early as practicable after the transmission of the proof requested of Mr. Rhodes having resigned or left for England.

I have, &c.,

B. H. MARTINDALE.

No. 54.

R. J. WANT, ESQ., to COMMISSIONER FOR RAILWAYS.

Sydney, 25 August, 1860.

SIR,

Mr. Willcox has placed in my hands your letter of the 22nd instant, with instructions to reply to it.

I am desired to inform you that Mr. Rhodes has resigned the Agency of Messrs. Peto, Brassey, and Betts, has now left the Colony, with the intention of returning to England, and has taken his passage, I believe, in the "Sussex," which leaves Melbourne on the 26th.

Mr. Willcox is, therefore, by virtue of the Power of Attorney from Messrs. Peto, Brassey, and Betts, intrusted with the management of the works on the Southern and Western lines, and is prepared to carry out the contract.

The agreement to which you allude relates to private matters, which do not affect the Government, and which therefore will not be produced.

I can personally vouch for the above facts.

I have, &c.,

R. J. WANT.

No. 55.

CROWN SOLICITOR to COMMISSIONER FOR RAILWAYS.

*Crown Solicitor's Office,
Sydney, 29 August, 1860.*

Messrs. Peto and the Government.

SIR,

In returning to you the accompanying papers, I have the honor to inform you, in reply to your Minute of the 25th instant, that, in ordinary cases, I should consider that it would be necessary to have a declaration, in writing, made by some person verifying the fact of Mr. Rhodes having resigned the Agency of Messrs. Peto and Co. in this Colony, and of his having left this Colony with an intention of returning to England; but that, if the Commissioner is satisfied that the facts as stated in Mr. Want's letter of the 25th instant are, as no doubt they are, as therein stated, I see no objection to his recognizing Mr. Willcox, without being furnished with such a declaration.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

EXISTING RAILWAY LINES.
(COST AND EXPENDITURE OF.)

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 26 November, 1861, That there be laid upon the Table of this House,—

“ A Return shewing :—

“ (1.) The cost per mile of Great Southern and Great Northern Railways, opened for traffic twelve months and upwards, on the 31st December, 1860; distinguishing the cost of stations, and signal stations, water stations, &c., from formation and permanent way of lines.

“ (2.) The Expenditure on Great Southern and Great Northern Railways, for the year ending 31st December, 1860, tabulated as under :—

“ Cost of maintenance of way per mile			
“ Repair of Stations per mile	...		
“ Locomotive Power—			
“ Mileage—Passengers		Goods	;
“ Total train miles	, piloting	, ballasting	;
“ Total engine mileage			
		Per train mile.	
“ Enginemen and firemen’s wages	...	—	
“ Labourers’ wages	... ..	—
“ Repairing and renewing engines	...	—	
“ Superintendence	... ..	—
“ Fuel and water	... ..	—
“ Oil, tallow, and “waste” (for cleaning)	...	—	
“ Locomotive total cost	... ..	—
“ General Expenditure—			
“ Maintenance of way...	... ..	—
“ Locomotive expenses...	... ..	—
“ Repairs and renewals to carriages and wagons	... ..	—
“ Coaching charges	... ..	—
“ Goods charges	... ..	—
“ Telegraphic expenses on account of working lines	... ..	—
“ Interest on cost of construction	... ..	—
“ Incidental expenses	... ..	—
“ Total Expenditure...	... ..	—

(Mr. Dalgleish.)

EXISTING RAILWAY LINES.

No. 1.

RETURN in compliance with *Mr. Dalgleish's motion* of 26th November, of the *Cost per Mile* of the Great Southern and Northern Railways open for traffic twelve months and upwards on the 31st December, 1860.

CONSTRUCTION.	GREAT SOUTHERN RAILWAY. SYDNEY TO CAMPBELLTOWN, 34 MILES.		GREAT NORTHERN RAILWAY. NEWCASTLE TO MAITLAND, 20 MILES.	
	Total cost from commencement to 31st December, 1860.	Cost per Mile to 31st December, 1860.	Total cost from commencement to 31st December, 1860.	Cost per Mile to 31st December, 1860.
	34 Miles.		20 Miles.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
CONSTRUCTION—				
Stations	18,128 2 8	533 3 4	13,015 11 6	650 15 7
Signal Stations	235 5 9	6 18 5	101 8 5	5 1 5
Water Stations	2,214 4 1	65 2 6	220 14 2	11 0 9
Compensation for Land	34,706 16 6	1,020 15 9	10,546 17 7	527 6 10
Machinery and Tools	9,707 12 4	285 10 4	899 3 0	44 19 2
Engineering	9,524 6 6	280 2 8	3,929 10 10	196 9 7
Measuring Works	356 15 9	10 9 10	.....	.....
Meat Sheds and Weigh Bridges	837 7 2	24 12 7	.....	.....
Expenses of General Establishment	3,906 1 6	114 17 9	4,077 9 0	203 17 5
Railway Electric Telegraph	594 5 3	17 9 7	44 11 6	2 4 7
Cranes	412 13 6	12 2 9	.....	.....
Machine Shops	11,563 6 3	340 4 11	.....	.....
General Expenditure (H. R. Co.) .....	.....	.....	14,701 7 9	735 1 5
Formation	552,863 12 9	16,260 13 11	253,011 6 3	12,650 11 3
	645,055 10 0	18,972 4 4	300,548 0 0	15,027 8 0
PERMANENT WAY—				
Rails, Chairs, Spikes, Bolts, Fishes, Sleepers, Ballast, &c.	125,685 13 0	3,696 12 9	44,882 2 1	2,244 2 1
Freight	25,881 3 2	761 4 3	13,806 8 5	690 6 5
General Expenditure	43,521 18 3	1,280 1 1	.....	.....
Cartage and Contingencies	1,878 19 9	55 5 3	.....	.....
Turn-tables	460 9 1	13 10 11	.....	.....
Carriage by Rail	714 4 2	21 0 2	.....	.....
Billet wood for ballasting	100 4 0	2 18 11	.....	.....
	198,242 11 5	5,830 13 4	58,688 10 6	2,934 8 6
ROLLING STOCK—				
Engines and Tenders, Passenger Stock, Goods Wagons, Vans, &c., &c.	71,816 17 9	2,112 5 3	40,524 3 6	2,026 4 2
Total.....£	915,114 19 2	26,915 2 11	399,760 14 0	19,988 0 8

Sydney, 24 April, 1862.

R. C. WALKER,
Accountant.

EXISTING RAILWAY LINES.

3

No. 2.

RETURN in compliance with Mr. Dalgleish's motion, of 26th November, of the EXPENDITURE FOR WORKING THE GREAT SOUTHERN, GREAT WESTERN, AND GREAT NORTHERN RAILWAYS, for the Year ending 31st December, 1860, tabulated as under, viz. :—

SCHEDULES A TO F.	GREAT SOUTHERN RAILWAY.			GREAT WESTERN RAILWAY.			GREAT NORTHERN RAILWAY.		
	Total Cost.	Cost per Train Mile.	Cost per Mile Run.	Total Cost.	Cost per Train Mile.	Cost per Mile Run.	Total Cost.	Cost per Train Mile.	Cost per Mile Run.
A.		130,806 Miles.	148,902 Miles.		11,454 Miles.	13,814 Miles.		36,989 Miles.	64,268 Miles.
<i>Locomotive Power.</i>	£ s. d.	d.	d.	£ s. d.	d.	d.	£ s. d.	d.	d.
1. Wages—Enginemen, Firemen, and Cleaners	3,020 0 8	5-541	4-867	268 6 9	5-622	4-662	801 19 6	5-203	2-994
2. Fuel	3,707 17 1	6-803	5-976	.....	.....	.....	850 8 1	5-515	3-175
3. Oil, Tallow, & sundry Stores	823 10 4	1-510	1-327	.....	.....	.....	113 7 5	0-735	0-423
4. Water and Pumping	215 3 2	0-394	0-346	125 3 0	2-622	2-174	71 17 5	0-466	0-268
	7,766 11 3	14-245	12-516	393 9 9	8-244	6-836	1,837 12 5	11-919	6-860
<i>Repairing Engines.</i>									
1. Locomotive Foreman and Timekeeper. (Included in Schedule D, No. 1) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2. Wages	2,140 8 0	3-927	3-449	22 12 3	0-473	0-392	795 9 9	5-161	2-970
3. Materials	1,037 17 4	1-904	1-672	.....	.....	.....	62 17 6	0-407	0-234
4. Repairs to fixed Machinery, &c.	52 3 8	0-095	0-084	.....	.....	.....	4 15 3	0-030	0-017
5. Tools and Implements	358 16 1	0-658	0-578	.....	.....	.....	44 2 7	0-286	0-164
6. General Charges	443 8 5	0-798	0-701	.....	.....	.....	192 8 7	1-248	0-710
7. Casualties .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	4,032 13 6	7-382	6-494	22 12 3	0-473	0-392	1,099 13 8	7-132	4-095
B.	11,799 4 9	21-630	19-000	416 2 0	8-717	7-228	2,937 6 1	19-051	10-955
<i>Carriage Repairs.</i>									
1. Wages	537 13 3	0-986	0-866	.....	.....	.....	162 2 7	1-051	0-605
2. Materials	199 14 0	0-366	0-321	.....	.....	.....	52 17 9	0-343	0-197
3. General Charges	15 13 6	0-029	0-025	.....	.....	.....	2 9 6	0-016	0-009
4. Casualties .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	753 5 9	1-381	1-212	.....	.....	.....	217 9 10	1-410	0-811
<i>Wagon Repairs.</i>									
5. Wages	670 9 4	1-230	1-080	.....	.....	.....	247 2 11	1-603	0-922
6. Materials	267 14 1	0-491	0-431	.....	.....	.....	13 16 6	0-089	0-051
7. General Charges .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8. Casualties .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	933 3 5	1-721	1-511	.....	.....	.....	260 19 5	1-692	0-973
C.	1,691 9 2	3-102	2-723	.....	.....	.....	478 9 3	3-102	1-784
<i>Maintenance of Way.</i>									
1. Permanent Way	6,007 7 10	11-022	9-682	930 15 0	19-502	16-170	2,413 2 5	15-657	9-011
2. Gates, Fences, &c.	59 0 9	0-108	0-095	.....	.....	.....	19 2 4	0-124	0-071
3. Tools and Implements	202 17 6	0-372	0-326	88 14 7	1-859	1-541	99 4 10	0-643	0-370
4. Ballasting	8 2 6	0-014	0-013	.....	.....	.....	121 11 10	0-788	0-454
5. Slips .....	.....	.....	.....	21 16 3	0-457	0-378	.....	.....	.....
6. Bridges, Tunnels, &c.	488 8 0	0-896	0-787	.....	.....	.....	14 0 5	0-090	0-052
7. Renewals to Sidings, Turntables, &c.	134 18 1	0-247	0-217	.....	.....	.....	6 0 11	0-039	0-022
8. Casualties	32 2 2	0-058	0-051	.....	.....	.....	.....	.....	.....
9. Relaying Line	365 12 6	0-670	0-589	0 15 0	0-015	0-013	38 11 4	0-250	0-144
10. Repairs to Station Buildings	889 9 0	1-631	1-433	0 11 0	0-011	0-009	181 11 4	1-178	0-678
11. Signals	27 14 1	0-050	0-044	1 6 0	0-027	0-022	118 19 0	0-771	0-444
12. Roads	8 3 9	0-015	0-013	1 13 3	0-034	0-028	25 13 0	0-166	0-095
13. Salaries and Wages of Inspectors, &c. (Included in Schedule D, No. 1) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
D.	8,223 16 2	15-083	13-250	1,045 11 1	21-905	18-161	3,037 17 5	19,706	11-341
<i>Coaching Charges.</i>									
1. Wages of Clerks, Inspectors, Guards, &c., &c.	10,648 4 11	19-537	17-162	876 3 3	18-358	15-222	3,399 13 0	22-058	12-695
2. Compensation .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3. Travelling Expenses .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4. Delivering Parcels .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5. Horse and Coach Hire .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
6. Advertising .....	.....	.....	.....	0 10 0	0-010	0-008	.....	.....	.....
7. Stationery and Printing .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
8. Fuel and Stores	660 11 2	1-211	1-064	18 5 2	0-382	0-317	94 1 1	0-610	0-351
9. Treasury Charges .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
10. General Charges—Clothing	71 10 9	0-131	0-115	.....	.....	.....	11 11 0	0-074	0-043
11. Repairing Station Furniture	23 14 8	0-043	0-038	.....	.....	.....	1 14 5	0-011	0-006
12. Making and repairing Lamps	4 12 8	0-008	0-007	.....	.....	.....	1 15 7	0-011	0-006
	11,408 14 2	20-930	18-386	894 18 5	18-750	15-547	3,508 15 1	22-764	13-101

EXISTING RAILWAY LINES.

RETURN of EXPENDITURE—continued.

SCHEDULES A TO F.	GREAT SOUTHERN RAILWAY.			GREAT WESTERN RAILWAY.			GREAT NORTHERN RAILWAY.		
	Total Cost.	Cost per Train Mile.	Cost per Mile Run.	Total Cost.	Cost per Train Mile.	Cost per Mile Run.	Total Cost.	Cost per Train Mile.	Cost per Mile Run.
E.		130,806 Miles.	148,902 Miles.		11,454 Miles.	13,814 Miles.		36,989 Miles.	64,268 Miles.
<i>Goods Charges.</i>	£ s. d.	d.	d.	£ s. d.	d.	d.	£ s. d.	d.	d.
1. Wages of Clerks, Inspectors, &c. (Included in Schedule D, No. 1) .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
2. Compensation .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3. Horse Hire .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
4. Travelling .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
5. Stationery and Printing	54 9 7	0-099	0-087	.....	.....	.....	.....	.....	.....
6. Fuel and Stores	42 9 7	0-077	0-068	0 17 8	0-018	0-015	82 8 1	0-534	0-307
7. Street Repairs	227 0 4	0-416	0-365	.....	.....	.....	9 3 3	0-059	0-034
8. Greasing Wagons	435 5 2	0-800	0-703	21 8 7	0-449	0-372	.....	.....	.....
9. General Charges	13 13 1	0-025	0-022	.....	.....	.....	2 0 3	0-013	0-007
	773 17 9	1-417	1-245	22 6 3	0-467	0-387	93 11 7	0-606	0-348
F.									
<i>General Charges.</i>									
1. Direction	75 0 0	0-137	0-120	.....	.....	.....	.....	.....	.....
2. Auditing .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
3. Salaries	49 6 0	0-090	0-079	8 6 8	0-174	0-144	.....	.....	.....
4. Advertising	254 13 0	0-467	0-410	43 8 2	0-909	0-754	110 15 8	0-718	0-413
5. Stationery and Printing	224 17 1	0-412	0-362	.....	.....	.....	35 5 3	0-228	0-131
6. Travelling and Miscellaneous	251 4 9	0-460	0-404	3 0 0	0-062	0-052	64 9 6	0-418	0-240
7. Office Expenses	38 14 0	0-071	0-062	1 0 0	0-020	0-017	39 1 0	0-253	0-145
8. Repairs to Cottages .....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	893 14 10	1-637	1-437	55 14 10	1-165	0-967	249 11 5	1-617	0-929
	34,790 16 10	63-799	56-041	2,434 12 7	51-004	42-290	10,305 10 10	66-846	38-458

STATEMENT of MILEAGE for the year 1860.

NEW SOUTH WALES RAILWAY.	SOUTHERN.	WESTERN.	NORTHERN.	TOTAL.
<i>Train Miles:—</i>				
Passengers	108,700	9,988	34,176	152,864
Goods	19,698	1,410	.....	21,108
Special Passengers	1,142	16	1,045	2,203
Special Goods	1,266	40	1,768	3,074
Total Train Miles	130,806	11,454	36,989	179,249
<i>Other Mileage:—</i>				
Ballasting	11,889	.....	8,491	20,380
Empty	1,950	2,192	4,770	8,912
Shunting	1,764	.....	13,808	15,572
Billet Wood	2,493	168	210	2,871
Other Mileage	18,096	2,360	27,279	47,735
TOTAL MILEAGE	148,902	13,814	64,268	226,984

Department of Works, Railway Branch,
Sydney, 24 April, 1862.

R. C. WALKER,
Accountant.

ELECTRIC TELEGRAPH.

RETURN of WORKING EXPENDITURE ON THE RAILWAY ELECTRIC TELEGRAPH LINE, from 1st January to 31st December, 1860.

Parramatta to Campbelltown:—	£ s. d.
Salaries	366 7 4
Working Expenses	28 16 11
Contingencies	1 10 0
	£396 14 3

EDWD. CHA. CRACKNELL.

5/5/62.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RAILWAY SIGNAL POSTS.
(RETURN SHEWING COST OF.)

Ordered by the Legislative Assembly to be Printed, 4 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 3 June, 1862, That there be laid upon the Table of this House,—

“ A Return of the Cost of each of the Railway Signal Posts lately imported, such Return to specify particulars of all charges until delivery at Station.”

(*Mr. Stewart.*)

RETURN OF THE COST OF EACH OF THE RAILWAY SIGNAL POSTS
JUST IMPORTED.

20 SIGNALS, PER “OAKLANDS.”

Invoice cost, each	£29 10 0
Freight and Primage	5 0 4
Shipping and Insurance	1 5 2
Wharfage in Sydney	0 1 3
Cartage	0 2 8
TOTAL	£35 19 5

*Railway Branch,
Department of Public Works,
Sydney, 3 June, 1862.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMPROVED COMMUNICATION WITH THE INTERIOR.
(INHABITANTS, EVANS' PLAINS.)

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

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

The Petition of the Inhabitants of Evans' Plains and the surrounding country, in
Public Meeting assembled,—

HUMBLY SHEWETH:—

That your Petitioners have learned with surprise and regret that, in the system of improved communication with the interior proposed by the Government, a sum of money is named for the extension of the Southern Railway to Goulburn, and various sums for horse railways to other interior localities, but no provision made for improved transit to Bathurst.

That your Petitioners desire to impress your Honorable House with the due sense of the importance of the Western Districts, whether as regards their wealth, their population, or resources; and to point out, that whilst many of the latter are available, others of undoubted richness remain undeveloped for want of cheap and speedy transit.

They are also desirous of explaining, that during the prevalence of rainy weather the residents of the western interior suffer severe pecuniary loss and great inconvenience, owing to the protracted detention of merchandise upon the roads.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to take into consideration the facts now set forth, and take such steps as will secure to them the benefits of a co-equal extension of locomotive transit with the other Districts of the Colony.

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

Signed on behalf of the Meeting,

P. B. WOODLEY,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HENRY WILLIAM DUDLEY.

(PETITION OF.)

Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Henry William Dudley, late 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 then lately occupied by him at the Sydney Station, for three months certain, at the rent of £2 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 favour 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 £6 10s. 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 16s. 8d. 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 Chippendale 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 £150 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, 1857, your Petitioner received notice to quit on the 1st day of January, 1858, 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 any valuation, and your Petitioner refused to give up possession.

That during the first fortnight of January, 1858, 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 14th day 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, £120 per annum, allowing out of it £10 per annum for the services of your Petitioner's wife, in attending to the ladies' waiting room. That agreement is dated the 13th of January, 1858, for one year certain, at £110 per annum, and Mrs. Dudley's services as aforesaid considered equivalent to £10 more, and £10 8s. 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 did in fact so diminish the traffic as to prove in the highest degree injurious to your Petitioner, insomuch that your Petitioner's receipts for the twelve months following that increase was less than for twelve months before by the sum of £178 5s. 2d., although in the latter period an additional twelve miles of rail had been open to the public.

That in not more than a month after this agreement was signed, the said Commissioner actually leased the same ground (for which your Petitioner was paying ground rent) to Messrs. Scott and Jolly, for a timber yard, who are now, as well as your Petitioner was then, 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 only one foot in the top for air, until your Petitioner himself cut down another foot thereof.

That your Petitioner did make complaint on these points to the Commissioner, without redress, and did also apply for a reduction of rent, and to have the said refreshment room papered and painted, of which it stood much in need, nothing having been then done to it since the said storm; to which the reply given to your Petitioner was, 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 then rented by your Petitioner, to which it was not fitted and which was an inconvenience to your Petitioner and his customers, and which ought not to have been imposed upon your Petitioner, paying a rent for the said room four times greater than that paid by a stallholder in George-street Market.

That on the 7th day of December, 1858, 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 5th of January, 1859, 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 your Petitioner applied for the ordinary confectioner's license on the 22nd December, 1858, 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

HENRY WILLIAM DUDLEY.—PETITION.

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 kept 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 was obliged to abandon the said refreshment room and lose the benefit of such investment and connection, being unable to pay such high rent.

That your Petitioner's Petition was presented to your Honorable House by Thomas Broughton Esq., M. L. A., on the 30th November, 1859, but on account of a change in the Ministry, and other unforeseen circumstances, his Petition has never been investigated; by which your Petitioner has suffered severe losses.

Your Petitioner therefore humbly prays that your Petitioner's case may be so dealt with by your Honorable House, or such redress may be afforded to your Petitioner, as to your Honorable House may seem meet.

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

HENRY WM. DUDLEY.

Dated this 24th day of June, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TRUCK (OR TOMMY SHOP) SYSTEM ON GREAT
SOUTHERN RAILWAY.

(PETITION RELATIVE TO.)

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

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Storekeepers, Publicans, and Navvies, employed
on the Railway Works Extension from Picton,—

HUMBLY SHEWETH :—

That your Petitioners view with surprise and indignation the attempt made by the Contractor for Extension No. 1 on the Great Southern Railway, to establish the Truck, or Tommy Shop, System, which is now in full operation, by the erection of stores along the line in the name of one Mr. A. Mason (supposed to be a backer of the Contractor's), and paying the men with 5s. orders on the said Mason, not transferable—thereby attempting the monopoly of the whole traffic arising from the contract with the Government; and these stores are connected with the unlicensed sale of grog and malt liquors, with every inducement to drink held out, so that the poor fellows employed are fairly victimised, to their utter dissatisfaction, and the traders deprived of their just and legitimate portion of trade in the public outlay, as well the men of the option of dealing where interest or inclination may lead them.

And whereas these tickets on the Tommy Shops involve the necessity on the men to receive the greater portion in goods and drink, it becomes of necessity a burden and a hardship upon them, and men have been actually sent off the works for refusing these tickets, and others for insisting on cash for them when obtained.

The same system having been attempted at Victoria, was found to work so injuriously that it has been put down by the Legislature, so that all contractors and sub-contractors have been compelled to pay their men in cash only.

Your Petitioners, therefore, humbly pray that prompt and efficacious measures may be adopted by your Honorable House for the immediate suppression of this unfair attempt, so fraught with injury to the whole trading community, and the demoralization of the navvies employed.

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

[Here follow 79 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JOHN HANNELL.
(PETITION OF.)

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

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

The humble Petition of John Hannell, of Hexham, in the Hunter River District (Licensed Victualler),—

HUMBLY SHEWETH :—

That your Petitioner has been informed, and verily believes, that the present Railway Station at Hexham is about to be removed to a position nearer to Newcastle, and called or known by the name of "Brown's Crossing."

That your Petitioner was induced by the promises of the then Commissioner for Railways, and on certain conditions, to surrender to the Government, by deed, dated the 7th day of September, 1857, a portion of his landed property situated at Hexham, viz., thirteen acres, more or less, for the use of the Great Northern Railway; and he further gave the usual right of Railway crossing through such land to the main road.

That your Petitioner, relying upon the promises and representations which were made by the then Commissioner, on the part of the Government, that the Railway Station should be built and continued in its present position, conveyed to the Government the requisite quantity of land for Railway purposes, at the Government valuation.

That your Petitioner is of opinion that no apparent advantage can arise to the public of Hexham by the proposed removal of the station to "Brown's Crossing," but, on the contrary, the general convenience of the Minmi, Tomago, and Hexham inhabitants would be consulted in a more equal degree by the removal of the station to a point on the Great Northern Railway, and shown in the annexed plan marked with the letter "A."

That your Petitioner, in addition to the injury and great loss he will sustain by the removal of the station to "Brown's Crossing," as aforesaid, would respectfully draw attention to the positive breach of faith inflicted upon your Petitioner—as by the terms of the deed, dated as aforesaid, the 7th day of September, 1857, such removal was never contemplated.

Your Petitioner, therefore, humbly prays that the Honorable the Legislative Assembly will take his case into their serious consideration, and that the prayer of this his humble Petition will be granted.

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

JOHN HANNELL.

Hexham, 22 July, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DARLING HARBOUR BRANCH RAILWAY.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 19 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of Pyrmont, and other Citizens of Sydney,—

SHEWETH:—

That at the present time the Darling Harbour Railway Branch is brought within three or four hundred yards of the Pyrmont Bridge, where it is of no use.

That the Branch Railway and the Land taken for the purpose, represent a capital of some £160,000, which capital, with interest thereon, has been lying idle for some years.

That your Petitioners and the whole public of Sydney would be benefited if the Branch were brought as far as the Bridge, and your Petitioners earnestly hope and pray that so obvious an improvement may be at once carried out to completion.

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

[Here follow 66 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RAILWAY THROUGH ULTIMO ESTATE.
(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 15 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of John Harris, of Shane's Park, in the County of Cumberland, in the Colony of New South Wales, Esquire; George Harris, of Ultimo House, in the City of Sydney, in the said Colony, gentleman; John Harris, of the same place, gentleman; Matthew Harris, of the same place, gentleman; Nancy Ann Harris, of the same place, widow; James Fullerton, of Sydney aforesaid, Doctor of Laws; and George Henry Hamilton, of Kiama, in the said Colony, Surgeon;—the said James Fullerton and George Henry Hamilton being the Trustees of the Will of John Harris, late of Ultimo Cottage, in the City aforesaid, Esquire, deceased, and interested in the premises on behalf of his infant children,—

RESPECTFULLY SHEWETH:—

That your Petitioners are the proprietors for divers estates and interests of the Estate of Ultimo, situate within the City of Sydney aforesaid.

That in the month of April, one thousand eight hundred and fifty-three, in pursuance of the provisions of an Act of the Legislature of the said Colony, passed in the thirteenth year of the reign of Her Majesty Queen Victoria, the Sydney Railway Company took and entered upon, set out, and appropriated for the purposes of the Railway a large portion of the said Estate of your Petitioners, comprising in extent fourteen acres and a half or thereabouts,—that is to say, seven acres and a half of the said Estate for the Terminus of the said Railway, and seven acres for that portion of the line thereof, which should extend from the said Terminus to Parramatta-street.

That in accordance with the said Act, certain Justices, assembled in Petty Sessions, appointed Edward James Howes Knapp, John Bibb, and Thomas Cowlshaw, as practical Surveyors, to determine what compensation should be paid by the said Company to the owners or persons interested in the lands taken, used, or injuriously affected by the execution of the powers by the said Act granted.

That the said Surveyors, by their valuation, dated the third day of June, one thousand eight hundred and fifty-four, determined that the sum of one hundred and one thousand nine hundred and two pounds was the value of the land so taken, and of the damages occasioned by the making and completing the said Railway; and they also found that the adjoining land, belonging to the same owners, would be increased in value by the contemplated Railway and Terminus to the extent of ninety-nine thousand one hundred and thirty-three pounds; and they adjudged the sum of two thousand seven hundred and sixty-nine pounds, the difference between the said two sums, to be paid by the Company by way compensation aforesaid.

That at the time of the appropriation of the said land, portions thereof were under occupation by seven tenants of your Petitioners, whose rents, to the amount of eighty-one pounds per annum, have been thenceforth wholly lost to your Petitioners.

That not any payment whatsoever has been made to your Petitioners in respect of the land taken, which has been wholly lost and useless since the month of April, one thousand eight hundred and fifty-three.

That in the year one thousand eight hundred and fifty-four, under the provisions of an Act of the said Legislature, passed in the eighteenth year of the reign of Her Majesty

Queen Victoria, number forty, the Government of this Colony became the purchasers from the said Company of the said Railway, and all other property whatsoever belonging to them.

That neither the said Company nor the Government since its acquisition of their property, and its obligations, have ever made the Terminus of the said Railway on the land taken from your Petitioners for that assumed purpose, but on the contrary thereof the Terminus has been made and continued upon the Cleveland Paddock, and the land taken from your Petitioners has remained almost unused, and the benefit which might have arisen to your Petitioners from the flow of population to the Railway Terminus as a centre of business operations, and which was estimated by the said Surveyors in their award to confer on your Petitioners remaining estate the large additional value aforesaid, has not been realized.

That by reason of the premises your Petitioners are injured in the loss of their land without any equivalent.

That on the eighth day of September, one thousand eight hundred and sixty, your Petitioners, desiring redress, presented to His Excellency the late Governor General their respectful Memorial setting forth the facts above detailed, and submitting their right to the payment of the entire valuation placed upon their land of which they have been deprived, together with a compensation for the loss of rents as aforesaid with interest thereon; or to the sum so assessed and interest thereon, and to the abandonment of the present Terminus of the Railway, and the construction of the Terminus upon the land taken from them for that purpose; or to the return and release of the land taken together with compensation for the destruction of its surface, and for the deprivation of the rents which have been lost to them since its occupation by the said Railway,—the receipt of which Memorial was acknowledged on the tenth day of that month, and in the month of March, one thousand eight hundred and sixty-one, your Petitioners were informed by the Commissioner for Railways, that “so soon as the question of the Pitt-street Tramway then before Parliament should be determined, the Government would decide upon the question referred to by your Petitioners.” That nevertheless the said question still remains undecided, and your Petitioners are without any redress in the premises, and are obliged to pray the consideration of your Honorable House.

Your Petitioners therefore humbly pray, that such inquiries may be made as to your Honorable House shall seem meet, and that your Petitioners may have appropriate relief in the premises.

And your Petitioners will ever pray, &c.

J. HARRIS.
G. HARRIS.
JOHN HARRIS, JUNIOR.
MATTHEW HARRIS.
N. A. HARRIS.
JAMES FULLERTON, LL.D.
GEORGE HY. HAMILTON, M.D.

Sydney, 14 October, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

RAILWAY THROUGH ULTIMO ESTATE.

(PETITION, TO BE HEARD BY COUNSEL.)

Received by the Legislative Assembly, 12 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of John Harris, of Shane's Park, in the County of Cumberland, in the Colony of New South Wales, Esquire; George Harris, of Ultimo House, in the City of Sydney, in the said Colony, gentleman; John Harris, of the same place, gentleman; Matthew Harris, of the same place, gentleman; Nancy Ann Harris, of the same place, widow; James Fullerton, of Sydney aforesaid, Doctor of Laws; and George Henry Hamilton, of Kiama, in the said Colony, Surgeon,—the said James Fullerton and George Henry Hamilton being the Trustees of the Will of John Harris, late of Ultimo Cottage, in the city aforesaid, Esquire, deceased, and interested in the premises on behalf of his infant children,—

RESPECTFULLY SHEWETH:—

That your Petitioners did, on the 15th day of October, in the present year, prefer to your Honorable House their humble Petition, praying as therein prayed.

That, on the 2nd day of December instant, the said Petition was duly referred to a Select Committee of your Honorable House.

That your Petitioners are desirous of being heard, by themselves, their Counsel, or Agents, before the said Committee, in support of their claims, by the said Petition made known.

Your Petitioners, therefore, humbly pray that they may be heard, by themselves, their Counsel, or Agents, before the said Committee accordingly.

And your Petitioners will ever pray, &c.

G. HARRIS.
JOHN HARRIS, JUNR.
MATTHEW HARRIS.
N. A. HARRIS.
JAMES FULLERTON, L.L.D.

Sydney, 12 December, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MOREHEAD & YOUNG'S RAILWAY BILL.

(PETITION OF ALEXANDER BROWN, No. 1.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Alexander Brown, of Newcastle, in the Colony of New South Wales, merchant, carrying on business in co-partnership with James Brown, under the firm of James and Alexander Brown,—

SHREWETH :—

1. That your Petitioner learns that a Bill has been brought into your Honorable House, to enable Robert Archibald Alison Morehead and Matthew Young to construct a Railway from land near Newcastle, leased by them from the Crown, to and to connect the same with the Great Northern Railway.

2. That it is essential that the line and position of the projected Railway be accurately defined and determined, and that the same ought to be shown upon a plan annexed to the Bill, and although no such plan is annexed, your Petitioner knows not whether your Honorable House will consider such non-annexure fatal.

3. That it is essential that the projected Railway and Locomotives should be open to public use, upon payment to the promoters of a fair and reasonable toll, and that for distances less than a mile the rate per ton of such toll ought to be proportionately diminished.

4. That it is essential that the Bill shall enable the owners or occupiers of lands traversed by or adjoining the projected Railway, or any other persons, to lay down, either upon their own lands or upon Crown Lands, with the consent of the Governor with the advice of the Executive Council, or upon the lands of other persons, with the consent of such other persons, any other Railways, either to join the projected Railway or to cross it.

5. That the power of making any such other Railway should not be restrained so as to prevent the same from running parallel to the projected Railway, nor so as to enable the promoters of the projected Railway to refuse to make openings upon any inclined plane.

6. That upon any other Railway being made to join or to cross the projected Railway, the persons making or using such other Railway should not be subject to all By-laws and Regulations to be from time to time made by the promoters of the projected Railway, with respect to passing upon or crossing the same, but only to such just and reasonable By-laws and Regulations, in regard thereto, as shall first have been approved and allowed by the Governor, with the advice of the Executive Council.

7. That the making of a Branch Railway to join the projected Railway would increase the traffic of the latter and benefit the proprietors thereof, and that the persons making or using any such Branch Railway ought not to be bound to construct nor to renew the off-set plates and switches. Your Petitioner, therefore, humbly prays that your Honorable House, in dealing with the said Bill, will make such provision in regard to the several matters aforesaid as the nature of the case may require.

ALEXR. BROWN.

Dated this seventeenth day of September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MOREHEAD & YOUNG'S RAILWAY BILL.

(PETITION OF ALEXANDER BROWN, No. 2.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Alexander Brown, of Newcastle, in the Colony of New South Wales, merchant, carrying on business in co-partnership with James Brown, under the firm of James and Alexander Brown,—

SHEWETH :—

1. That your Petitioner learns that a Bill has been brought into your Honorable House to enable Robert Archibald Alison Morehead and Matthew Young to construct a Railway from land near Newcastle, leased by them from the Crown, to and to connect the same with the Great Northern Railway.
2. That the said Bill, in the first clause, purports to show the line of the projected Railway by means of some plan, and states that the said plan is annexed to the Bill.
3. That in point of fact no plan is annexed to the Bill.
4. That the Bill was initiated in your Honorable House, upon Petition presented thereto, but without any copy of the plan so referred to by the Bill, and forming in substance a most important part thereof.
5. That the promoters ought to have annexed to the said initiatory Petition a printed copy of the Bill, including also a copy of the plan, but that they have failed to do so, which your Petitioner conceives is a breach of the Standing Orders of your Honorable House.
6. That the effect of such failure has been to deprive Members of your Honorable House, and also the public generally, of that notice of the contents and effect of the Bill which it was in the intent of the Standing Orders to afford.
7. That your Petitioner's solicitor has not been able to see the plan referred to by the Bill, although he has applied to the promoters' solicitor for that purpose, and your Petitioner knows not, up to this moment, what is the intended line of the projected Railway.

Your Petitioner, therefore, humbly prays that your Honorable House will not pass the Bill.

ALEX. BROWN.

Dated the seventeenth day of September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MOREHEAD AND YOUNG'S RAILWAY BILL.

(PETITION OF ALEXANDER BROWN, No. 3.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Alexander Brown, of Newcastle, in the Colony of New South Wales, Merchant, carrying on business in co-partnership with James Brown, under the firm of James and Alexander Brown,—

SHEWETH :—

1. That your Petitioner has preferred to your Honorable House two Petitions, in respect of Morehead and Young's Railway Bill.

2. That your Petitioner and his said partner are proprietors and lessees of Mines situate in the immediate neighbourhood of the line of the projected Railway, and under the surface of the land traversed thereby, and are deeply interested in the said Bill.

Your Petitioner therefore humbly prays that in the event of the said Petitions, or either of them, being referred to the Select Committee appointed on the Bill, your Petitioner may, by Counsel, Solicitor, or Agent, be heard before the Select Committee.

ALEX. BROWN.

Dated this eighteenth day of September, 1862.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

—
 MOREHEAD & YOUNG'S RAILWAY BILL.
 (PETITION OF ALFRED CANNING.)

—
*Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

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

The humble Petition of Alfred Canning, of Sydney, Manager for James Brown and
 Alexander Brown, both of Newcastle, in the Colony of New South Wales,
 Merchants, carrying on business in co-partnership under the firm of James and
 Alexander Brown,—

SHEWETH :—

1. That your Petitioner learns that a Bill has been brought into your Honorable House to enable Robert Archibald Alison Morehead and Matthew Young to construct a Railway from land near Newcastle, leased by them from the Crown, to and to connect the same with the Great Northern Railway.

2. That although by section three it is provided that "the Railway and locomotives shall be open to public use upon payment of a toll to the promoters of three-pence per ton per mile," the Bill does not expressly provide that for distances less than a mile the rate per ton shall be proportionately diminished.

3. That although by section four it is provided "that it shall be lawful for the owners or occupiers of the lands traversed by the said Railway to lay down upon their own lands any collateral branches of Railway to communicate with the said Railway for the purpose of bringing carriages to or from or upon the said Railway and that the promoters shall if required at the expense of such owners or occupiers make openings in the rails," yet that this provision is inconveniently qualified, and in danger of being rendered ineffective, by the restrictions and conditions that no such Railway shall run parallel to the said Railway, and that the promoters shall not be bound to make any such openings upon any inclined plane.

4. That it will be in the power of the promoters of the Bill to make the whole of their projected Railway upon an inclined plane, and to prevent any branch Railway from running for even the slightest and most necessary distance parallel to the promoters' projected Railway.

Your Petitioner therefore humbly prays that your Honorable House will not pass the Bill in its present shape.

ALFRED CANNING.

Dated this ninth day of September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MOREHEAD & YOUNG'S RAILWAY BILL.
(PETITION OF ALFRED CANNING.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Alfred Canning, of Sydney, Manager for James Brown and Alexander Brown, both of Newcastle, in the Colony of New South Wales, Merchants, carrying on business in co-partnership, under the firm of James and Alexander Brown,—

SHEWETH:—

1. That your Petitioner lately preferred to your Honorable House a Petition in respect of Morehead and Young's Railway Bill, which was referred to the Select Committee sitting on that Bill.

2. That in the absence of a Petition containing a prayer to be heard by Counsel or Agent, the Select Committee have felt a difficulty as to whether they should allow your Petitioner's Solicitor to ask questions of witnesses, otherwise than through the medium of the Chairman or some other Member of such Committee.

3. That the Chairman and Committee have courteously suggested to your Petitioner's Solicitor the desirability of his obtaining from your Honorable House liberty to put all such questions directly, and to be heard as a matter of right upon all parts of the Bill.

Your Petitioner therefore humbly prays that he may by Counsel, Solicitor, or Agent, be heard before the Select Committee upon all parts of the Bill, and be allowed to put questions to witnesses directly.

ALFRED CANNING.

Dated this eighteenth day of September, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

MOREHEAD AND YOUNG'S RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP STREET.

1862.

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1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

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

20. Morehead and Young's Railway Bill :—Mr. Dick moved, pursuant to notice,—
(1.) That the " Bill to enable Robert Archibald Alison Morehead and Matthew Young, to construct a Railway from Land near Newcastle, leased by them from the " Crown, to, and to connect the same with, the Great Northern Railway," be referred to a Select Committee for consideration and report.
(2.) That such Committee consist of the following Members, viz. :—Mr. Robertson, Mr. Hay, Mr. Macleay, Mr. Samuel, Mr. Mate, Mr. Gordon, Mr. Lewis, Mr. Hoskins, Mr. Hannell, and the Mover.
Question put and passed.

VOTES, No. 61. TUESDAY, 9 SEPTEMBER, 1862.

6. Morehead and Young's Railway Bill :—
(1.) Mr. C. Cowper, junr., presented a Petition from Alfred Canning (Manager for Messrs. James and Alexander Brown, of Newcastle), of Sydney, in opposition to this Bill.
Petition received.
(2.) Mr. C. Cowper, junr., then moved, That this Petition be referred to the Select Committee now sitting on the said Bill.
Question put and passed.

VOTES, No. 67. THURSDAY, 18 SEPTEMBER, 1862.

3. Morehead and Young's Railway Bill :—
(1.) Mr. C. Cowper, junr., presented two (2) Petitions from Alexander Brown, of the firm of James and Alexander Brown, of Newcastle, dated, respectively, 17 September, 1862, adverse to the said Bill.
Petitions received.
Mr. C. Cowper, junr., then moved, That the said two Petitions be referred to the Select Committee now sitting on the said Bill.
Question put and passed.
(2.) Mr. C. Cowper, junr., presented a Petition from Alfred Canning, of Sydney, Manager for the firm of James and Alexander Brown, of Newcastle, praying for leave to be heard by Counsel, Solicitor, or Agent, before the Select Committee now sitting upon the said Bill.
Petition received.
Mr. C. Cowper, junr., then moved, That Mr. Alfred Canning have leave to be heard before the said Committee by his Counsel, Solicitor, or " Agent."
Mr. Dick moved, That the Question be amended by adding, after the word " Agent," the words, " in support of his Petition."
Debate ensued.
Proposed Amendment by leave withdrawn.
Original Question by leave withdrawn.
Whereupon, Mr. C. Cowper, junr., moved, That Mr. Alfred Canning have leave to be heard by his Counsel, Solicitor, or Agent, in support of his Petition, before the Committee now sitting upon Morehead and Young's Railway Bill.
Question put and passed.
(3.) Mr. C. Cowper, junr., presented a Petition from Alexander Brown, of the firm of James and Alexander Brown, of Newcastle, praying for leave to be heard by Counsel, Solicitor, or Agent, before the Select Committee now sitting on the said Bill, relative to his Petitions respecting the said Bill.
Petition received.

VOTES, No. 82. WEDNESDAY, 15 OCTOBER, 1862.

11. Morehead and Young's Railway 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 2nd September last.
Ordered to be printed.

* * * * *

1862.

 MOREHEAD AND YOUNG'S RAILWAY BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 2nd September last, the "*Bill to enable Robert Archibald Alison Morehead and Matthew Young, to construct a Railway from land near Newcastle, leased by them from the Crown, to, and to connect the same with, the Great Northern Railway,*" beg leave to report to your Honorable House,—

That they 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, as *verbally* amended,‡ having been satisfactorily proved, your Committee proceeded to consider the several Clauses and Schedule of the Bill, in which they found it necessary to make several Amendments.‡

* Mr. W. G. M'Carthy.
 † Mr. R. A. A. Morehead.
 Mr. W. Weaver, C. E.
 Mr. J. Whitton, C. E.
 Mr. T. Croudace.
 Mr. A. Brown.
 Mr. E. Burton.
 ‡ Vide Schedule of Amendments.

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

ALEXANDER DICK,
 Chairman.

*Legislative Assembly Chamber,
 Sydney, 15 October, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 11 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dick,	|	Mr. Mate,
		Mr. Hannell.

Mr. Dick called to the Chair.

Printed copies of Morehead and Young's Railway Bill, together with the original Petition for leave to introduce the Bill—before the Committee.

Order of the House appointing the Committee, by direction of the Chairman, read by the Clerk.

Parties called in:—

Present for the Promoters:—

Mr. W. G. M'Carthy, *Solicitor for the Bill.*Mr. W. Weaver, C.E., *Engineer to the Promoters.*

Present for Petitioner:—

Mr. E. Burton, *Solicitor.*

Petition of Mr. Alfred Canning against the Bill—read.

Mr. W. G. M'Carthy, *Solicitor for the Bill*, examined.Mr. R. A. A. Morehead, *One of the Promoters*, examined.

Witness produced a receipt from the Crown for rent of a portion of land on which the proposed Railway terminates.

Mr. W. Weaver, C.E., examined.

Certain plans handed in, shewing the position of the mines opened by the Promoters.

The evidence in support of the Preamble being closed, Mr. E. Burton, *Solicitor for Petitioner*, requested that time might be allowed him to procure certain witnesses whose evidence he was desirous of taking in support of the allegations in the Petition.

Strangers requested to withdraw.

Committee deliberated, and decided upon adjourning to this day week.

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

THURSDAY, 18 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Dick in the Chair.

Mr. Gordon,	|	Mr. Macleay,
Mr. Hannell,		Mr. Mate,
Mr. Hoskins,		Mr. Hay.

Present for the Promoters:—

Mr. W. G. M'Carthy, *Solicitor for Bill.*Mr. W. Weaver, C.E., *Engineer to the Promoters.*

For Petitioner:—

Mr. E. Burton, *Solicitor.*

Mr. Burton, *Solicitor for Petitioner*, stated to the Committee that certain Petitions against the Bill were waiting to be presented to the House, and requested the Committee to postpone putting the question on the Preamble until such Petitions be received and referred in due course.

And the Committee desiring to deliberate,—

Strangers requested to withdraw.

Committee deliberated, and decided upon proceeding to take evidence upon certain clauses of the Bill, previous to putting the Question on the Preamble; and also, that Mr. Whitton be examined.

Parties called in, and informed of the decision of the Committee.

Mr. W. Weaver further examined.

Witness cross-examined by Mr. Burton.

Mr. J. Whitton, C.E., *Engineer-in-Chief for Railways*, examined by the *Solicitor for Bill*; cross-examined by Mr. Burton, and then by the Committee.

Mr. Morehead further examined by *Solicitor for Bill*, and cross-examined by Mr. Burton.

Room cleared.

Committee deliberated.

Parties called in, and Mr. Burton informed that the Committee think it desirable that special Petitions be presented to the House, asking for Petitioner to be heard, in support of his Petition, by Counsel, Attorney, or Agent.

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

WEDNESDAY,

WEDNESDAY, 24 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dick in the Chair.

Mr. Hoskins, | Mr. Hannell.

Petitions from Alexander Brown, adverse to the Bill, which were referred to the Committee on the 18th instant,—*Read.*

Present for the Promoters :—

Mr. W. G. M'Carthy, *Solicitor for Bill.*
Mr. E. Broadhurst, Q.C.

Present for Petitioners :—

Mr. E. Burton, *Solicitor.*

Mr. Thomas Croudace, *Mining Engineer to the Promoters*, examined.

Witness cross-examined by Mr. Burton.

Mr. Alexander Brown examined by Mr. Burton.

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

FRIDAY, 26 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Dick in the Chair.

Mr. Hannell, | Mr. Gordon,
Mr. Mate, | Mr. Hoskins,
Mr. Hay.

Present for the Promoters :—

Mr. W. G. M'Carthy, *Solicitor for Bill.*
Mr. E. Broadhurst, Q.C.

Present for Petitioners :—

Mr. E. Burton, *Solicitor.*

Mr. Alexander Brown, a Petitioner against the Bill, cross-examined by Mr. Broadhurst.

Witness further examined then by Mr. Burton and the Committee.

And Mr. Broadhurst, Counsel for the Promoters, desiring to re-examine Mr. Croudace,—

Objection taken by Mr. Burton to that course as irregular.

Objection waived, and examination proceeded with.

Section handed in by witness (marked 5.)

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

THURSDAY, 2 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Hoskins, | Mr. Macleay,
Mr. Hannell, | Mr. Mate,
Mr. Samuel, | Mr. Gordon,
Mr. Hay.

Mr. Hoskins, in the absence of Mr. Dick, called to the Chair.

Present for the Promoters :—

Mr. W. G. M'Carthy, *Solicitor for Bill.*
Mr. E. Broadhurst, Q.C.

Present for the Petitioners :—

Mr. E. Burton, *Solicitor.*

Mr. T. Croudace further examined by Counsel, and cross-examined by Mr. Burton and the Committee.

The examination of witness being concluded, Mr. Burton requested leave of the Committee to recall certain witnesses, in order to rebut a statement made by Mr. Croudace in his evidence before the Committee this day.

Strangers requested to withdraw.

The Chairman here entering the Committee Room,—

Chair vacated by Mr. Hoskins, and taken by Mr. Dick.

Committee deliberated, and decided that it is unnecessary to hear further evidence.

Parties called in and informed.

Whereupon Mr. Burton, desiring to make a statement by way of evidence, examined.

And

And his examination being concluded, he, as Solicitor for Petitioners, proceeded to address certain observations to the Committee;—

And the Committee being of opinion that Mr. Burton would in all probability require to address the Committee at great length,—

Motion made (*Mr. Samuel*) and *Question*—That the Committee do now adjourn to Tuesday next—*agreed to*.

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

TUESDAY, 7 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Dick in the Chair.

Mr. Gordon,	|	Mr. Mate,
Mr. Samuel,		Mr. Hoskins,
	Mr. Hay.	

Present for the Promoters :—

Mr. W. G. M'Carthy, *Solicitor for Bill*.

Mr. E. Broadhurst, *Q.C.*

Present for Petitioners :—

Mr. E. Burton, *Solicitor*.

Mr. Burton, before proceeding to address the Committee, requested that he might be allowed to be heard upon the several clauses of the Bill, as they come before the Committee for consideration.

And Committee desiring to deliberate,—

Strangers withdrew.

Committee deliberated, and decided to hear Mr. Burton generally upon the whole Bill.

Parties called in, and Mr. Burton informed of the decision of the Committee.

Whereupon, he continued to address the Committee generally upon the Bill;

And having concluded, Mr. Broadhurst, as Counsel for the Promoters, addressed the Committee in reply upon the whole case.

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

THURSDAY, 9 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Dick in the Chair.

Mr. Macleay,	|	Mr. Hannell,
Mr. Hoskins,		Mr. Mate.

Present for the Promoters :—Mr. W. G. M'Carthy, *Solicitor for Bill*.

Present for Petitioners :—Mr. E. Burton, *Solicitor*.

The room being cleared,—

The Committee proceeded to consider the Preamble of the Bill.

The same read and *verbally* amended. (*Vide Schedule of Amendments*.)

Motion made (*Chairman*) and *Question*,—That this Preamble, as amended, stand part of the Bill—*agreed to*.

Parties called in and informed that the *Question* on the Preamble has been resolved in the affirmative.

The *Chairman* then stated that the Committee were about to proceed to the consideration of the several clauses of the Bill, and that any amendment that might be suggested would be entertained, but that it would not be competent for either party to address the Committee any further.

Clause 1 read.

Motion made (*Mr. Macleay*) and *Question* proposed,—That the clause be amended in the 38th line by the omission of the words "and as shewn on the plan hereunto annexed."

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

Words omitted.

Motion made (*Mr. Mate*) and *Question*,—That the further consideration of this clause be postponed—*agreed to*.

Clause 2 read.

Motion made (*Mr. Hoskins*) and *Question* proposed,—That all the words from the commencement of the clause down to "land" inclusive, in the 3rd line, be omitted with the view of inserting in their place the following words—"Such land as shall be taken under the provisions of this Act for the purpose of the said Railway."

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

Question

Question then,—That the words proposed to be inserted be so inserted—*agreed to*.
Committee deliberated.

And Mr. Whitton being called in, and having given an explanation to the Committee, in reference to the 1st clause of the Bill,—

Motion made (*Mr. Hoskins*) and *Question*,—That the further consideration of the clauses be postponed in order to consider a proposed new Schedule, prepared by Mr. Weaver—*agreed to*.

Whereupon Mr. Weaver handed in a description of the line of Railway from the Promoters' eastern boundary to the junction with the Great Northern Railway, sufficiently in detail to enable any competent person to identify the line on the ground.

Motion made (*Mr. Hoskins*) and *Question*,—That the original Schedule be omitted with a view to insert in its stead the following new Schedule, just handed in—*agreed to*.

“ Commencing at a point on the eastern boundary of Messrs. Morehead and
“ Young's leased land forty-two chains eighty links or thereabouts from its
“ north-eastern corner and crossing the boundary line between Crown lands
“ the minerals under which are supposed to be leased respectively to Messrs.
“ Morehead and Young and Messrs. J. and A. Brown being a portion of the
“ Newcastle Pasturage Reserve at a point thirty-nine chains twenty-five links
“ or thereabouts from the northern boundary of said lands entering other
“ Crown lands being allotments at a point on their western boundary one
“ chain ten links or thereabouts from the south-western corner of said lands
“ proceeding diagonally across these allotments to a point on their eastern
“ boundary one chain ten links or thereabouts from the south-western corner
“ of said lands proceeding diagonally across these allotments to a point on
“ their eastern boundary one chain sixty links or thereabouts from the north-
“ eastern corner of said lands thence (crossing a reserved road) into
“ Crown land (being an allotment) at a point on its western boundary
“ seventy-eight links or thereabouts from its north-western corner thence into
“ land belonging to the representatives of the late Henry Dangar Esquire at
“ a point on the southern boundary of the said land one chain or thereabouts
“ from its south-western corner and through the said land until it meets the
“ fence of the Great Northern Railway at a point on the eastern boundary of
“ said lands ten chains seventy-five links or thereabouts from its south-eastern
“ corner and terminating by a junction with the Great Northern Railway at
“ a point two miles seventy-eight chains or thereabouts from the City of
“ Newcastle.”

Clause 1 reconsidered.

Amendment proposed (*Mr. Macleay*),—That the word “ twelve ” in the 41st line be omitted, with the view of inserting in its place the word “ fifteen.”

Question,—That the word proposed to be omitted stand part of the clause—*negatived*.

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

Further amendment proposed (*Mr. Macleay*),—That the word “ fifty ” in the 43rd line be omitted with the view of inserting in its place the words “ thirty-two.”

Question,—That the word proposed to be omitted stand part of the clause—*negatived*.

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

Clause, as amended, agreed to.

Clause 2 again postponed.

Clause 3 read.

Motion made (*Mr. Mate*) and *Question* proposed,—That this clause be omitted.

Question,—That the clause proposed to be omitted stand part of the Bill—*put*.
Committee divided.

Ayes, 2.
Mr. Hoskins,
Mr. Hannell.

Noes, 3.
The Chairman,
Mr. Macleay,
Mr. Mate.

Clause omitted.

Clause 4 read and *negatived*.

Clause omitted.

Clause 5 read and agreed to.

Clause 6 read.

Amendment proposed (*Mr. Macleay*),—That all the words after “ in ” in the 28th line to the end of the clause be omitted with the view to insert in their place the words “ the Supreme Court.”

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

Question then,—That the words proposed to be inserted be so inserted—*agreed to*.

Clause, as amended, agreed to.

Clauses 7 to 34 read and agreed to without amendment.

Clause 35 read.

Amendment proposed (*Mr. Macleay*),—That all the words after the word “ pleaded ” in the 42nd line to the end of the clause be omitted.

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

Clause, as amended, agreed to.

Postponed clause 2, further considered.

Amendment proposed (*Mr. Macleay*),—That all the words from the commencement of line 9 to the words "owners and" in the 11th line, be omitted.

Question,—That the words proposed to be omitted stand part of the clause—*put*.
Committee divided.

Ayes, 2.

Mr. Hoskins,
Mr. Hannell.

Noes, 3.

The Chairman,
Mr. Mate,
Mr. Macleay.

Words omitted.

Further amendment proposed (*Mr. Hannell*),—That after the word "otherwise" in line 17, the following words be inserted:—"And also that the promoters shall at all times keep open to the satisfaction of the Minister for Lands proper communication for the passage of cattle and other live stock between the portions of the Newcastle Town Pasturage Reserve severed by the said Railway."

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

Clause, as amended, agreed to.

Chairman requested to report the Bill, with amendments, to the House.

SCHEDULE OF AMENDMENTS.

Page 1, preamble, line 23. *After* "advice" *insert* "and consent."

Page 1, clause 1, line 38. *After* "Schedule" *omit* "and as shewn on the plan hereunto annexed."

Page 1, clause 1, line 41. *Omit* "twelve"; *insert* "fifteen."

Page 1, clause 1, line 43. *Omit* "fifty"; *insert* "thirty-two."

Page 2, clause 2, lines 1, 2, and 3. *Omit* "The ground and soil of so much of the site of the Railway as passes over the lands of the said owners of land respectively and over Crown Land"; *insert* "Such land as shall be taken under the provisions of this Act for the purpose of the said Railway."

Page 2, clause 2, lines 9, 10, and 11. *Omit* "if the promoters their heirs and assigns shall cease to use the said Railway for the space of one year at any one time the ground and soil shall revert to and become re-vested in the said owners and"

Page 2, clause 2, line 17. *After* "otherwise" *insert* "and also that the promoters shall at all times keep open to the satisfaction of the Minister for Lands proper communication for the passage of cattle and other live stock between the portions of the Newcastle Town Pasturage Reserve severed by the said Railway."

Page 2, clause 3, line 39. *Omit* clause, viz. :—

"3. The Railway and locomotives shall be open to public use upon payment of a toll to the promoters of three-pence per ton per mile the party seeking transit supplying and loading his own trucks or waggons and all trucks when emptied shall be conveyed on their return free of cost."

Page 2, clause 4, line 43. *Omit* clause, viz. :—

"4. And be it enacted that it shall be lawful for the owners or occupiers of the lands traversed by the said Railway to lay down upon their own lands any collateral branches of Railway to communicate with the said Railway for the purpose of bringing carriages to or from or upon the said Railway and the promoters shall if required at the expense of such owners or occupiers make openings in the rails and such additional lines of Railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said Railway and without inconvenience to the traffic thereupon and the promoters shall not take any rate or toll or other moneys for the passing of any passengers goods or other things along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions that is to say :—

"No such Railway shall run parallel to the said Railway the promoters shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any inclined plane or bridge nor in any tunnel.

"The persons making or using such branch Railways shall be subject to all by-laws and regulations of the promoters from time to time made with respect to passing upon or crossing the Railway and otherwise and the persons making or using such branch Railways shall be bound to construct and from time to time as need may require to renew the off-set plates and switches according to the most approved plan adopted by the promoters under the direction of their engineer."

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Page 3, clause 6, lines 28 and 29. *Omit* "any of the superior Courts"; *insert* "the Supreme Court."

Page 9, clause 35, lines 42 and 43. *Omit* "and the same whenever cited shall be sufficiently described as Morehead and Young's Railway Act, 1862."

Page 10, Schedule, line 1. *Omit* Schedule, viz. :—

" Commencing at a point on the eastern boundary of the land leased by the
 " Crown to the promoters and going in a north-easterly direction through Crown
 " Land known as the Newcastle Town Pasturage Reserve thence through other
 " Crown Land measured for sale in allotments thence through land sold by the
 " Crown to the late Henry Dangar and now belonging or supposed to belong to
 " his representatives to the Great Northern Railway intersecting the same at a
 " point terminating two miles seventy-eight chains or thereabouts from the City
 " of Newcastle."

Substitute the following, viz. :—

" Commencing at a point on the eastern boundary of Messrs. Morehead and
 " Young's leased land forty-two chains eighty links or thereabouts from its north-
 " eastern corner and crossing the boundary line between Crown Lands the minerals
 " under which are supposed to be leased respectively to Messrs. Morehead and
 " Young and Messrs. J. and A. Brown being a portion of the Newcastle Pasturage
 " Reserve at a point thirty-nine chains twenty-five links or thereabouts from the
 " northern boundary of said lands entering other Crown Lands being allotments at
 " a point on their western boundary one chain ten links or thereabouts from the
 " south-western corner of said lands proceeding diagonally across these allotments
 " to a point on their eastern boundary one chain sixty links or thereabouts
 " from the north-eastern corner of said lands thence (crossing a reserved road)
 " into Crown Land (being an allotment) at a point on its western boundary seventy-
 " eight links or thereabouts from its north-western corner thence into land
 " belonging to the representatives of the late Henry Dangar Esquire at a point on
 " the southern boundary of the said land one chain or thereabouts from its south-
 " western corner and through the said land until it meets the fence of the Great
 " Northern Railway at a point on the eastern boundary of said land ten chains
 " seventy-five links or thereabouts from its south-eastern corner and terminating
 " by a junction with the Great Northern Railway at a point two miles seventy-
 " eight chains or thereabouts from the City of Newcastle."

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

MOREHEAD AND YOUNG'S RAILWAY BILL.

THURSDAY, 11 SEPTEMBER, 1862.

Present :—

MR. DICK, | MR. HANNELL,
MR. MATE.

ALEXANDER DICK, ESQ., IN THE CHAIR.

William Godfrey M'Carthy, Esq., appeared on behalf of the promoters of the Bill; and Edmund Burton, Esq., on behalf of the Petitioners against certain Clauses in the Bill.

William Godfrey M'Carthy, Esq., called in and examined :—

1. *By the Chairman*: You are solicitor for Messrs. Morehead and Young, the promoters of this Bill? I am. W. G. M'Carthy, Esq.
2. And you attend for the purpose of proving, on their behalf, the preamble of the Bill? I do. 11 Sept., 1862.
3. Will you now proceed to call your witnesses? I beg in the first place to call in Mr. Morehead, one of the promoters of the Bill.

Mr. Robert Archibald Alison Morehead called in and examined :—

4. *By Mr. M'Carthy (Solicitor for the Bill)*: You are one of the promoters of this Bill? I am. Mr. R. A. A. Morehead.
5. And Mr. Matthew Young is the other? He is. 11 Sept., 1862.
6. You and Mr. Young are in the possession of a coal mine? We are.
7. Where is it situated? About five miles from Newcastle.
8. In the County of Northumberland? Yes.
9. And in the Colony of New South Wales? Yes.
10. You hold that mine under a lease from the Crown? We do.
11. Have you paid the first year's rent on that lease? We have.
12. Under the provisions of the new Land Act? Yes.
13. Do you produce a receipt for the payment of the first year's rent? I do. (*Receipt produced, and marked No. 1.*)
14. Will you read it? It is in the following terms :—

" *New South Wales,*

" *The Treasury, 4th April, 1862.*

" No. 2651.

" RECEIVED from Morehead and Young, the sum of one hundred and sixty pounds sterling, for rent, for the year 1862, of 640 acres near Newcastle, for coal mining purposes, No. 49, of Notice of 29th November, 1861.

" £160 0s. 0d."

" JOHN G. LENNON,

" *Pro Treasurer.*"

- Mr. R. A. A. Morehead.
11 Sept., 1862.
15. Is the railway you now seek to construct in existence, in so far as your own land is concerned? It is marked out, but not yet made.
 16. Do you produce a map of that part of the Colony, showing the exact situation of your land? I do. (*Map produced, and marked No. 2.*)
 17. Is the situation of your pits marked upon that map? It is.
 18. Does it also show the course which it is proposed that your line should follow? It does.
 19. Your mine, I believe, is actually opened? It is.
 20. How far have the works hitherto progressed? A shaft has been put down, and has been completed to the coal. A staple has been put down some distance off, which is now in course of being formed into an up-cast pit. A communication has been driven between the two, and also several drifts made to open up the coal.
 21. At what depth from the surface have you met with the coal? The top of the seam is some 28 feet or 29 feet from the surface.
 22. Have you any idea of the extent and character of the seam? It is a portion of the Wallsend seam, and the thickness varies from 8 feet to 11 feet. It extends over a large portion of the land leased by us from the Government.
 23. Do you find it underlying the whole of this leased land? The greater portion of it, as well as certain land adjoining, of which we have been promised a lease by the Government; so that we shall have a very large area of coal.
 24. Has your opinion as to the extensive area of the coal seam been formed upon the judgment of competent persons? Yes, upon their opinions, and also upon the result of extensive borings. A large number of bore-holes have been put down by us upon different parts of our land and adjoining land—upwards of twenty.
 25. What is the nearest market for the coal from your mine? Newcastle is the nearest port of shipment.
 26. Your nearest market is the shipping wharf at Newcastle? Yes; the coal will almost all require to be shipped.
 27. There is no mode of obtaining access to these wharves at present, except by the Great Northern Railway? There is no other mode of doing so from our pit.
 28. What do you conceive would be the readiest mode of getting your coal to the wharf at Newcastle? By forming the railway we now propose from our pit to a point of junction on the Great Northern line.
 29. Are you aware whether any of the intervening land between your pit and the proposed junction of your line with the Great Northern has been granted by the Crown? The only granted land that our line is intended to pass through is a portion belonging to the representatives of the late Henry Dangar.
 30. And the remainder is still held by the Crown? I believe so.
 31. Is the authority you now ask by this Bill likely to prove beneficial to the Colony? Inasmuch as it will open up a new supply of coal, I should say certainly, yes.
 32. There is a very great market for coal, generally? A very large market, and an increasing one.
 33. The junction with the Great Northern line would also increase the traffic on that line, and to that extent would be a benefit to the country? Certainly; we expect, when we get to work, to send a large quantity of coal down the line.
 34. And you have ascertained that it was necessary, before proceeding with your line, to get legislative authority for constructing it, in consequence of its having to cross private property? Yes.
 35. *By Mr. Hannell:* How much of the Newcastle commonage reserve do you take up? Our pit is situated upon the land of which we have a lease from the Crown, and the portion of the commonage that we shall require for our line will be that lying between our pit and the point of junction with the Great Northern line. The portion of land of which the Government have promised us the lease will take in about 280 acres of the Newcastle Common Reserve.
 36. You have been promised a lease of 280 acres of the commonage? Yes.
 37. And over another portion of the commonage you will run your line? Yes.
 38. What quantity of land will you require to take up with your line? A very small quantity altogether; the breadth of our line is only a chain and a half.
 39. When you have this land for your line, and the land of which you have been promised the lease, will not a large portion of the commonage reserve be rendered valueless as a pasturage, by your operation? No, I think not; the portion of the surface we shall take up with our railway will be very small.
 40. But you sever the Common into two parts by your line of railway, and thus render one portion of it useless to the inhabitants? We are compelled to traverse the land in order to get to the Great Northern line.
 41. Does your Bill provide for giving compensation to any parties who may suffer injury by reason of the construction of your line—such, for instance, as this damage that will be done to the Commonage? We go on the assumption that no injury will be sustained by the public by our line crossing the Common; there is a provision in the Bill for giving compensation for whatever land we may require to take up.
 42. But is there any provision for giving compensation for any injury lands may receive by the formation of your line? Yes, there is.
 43. You do not know the actual quantity of land you will take up by your line from the commonage reserve? I do not myself know the actual quantity, but our engineer, who is present, will be able to give you that information; it will be very little, however.
 44. Will you leave openings on your line for the cattle to get across from one portion of the Common to the other? We shall leave openings for all the roads.
 45. But there is only one road across the Common, and your line severing the Common in

- two will virtually shut off the cattle from a large portion of the Commonage pasture? I cannot answer that question, as it has never been brought before us. Mr. R. A. A. Morehead.
46. You must be aware that this Common was a reserve for pasturage for the people of Newcastle, and if you completely sever the reserve by your fenced-in line, how are the cattle of the inhabitants to get across to the larger portion of the Common if you leave no openings for them to do so? This is a question that has not been brought before us at all. 11 Sept., 1862.
47. *By the Chairman*: Nearly all the land you wish to take up with your line is, I believe, Government land? It is, all but one portion.
48. Is payment usually made to the Government for Crown lands taken up by a railway line? I do not know positively, but I think not.
49. What is the necessity you have for coming to the Legislature for an enactment in the present case, seeing that, with one exception, your line passes exclusively over Crown lands? In the first place, the Government required it; and in the second place, we required to pass through the land of the late Henry Dangar, and that has been left in such a way as to put it out of our power to make any arrangement for taking up such part of that land as we required.
50. In what way?—are there no persons representing the late Henry Dangar able to give you a title to the land you required? No, there are not; so far as the parties interested are concerned, they would have been ready enough to arrange with us—there is no difficulty on their part; but the property has been left in such a position that nothing could be done without a legislative enactment.
51. How far is this land you have leased from the City of Newcastle? About five miles by the line we propose; but not so much in a direct line.
52. It is in the County of Northumberland? It is.
53. And what is the length of the line you propose to make from your pit to the junction with the Great Northern? About two miles; but our engineer will give you the exact length.

William Weaver, Esq., C.E., called in and examined:—

54. *By the Solicitor for the Promoters*: You are the engineer employed by Messrs. Morehead and Young in the construction of a railway from their pit to the Great Northern line? I am. W. Weaver, Esq., C.E.
55. And are generally Consulting Engineer to the promoters of this Bill? I am. 11 Sept., 1862.
56. Do you produce a plan showing the precise course of the proposed line of railway? I do. (*Plan handed in, and marked No. 3.*)
57. Does that show the spot at which the promoters have opened their mine? It does; the two shafts are represented here.
58. These are the shafts from which the promoters require a communication with Newcastle? Yes.
59. How far are the mines from Newcastle? About five miles; three miles by the Great Northern Railway, and two miles and eleven chains by the proposed branch.
60. Is that the whole length of the proposed line, from the pit to the junction with the Great Northern? Yes, two miles and eleven chains.
61. Reckoning from the pit, or from the boundary of the promoters' leased land? From the pit.
62. What length is it from the boundary of the leased land? About two miles.
63. What, in your opinion, would be the readiest mode of conveying coals from the pit marked on this plan to the wharves in Newcastle? The readiest mode would be by a branch from the Great Northern Railway, in the manner now proposed in this Bill.
64. That is, by connecting the pits with the Great Northern line? Yes.
65. By such a connection you believe the production of coal would be greatly facilitated? Yes, greatly.
66. Is the point of junction with the Great Northern line the most convenient for that purpose? Yes. Under all the circumstances I consider it to be so.
67. Over what land does the line pass? It passes over the estate of the late Henry Dangar, then through Crown lands, laid out in allotments, then through Crown lands known as the Newcastle Pasturage Reserve, and then into the land of the promoters. In fact, it only passes through the property of one private landowner.
68. You have stated, I believe, that this proposed line is the shortest and most practicable that can be made? It is.
69. Have you personally examined the mines opened by the promoters? I have.
70. Are they, in your opinion, likely to be productive mines? I think so. Since the pits have been down, and the coal proved, there cannot be a doubt of it.
71. Is it not also likely that the junction of this proposed line with the Great Northern line will cause increased traffic on that line? Yes, of course.
72. Have you a plan showing the gradients and the sections of the line? I have, and I now produce it. (*Plan produced, and marked No. 4.*)
73. Are there any public roads that the line passes over? Only one; that is the road leading from Newcastle to Lake Macquarie. I do not think it is a proclaimed road, but it is generally known as the Marked-tree Road. It is the same that, further on, is crossed by the Wallsend Company's line. It is in general use as a public road, but I do not think it has ever been proclaimed.
74. Was it marked as a line of road by the Government? Yes, I believe so, some years ago, and has been used since as a public road.
75. Has proper provision been made for crossing this road? Yes.
76. Will you look at the description of the line given in the schedule to the Bill, and inform the

W. Weaver, Esq., C.E.
 11 Sept., 1862.

the Committee whether that is a correct description of the course the proposed railway will take, or whether any alteration of the description will be required? It is perfectly correct, with the exception of a merely verbal alteration that will be required. In the description it is said that the proposed line *intersects* the Great Northern Railway, when, in fact, it does not actually do so.

77. Will you read the description and tell the Committee what alteration you consider to be required? The schedule is as follows:—"Commencing at a point on the eastern boundary of the land leased by the Crown to the promoters, and going in a north-easterly direction through Crown land known as the Newcastle Town Pasturage Reserve; thence through other Crown land, measured for sale in allotments; thence through land sold by the Crown to the late Henry Dangar, and now belonging or supposed to belong to his representatives, to the Great Northern Railway, intersecting the same at a point terminating two miles seventy-eight chains, or thereabouts, from the City of Newcastle." I would propose to omit the words "to the Great Northern Railway, intersecting the same at a point terminating," and to insert in their place the following words:—"and terminating by a junction with the Great Northern Railway at a point"—That, in my opinion, will convey a more correct idea of the course of the line.

78. Do you happen to know the course that the Waratah Company propose to take with their line? They have proposed so many different courses that I cannot speak positively as to any particular one having been decided upon.

79. Is there ample space on the west side of the line for the Waratah Company to make a line for themselves? Yes, ample space to the west.

80. Without at all interfering with the line that the promoters are now applying for? Yes.

81. From your knowledge of the extent and richness of the mine of the promoters, do you think that their own traffic on the proposed line will be very great? I should think it would be.

82. So much so as to render it inconvenient to the proper working of their trade to have other lines joined on to or running into it? Yes, it would be very inconvenient on so short a line to have another line running into it.

THURSDAY, 18 SEPTEMBER, 1862.

Present:—

MR. HANNELL,
 MR. HOSKINS,
 MR. MATE,

MR. GORDON,
 MR. HAY,
 MR. MACLEAY.

ALEXANDER DICK, Esq., IN THE CHAIR.

William Godfrey M'Carthy, Esq., appeared on behalf of the promoters of the Bill; and Edmund Burton, Esq., appeared on behalf of the Petitioners against certain clauses of the Bill; and ——— Barker, Esq., on behalf of the Waratah Company.

William Weaver, Esq., C.E., called in and examined:—

W. Weaver, Esq., C.E.
 18 Sept., 1862.

83. *By Mr. M'Carthy, Solicitor for the Promoters:* Is it proposed that the Government should run their engines along this proposed line? It is. The line will be made in such a manner as to enable the engines used on the Great Northern line to run upon it.

84. Does this proposal necessitate a different sort of work to what would be done if you required only to use your own engines? Yes, it will require much heavier and more substantial work; I may say that the object of the promoters has been to make such a line that the Engineer-in-Chief for Railways shall have no objection to run his rolling stock over.

85. And the rails used will be of sufficient strength to bear the weight of the heavy engines used by the Government? They will.

86. Will you state to the Committee the kind of rail, and the weight of rail to be used in the construction of the proposed line? The rail will be of a similar pattern to that used by the Government, the double-headed rail, weighing 72lbs. to the lineal yard, and laid and fixed in the same way in every respect as those used by the Government.

87. Precisely the same in every way as the public railways? Yes, exactly the same as the Government lines.

88. What is the steepest gradient that you have on the proposed line? The steepest gradient is 1 in 79; but the line falls all the way from the pit to the junction with the Great Northern line, so that all the loaded trucks will come down the incline the whole distance, leaving nothing but the empty trucks to be taken up.

89. And with regard to the curves—what is the smallest radius of a curve that you have on the line? There is one curve of fifteen chains radius; that occurs at the junction of the proposed line with the Government line. This is rather a sharp curve, certainly, but it would not be used had we not considered it desirable to avoid carrying the line across the private land of the A. A. Company; to avoid that we were compelled to adopt this curve.

90. Does the plan show this curve, and the reason for its being adopted? The large plan, marked No. 3, shows it very clearly. A curve of the same radius is in use at the junction of the Wallsend Company's line with the Great Northern.

91. Having reference to the probable traffic on this line from the pits of the promoters, and having regard to the public interest, do you think it would be a matter of benefit to the public that other lines should be allowed to join into this proposed line? I think not.

92. You do not think the public interest would be advantaged by the Legislature allowing other private lines to run into the line of the promoters? I think not; and I think there can be no necessity for giving private Companies permission to bring their lines into the line of the promoters, because, from the nature of the adjoining country, no lines can be brought in this direction.

W. Weaver,
Esq., C.E.

18 Sept., 1862.

93. If the traffic to be brought in upon the line of the promoters by other lines that were allowed to join was very great, would not the promoters be put to very much increased expense in order to secure their own traffic? Certainly they would. If the promoters had much traffic of their own, and large traffic were brought on by other lines, they would find it necessary to lay down a double line of rails, whereas otherwise they will have only one line. This will, of course, necessitate a greater width of earth-work, and double the cost of construction. This line being only a short one, the ordinary trade of the promoters will be constantly keeping the line in use, as, in fact, is now the case on the Wallsend Company's line.

94. And with regard to what you have already said with respect to the public interest being promoted by the increased production of coal, might not some dispute between the promoters and the owners of lines coming in to the proposed line—as to the mode of conducting business, for instance—lead to a stoppage of the working of the line, or to some inconvenience of that nature? It would not lead to a stoppage of the line, because, under any circumstances, we should keep the working in our own hands, and should not allow any others who came in upon our line to interfere in any way with our mode of working it; but I do not think it desirable, under any circumstances, to have more traffic brought in upon this line than that furnished by the promoters.

95. Are you acquainted with the locality through which the proposed line is intended to run? I am.

96. And with the other mines that have been opened in the vicinity? Which mine are you speaking of?

97. I allude more particularly to the mine of the Messrs. Brown? Yes, I am acquainted with it.

98. On which side of the proposed line is their mine situated? On the Newcastle side.

99. On the Newcastle side of the proposed line? Yes.

100. Will you be good enough to describe what course would have to be adopted if the Messrs. Brown sought to join a line from their pit on to our proposed line? Their proper course would be to go direct to the Northern Railway. To reach Newcastle, the most direct road from the pit they have opened would be to run it straight into the Great Northern line.

101. *By Mr. Hannell:* But why should those at the back of Messrs. Morehead and Young's section be prevented from running into the proposed line, if they thought proper? Nothing at the back can come in on our line, as an almost inaccessible range prevents it, except at a most enormous outlay, such as very few would be inclined to encounter.

102. *By Mr. Hoskins:* Why should they not do so if they choose to encounter the expense—why would you seek to prevent them in that case? Anybody having a mine in any direction but one could not come in to our proposed line, as the natural features of the country would prevent it; and in the only accessible direction the more direct line would be to join the Great Northern line without touching upon ours. (*Witness here exemplified his answer by a reference to the map, No. 3.*)

103. *By Mr. M'Carthy:* Will you state the relative distance from the pit of the Messrs. Brown by going direct to the Great Northern line, and by coming in upon the line of the promoters—in the first place, in what direction does Newcastle lie from the Messrs. Brown's pit? About south-east.

104. And what distance is it? It is about three miles from the junction of the proposed line of the promoters with the Great Northern line.

105. How far would it be from a junction made direct from Messrs. Brown's works to the Great Northern? Any line made direct from Messrs. Brown's pit, and opening independently into the Great Northern, would reach that line half a mile from the junction of the promoters.

106. At a point nearer to Newcastle than the proposed junction of the promoters? Yes.

107. By how much? By about half a mile.

108. On the other hand, if the Messrs. Brown were to join the proposed line of Messrs. Morehead and Young, what distance would they have to go in order to reach the nearest point of the line to their works? Nearly half a mile.

109. In what direction? In the wrong direction; west instead of east; away from Newcastle instead of towards it. They would then have to traverse the line of the promoters for about half a mile, on to the Great Northern line, and then for another half a mile along that line back again to the point at which they might have come in upon the line in half a mile. They would thus have to traverse a distance of a mile and a half in order to get to the same point which they might have reached in half a mile from their pits.

110. Taking the other side of the promoters' line, who are the proprietors of land there—that is, on the northern and western side of the line—has any of the mineral land been taken up there? There is only one large block of mineral land in that direction, and that has been taken up by the Waratah Coal Company.

111. Does the land of the Waratah Company come up to the land of the promoters, or is there any coal land intervening between the block of the Waratah Company and that of the promoters? There is no mineral land intervening between these two blocks.

112. So that the question of joining or of not joining on that side would be of no interest, except to the Waratah Company? No, not on that side—that is, on the north-eastern side.

113. Are you aware that the Waratah Company are applying for a Bill to enable them to construct a railway for themselves? I am.

- W. Weaver, Esq., C.E. 114. Do they propose to make an independent line for themselves, opening direct into the Great Northern line? They do.
- 18 Sept., 1862. 115. Direct from their works to the Great Northern line? Yes.
116. Will you look at the passage in the 1st clause of this Bill, commencing at the 14th line—"so that the same shall not occupy in any part thereof a greater space in breadth than ninety-nine feet, excepting as to the portion thereof within the distance of not more than twelve chains from the junction with the Great Northern Railway where the width may be one hundred and fifty feet." Is the distance, twelve chains, there mentioned, sufficient? No; we shall require the length to be extended to fifteen chains.
117. Will you explain to the Committee why this extension is required? There is a point on the railway at which a swamp occurs, and on which we shall have to make a bank ten feet high, and it is desirable to have an extra width of land at that point for a foundation for the embankment, as well as to get ground for our side-cuttings and room for the necessary sidings. We shall more especially require the sidings when we come to work the line with our own engines. Under any circumstances it will be absolutely necessary to have full accommodation for sidings; and on that account we require to have fifteen chains inserted here instead of twelve chains.
118. You will see that it is stated in the clause that "the width may be 150 feet." Now there appears to be some discrepancy between this and the plan as produced—will you state to the Committee the actual quantity that will be required? The width will be two chains, or 132 feet instead of 150 feet.
119. Therefore it will be necessary to alter the clause of the Bill in that respect also? It will.
120. Two chains was the width originally contemplated for the line? Yes, and I do not know how the 150 feet got into the Bill.
121. The line has been surveyed? Yes.
122. And staked out? Yes.
123. Since it has been staked out has there been any alteration? Not that I am aware of. It has been staked out two chains wide, and the whole line is plain to be seen, for the road has been cleared throughout, ready for formation.
124. So that anybody may see it that chooses? Yes.
125. There is a matter that I presume I may be permitted to allude to, since it is matter of public notoriety;—you are aware that disputes have occurred between the proprietors of coal mines and the miners? I am.
126. And these have occasionally reached to such a pitch as to lead to the suspension of the works on the mine for a considerable period? Yes, frequently.
127. Such disputes may possibly arise again? They may.
128. Then, with reference to such a possibility, I would call your attention to the 8th line of the 2nd clause, where it is stated, "Provided also that if the promoters their heirs and assigns shall cease to use the said railway for the space of one year at any one time the ground and soil shall revert to and become revested in the said owners"—Now do you think, having reference to the possibility alluded to, that the interest of the public requires that such a clause should stand in the Bill, or is it calculated to act injuriously upon the promoters, seeing that they will have to spend a very large amount in constructing the line, and may be deprived of the whole fruit of their expenditure by one of these disputes? In the case of a long strike, this clause might hereafter lead to the destruction of their property. It could not affect the public in any way, whilst it might, under some circumstances, lead to the confiscation of their property.
129. Some portion of the proposed line passes through the Newcastle Commonage Reserve? Yes.
130. What part of the line crosses it? The line enters it at a point nearly a mile on the proposed line, and continues through it to a point nearly a mile distant from the first point.
131. The line intersects the Commonage Reserve? It does.
132. Is it intended to make a means of communication between the two portions thus separated? Yes; it is proposed to make an opening in the embankment which occurs on the line at the 1 mile 58 chains marked on the plan and section before the Committee.
133. That is 1 mile 58 chains from the proposed point of junction with the Great Northern line? Yes.
134. Will that afford sufficient means of communication between the two portions of the Common? Yes; the bridge is shown on the section marked No. 4, at the 1 mile 58 chains.
135. By Mr. Burton, Solicitor for the Petitioners (through the Chairman): You know the proprietors and occupiers of the coal land in the neighbourhood of the line of the promoters? I do—most of them.
136. Will you look at the plan marked No. 3, and tell the Committee who has the right of mining on the land marked "Crown Lands Pasturage Reserve"? I believe the promoters of this Bill, but I am not sure.
137. You showed the Committee the spot on this plan where the Messrs. Brown had opened a pit? I did.
138. With regard to these 280 acres shown on the plan No. 2, through which the projected line is to pass—who has the right of mining on that land? I cannot say.
139. But I thought you knew the proprietors and occupiers of all the adjoining? I know most of them, but not all.
140. Who do you think has the right? I think the promoters have, but I do not know, certainly.
141. Are you not aware that these 280 acres are included in the Messrs. J. and A. Brown's mining lease? I know that it was not leased two months ago when I was there.
142. Now, assuming that these 280 acres have been proved to be included in the mining lease

lease of the Messrs. J. and A. Brown, would it be of importance to them to see that provision were made in this Bill for allowing them to join on to this line? That would depend entirely upon where they opened their pit.

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143. Suppose they opened it on these 280 acres? It would then depend upon what part of the section it was opened.

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144. It might then be of importance to the Messrs. Brown to see that provision were made for their joining the line, supposing them to have the right of mining over these 280 acres, and that they opened a pit in a convenient spot for joining? No doubt it might be convenient for them, but it would be more desirable that they should have a line of their own.

145. You are, I believe, a consulting engineer for the construction of railway lines? I am.

146. Is that the reason why you recommend the formation of independent lines for every mine? It is not.

147. Would it not be a convenience and a saving of distance to join the promoters' line, supposing the Messrs. Brown to open a pit any way near the proposed line? It would be a saving of distance of *line to be made*, but not in the total distance to Newcastle.

148. Can you tell the Committee what the saving of distance would be? It would depend entirely upon where the pit was put down.

149. If Messrs. J. and A. Brown were to have a pit on these 280 acres, through which the projected line runs, and near that line, would it not be a great saving of distance to them to join on to the promoters' line, rather than make a line of their own? It would be no saving of distance, but no doubt it would be very convenient for them, since they would have to make less line of their own. There would be no saving of expense, for they would have to pay for the use of the promoters' line; and there would be no saving of distance, for the coal would have to be taken further to reach a market, than if it was taken direct from the pit in a straight line to the Great Northern line.

150. Would it not be desirable for them to join the line of Messrs. Morehead and Young, rather than to make a separate opening into the Great Northern line for themselves? No, I think not; I think it would be more desirable that they should have their own line, for the short length of line they will require to reach the Great Northern.

151. Do you mean to assert that it would be to the interest of Messrs. J. and A. Brown to make a long line of their own rather than to make a short one to connect with that of the promoters? They would not require to make a *long* line. They could not by any possibility require to make more than three-quarters of a mile of railway in order to enable them to join the Great Northern. Even if they go to the extreme point of their land, they would not require to make more than this. On measuring by scale I find that I am mistaken in this, as I find that the farthest point of their land is about a mile and a quarter from the Great Northern line.

152. Would not a line of a quarter of a mile in length, or even less, enable the Messrs. Brown to join on to the promoters' line from any part of these 280 acres? No, not from *any* part of them.

153. What length of line would be required to enable them to join the promoters' line, supposing them to put down a pit at the part of their land the most distant from the projected line? Rather more than half a mile.

154. That length of line would be proportionately diminished according as the spot on the 280 acres where they opened their pit was nearer to the projected line? It would.

155. Morehead and Young's line passes through these 280 acres? It does.

156. The promoters' line has been so planned as not to pass over the land of the A. A. Company? It has.

157. If the Messrs. Brown made an independent line of their own, would they not experience some difficulty in managing to effect a junction with the Great Northern line in such a way as to avoid the opposition of the A. A. Company that would be occasioned by the line passing through their land; and have not the promoters gone round that land in such a way as to prevent us getting on to the Great Northern without going through the A. A. Company's land? That point was not considered by me in laying out the line. I never for a moment contemplated shutting out any other line from coming in upon the Great Northern.

158. I do not impute to you that you did, but I merely refer to the fact. As a matter of fact, might the Messrs. Brown make a line from their pit without going through the land of the A. A. Company? If you refer to the 280 acres block they could do so, certainly.

159. I allude to all their coal land? They might join without going through the A. A. Company's land. Of course I have not inspected the ground with a view to their making a line, but my impression is that they could get in upon the Great Northern without going through the A. A. Company's block.

160. From the 280 acres? Yes, certainly.

161. And from the 310 acres? That is possible also.

162. It would be possible then for the Messrs. Brown to make a line from their 310 acres to run into the Great Northern Line, without coming in on the line of the promoters or passing through the A. A. Company's land? Yes, without going through the land marked on this plan as occupied by the A. A. Company.

163. Are you aware that the A. A. Company have land adjoining that marked in their name on the plan No. 2, and extending to a continuation of the line dividing Dangar's 39 acres from the allotment of 39 acres and 32 perches? I believe they have.

164. Could Messrs. J. and A. Brown make a railway from their 310 acres portion of the Great Northern line without crossing some of the A. A. Company's land, supposing them to be the occupiers of the portion of land I have designated? I do not think they could.

165. It might then be an object with the Messrs. Brown to have provision made for their joining on to this line of the promoters rather than to risk the opposition of a competing Company

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 18 Sept., 1862. Company to a line carried through the land of that Company? I am not aware of what may be the objects of the Messrs. Brown, nor do I know on what grounds the A. A. Company could refuse to allow a line to run over their land leased from the Government. Lines have been made already through the A. A. Company's land, by adverse and competing coal Companies.

166. But did you not state that Messrs. Morehead and Young purposely avoided making their line in such a direction as to cross the land of the A. A. Company? Yes, but that was because it would have been necessary to cross it only at a point close to the junction; and it was thought preferable to make the curve sharper rather than to run on and take only about half a chain of the corner of the A. A. Company's land.

167. In fact you did not think it worth while to encounter the opposition of so powerful a Company, merely for the sake of a half chain of land? It was not merely on the score of opposition, but mainly because we should derive no corresponding advantage in taking the land.

168. Will you look at section 13 of the Bill, where it says "or if a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad."—Will you explain to the Committee what you mean by the "ruling gradient"? The meaning in this clause is that it shall not exceed the steepest gradient on the line, which in this case is 1 in 79.

169. Then, according to your view, the "ruling gradient" here means the "steepest" gradient? That is I think what was intended.

170. Does the term "ruling gradient," when used professionally, always mean the steepest gradient? Not always.

171. Why does it mean the steepest gradient in this case more than in any other? I should not have used the term "ruling," but I presume that it means here the "steepest" gradient. I did not draw the clause, and am not therefore answerable for the term. What I think it is sometimes meant to understand is—the "average" gradient.

172. How do you account for the term "ruling gradient" meaning the steepest gradient in this clause, when it has not that meaning in general? (*Question objected to.*)

173. Will you state to the Committee the grounds upon which you come to the opinion that in this clause the term "ruling gradient" means something different here to what it does generally? I decline to answer the question; I have given my opinion, but I do not think I am called upon to give the grounds of any opinion I may form.

174. *By Mr. M'Carthy:* About these 280 acres that have been alluded to;—has there been any coal struck there? I cannot speak positively, but I do not think there has been; I believe that the borings made there have shown that there is nothing worth working there.

175. And with respect to the convenience it would be to the Messrs. Brown to be allowed to join their line on to that of the promoters, would not the convenience be all on one side in that case? Most certainly.

176. Messrs. Brown would have all the convenience, and the promoters all the inconvenience? Yes.

177. Do you think the promoters ought to be called upon to pay the expense of forming a line merely that it may suit the convenience of Messrs. J. and A. Brown? I do not.

178. *By the Chairman:* If you are of opinion that the products from Messrs. Morehead and Young's coal pit will be sufficient to occupy the whole of the proposed line, what is the use of throwing open the line to the traffic of other parties, as you do in clause 3, at 3d. per ton per mile? No use at all; I did not advise the insertion of that clause; I certainly should not recommend its retention.

179. Neither in this case, nor in the case of any Company having a coal pit the products of which are sufficient to occupy one line entirely? No; a line of such a short length as this would be always likely to be constantly in use by the owners, because a short length of line can be worked by a less number of wagons than one of a greater length. Two trips can be made on a short line where only one is made on a long line; in the longer line the loads are heavier, from the number of wagons used being greater.

180. Is that the reason why you consider it to be more convenient that the Messrs. Brown should have a line of their own? Yes; that is the reason why I consider that in every case where there is only a mile or a mile and a half, or some short distance of line to make, the owners of pits would do better to make an independent line of their own, than to run in upon the line of some other private owner.

181. What objection would there be to the Messrs. Brown laying down a second line of rails alongside those of the promoters? I conceive that there would be no objection to their doing that.

182. Are the plans of this proposed line so made as to allow of a second line of rails being laid down? No, not at present; to allow for a second line of rails all the works upon the line would have to be increased; the cuttings and embankments would have to be nearly double their present width, and in fact all the works would have to be doubled.

183. Were you the engineer employed in the construction of the Wallsend Company's line? Yes.

184. Is that a single line? Yes; and they are working it with their own traffic in such a way as to sensibly affect the traffic on the Great Northern line, so much so indeed that a second line is being laid down on the Great Northern line from the junction of the Wallsend line to Newcastle, in order to accommodate the increased traffic brought in by the Wallsend Company.

185. Do Messrs. Morehead and Young intend to provide their own locomotives? Ultimately they do.

186. But in the meantime they propose to make some arrangement with the Government? They do.

187. Do the Government work the Wallsend line? They do.
188. The only thing the Wallsend Company provide is the trucks and the railway? That is all.
189. *By Mr. Hoskins:* I have not heard it stated in evidence whether or not you were the engineer of this Company? I stated so in my evidence given on a former day.
190. Have you ever been connected with railways in England? I have.
191. Do you not know that there is always a provision in every charter incorporating a Railway Company, that the Company shall be compelled to allow their line to be used by other Companies on the payment of a certain toll? I know that there is always a provision to that effect in the charter of incorporation of railways made by carrying Companies, but I do not think it is the case in respect to railways made by producing Companies. In fact I am almost certain that there is no provision of the kind in the case of coal or mining Companies' lines.
192. In any railway for passenger or public traffic a provision is always inserted for allowing other lines to join? In public lines it is always the case, but not in private lines made by coal or iron Companies.
193. You do not know then that it is made compulsory upon all coal or mining Companies, that they shall convey the produce of other Companies whose lines come in on theirs, provided such parties pay a certain regulated toll? I do not; on the contrary, I am under the impression that such is not the case.
194. Have you not seen, at the stations of Railway Companies, notices put up, showing the conditions upon which the Directors of the line are prepared to take the goods or minerals of other Companies? Yes, but I wish you to understand that this has been in the case of a railway intended for carrying for the public, or what may be called a public line. I am not aware that such is the case in respect to lines made by private Companies, for their own particular purposes, and not for public carrying. I know that where a railway is made by a carrying Company, that a provision for the coming in of other lines is always inserted, but where mining Companies make lines for their own private traffic I do not think that the Legislature ever interferes to force them to carry the goods of other parties.
195. Have you ever seen a private line constructed for the conveyance of minerals only, running in upon a public railway line? I have not seen one finished, but I remember to have seen one in course of construction.
196. Where was it? It was a private line joining in on the South Wales line.
197. Were the parties constructing this line compelled by their Act of Incorporation to convey the goods or minerals of other persons, who might require them to do so, on those persons paying them a regulated toll for so doing? I cannot say certainly whether they were or not, but my impression is that they were not.
198. Then that is an exceptional case, seeing that the general rule is that the provision for carrying the goods of other parties is inserted? No; the instance I give is the only one I can speak of as coming within my own knowledge. My impression, however, is the very reverse of what you state. I believe that it is not customary to insert this provision, but I cannot speak positively.
199. You will admit, however, that private persons obtaining a right to make a private railway for their own particular advantage secure exceptionable privileges? They do.
200. Are they not empowered to take land to the extent they may require it? Yes, on paying compensation.
201. In the case of Government land they pay no compensation? No.
202. And your line passes mainly through Government land? It does.
203. Do you not think then, that having these privileges conferred upon them, by their being empowered to take possession of the lands of private individuals—on paying compensation it is true, but still it is a privilege to be entitled to take it—and by their being allowed virtually to have the monopoly of carrying particular articles of produce on their line,—do you not think that the interest of the public requires that other parties should be allowed to use the line, if they wish to have their goods conveyed along it, on the payment of a regular fixed toll? My opinion is, that the public derive an advantage in the minerals that are raised and sent to market, quite, if not more than corresponding with the advantages the Company obtain in having these privileges conferred on them. Beyond this I am not clear that it could be shown that the public would derive any advantage if the promoters were compelled to allow other parties to come in on and use their line.
204. Suppose the case of a line intersecting a series of mountain gorges, so that there is no possibility of making a line in any direction but that taken by the first line, would it be fair to the public, living beyond the range, if they wished to communicate with the lower country, to preclude them from so doing by allowing the parties forming the first line to monopolize that route? Certainly not; but that is a very different case from the one now before the Committee.
205. Has it not come within your knowledge that this wise provision for allowing the junction of other lines has been inserted in all the Railway Acts passed by the Imperial Parliament? I have said that they are inserted in the Acts incorporating public Railway Companies.
206. But in all Acts authorizing the construction of railway lines? It is usual to insert this provision, I am aware; but in all those cases where it is inserted the line is of a much greater length than this line of the promoters. This is a very short line, and offers no obstruction to the making of any other line in any direction to join the Great Northern Railway.
207. So that in point of fact no parties—neither the Messrs. Brown nor any others—would be put to any increased expense in effecting a junction with the Great Northern line from their 280 acres block? No, I think not.
208. Would they be prevented from joining it at the most eligible point, or would they be forced

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forced to make a junction at one point when they required to do so at another? I do not see that they would suffer any inconvenience, since, as I have explained, it would be a saving of distance for them to run in direct to the Great Northern line.

209. Would the land they would have to pass over be swampy, or would that they would have to buy be higher priced land, and so put them to a much greater expense? No; I think that so far from being a greater expense it would be cheaper in the end for Messrs. Brown, or any other person having a large traffic, to make a line of their own, rather than to make use of another line, and pay 3d. per ton per mile for carriage.

210. Your line passes through their 280 acres? Yes.

211. Now if they sink a pit on that block, what objection do you see to their using your line on payment of a toll of 3d. per ton per mile? The objection I see is that the traffic of the promoters will be likely to be obstructed if other traffic is brought in upon the line by another Company.

212. Did you not say just now that the Wallsend Company had been necessitated to lay down a second line of rails, in order to meet the requirements of their increased traffic? No; I said that the Government were about to lay down a second line of rails from Newcastle to the Wallsend junction, in order to accommodate the increased traffic from that and other sources.

213. Do you not think that the Government would be likely to object to having their numerous junctions with the Great Northern line from independent branch lines;—would it not be a source of greatly increased expense to them, in the employment of a larger number of switchmen and watchmen, and signalmen, and also in the laying down of an additional number of turn-tables? Any additional expense entailed by the junction will have to be borne by the Company making it.

214. *By the Chairman:* The Companies would have to pay a toll to the Government? They would.

215. And this toll would repay the Government for any expense to which they might be put? It would.

216. *By Mr. Hoskins:* Is there not a greater liability to accident at the junctions than at any other part of the line? Yes, but then it will depend chiefly upon the arrangements made. The communications with the main line from the junction will not be very frequent.

217. From what you have seen of railways in England, is it not always the case that, wherever there is a junction of three or four lines with one main line, these lines converge into one general short line, by which the junction with the main trunk line is effected? Yes, where the lines are very close together that is the plan adopted.

218. Do you not think it would be very objectionable to have a number of small lines all opening independently into the main trunk line at half a mile distant? Yes, of course it would.

219. Would it not be dangerous, in regard to the fast increasing traffic on the Great Northern line, to have numerous switches on the line, to provide for these lines coming in on it? I have virtually answered that question before; but if there were two, three, or more lines coming down into the Great Northern line, at half-mile distances, the Government would probably not allow them to enter upon the main line at several points; they would all be brought down on to a siding, and then from that they would all run in at one point on to the main line.

220. If the Messrs. Brown are not permitted to use this line, but are compelled to make one for themselves, would not the junction with the Great Northern necessarily be close to that of Messrs. Morehead and Young? Not necessarily. For instance, if they found coal at a spot marked on the plan No. 2, they would join the Northern Railway at a point nearer to Newcastle than our junction by a mile or more.

221. But suppose they opened a pit at the other end of their block? From what I know of the country I do not think it probable that coal will be found there. I have been told, by a party who has put down several bore holes, that there is no coal there, except a lower and almost worthless seam.

222. Through what lands will your line be taken? That has been already fully given in evidence.

223. Do you happen to know if Messrs. Brown have made any application to the promoters for permission to use this line which it is proposed to make? I have not heard that they have.

224. Are you aware how long it is that the Messrs. Brown have urged any objection to the promoters obtaining permission to make this line? I have only heard that they had any objection to the Bill, within the last week.

225. How long is it since this line was first projected; or perhaps it would be better to fix the time, by asking you how long it is since you surveyed the line? I surveyed it about five or six months ago.

226. Can you say whether, at the time you surveyed the line, the Messrs. Brown were aware that you were surveying it for Messrs. Morehead and Young? That I cannot say.

227. Did they speak to you at the time you were surveying the line? No, they did not.

228. Then they might not have known of it? It was generally known in the neighbourhood, and I should imagine that they must have heard of it.

229. *By the Chairman:* You had no conversation with the Messrs. Brown on the subject? I had not.

230. *By Mr. Hoskins:* You do not happen to know whether the Messrs. Brown made any overtures to the promoters to assist in the cost of constructing the work? I do not.

231. You have stated that you object to the proviso to clause 2,—“ Provided also that if the promoters their heirs and assigns shall cease to use the said railway for the space of one year at any one time the ground and soil shall revert to and become revested in the said owners ”?

"owners"? I do not object to it; but I was asked my opinion in reference to it, and I stated an objection that occurred to me that might very fairly be used by the promoters,—that in case of a protracted strike, they might without any fault of their own be made to forfeit their line. That is my opinion on the subject, and it was only given on being asked for.

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232. Would not the omission of this proviso be exceedingly objectionable, since by this Bill parties will be prevented from obtaining a line of their own, as well as excluded from the right of running on promoters' line, and then promoters are to be at liberty to allow the line to lie idle? I do not see how parties will be prevented from making a line of their own.

233. Is there not a provision in clause 4 of the Bill, that no railway shall run parallel to the line of the promoters? There is, but I understood that that clause was intended to be given up altogether.

234. Do not the Messrs. Brown complain that the line will traverse some portion of their land in the direction in which they expect to find coal? I understood that their objection was that the rate of toll to be charged was too high.

235. Can you state what reasons have influenced the promoters of this scheme and induced them to propose to take out clause 4 of the Bill? Because they do not consider it desirable, for the reasons I have already given, to have other lines joining on to theirs and interfering with their traffic. But whilst they strike out the provision authorizing the use of their line by other parties, they also strike out the prohibition against making a parallel line; that being struck out, other parties will be at liberty to make a line of their own close up alongside the fence of the promoters, if they think proper to do so.

236. As a matter of justice, is there any reason why the Messrs. Brown should be prevented both from joining on to promoters' line, and from making a line of their own parallel to this proposed line? You will see, if you look at the clause, that this is not done; the one provision follows naturally upon the other. If the promoters are to be compelled to carry the traffic of another line, then it is only fair that they should have protection against any Company being allowed to run their line parallel to the line of the promoters. If they are not obliged to carry this traffic, then of course the prohibition against making a parallel line will be given up also. The clause is, I believe, the usual one inserted in public Railway Acts.

237. Have you not seen lines of railway in England running parallel to each other? Yes, but not close to each other.

238. Do not the Oxford, Worcester, and Wolverhampton, and the London and North-Western, run parallel and close together from Oxford to Wolverhampton and from Oxford to Rugby? Yes, but that was a special case.

239. Engineers, I believe, have generally an objection to one line of railway joining another on a curve or an incline? Of course; if we can get in on a level we always do so.

240. *By Mr. Hannell*: Do you know if the Wallsend line is fully employed? I have no doubt but they could send down more coal if they required to do so; but I know that they now make five or six trips a day, backwards and forwards, on their line.

241. Are you aware that the Co-operative Coal Mining Company have now a Bill before Parliament to authorize their joining in on the Wallsend line? I was not aware of it.

242. Would it not be unjust to these people not to allow them to come in upon the Wallsend line? Yes, but their case is different from the one now before the Committee; there they have four miles to go through a difficult country, whilst in this case we have a very short line over a very easy country—in fact, over a nearly level country; therefore there can be no hardship.

243. You told the Committee that there was no coal on these 280 acres;—now, is it not an ascertained fact that there is coal all round this block occupied by the promoters? There is coal in this range that runs round at the back of the block.

244. But all round? No, not all round; on the north there is none.

245. On the east, south, and west, however, there is coal? Yes, directly you get on to the high ground you have the coal. On the low ground it has been bored for and not found, except, as I have said, a low worthless seam.

246. Is not the A. A. Company's borehole pit sunk upon low ground? That is considerably further to the east.

247. Yes? There is coal there, but there is none here.

248. There is coal, however, upon three sides of the block? Yes.

249. Is the whole of this 320 acres coal land? This upper part is, but not the lower part.

250. How far will Mr. Dibbs have to go in order to make a junction from his land with the Great Northern line? They will have to go to the same distance as if they came in on our line, within 60 chains. They will only save 60 chains by coming in on our line as they proposed at first to do; and as the saving was so small, they abandoned that idea and determined upon making a line of their own.

251. *By the Chairman*: Mr. Dibbs' land is now occupied by the Waratah Company? Yes.

252. *By Mr. Hannell*: In reference to the provisions for the forfeiture of the line in the event of its not being worked for twelve months;—if it were made a public line, and three or four other lines were allowed to come in on to it, would not that prevent the possibility of the line being left for twelve months without being worked? It would not prevent the possibility of the discontinuance, because if there were half a dozen lines coming in on it, they might all be stopped at the same time by a general strike.

253. But it would render the probability much less? Yes, certainly.

254. Have you seen the plans of the line of the Waratah Company? I have.

255. Did you observe how they proposed to effect a junction with the Great Northern line? I did.

256. Does not the curve by which you propose to join the Great Northern interfere with their junction with that line? No, there is plenty of room for them to go in with their line.

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257. But the higher they go up the firmer the ground will be? No, it is hard enough here where they propose to run their line.
258. Will it not oblige them to alter their plans? No; the only object is to avoid going into the swampy ground, and this will be effected with our present plan.
259. Would it not answer your purpose to have the land you want on the east instead of the west side of your line? No, I think not. The Waratah Company make no objection to our line.
260. Where are the detailed plans mentioned in the first clause of this Bill? They are the plans placed before the Committee, and alluded to in my evidence on a former day.
261. *By the Chairman*: The Messrs. Brown are holders of mineral lands in the neighbourhood of the land occupied by the promoters? Yes, they are the lessees of Crown lands in the neighbourhood.
262. And consequently rivals? Yes.
263. Do you think that the objections taken to the Bill have been made upon public, or upon private grounds? Entirely upon private grounds.
264. You have stated, I think, that the proposed line intersects the Newcastle commonage reserve? Yes.
265. Is that land valuable for any public purpose? No, it is not of the slightest value.
266. You intend to make a bridge to carry your line over the road that crosses this Common? Yes, so as to keep open the communication between the two sections into which our line will divide the Common.
267. You intend to make only one bridge? Only one.
268. Will that be sufficient? Yes, quite sufficient. There is only a short distance of the Common traversed by our line.
269. *By Mr. Hannell*: Proper precaution has been taken on your plan not to cut off the communication between the two portions of the pasturage reserve? Yes, the proposed bridge will leave a sufficient means of communication.
270. And with reference to the objections of the Messrs. Brown being of a private rather than of a public character, would not those objections be equally applicable if made by any other owners of coal land, and do they not thus become public objections? I know of no others besides the Messrs. Brown. There is no objection to our Bill on the part of the Waratah Company, and there cannot be any on the part of others, because they are all situated nearer to the Wallisend line than ours.

John Whitton, Esq., C.E., called in and examined:—

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271. *By Mr. McCarthy*: You are Engineer-in-Chief for Railways? I am.
272. Have you examined the plans of the proposed railway of Messrs. Morehead and Young? In so far as the junction with the Great Northern line is concerned—nothing more.
273. The junction is intended to be formed in such a way as not to prejudice the interests of the public? No doubt it will be.
274. Do you see any objection on the part of the public generally to the construction of the proposed line? I do not see any objection to it myself. Of course I do not know what the public generally may think of it.
275. Have you, from your presence during the proceedings of to-day, formed any opinion as to the desirability or otherwise of the public, or rather of other mining proprietors being allowed to join their lines on to the line of the promoters? If the line be only sufficient for the promoters' own traffic, it would be of course objectionable to allow other lines to join it. Unless some public necessity for their doing so could be shown, I think it would be objectionable to give the permission.
276. Do you think that any such public necessity arises in the present case, having reference to the evidence you have heard in regard to the lay of the land and other circumstances? I have not heard, in the evidence given before the Committee, any good reason for a junction with the promoters' line.
277. Do you not think that it would be more convenient for all parties if each private Company had each its separate line rather than that several should join into one line? Yes, I do; and from the evidence I have heard here, I should say that there is no reason why the Messrs. Brown should not make a line parallel to that of Messrs. Morehead and Young, instead of making a junction with that line. If the proposed line of the promoters be only sufficient to accommodate their own traffic, then any additional traffic will necessitate the laying down of a second line of rails; and the expense of laying down a second line of rails would be quite as great as that of making an independent line of their own, with the exception of the cost of purchasing the land of private individuals required for the line.
278. *By the Chairman*: Supposing three different lines are made to join the Great Northern line—that is, the line of the promoters, the line of the Waratah Company, and the line of the Messrs. Brown—at what place would you propose that they should effect their junction with the Great Northern line? There would be one point of junction for the three lines.
279. Then in effect, if Messrs. Brown or the Waratah Company make an independent line from that of the promoters, they will have to be joined ultimately before coming in on the Great Northern line? No, they would not. I propose to lay down a separate line on the Great Northern, and let all the three join on that line.
280. On a siding, in fact? Yes.
281. On the Great Northern line? Yes, but not on the main line. All these private lines will run in on the siding, and from the siding will be taken in at one point on to the main line.
282. Then the whole of these private junctions will be entirely independent of the main line on which the passenger traffic is conducted? Yes, the whole of them.

283. Do you undertake to give any opinion as to what amount of traffic there is likely to be on this line of Messrs. Morehead and Young? No, I know nothing about that.
284. Nor do you pretend to form any opinion as to the probability of traffic on the Great Northern? No, none whatever.
285. Your opinion is based on the assumption of traffic, without knowing positively whether there will be any or not? Precisely.
286. Could not the Wallsend Company do more traffic on their line than they now do, if they had it to do? I am not aware.
287. Neither one way nor the other? No, I know nothing about it.
288. *By Mr. Hoskins*: You say that if there are other lines besides that of Messrs. Morehead and Young, and coming from the same direction to join the Great Northern line, that you will not compel them to form a junction with each other, so as to have only one line of junction with the Great Northern? I do.
289. Should not such persons, or should not any persons proposing to make a line in the same direction as that taken by the line of Morehead and Young, be allowed, as a matter of justice, to use that portion of the line with which they will have to run parallel with their own line? I do not think it necessary to give them this permission, because I do not see what they are to gain by it. If they have to lay down a second line of rails on the line of the promoters, it will be just as much cost to them as if they made a line of their own on their own land. I say this on the assumption that the promoters will have sufficient traffic of their own to keep the line continually at work. They would have just the same extent of embankments and cuttings and sidings to make as if they made a line on their own land.
290. So that you would not object to another Company making a junction with the Great Northern line, at or near the point of junction of the promoters' line? Not unless they were sufficiently near to each other to form one junction. But if I understand aright the evidence given, if the Messrs. Brown form a line of their own, they will only have the same distance to go to reach a point on the Great Northern line as by the proposed junction with the promoters' line.
291. Then you would have no objection to these lines or to any other lines effecting a junction with the Great Northern, only they must do it at the same place? Yes, if practicable.
292. Have you any objection to lines running parallel with each other? Not unless they were carrying Companies, and were running in competition with each other. It would be objectionable to give the sanction of Parliament to two lines to run parallel and to compete for the same traffic; but in the case of private lines, used only for the traffic of the promoters, I see no objection to sanctioning it.
293. Therefore it would operate harshly upon persons desiring to construct a line parallel to that of the promoters, if they were precluded from doing so by the provisions of this Bill? I understood that it is intended to strike that clause out of the Bill.
294. *By the Chairman*: Have you any suggestion to offer in regard to this Bill? The only suggestion I would make is that a general clause should be inserted in it something to this effect—"That nothing herein contained shall alter, repeal, or annul, or in anywise affect any of the provisions of the Government Railways Act of 1858."
295. That is what you, as Engineer-in-Chief for Railways, would suggest on behalf of the Government? Yes.
296. And you have no objection to urge against the Bill on the part of the public? No.
297. Will there practically be any difficulty in the way of the two other lines coming in at the same junction? None whatever. Provided they are made with the sanction of the Government, all these lines will come in upon the Great Northern line at one junction. A side line will be formed into which they will join, and that line will run into the main line.
298. Then the construction of this line will not in any way interfere with the coming in of other lines? Not in the least. The junction with the main line will be effected at a point below where the line nearest to Newcastle will join the side line. If another line nearer to Newcastle is made, then the siding will be extended so as to take in that line, and the junction will be made nearer to Newcastle.
299. And upon whom will the additional expense fall of making these extended sidings? Upon the parties applying last for the authority to enter on to the main line.
300. Would it not be possible to make a siding so as to take in all the additional lines that will be required? It would be, if I knew where they were likely to come in.
301. Are you aware officially that other lines are proposed to be made to come in upon the Great Northern line? Not officially; I received no official notice, but I do know that the Waratah Company propose to make a line to join the Great Northern.
302. Is it not usual to make application to the Government before applying for an Act of Incorporation? No.
303. The parties come, in the first instance, to the Assembly, with an application for a Bill? Yes.
304. How far is the junction of the proposed line of the promoters from the junction of the Wallsend Company? About a mile and a half, or more.
305. The junction of the Wallsend line is a mile and a half farther from Newcastle than the junction of this proposed line? Yes, rather more than a mile and a half.
306. And their traffic is carried on a separate line? Yes. It is the intention of the Government to lay down a second line of rails from the Wallsend Junction to Newcastle, for the accommodation of the coal traffic through that district.
307. You have no other suggestion to make on behalf of the public, beyond what you have already stated? I have not.
308. *By Mr. Hoskins*: Have Messrs. Morehead and Young pointed out to you the precise spot at which they propose to come in on the Great Northern line? They have pointed it out

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out on the plan, but as the main line is nearly level for a considerable distance, the exact point of junction may be hereafter determined.

309. Have other parties intimated to you, or are you aware that they were anxious to make a junction with the Great Northern line? Yes, I know that the Waratah Company are applying for a Bill for that purpose.

310. Have any others made you acquainted with their intention to do so? No.

311. You have never heard that the Messrs. Brown wished to make a line from their pits and effecting a junction with the Great Northern? I have not.

312. Has it been customary with other Companies, when they proposed to make a junction with the Government line, to give you notice of the point at which they propose to come in? No, such has not been the practice.

313. Would it not be the more proper course for them to give you notice? Yes, I think so. I only hear of them now from notices I receive from the Select Committees, or from advertisements that appear in the newspapers.

314. Have you looked through the Bill now before the Committee? I have.

315. Have you noticed the provisions of clause 13? Yes.

316. In the last paragraph of that clause these words occur—"or if the same be a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad";—can you explain to the Committee what is meant by the term "ruling gradient"; is it a technical term? No, it is not a technical term.

317. What should you imagine it to mean? I should assume, from the way it is used, that it meant the greatest length of any one particular gradient on the line.

318. Would there be any great objection to another railway line joining on to this proposed line, for the purpose of making one common junction with the Great Northern, provided the other line came in on a moderate gradient, say of 1 in 70 or 80? The only objection I see is, that all the siding arrangements have to be made at the junction with the main line, and consequently it would be almost impossible, consistent with safety, for them to come in within fifteen chains at least of the junction with the main line.

319. What is the general or average gradient of the Great Northern line? The steepest gradient on the Newcastle line is about 1 in 67; but on the new line, West Maitland to Singleton, there is no gradient worse than 1 in 80.

320. You say that it would be objectionable for another line to join the line of the promoters within fifteen chains of their junction with the Great Northern line? Yes.

321. And yet you consider that it would be objectionable to come in on it further back? No, not objectionable; I simply say that it would be undesirable if the line be only sufficient for the amount of traffic the promoters will be able to put on it.

322. At all events no line ought to join in on another within fifteen chains of the junction with the main line? Certainly not.

323. *By Mr. Burton (through the Chairman):* Will you be good enough to explain more particularly the mode by which you intend that the several private lines made shall come in on the Great Northern line—I did not clearly understand it from your description? Yes, the matter is very simple;—a separate line of rails is laid down, and these private lines make their junction with this line; when it has been taken far enough to allow of all these lines to join, this side line will be taken into the main line.

324. *By Mr. Hoskins:* Do you happen to know whether or not it is the rule to make provision in all English railway Bills for compelling the proprietors of the line to convey the goods of other Companies, by the payment of a fixed rate of toll determined by law? Yes, for incorporated Companies it is; but there are a great number of lines that join in to others without any such condition.

325. Are not those lines constructed upon land belonging to the owners of the line? Yes, upon land belonging to or purchased by them.

326. But where the line is carried over land belonging to a number of different persons, are not the proprietors compelled to convey goods of other persons on the payment of a stipulated rate of toll? No, not if the line be a private one. If the parties intend to work as common carriers, then this provision is inserted.

327. *By the Chairman:* When they intend to engage as common carriers, a provision is inserted that parties shall have the use of the line, on the payment of a certain rate per ton per mile? Yes.

328. But this is not inserted when the line is a private one? No.

329. *By Mr. Hoskins:* Have you ever seen a line constructed in any other way, except through the property of the persons making the line, in which this provision was not made? I do not remember an instance at present.

330. Where no provision is made for conveying the goods of other persons, has it not only been because the line has been constructed on the land of the persons making the line? It might be so, but it has always been in the case of lines not incorporated. It might be that the owners of land would make a private arrangement to sell the land required for the railway, and thus an Act of the Legislature would not be required.

331. They would not require a special Act of the Legislature to enable them to take land in that case? No.

332. But where a special Act is required, does not the Legislature always insist upon this provision? If they intend to carry goods as common carriers the Legislature does so, but I am not aware that it does so in the case of private lines.

Mr. Robert Archibald Alison Morehead called in and re-examined :—

333. *By Mr. M'Carthy*: Has any communication been made to you by the Messrs. Brown, relative to their desire to connect their line with the line now proposed? I have heard nothing whatever from them. The first notice I got of their opposition to our Bill was in the report of the proceedings in the Assembly, which appeared in the newspaper of the following morning.
334. If any communication had been made to you, would you have been prepared to consider it on fair business grounds? As a matter of course I should.
335. Have you any statement to make in reference to this particular point, beyond that you have now made? No, I know nothing beyond what I saw in the newspaper, which was the first notice I got of their proceedings.
336. *By Mr. Burton (through the Chairman)*: When did you first give the Messrs. Brown an opportunity of knowing that you intended to strike out the 4th clause of your Bill? We have given the Messrs. Brown no notice on the subject at all. I had no communication at all with them. I could not know that they were in any way interested in the matter; and, as I have said, it was only by the report of the proceedings in Parliament that I knew they intended to offer us opposition.
337. You say that the Messrs. Brown never communicated with you requesting permission to join their line on to your proposed line? Never in any way.
338. What reason could they have for asking for such a permission, so long as the 4th clause remained in your Bill, and gave them that permission? As I understand the question put to me by Mr. M'Carthy, it had reference to the Messrs. Brown's petition, and not to the 4th clause of the Bill. The Messrs. Brown petitioned against our Bill without in any way communicating with me, so that the first notice I received of their proceedings was through the report in the newspaper. The question was then put to me, whether, before they petitioned Parliament, the Messrs. Brown had followed the course usually pursued by men of business and courtesy, by previously communicating with us in reference to their objections to our Bill.
339. Are you aware whether Mr. Brown's solicitor informed your solicitor of the points of objection taken to your Bill? I had not the slightest notice from any quarter of any movement on their part.
340. You are not aware whether there was any intercourse between your solicitor and the solicitor of the Messrs. Brown, in reference to the inclined plane? I am not aware.
341. The petition to which you have alluded is the petition now before this Committee, signed by the agent of the Messrs. J. and A. Brown? It is.
342. Would you have met the views of the Messrs. Brown, on those points set forth in their petition, if they had made application to you before presenting it to the Assembly? I do not think we should; but perhaps I should best answer this question by saying that any objection, or request, or suggestion made to us by anyone under the circumstances in which the Messrs. Brown are placed in respect to our line, would have been fully considered and fairly discussed by us as between men of business not desiring or contemplating injuring each other, but on the basis that each should, as much as possible, follow his own course without interfering with the other.
343. Was not a copy of the draft petition brought to you after the petition had been presented to Parliament? I think it was, but I know that the first intimation I received was seeing the report in the newspaper.
344. *By Mr. Hoskins*: Does your railway traverse any portion of land occupied by the Messrs. Brown? I cannot give an exact answer to that question. I may say, however, that at the time we planned our line of railway and gave our notices, I believed they had no interest in any land that our line traversed. I believe that now they have some kind of a communication from the Government that leads them to believe that they will get a portion of the land that was then known to be Government land, and which formed part of the Newcastle pasturage reserve.
345. Do you know, as a matter of fact, that at the time you planned your line, they had not leased from the Crown any portion of the land required by you for your railway? I do, understanding such time to mean the time when our engineer was engaged in surveying the line.
346. Have they served you with any notice of the objections they have to the construction of your line or to the provisions of your Bill? None that I know of; they have served none on me personally.
347. Are there any other persons besides the Messrs. Brown, who own land that your line of railway will intersect? Yes, there are the representatives of the late Henry Dangar; they are the only private owners of land required for our line.
348. Have you served them with notice of your intention to apply for this Bill authorizing the construction of a railway over their land? We have communicated with them, and obtained their sanction to our taking the land we require; that is to say, we received the sanction of the only person in a situation to give it; but this land was found to be so peculiarly affected by the mode in which it was settled on the representatives of the late H. Dangar, that we were advised that it would be necessary for us to obtain an enactment before we could get a proper title.
349. You believe, then, that the land that has been represented to this Committee as having been leased from the Crown by the Messrs. Brown, was only obtained by them subsequent to your application to make the railway? Yes, I believe so.
350. What do you mean by your application—was any application made by you in the first instance to the Government? Yes, we did apply to the Government some time ago, seeing that

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Mr. R. A. A. Morehead. 18 Sept., 1862. that we had to pass into the Great Northern line, and that they were the only parties over whose land our line would have to pass—with the exception of the representatives of the late Henry Dangar, whose sanction we had obtained. Seeing this was the case, we applied to the Government for leave to construct the line, hoping that under the circumstances the whole thing might have been done without an Act.

351. In the first instance, then, you applied to the Government? Yes, we applied to them to allow us to proceed at once, as the representatives of the late Henry Dangar had done, so that we might have gone on without delay with the construction of the line. At that time I know that none of the Crown land passed over by our line was subject to any lease.

352. When you speak of your application to make the railway, you do not mean the application to Parliament for this Bill? No; but a reference to the Bill now before the Committee will show that these 280 acres claimed by the Messrs. Brown were considered Crown lands at the time the schedule of the Bill was drawn.

353. *By the Chairman*: Had notice of your intention to apply for this Bill been advertised prior to this 280 acres being taken up by the Messrs. Brown? Yes, I believe so.

354. *By Mr. Burton (through the Chairman)*: Can you speak positively on this point? I can of course only refer to the time when I got a knowledge of their having leased the land.

355. And when did you first have a knowledge of this land having been leased by the Messrs. Brown? I cannot say that I have a knowledge that such is the case now. I know, however, that on the 26th May last, they were not in occupation of it.

356. In what way do you know this? In a letter from the office of the Secretary for Lands, dated the 26th May, and in reply to a letter from us dated the 16th of that month, the Secretary for Lands treats these lands now claimed by the Messrs. Brown as Crown lands. At that time I had not the most remote idea that the Messrs. Brown or any other person had any interest whatever in these lands.

WEDNESDAY, 24 SEPTEMBER, 1862.

Present:—

MR. HOSKINS, | MR. HANNELL.

ALEXANDER DICK, Esq., IN THE CHAIR.

Mr. Broadhurst, with Mr. M'Carthy, appeared as Counsel for the Promoters; Mr. E. Burton on behalf of Petitioners against certain Clauses.

Mr. Thomas Croudace called in and examined:—

Mr. Thomas Croudace. 24 Sept., 1862. 357. *By Mr. Broadhurst*: What are you, Mr. Croudace? A mining engineer.
358. In what particular service are you engaged at this time, or in what service have you been engaged lately? In the employment of Messrs. Morehead and Young.

359. Are you acquainted with the property in question, and with the proposed line of railway? I am particularly acquainted with them.

360. Do you know the 280 acres now leased by the Messrs. Brown? I know the greatest portion of them.

361. Have you ever had occasion, and when, to try by boring or otherwise, whether there were any coal mines underneath that land? Yes, I have bored, not on the 280 acres, but on the adjoining property, which is of the same nature.

362. From your examination, have you reason to suppose that there is coal to a workable amount under the 280 acres? There is not, to the best of my belief.

363. To what extent have you bored or otherwise made examination? On Messrs. Morehead and Young's property we have had twenty-one borings put down, tracing the outcrop of the coal to the northward and eastward.

364. *By the Chairman*: These 280 acres are situated to the north of Messrs. Morehead and Young's property? To the north-east, I think.

By Mr. Broadhurst: You have not bored upon these 280 acres? No, it is of no use doing so; it is all swampy ground, and we have traced the outcrop of the coal near to points adjoining that land.

365. Does it end there, then? Yes. We cannot work part of our land on account of there being no coal in it—that part of the land adjoining these 280 acres. Very likely there is coal in it, but what there is, is near to these pits last sunk.

366. From what you have seen of Messrs. Morehead and Young's coal mines, do you think they will afford sufficient employment for this proposed line of railway? Yes; I think that in the course of a year or two the workings will be to such an extent that they will fully occupy their own railroad.

367. Then you think that to effect a junction with another line for the purpose of affording other coal proprietors the privilege of running upon this line now under consideration, would be to interfere with the proper working of Messrs. Morehead and Young's colliery? It would be to injure ourselves, and it would stint the working of our mines, which are laid out to raise 600 or 700 tons a day.

368. Two Companies or sets of collieries could not be conveniently working together on the same line? I scarcely understand you.

369. You say the admission of traffic from other collieries upon this line would interrupt the proper working of Messrs. Morehead and Young's mines? Our intention is, as soon as the workings

workings are opened, to go to the dip of the coal, and then this line will be scarcely sufficient to carry away the quantity we get ourselves, and might have to receive addition, with a considerable increase of expenditure, if a junction were allowed.

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370. In short, you think there will be sufficient work for the line supplied by your own mines, and that the addition of traffic from any other would be injurious? Yes, I think so, in the course of a year or so, when the workings get opened out.

371. Would it be convenient that for distances less than a mile the rate per ton should be proportionately diminished? It is my opinion that for every mile or portion of a mile the per centage paid per ton ought to be the same as that to be paid for a mile.

372. Does the rate per ton mean the toll? Yes.

373. What are your reasons for thinking so? The reason is this—that the line forming a junction with this line now under consideration may require to run upon it only a few yards in extent; but the expense incurred in order to afford them this advantage would be almost the same; and there would be the same amount of loss to the Company as if those forming the junction travelled a mile upon the line.

374. *By Mr. Burton:* How far have you bored below Messrs. Morehead and Young's seam? I myself have never bored beyond twelve or fifteen feet, but I have information from the records, of borings which have been from 200 to 500 feet.

375. *By Mr. Hoskins:* How long have you been in the service of Messrs. Morehead and Young? A year on the 6th of this month.

376. Where did you acquire your knowledge as a mining engineer? I have had eleven years experience in some of the most difficult collieries in the north of England, including the Washington Colliery.

377. Whose land was this adjoining to Messrs. Brown's 280 acres, on which you superintended the operations of boring for coal? Messrs. Morehead and Young's.

378. When were you engaged in these boring operations? I think from January to May.

379. In this year? In this year.

380. Do you know when Messrs. Brown acquired possession of these 280 acres? I believe it was March or April; I cannot say exactly.

381. And did you commence boring for coal on Messrs. Morehead and Young's land previous to the Messrs. Brown acquiring the possession of this land? I think we did some time before.

382. Do you feel certain about that? Yes, I do.

383. Do you know whether Messrs. Brown applied to the Crown for permission to purchase or lease the land previous to the time when you made these borings? No, I cannot say.

384. Do you know whether Messrs. Brown do own or lease this land? I know they are supposed to lease it—that they applied for it and it was granted.

385. You do not know when they applied for it or came into possession of it? I do not, but I think it was in March or April.

386. I think I understood you to say that you believed no coal was to be found in this block of land in the possession of Messrs. Brown because it was swampy land? I said that from the proofs afforded by boring experience I believed there was no workable seam in this land, as we have proof that the workable seam in this district has cropped out on the land owned or leased by Messrs. Brown.

387. And how do you know, or on what grounds do you form the opinion, that there is no coal under this land—have you made a trial, or do you know that other persons have made a trial? I do not know exactly as to the 280 acres, but I know a gentleman who bored on the Broad Meadows.

388. Not on the 280 acres? No. I know, however, that he bored on the same flat, leading to the Waratah station and missed the coal.

389. May not the seam extend from some neighbouring mines under this 280 acres? I scarcely think it possible, when the A. A. Company have not got it.

390. Have they tried? I think they have. I think Mr. Plews, their mining engineer, prosecuted two or three borings from their D and E pits to the Broad Meadows.

391. What distance was it from these 280 acres? I think it is on the adjoining land.

392. You do not know that they bored? I know from Mr. Plews' record.

393. How far was it from these 280 acres? I do not know without making a measurement.

394. You have not seen the Messrs. Brown attempting to bore on the 280 acres to ascertain whether coal was to be found there? No.

395. They have given no proof of their intention to try it? I have never seen any.

396. Do you mean to say, from your experience of the use of tramways or railways in England, that this one coal pit of Messrs. Morehead and Young will occupy the whole traffic of this projected railway—that they will find constant use for it; or that if proper regulations were made to allow other persons working adjacent mines the use of it, this would interfere with the working of Messrs. Morehead and Young's pits? Yes; the pits will be laid out to such an extent that the quantity of coal raised will be sufficient to engage the whole traffic on the line.

397. Have you formed the opinion that the operations in working this mine will be more extensive than in any other? I have every reason to believe they will.

398. Do you know anything of the working of colliery lines in England? I do.

399. Have you ever seen a railway belonging to an incorporated Company worked exclusively by that Company? Yes, it is the general thing at Home for each colliery to have its own distinct railway; and in the district from which I come they are generally run to the North-Eastern Railway, which leads them to the port of shipment.

400. What are their average lengths? They are so varied I could not say.

401. They are not generally long? From one mile to ten, perhaps.

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402. Do they generally traverse land belonging to the persons who own the pits? Sometimes they do, but they generally go on to land occupied by others.
403. Are they not generally taken through private land belonging to the proprietors of the pits? Yes, generally. It is usually stipulated in the terms of the lease that lessees sinking pits on one part of the land shall have power to construct a railway over any portion of it.
404. The land they lease? Yes, which they hold under royalty.
405. Have you ever seen a coal pit line in England traversing land belonging to other persons than the proprietors of the coal pits, where the owners of the land it traverses are precluded from using the line? Well, I have not seen any instance where there was a particular wish to use it.
406. Is it not a fact that whenever Companies seek to obtain charters of incorporation for the construction of these railways which traverse the land of others, a clause is inserted in the Bill compelling them to convey the goods of others, on the parties whose goods are carried paying a toll which is fixed by the Legislature? Sometimes it is the case, but not always.
407. Have you seen any exception? I cannot speak of collieries. We were never paid a toll, nor were we compelled to convey the goods of others.
408. Name one line? The Washington Colliery line.
409. Where does that line extend? From the North-Eastern Railway to the Washington Colliery.
410. What is the length? Two miles and a quarter, without taking the branches.
411. Through whose land is it taken? The proprietor of the coal is Sir James Musgrave; it then goes through land belonging to Mr. Shapto; the other portion is through glebe land.
412. How long has it been made? I cannot exactly tell—many years before I was born.
413. Do you know whether the parties constructing the line obtained the consent of those other persons through whose land it was to run, previous to laying it out? I cannot say; I know the farmers in the district at one time wished to use it, in order to get manure along the North-Eastern Railway. We would not allow them to use our line, and they could not compel us to do so.
414. Would you not consider that so far it was an injury to the public, and especially to the residents in the district? I do not know; the Washington station was close at hand; it would rather have been an injury to us, or we would willingly have done it.
415. Have you ever seen a railway made to a coal pit through lands belonging to different persons, on which the persons making the railway were compelled to convey the goods of others, unless the projectors had previously obtained the consent of the owners of the land, without any stipulation for the conveyance of such goods? I cannot say that I have. It is not a usual thing with us to have any parties to the traffic other than the owners of the line that works their colliery.
416. Have you looked through this Bill? I have, some time since.
417. It states in the 1st clause that this railway shall be a chain and a half in breadth;—do you not think that unnecessarily wide? It may be considered wide, but I do not think it will be unnecessarily wide for the probable requirements; it is a great advantage to have a wide line.
418. Assuming that other parties wish to make a line near to it, do you not think this is taking up too much of the land? I do not think the line will occupy more space than will be required, considering the purposes for which the line is made.
419. Are the coal pit lines in England generally 99 feet in width? Some are more, some are less.
420. Is not the average width considerably less? I think not.
421. Have you ever seen a private coal pit line as much as 99 feet in width? I have one with a greater width.
422. Do you think there is any necessity for having the line 150 feet wide at the junction? I do, in order to get a double row of sidings to the centre line of railway.
423. If you have a double line you will not require a double row of sidings? Yes, we should. Supposing the line laid out for working up to the junction of the Great Northern Railway with locomotives of the Company, and that from the junction the Great Northern were to lead the coal to the port, then even with a double line of railway it would be necessary to have these sidings, because we require one for round coal, one for small coal, one for empty waggons, and an off-standing branch for goods to any other point you may wish to lead up to in the colliery at that moment.
424. *By the Chairman:* A spare siding? Yes.
425. *By Mr. Hoskins:* How many sidings do you propose to have? Four; one for round coal, one for small coal, one for empty waggons, and a spare siding.
426. And two branches? From the side. The junction would be the actual terminus of the railway.
427. You know the junction of the Wallsend line? Yes.
428. Is it 150 feet in width? No, but they are working to a disadvantage there.
429. How do you know? Because they have the cuttings at the end of what is called the Great Hill.
430. Is there any junction with the Great Northern line having a width of 150 feet? I have not travelled up it much, and cannot say.
431. Is there any at Newcastle of that width? I have never measured them, but I should think the sidings there are much more than 150 feet.
432. Have you ever seen a branch or coal pit line where at its junction with the trunk line there were so many sidings occupying so great a width? I have seen six sidings. I think at a junction point you cannot do with less; it is a great evil to stint yourself in that respect.
433. You have been at Newcastle? Yes.

434. You know none there so wide? I cannot state with any degree of certainty.
435. Do you think any of the coal pit junction lines on the Great Northern Railway have anything approximating to 150 feet in width at the junction point—either the Newcastle Coal and Copper Company's, the A. A. Company's, the Minmi Coal Company's, or the Wallsend Coal Company's? No, they are working upon a different principle; they are working single lines, and have not looked forward to the time when there may be a necessity for working double lines.
436. What do you think is the value of this land belonging to the A. A. Company, close to the junction? I could not state.
437. Is it believed to be valuable mineral land, or is it reputed to be so in the district? I think not.
438. You do not know whether the allotments marked on sketch No. 2 as "Crown Lands" have been sold lately? I think they have been leased.
439. *By Mr. Hannell:* Then you believe that all these sidings are absolutely necessary to carry on the operations of your Company? Yes; I think the operations of this Company will in a short time become the most extensive coal workings in the Colony, and it would be a serious drawback to have too little traffic accommodation.
440. What quantity of coal do you expect to be able to raise for shipment in the course of a year? I hope, when the mines are fairly opened up and the operations under way, to get in a year or two 700 tons a day from this one pit.
441. Do you think you will find a demand proportionate to your expected means of supply, in the face of the opposition you will have to contend with? I trust we will.
442. Do you know how many coal Companies are there selling coal at Newcastle? Four, I think,—the Wallsend Company, Minmi Company, Coal and Copper Company, and the Australian Agricultural Company.
443. Do you know the probable average they sell in a month, day, or week? I believe the average of the Wallsend in a week, so far as I have had opportunities of observing, is from 2,000 to 3,400 tons per week.
444. My reason for asking you whether, in the face of the opposition it is likely you will meet with, you can ensure so large a sale is, to ascertain whether you think the demand for your coals will enable you to fully occupy the line, so as to make it injurious for any other Company to run their goods upon it? Yes, I think we shall fully occupy it ourselves.
445. Your opinion is that there is no coal under this 280 acres, and that opinion you say is based upon the records of boring you have had an opportunity of examining? Yes; I have the reports of Mr. Plews.
446. Do you know whether the borings were carried on under his superintendence? They were.
447. Did he reside on the spot? I think not.
448. Do you know how often he visited the place whilst the boring operations were going on? Probably once or twice a day; I cannot say exactly.
449. If he visited the place where the boring was going on once a fortnight, do you think he would be able to judge whether the men had passed through coal? He would, no doubt.
450. Is it not possible for unskilled persons to pass through a seam of coal without being aware of it? Scarcely, I think. It may be so under some peculiar circumstances. But I believe the person he had engaged—Mr. Dixon—to be a very skilful borer, and has been accustomed to boring and sinking all his life.
451. Is it not possible that the seam of coal may be found on the land of Messrs. Brown referred to? It may, but it would be very thin.
452. Is it not probable that the Bore Hole seam would be found on that 280 acres—are there not reasonable grounds for believing that it would? I think it would scarcely extend there, and it would be very thin if it did; that is my opinion.
453. Is your railway to be on an embankment of earthwork, or on piles? On an embankment of earthwork.
454. What will be the height of the embankment? For about a mile the average height will be three feet; then we have a cutting. The deepest part of the embankment will be from ten to eleven feet deep.
455. Will the embankment on the commonage reserve be from ten to eleven feet deep? Yes.
456. Is it proposed to make an opening for the cattle, to afford them a passage beneath the railway? We can either make them a passage there or make a bridge over the cutting.
457. It is not decided which course you will take? No.
458. If it is decided to have a bridge, will it not be necessary to have gates? No.
459. How then will the cattle be prevented from going over the sides? By placing paling at the sides. We can afford them a passage either by a bridge over the cutting or by an opening in the embankment.
460. *By Mr. Broadhurst:* Do you believe or suppose that there will be an increased demand for coal for export as well as for home consumption? Yes, I do—a largely increased consumption.
461. I mean from the adjacent Islands and Colonies? Yes, I think there is every likelihood of the trade being very much increased; I think it will increase in the same ratio that it has now for some years been increasing, and probably a greater.
462. *By the Chairman:* There is a great demand for coal for China? Yes, I think a large demand.
463. *By Mr. Broadhurst:* To your knowledge are there available coal mines in this Colony generally? Well, I am not sufficiently acquainted with the Colony to speak of it generally; I am only able to speak in reference to the district about Newcastle.
464. Do you know of any coal mines in the adjacent countries or in the eastern islands? I think

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think the principal coal that could come into competition with those of New South Wales is the Borneo coal field. I believe that at Labuan they have coal pits, and I know the gentleman sent out to superintend the working of them will exert himself to raise as much coal as can possibly be extracted from them. That is the only coal field I am aware of that can oppose this Colony in the market.

465. You believe then that this Colony will form the coal depôt for all the adjacent countries in this hemisphere? I do; I think the trade will be immensely increased.

466. *By the Chairman:* Have Messrs. Morehead and Young already opened the mine? Yes, they have sunk two pits.

467. And have established a colliery? Yes, and are now having it laid out.

468. You are of opinion that it will prove beneficial to the Colony? Yes. When fully under way the works will afford employment to some 300 or 400 men, and it is probable that the Colony will have the benefit of getting coal cheaper.

469. Do you also believe that it will increase the traffic on the Great Northern Railway? Yes, considerably increase it.

470. Which would be an advantage to the public, in reference to the tolls derived from this increased traffic? Yes.

471. Suppose the line proposed by Messrs. Morehead and Young were completed as laid down in that plan, and supposing Messrs. Brown discovered a payable coal mine upon their land, do you conceive that it would be better for their interest to join Messrs. Morehead and Young's line, or to make a direct line to the Great Northern Railway for themselves? I think it would be more advantageous to them to have a line of their own than to use Messrs. Morehead and Young's line.

472. Why? In the first instance the amount paid for tollage in the course of a number of years would more than pay the cost of making a railway for themselves. If they propose joining Messrs. Morehead and Young's line from the point marked "Brown's pit," they would have to proceed in a very circuitous semi-circular route to reach the port of Newcastle. Instead of this, I think that a direct line of their own would be much more profitable.

473. Supposing such a direct line would cross the Australian Agricultural Company's land, would that be any great interference with the A. A. Co.'s working the land as a mine? I do not see that it can.

474. The mines disturb but a small portion of the surface? It depends upon the working. There are very large pits that occupy as much as ten acres.

475. Are you aware whether Messrs. Brown have made any borings in these 280 acres? I have never heard of or seen any; a portion of it is thick scrub.

476. If they were to join Messrs. Morehead and Young's line from the pit marked Brown's pit, it would be taking a very circuitous route to Newcastle? Yes, a more direct line must be an advantage to them.

477. *By Mr. Hannell:* But suppose they sink a pit upon the 280 acres? Then I would rather make a direct line to the Great Northern Railway. Suppose that 600 or 1,000 tons per day were raised from that pit, the amount paid for tollage would in no great number of years equal the amount of capital required to construct an independent line.

478. But supposing there were other and improved means of shipping coals at Newcastle, or supposing a line formed from the Great Northern Railway to Bullock Island—would not the state of circumstances be altered? Then from half a mile to a mile from the Waratah Station, the facilities afforded for joining the Bullock Island line would be the same. I do not know that there is any difference in the facilities.

479. If there were a branch from the Great Northern Railway to Bullock Island, would it not be more convenient for Messrs. Brown to ship from Bullock Island, instead of taking their coals down to Newcastle by the Great Northern line? It would depend upon the facilities at Bullock Island for taking the coals away.

480. Which would be the more expensive course to the Messrs. Brown—would they have to purchase private land from this point of starting to go on Messrs. Morehead and Young's line? In answer to this I would have to speak according to their expectations. If they expected to ship about 150 tons a day, it would be cheaper, perhaps, to go on to this proposed line; but if they expected to ship a larger quantity I should say it would be best to make a line of their own. There would be such a large amount absorbed for tollage that it would soon be more than would have paid for the construction of their own railway.

481. It would be better to pay to have a direct line, than to pay tollage over yours? Yes.

482. Are you aware of the present facilities for shipping coals at Newcastle with cranes? Yes.

483. Are they sufficient? I think they may be worked faster; but I understand that larger cranes are coming out.

484. You think greater facilities might be offered for the shipment of coals? Yes.

485. Are you aware that many complaints are made of the want of facilities for the shipment of coal by exporters? Yes.

486. Complaints by the shipping agents, merchants, and masters of vessels? Yes.

487. For want of wharfage accommodation for the shipment of coal? I do not know whether it is for want of wharfage or greater rapidity in working the cranes.

488. *By Mr. Burton:* Supposing Messrs. Brown were to adopt your suggestion and endeavour to make a line over the Australian Agricultural Co.'s land, would that Company be likely to oppose them? I should think it more than probable they would. They opposed the Wallsend Company, but when they found a likelihood of its getting under way they were glad to come to terms. Messrs. Brown would have as good an opportunity of getting it as they had, I should think.

489. Do you know whether the Wallsend Company gave the Australian Agricultural Company £500 to discontinue their opposition? I cannot say that I do.

Mr. Alexander Brown called in and examined:—

490. *By Mr. Burton*: What is your occupation? I am a coal proprietor.
491. Have you been engaged in coal mining for any length of time? In this Colony for upwards of twenty years I have been engaged in coal mining operations.
492. Have you had much experience during that time in laying down tramways and railways in the mining districts? Yes, I have had considerable practical experience, which I have had to pay for in many cases, unfortunately.
493. Do you desire to make the line now projected by Messrs. Morehead and Young serviceable to yourself and the rest of the public? I am desirous that it should be serviceable to ourselves and the public generally. Of course I want to join upon it, and I desire therefore that others should be placed in the same position with regard to the use of the line as the promoters themselves.
494. Have you large sums of money invested in works of this kind? Very large.
495. In the Hunter District? Yes at Miami. We have also commenced operations at the place marked "Brown's pit," on Appendix 2.
496. On the 310 acres? Yes.
497. You have a railway attached to your Miami works, I believe? Yes, between six and seven miles long.
498. Running to Hexham Swamps? Yes.
499. Was an Act of Parliament obtained to enable you to construct that line? Yes. It was necessary to obtain an Act of Parliament, as the line had to pass through other people's property. Legislative authority was therefore required to enable us to make the line.
500. *By the Chairman*: When you say they are bound to carry for the public, it was on payment of tolls that the promoters of that line were obliged to admit the public to the use of it? Yes, we charged a tollage. The Company are bound to carry for the public, on payment of a toll.
501. There is a difference between the tolls paid by those using it when they use their own trucks, and when you find them? We are bound to carry their goods.
502. *By Mr. Burton*: So long as you supply locomotive power on the Miami line, no other person is at liberty to use other locomotive power upon it? Just so.
503. But if you were to cease to use locomotive power on your line, other persons would be entitled to use such power? Yes. If we ceased to supply, the parties looking to get their goods conveyed would find it, and be charged a less tollage per mile.
504. So that on your line you are bound to carry other people's goods? We are bound to carry their goods.
505. And I suppose you think it only fair that Messrs. Morehead and Young should be bound to carry other people's goods on their projected line? When it becomes a public matter I think they should concede what is required for the public advantage, and as one of the public I should desire that it be open to me to send my goods by it.
506. *By Mr. Hannell*: Are you aware whether the Newcastle and Burwood line is a public or a private line? The Legislature here gave a Bill for it as a private line. It was sent Home to England for the royal assent, and as the line was exclusively private the royal assent was not given. It was returned to the Colony, and the line having been made a public line, the Bill was again sent to the Imperial Government and obtained assent.
507. I believe that, in the terms of their Act, the proprietors of that line are bound to admit horsemen and foot passengers upon it? The charge is 4d. per mile; no definite weight is named, nor does it say whether there is any difference for a mile or two miles, or for a ton or 20lbs. weight.
508. *By Mr. Burton*: Is your knowledge of English railways applicable to this subject at all? I think they are parallel cases. The nature of railways here and at Home must be alike, having the same general objects, and what is applicable to the one would be applicable to the other.
509. What is done at Home in these matters? When Parliamentary interference is sought the lines are generally made public. Of course when a line passes through private land, of which the promoters are the proprietors Parliamentary interference is not necessary, and the line would be private.
510. In England, when Parliamentary aid is sought for the construction of a railway line, it is generally made open to the public? Yes, when Parliamentary interference is made necessary the line is thrown open to the public, so I understand.
511. In this particular case, what advantages are the public about to give to Messrs. Morehead and Young? The advantage of going over other people's land and joining the Great Northern railway, and the public get no corresponding advantage if the line is made private. By the present Bill they seek to have an exclusively private line, so that the public derive no advantage; it is all on the side of Messrs. Morehead and Young.
512. I understand you to refer to the proposed intention of striking out from the Bill those clauses which would allow the public to use the line? Just so.
513. Have you seen the plan marked Appendix 3? Yes.
514. Does that plan contain a correct description of the commencement, course, and termination of the proposed line? No, there is no description; it is merely a plan without description. There is no description on the plan that I could trace the line by.
515. Have you referred to the description in the Bill? I have; and if I were asked to describe the direction of this line, and the land through which it passes, I should be quite unable to do so by the schedule. The only fixed point in the schedule is the point of junction with the Great Northern Railway. The schedule, in fact, is no schedule at all.
516. Therefore, for all you see in the plan and in the schedule, although the line is to go finally to a fixed point, there is nothing to show where it starts from, or what course it pursues?

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- Mr. A. Brown. pursues? No, the only thing shown distinctly in the schedule is the point where it arrives at the Great Northern line. It does not describe the various properties through which the proposed line passes; it is not stated clearly. The schedule is very imperfect, and does not correspond with the plan; at least I should not be able to trace the plan by the schedule.
- 24 Sept., 1862. 517. The Bill and schedule say, commencing at a point on the eastern boundary of the land leased by the Crown to the promoters? Yes. It does not say on what part of the eastern boundary. It might have said so many chains from the north-eastern corner.
518. *By the Chairman*: Is the line pegged out? Yes, I have seen it pegged out.
519. *By Mr. Burton*: Do you find in the Bill any reference to the line pegged out? No; the only reference is in the schedule, by which, as I have stated, I could not trace the line.
520. If the starting point were fixed, is the direction or course of the line sufficiently indicated? If the starting point were fixed it would make it more easy to trace the line; but it would be also necessary to describe the boundary lines of the various properties through which it passes, so that the line may be traced from the starting all through—from the starting point at the north-eastern boundary line to the Great Northern Railway. It is not stated in what course the line is to be taken.
521. So that, in short, if you had only the Bill and schedule to guide you, you could not tell where the line was to be? I could not; it is an utter impossibility.
522. Have you read clause 4 of the Bill? I have.
523. Can you offer any evidence to the Committee upon the provisions of that clause, in regard to junctions on inclined planes? The clause provides that there shall be no junctions on inclined planes, when, in point of fact, according to their section, the line is an inclined plane from beginning to end. It is apparently copied from the Wallsend Company's Act, which was framed for a special purpose—to prevent people from joining their line. In fact, it is now proverbially known as "the Wallsend dodge."
524. How are you in a position to afford the Committee any reason for supposing that the provisions respecting inclined planes are designed for the purpose of defeating the intention of the Legislature in making all these lines capable of being made use of by the public? There may not be an actual design on the part of the promoters to keep the public off the line; but if this provision remains in the Bill, junctions on an inclined plane being prohibited, and the line being an inclined plane from one end to the other, we should have to come to the Legislature for an Act to enable us to join it.
525. *By the Chairman*: You could not join the proposed line without repealing so much of this Act? Just so.
526. *By Mr. Burton*: If I understand you, you do not accuse the present promoters, by their seeking this prohibition against joining on an inclined plane, of a design to defeat any junction at all? They might not have accepted this provision with the express intention of entirely prohibiting others from joining their line; but at some future time disputes might arise on the subject, when this provision of the Act might be referred to, and junctions thereby prevented. Thus the object we are now seeking to accomplish in having the line made public might be defeated.
527. That has been done by another Company? Yes, by the Wallsend Company; and the Co-operative Company had to come before the Legislature to get a Bill to enable them to join the Wallsend line, which they could not do without an Act, there being a provision in the Wallsend Company's Act identical with this, whilst the line itself was an inclined plane from beginning to end.
528. Who was the engineer of the Wallsend line? Well, its paternity is ascribed to Mr. Weaver, but it is rather difficult to father it.
529. Do you consider that the proposed line is laid out to the best advantage for carrying out the purposes mentioned in the preamble? Well, in the preamble it says that it is for the benefit of the public, and I, as one of the public, certainly do object to the way in which it is laid out; it has not been laid out for the best advantage of the public.
530. Explain in what respect? In the first place, Mr. Weaver, in his evidence the other day, stated that at the junction with the Great Northern Railway they had gone up to the A. A. Company's boundary line, but had avoided coming into contact with that Company's land. Now if we were to construct another line, an independent line, from the 310 acres, we should be forced, in forming a junction with the Great Northern Railway, to interfere with the A. A. Company's land. We should meet with great opposition, and have to give them a large amount of compensation for their land. These difficulties the promoters have avoided, but if we were to construct an independent line the difficulties they have avoided would fall upon us. Another thing is, that they have taken up 99 feet for the width of their line. Now I do not know of any railway in the Colony, except the Great Northern, that has 99 feet in width. The Wallsend, I believe, is 66 feet; the Minmi, 66 feet; the Burwood and Newcastle, 33 feet.
531. *By Mr. Hannell*: That is the width between the fences? Yes, which would be ample room for six lines of railway, if laid down. At the junction I find they have taken up 150 feet. For all purposes that may be required by Messrs. Morehead and Young, even as stated by Mr. Croudace, 66 feet would be ample; it would be even an extravagant width for all their purposes. 66 feet in width would give them room for six lines of rails.
532. *By the Chairman*: You have no junction with the Great Northern Railway—your line crosses it? We have a junction also at Minmi.
533. Does your coal sometimes find its way to Newcastle? Yes; our line joins on private land.
534. What is the width of your junctions? At the embankment it is about 30 feet wide, but that is on private land. There is room for three lines of railway.
535. *By Mr. Burton*: Then the present promoters want to have four times the width of your junction? They want to have three times the width that will be actually required; and

and in consequence of their taking up this unnecessary width they will force us, if we make an independent line, to interfere with the A. A. Company's land, which they themselves have been anxious to avoid.

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536. *By Mr. Hannell*: Would this width be unnecessary if their operations are as extensive as they expect? Yes.

537. *By the Chairman*: By the plan marked 2 it does not appear to be necessary that you should pass over the A. A. Co.'s land? The plan shows that they go south along the A. A. Co.'s land, and then sweep in to join the Great Northern Railway.

538. *By Mr. Hoskins*: Will the junction of Messrs. Morehead and Young's proposed line absorb any of the A. A. Co.'s land? No, they do not interfere with it; they stop there; they have studiously avoided interfering with it.

539. *By Mr. Burton*: If I understand you, the A. A. Co. have some land not marked on any of the plans in evidence before the Committee? Their original grant is not marked on either of the plans.

540. And by having the line as proposed you would be driven on to that land? Yes, on to the original 2,000 acres of the A. A. Co.

541. Can you suggest to the Committee any mode by which they could have obviated that difficulty? Yes; I would suggest that the line be slightly removed to the north, say half a chain, through the whole extent of the line, and that the width be reduced to 66 feet. If at one mile from the Great Northern Railway the line be removed to the north 33 feet, and the amount of land taken up at the junction be reduced to 66 feet, they would have ample room for six lines of rails, which would be quite equal to all their requirements.

542. *By the Chairman*: That would leave you room to go in without touching the A. A. Co.'s land? Yes.

543. If that were done, would you be disposed to withdraw your objection? No; that applies as far as the 300 acres are concerned; not, however, with reference to the 280 acres.

544. *By Mr. Hannell*: Would this involve them in extra expense or inconvenience? No, or if any, very trivial. By removing the line half a chain, there would scarcely be an appreciable difference in the cuttings or fillings up.

545. *By the Chairman*: That would not bring them into difficulty with the Waratah Company? I should think not.

546. They are quite close to the northern side? I have not seen their plan. It would be absolutely necessary to shift the line at one point, unless they wanted to keep the curve.

547. *By Mr. Burton*: As to the promoters' line being confined to their exclusive use, have you any other objections to make? The objections are, as I have already stated, by having it all private. The object is to make it a public line, so that I, as one of the public, may make it available for the working of these 280 acres. If it be not made a public line it would involve us in the necessity of making another line, parallel all the way, from these 280 acres. That land will not be available except by the construction of another line, which would unnecessarily cut up the Common. I may have to sink a pit on the 280 acres, on the south side of the promoters' line, and I may afterwards find that, for practical mining purposes, it would be necessary to sink another pit on the north side of the line, as the law will now compel us to have two shafts. That is another reason why it should be open to the public.

548. You mention these things as reasons why the promoters should not be allowed to strike out the 3rd and 4th clauses? Yes.

549. Did you hear the evidence of Mr. Whitton, the Engineer-in-Chief? I did.

550. And you remember the assumption that his evidence was based upon? If I recollect rightly, he assumed that the promoters would have sufficient trade to occupy this line exclusively.

551. What is your opinion upon it? My opinion is that the line will not be required exclusively for their own traffic. I put it in this way: they employ locomotive engines, and supposing these travel at the moderate rate of ten miles an hour, fetching down 150 tons a trip, as they do at the Minmi Colliery, they will go backwards and forwards twenty-five times a day, the line being two miles long; but say twenty times a day, allowing for stoppages, they will fetch down 3,000 tons a day, or 900,000 tons a year, which is double the production of the whole Colony at the present time. I cannot see therefore that a line of this capacity, though their expectations may be very great indeed, will be required for their exclusive use.

552. You do not imagine that that enormous amount of coal will be either raised or brought down? My ideas, during twenty years experience, have not reached to these proportions; but Messrs. Morehead and Young may see from a different point of view. They appear to have extraordinary expectations, but I have doubts whether they will be so far fulfilled as to keep this line exclusively employed by their own traffic.

553. Have you noticed that part of the clause which speaks of by-laws? Yes, and I have a strong objection to those by-laws. By the provisions stated, it would be quite competent for the promoters to make such by-laws so objectionable as to prohibit any other person from joining their line, and thus render it exclusive.

554. *By Mr. Hoskins*: That would not be inconsistent with the object it is supposed they have in view—to exclude the public from using it? No, if that be the object then the public have nothing to say on the subject. But I would ask, is not the public entitled to have the use of it?

555. *By Mr. Burton*: What would you propose? That they should frame by-laws, as prescribed by the amended Municipalities Act, and that they be submitted to the Executive Council; then if approved of, to take effect. By that means by-laws may be made fair and reasonable to the promoters, as well as to the public generally.

- Mr. A. Brown. 556. You think then that the 3rd clause ought not to be struck out? I think that clause ought to be retained, in order that the line may be available for public purposes.
- 24 Sept., 1862. 557. Do you think that with regard to distances less than a mile, the rate of tollage per ton ought to be proportionately diminished? Well, that is a question which at the present time I would rather leave unanswered; there may be a difference of opinion as to that. It may be maintained that a portion of a mile should be paid for as if a full mile; still I think we should pay just in proportion to the distance we travel.
558. As to the 4th clause, should that be retained and modified, or be struck out? The 4th clause provides that the parties seeking a junction shall put in and keep in order the points called switches and crossings. It is usual, on all lines, that within the limits of their own line the proprietors lay down their own points and crossings, and keep everything in order, and others must do the same with regard to their lines. It is not customary for any one joining a line to come within the limits of another's line, or interfere with his rails in any shape whatever, each keeping distinct and separate on his own property.
559. What do you say as to traversing or crossing the promoters' line—ought other parties to be at liberty to cross it? Yes, I should ask for the liberty to cross it on that understanding, that the party crossing should put in the crossings, and keep them in order. The way in which it is usually done is this: the proprietors of the line you cross make the necessary alterations on their line, and charge the party crossing with the costs.
560. You think then that other parties ought to be at liberty to join and cross the line? Yes, if they cross for the purpose of meeting another line. For instance, it is proposed to carry the Waratah line to the waters of the Hunter, and to reach that line it would be necessary for us to cross Messrs. Morehead and Young's line, so that it is desirable we should be enabled both to join it and cross it.
561. You think the Bill should enable the owners or occupiers of lands traversed by or adjoining the projected railway, or any other persons to lay down either upon their own lands or upon Crown lands, with the consent of the Governor, with the advice of the Executive Council, or upon the lands of other persons, with the consent of such other persons, any other railways, either to join the projected railway or to cross it? Yes, I think so.
562. You think it essential that the Bill should contain such enabling clauses as are referred to in the 4th section of your petition, dated the 17th September? I think it should.
563. Do you think that the power of making another railway should be so limited as to prevent the same from running parallel with the projected railway? I entirely object to that. It may be necessary to run to some extent parallel with it, and if it were to ever so short a distance there would be this objection,—it would be quite competent for the present promoters to strenuously oppose any Bill for a line running to the very smallest extent parallel with their own, and they might ask for compensation for damage done. It should be open to run a line parallel with it.
564. That might be so done as not to injure the promoters? Oh yes, without injuring them.
565. I understand you to say that the course of the proposed railway ought to be defined much more clearly than the Bill and schedule define it? It ought to be more clearly defined in the schedule.
566. Would the making of a branch railway to join the intended railway increase the traffic, and thus benefit the promoters? It would have that tendency, because it is not at all likely that any one would construct a line to join theirs unless traffic was expected upon it, and therefore the promoters would have an immediate advantage.
567. I believe that whilst the course of this line is not clearly defined, it is quite plain it must pass through your 280 acres? There is no alternative; it must pass through that, from the position indicated in this general sketch.
568. You seek then to have the power of sending coal that you may raise from the 280 acres by and upon the promoters' line? Yes, upon that line.
569. You may possibly open a coal pit as close to the promoters' line as safety will allow? It is quite likely.
570. On the 280 acres? Yes.
571. And therefore, if you were refused permission, either to join the line, or to have your coal carried by it, you would be driven to the necessity of making a line altogether parallel to it? If this is to be made a private line, and the public excluded from the use of it, I should have to make a line from the 280 acres, and a separate line from the 310 acres—two lines instead of one. But if the promoters' line is left open to the public I would join on, and convey my coal by that means to the Great Northern Railway. If from the place marked "Brown's pit" we went direct to Newcastle, in a north-easterly course, we should have to go over A. A. Company's property; but the promoters of the proposed line say, in order to avoid the opposition of and compensation to that Company, we find it desirable to go along here and join the Great Northern at the A. A. Company's boundary. Now we also would like to avoid the A. A. Company's land. If we do not do so we shall be subject to considerable opposition; a large compensation will be demanded, or they will stop our progress.
572. *By Mr. Hoskins*: Would it not be taking a circuitous way to Newcastle to carry a line from the 310 acres to Messrs. Morehead and Young's junction? Yes, but it would be cheaper. My objection to the Bill, as not being to make a public line, applies to the 280 acres; no doubt for the 310 acres we should require a separate line; but the difficulty then would be that the land at the junction is absorbed.
573. *By the Chairman*: Dangar's land? Yes; I could not form a junction without interfering with the A. A. Company's land.
574. *By Mr. Burton*: You want then to be able to use Messrs. Morehead and Young's line for carrying the minerals from the 280 acres without making any junction at all? Yes.
575. Whether you would seek to make a junction for that land would depend upon where your pits were sunk? Just so.
- 576.

576. You also seek the power of making a junction line from the 310 acres? We seek to make a junction with the Great Northern Railway, and in making that junction we are desirous of avoiding the A. A. Company's land, and are also desirous that the promoters should not monopolize so much land at the junction, as so large a quantity is quite unnecessary for their requirements. It is ample for thirteen lines. I also object to the mode adopted with regard to crossing the line. There is only one crossing allowed for in the line when there should be three at least in the two miles.

Mr. A. Brown.
24 Sept., 1862.

FRIDAY, 26 SEPTEMBER, 1862.

Present :—

MR. GORDON,	|	MR. HAY,
MR. HANNELL,	|	MR. HOSKINS,
	MR. MATE.	

ALEXANDER DICK, ESQ., IN THE CHAIR.

Mr. W. G. Mc'Carthy appeared as Solicitor and Mr. Broadhurst as Counsel for the Promoters.

Mr. Edmund Burton appeared as Solicitor for the Petitioners, Mr. Alexander Brown and Mr. Alfred Canning.

Mr. Alexander Brown called in and further examined :—

577. *By Mr. Hannell:* You have had very considerable experience as a producer and shipper of coal from the port of Newcastle? Yes.

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578. For how many years? From Newcastle, for upwards of ten years.

579. Are there sufficient facilities afforded at the Port of Newcastle for the shipment of coals produced in the neighbourhood? By no means; there are not sufficient facilities,—so much so that we are almost entirely prohibited from shipping our coals there. The wharf erected by the Government is practically monopolized by one Company, and any other parties sending coals for shipment cannot do it successfully—in point of fact, I have had within the last fortnight to abandon it altogether, the Government having refused to ship any more coals for me.

580. To meet the requirements of your trade, have you not been put to the expense of establishing a drop ship? I have had to establish a drop ship, to build barges, to erect steam cranes at Hexham, and also to purchase a steamer to work in connection with the drop ship, barges, and so forth, to carry on my trade; had I not got these things I might as well have shut the place up, and all for the want of accommodation at Newcastle.

581. Is there a general complaint amongst owners and masters of vessels, of the want of sufficient accommodation for getting cargoes shipped? It is a general complaint, it is a daily complaint—indeed, I may say it is an hourly complaint—the want of facilities.

582. Have you known vessels to be detained for any lengthened period in consequence of this want of facilities? I have known vessels detained for months for want of accommodation—vessels that I could have loaded if there had been facilities. The captains came to me for the special purpose of loading them, but not being able to get wharfage accommodation at Newcastle with cranes upon it, I was unable to do anything for them, and consequently they had to wait on and get loaded by the best means they could—that is, by lighters.

583. Are some of these occurrences of recent date? Very recent date; an instance occurred last week. The Government has a crane upon the wharf; it broke down, and the Government notified me to ship no more coals; the coals had to be shipped by wheelbarrows; the ship was detained, and made a claim on me for demurrage, which I had to pay—four days £24. It will now be sometime before the Government will be in a position to ship any coals whatever, and when they have the crane working they can only do so to a very limited extent.

584. Do you think the exports from the port would be largely increased if additional facilities were afforded? If additional facilities were afforded it would be an inducement for ships to come to the port, and the exports no doubt would be increased. Several ships that would have come from Sydney to load coals at Newcastle have been deterred from coming, not on account of any want of supply of coals, but from the difficulty of getting them shipped.

585. Are not large vessels in the habit of shipping at Sydney coals brought up from Newcastle, instead of going to the port of Newcastle for them? Yes, I have been loading five ships at once in Sydney.

586. Recently? Within the last month. Some of them would have gone to Newcastle could they have got dispatch and facilities for discharging ballast and so forth, when they got there; but the detention, port charges, and other drawbacks prevent them from going there. For the same reason, ships that would take coal to the East take no coal at all.

587. Could you suggest any improvement in the arrangements with the view of affording greater facilities? If the Government were to make a branch line of railway across Bullock Island to the deep channel, which is the principal part of the harbour, all these difficulties would be obviated; that is to say, if there were a sufficient number of shoots put up along the deep channel. These steam cranes must be a failure, because they are continually

Mr. A. Brown. breaking and cannot be depended upon for one hour in the day. They are built to lift fifteen tons at a radius of thirty feet, but they have now reduced the lift to four tons and the radius to about eighteen feet, and they are only now suitable for shipping the coals of the Wallsend Company, they having only boxes, but not the coals of any other person having large waggons; the cranes are now unfit for shipping, consequently all the capital we have invested in connection with it is practically useless, as far as that is concerned.

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588. Would this line of railway across Bullock Island, of which you suggest the construction, in no way diminish the profits of the Great Northern Railway? It would materially increase them; it would bring traffic on the line, and so be a direct and immediate gain. If it were constructed to-morrow, and the shoots were erected on Bullock Island, I would avail myself of their use, and the Northern Railway would profit very largely by it.

589. It is your opinion that under the present arrangement it is impossible to provide for all the coals that could be shipped at Newcastle? It is possible only to provide for one Company, but when another comes in I do not know how they are going to manage, for I find now that I cannot get my coals shipped, the Government having notified me that they cannot ship any more for me, and I have been shut off the line for a fortnight past.

590. Do you know if the Government have any arrangement in prospect to obviate these difficulties? They are importing two larger cranes to be put down on the position of the Wallsend cranes, but they will, to a very small extent, obviate the difficulties.

591. They will not be sufficient to meet the demand? Not by one-fourth. The Company proposes to join the Great Northern Railway, and they have got their plant coming out, and the Coal and Copper Company some time since did propose to join also, and do so still I believe, and if these new Companies join on the Great Northern Railway I cannot see where they are going to get their accommodation for shipping. It is all monopolized now by one;—what is it going to be when it is divided among five or six?

592. You are aware that the Waratah Company propose taking their line to the waters of the Hunter by a different route? Yes, which I think will be a great advantage to the Coal Companies, and get rid of the difficulties and annoyances experienced by the want of shipping accommodation.

593. There is plenty of room and plenty of deep water all along the frontage of Bullock Island? Ample room and ample accommodation, if the necessary erections were put up; it is the deepest part of the harbour—22 feet is about the average depth there.

594. *By Mr. Broadhurst:* When did you obtain a lease of the 280 acres of land from the Government? In March last. I may state that I applied for the same land on the 14th January last, but finding it did not come under the free selection clause, being a town reserve, I got the money returned that I had paid into the Treasury on the 14th January, and I applied to lease it in March last.

595. What measures have you taken to ascertain the existence of coal underneath the 280 acres? I have taken no measures at all, but I believe that coal is there.

596. You have taken no measures at all, but you believe there may be coal there? I have every reason to believe there is coal there.

597. What reason? Well, it is a coal district; there is coal on each side of it, and I have not the slightest doubt there is coal there also—not the Wallsend seam that Morehead and Young are getting, for that I know crops out about their boundary line—but there are other seams below I have not the slightest doubt.

598. If you were to be told that borings had been made close upon the 280 acres, by a competent person, and that no coal had been found, would you expect to find coals there? If they were to tell me that borings had been made on each side and no coal found I would not believe them for certain reasons. Great care is requisite in boring. I believe borings are made in various places where no care is exercised. I will give you a case. The A. A. Company put down a borehole —

599. Where? Not far from this.

600. I am speaking about this particular locality—the 280 acres. Am I right in supposing that it is in respect of the 280 acres that you are now advocating the cause of the public? Quite so. I believe there is coal there, and if they were to tell me they had bored on each side and got no coal I would not believe it, because these borings I know are not to be depended upon.

601. What borings? That were made on each side of the 280 acres.

602. By whom were those borings made? I do not know the men who bored, but there was one under the superintendence of Mr. Plews, and one under the superintendence of Mr. Beaumont—how often they were there during the time the boring was going on I cannot tell, but not very often I think.

603. I believe both of these gentlemen are men of considerable experience in these matters? They may have been, but they were not always there.

604. Are not both of those gentlemen considered men of experience in mining and coal mining matters? I have not the slightest doubt of it; but I do not see that it follows that, though they are men of the greatest experience, these borings should be correct if they are trusted to other people.

605. If skilful persons are engaged to bore with a view to ascertain whether coals exist in a particular district, it is not usual for them to delegate the task to subordinates who know nothing of it? It is too often the case—almost invariably the case—and I believe it was so in this instance. I believe they were not there, on the average, more than once a fortnight.

606. What instance do you speak of? These borings made on each side of these 280 acres.

607. By these two gentlemen you speak of? Yes, Mr. Plews and Mr. Beaumont.

608. Have you yourself sufficient skill, technical and scientific skill, to ascertain where coal is, or to superintend borings, or to test them? I have bored a good deal myself.

609. Any man may dig a bore without having any scientific knowledge of what he is about? Mr. A. Brown. So far as boring is concerned. I think you can hardly apply the term "scientific" to it; if you were to say practical it would be far better. 26 Sept., 1862.
610. Practice and science combined, are requisite—are they not? No, you cannot apply science to boring, you must practically be acquainted with it; it is a matter of mere labor.
611. You object very much, I see, to the quantity of land taken up by this railway, 99 feet? Yes.
612. I believe you said in your examination the other day that it was more than any other Company had? I said I believed the Wallsend Company's Railway was 66 feet.
613. There is the Wallsend Company's Act (*handing to witness*); will you see if that is 66 feet,—do you find 99 feet there? Well, it may be desirable in their case to have 99 feet; they have very heavy cuttings and very heavy embankments, which are not on this proposed line.
614. Is there any part of the Wallsend line narrower than 99 feet, to your knowledge—is not that the width? Do you mean the land taken up or what the line itself occupies.
615. What is actually occupied by the railway? In some places I dare say the tops of the deep cuttings may be 70 feet across.
616. *By the Chairman*: It is a single line? Yes.
617. *By Mr. Broadhurst*: Are not these the words of the Act—"so that the same shall not occupy in any part thereof a greater space in breadth than 99 feet excepting at a creek on the Australian Agricultural Company's property," and so on? That is a very heavy embankment, and the base requires to be considerably broader.
618. That provision applies to the whole line? The land is not taken up by the line, notwithstanding it is taken up by the Act. It is a heavy line; it is an exception. The embankments in this case will be necessarily narrow; there is no heavy cutting in it or embanking either.
619. You favoured us the other day with a calculation of what ———? 900,000 tons a year I think. I made it out to keep the line employed.
620. Have you taken into consideration, in making that calculation, any drawbacks—do you not assume that there is to be a perpetual stream of coals from the pit to the place of discharge? I take it upon their assumption that they would constantly employ the line;—that they would have a sufficient trade to occupy the line—and on that assumption I made the calculation—10 miles an hour, allowing five trips a day for stoppages, making twenty trips a day in place of twenty-five, and by keeping the line constantly employed on their assumption they could bring down 900,000 tons a year, which, as I said before, is double the present amount raised in the Colony.
621. You have not made any allowance for drawbacks or casualties? Yes, five trips a day.
622. What other allowances have you made? No other allowances.
623. You assume a continued uninterrupted stream of traffic? Yes, that is their assumption.
624. As to the 310 acres I think you do not oppose the Bill? I oppose the Bill as far as the junction is concerned. According to Mr. Weaver, as he stated here, they joined the Great Northern line at the point indicated on the plan, in order to avoid interfering with the A. A. Company's land; the very thing they want to avoid they necessarily make me come in contact with. If I made a separate line for the 310 acres, I should have to go through the A. A. Company's land, and should meet with their opposition, and have to pay a large amount of compensation.
625. Your main objection then is really this, that if you are not allowed to join this line you will have to go through the A. A. Company's land? So far as the 310 acres are concerned; but I have an objection to its being a private line, as far as the 280 acres are concerned.
626. Part of the objection is that you will have to go over the A. A. Company's line, and expect their opposition? I would expect opposition from the A. A. Company, and to have to pay to them very large compensation.
627. What reason have you to expect opposition from the A. A. Company, and to have to pay them very large compensation;—have you made any application to them on the matter? I have spoken to Mr. Merewether to see if he would sell me some land, but he did not see his way quite clear to the disposal of any.
628. That is not exactly an answer to my question? Well, the reason why I should expect to have to give the A. A. Company large compensation would be that when the Great Northern line passed through their land they got from the Government £9,000, and if we were to compensate them in proportion for the price we should require —
629. *By Mr. Hannell*: How much did the Great Northern take? Really I cannot tell you; not a great deal.
630. *By Mr. Broadhurst*: You have never sounded the Company on the subject farther than asking them to sell a piece of land? Quite so.
631. Is there no other way of joining the Great Northern from your land except by going through the A. A. Company's land? If this line is put down, as shown on the plan, there is no way without going on the A. A. Company's land or crossing this line and coming between it and the Waratah Company's line, and I believe there would be no room between the two lines, besides its being very undesirable to cross this line simply to join the Great Northern at this point (*referring to the plan*.)
632. Do I understand you to say that there is no way in which you could join the Great Northern except by going through some private property? Not without going through some private property or the A. A. Company's land, unless these 15 chains were reduced by one-half—instead of 150 feet say 75 feet in width—then I could join the Great Northern without interfering with the A. A. Company's land.

- Mr. A. Brown. 633. I see in your evidence you say the embankment at the junction is about 30 feet wide and that there is room for three lines of rails? That is speaking of the Miami line.
26 Sept., 1862. There is room for three lines; I laid it out for three lines.
634. I was referring to the wrong part of your evidence. I see in your evidence you say that if they reduced the amount of land they propose to take up, to 66 feet, that would give room for six lines of rails, which would be ample for all their requirements? Eleven feet is the usual thing for all commercial purposes, so that 66 feet would give room for six lines of rails to be put down.
635. You adhere to that? Yes, most decidedly.
636. That sixty-six feet would give them room for six lines of rails? Yes.
637. Six proper lines, convenient and workable, safe, and all that kind of thing? Eleven feet is the proper thing that is always allowed on a commercial line where they want to have ample room; on a coal line it might be reduced to ten feet safely; but even at eleven feet it would give room for six lines.
638. Are you aware that the Government have already intimated an intention of requiring compensation from us for going over the surface? I am not aware of that.
639. If that should be the case, and compensation were also to be given to other persons, for instance yourself, then Messrs. Morehead and Young would have to pay twice over? If they had to pay compensation to us and to the Government, of course that would be paying twice over, but I apprehend the promoters of this line will not be asked to pay twice.
640. What is the distance which the proposed line would traverse over your 280 acres? Well, I think it would be about 40 chains, from the appearance of it (*looking at the plan*); there is no scale here to measure.
641. Are you going on with operations on these 280 acres now? No, I have done nothing, waiting until the promoters have finally fixed upon their line.
642. And then probably you will try to ascertain if there is any coal underneath? Just so.
643. You have stated, I think, that you are deeply interested in the Miami colliery? I am.
644. You are the sole proprietor, I believe? My brother and myself.
645. Is that a very flourishing concern, or is it going down-hill? Well, it is rather flourishing.
646. Has it a tendency downwards? It has rather a tendency upwards; indeed, I may say it is at a premium.
647. Are you trying to get rid of it? No, I am not trying to get rid of it.
648. Not at present? Not at present.
649. I suppose you consider that Morehead and Young's colliery is likely to be a formidable rival? No, I do not think so, by any means; I would be very glad to see them in operation, because the more collieries that join the Great Northern line the pressure will be all the stronger on the Government to increase the facilities for shipping.
650. The more coal that is got the dearer it will not get? Well, I have not found it so; I have rather found, that as collieries have increased the demand has almost proportionately increased.
651. The increase of mines may be eventually rather too great for the demand? I apprehend there will be room for us all, so far as the demand is concerned, and I do not think we ought to be afraid of one another.
652. Are there any other coal pits further back on the ridge, or in that direction? Yes, the seam of coal the promoters have got continues right through.
653. Are there any other parties who would have an interest in the use of this line? Dr. Mitchell would; he would be benefited by having the line opened to him.
654. Is he an opponent to this Bill? Not that I am aware of; he finds it opposed already, and does not think it necessary perhaps to oppose it himself.
655. What other members of the public have made objection to it? Finding it already objected to, I daresay it answers their purpose.
656. What other members of the public have made specific complaints? I do not know that they have made specific complaints, or that they have appeared before this Committee to urge their complaints.
657. How is it you appear on behalf of the public, so as to become their champion? I am not connected with anybody to become their champion; it has emanated entirely from ourselves.
658. You have spoken of the public benefit being involved in this matter—I want to know what portion of the public have chosen you as their champion? So far as being one of the public I am looking to get the line opened; I cannot have the exclusive benefit, because if this line is going to be opened, it will be opened to other people as well as myself.
659. You oppose it, then, solely for your own interest, it being just possible that some other person will be benefited by your efforts? Yes, that is quite possible. I believe that Mr. Stephen will ultimately benefit by it, and also Dr. Mitchell.
660. Have you heard any one of these gentlemen complain on the subject? I have not spoken to them on the subject at all.
661. Do you consider it reasonable that the promoters should spend their money, and go to enormous expense upon the chance that some other persons may come in and claim the benefit of it, and in the shape of tollage make some contribution to the expenses so incurred? I think it is quite reasonable. I think when they make a line they should make it the same as all other lines, open to the public, and it would be a very good thing to the promoters indeed, very remunerative, to get plenty of traffic on any line of railway at a fair tollage.
662. Supposing this Bill were to pass substantially as it is now ———? For a private line ———?
663. Yes;—do you believe that for the next twenty years the public would sustain the slightest injury? I believe they would.
- 664.

664. In what way? Because they would be excluded from the line.
665. Who would be excluded? I would be excluded for one, as well as others that might be disposed to join the line; every one would be excluded from it, and the supply of coals perhaps thereby would not be increased to meet the requirements of the trade.
666. Can you give the Committee any notion how many persons would be injured by the passing of this Bill substantially in its present form? That is to say, with respect to the production of coal. Well, I believe Dr. Mitchell as a landholder here would be injured.
667. He is one? Yes, and I believe Mr. Stephens would be eventually.
668. Why? Because he would not be able to join the line.
669. Has he the remotest intention or wish to join it? As I stated before, none of them have spoken to me on the subject.
670. Then, although you have spoken of the public benefit, you really mean the Brown's benefit? I speak of the public benefit in the same way as the promoters speak of it in the preamble of the Bill. They propose to increase the supply of coal, but they are hindering that to a great extent by prohibiting me, as one of the public, to supply coals to the public.
671. For this short distance? For this short distance. I want to contribute to this for the supply of coals to the public as well as Morehead and Young, and if the public are going to be benefited they will be as much benefited by the quantity I am going to supply as by the quantity supplied by the promoters.
672. Supposing that the joining of other persons would be an injury to Morehead and Young's projected railway, would not the public be injured? They cannot be injured if they get a remunerative price.
673. Supposing it would be an injury to Morehead and Young's colliery that you and others should be allowed to join that particular line, would not the public suffer from it—Is it not a logical conclusion that if Morehead and Young's supply is at all prevented by your coming on the line, the public will be injured—the public being as much interested in their supply as in yours? I cannot see that they will be prejudiced, taking into account that the line is capable of fetching down 3,000 tons a day, or 900,000 tons a year.
674. I understood you to say in your examination that it is always usual in Bills of this kind to enact that the promoters should be carriers? Public carriers—yes.
675. Do you mean to say that that is an invariable rule, that where a private Bill of this kind is obtained by a Company, the Legislature insists upon their being made and makes them public carriers? Yes; I do not know of any Bill for which the promoters have come before Parliament where it has been made an exclusively private affair.
676. Would you make the railway a public road without imposing any terms—without compelling the public to use it? You could not force the public to use it; it would not be at all desirable to force people out of Newcastle to run up and down the line.
677. Would you not impose some conditions on the public? Yes.
678. I understand you to have said that they are bound to carry for the public? Yes; I should imagine so.
679. You say it is so with the Minmi railway? Yes; we are bound to carry for the public.
680. Unrestrictedly? Well, there are certain conditions.
681. Imposed upon the public? Yes.
682. What are the conditions? They pay 6d. a ton a mile, and if I recollect right we are not bound to carry less than forty tons at a time upon receiving a given notice.
683. I refer you to the 3rd clause of the Minmi Railway Act. (*Clause read.*) You propose to have this Bill free from any such restrictions on the public? I think it would not be right to ask the promoters to carry a few tons; I think a reasonable number of tons ought to be guaranteed to them.
684. You see the Legislature, in dealing with these Bills, do not act so unreasonably as you would wish them to do? That was passed at a different time of day; I do not think any one will get such another Bill as this in a hurry. This was passed when railways were in their infancy, and when every encouragement was held out to urge them on.
685. *By the Chairman:* What is the reason the same facilities should not be given now? It was a great undertaking, at the time the Minmi Bill was passed, to make a railway.
686. *By Mr. Hannell:* More of a speculation than it is now? More of a speculation and less of a certainty.
687. *By Mr. Broadhurst:* I see in your petition you take objection to the schedule that there is no plan? I could not discover the line from the schedule; the schedule is very incomplete.
688. In point of fact is not the line pegged out upon the ground? I have seen a line cleared, but I could not say the line cleared is in accordance with the schedule, or with that plan (*referring to the plan on the table.*)
689. Setting aside the schedule altogether, did you not know, at the time you presented your petition, the exact line it was proposed to take? No; if I was to walk upon the line I would not know that the line was in accordance with the plan, or that the schedule was in accordance with the plan.
690. I am excluding the map altogether—supposing there was no map or schedule at all, have you not seen the line pegged out? Yes, I have seen a line pegged out.
691. And you knew what line that was? I was told it was Morehead and Young's line.
692. You know now it is the line? I do, but I do not know it is the line referred to in this plan; I do not know that the line laid out is in accordance with that plan, without actually surveying it.
693. You saw the pegs on the ground? Yes.
694. And you were told it was Morehead and Young's line? Yes; but I may also state that I would not know it was Morehead and Young's line from the schedule. The schedule ought to be as accurate as possible, but there is only one point you can discover in this schedule, that is where it joins the Great Northern line.

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- Mr. A. Brown. 695. Who obtained this Minmi Bill? Mr. Eales and Mr. Christian.
 696. Were you a shareholder at that time? I had nothing at all to do with it then.
 26 Sept., 1862. 697. What is the length of the Minmi line? Between six and seven miles.
 698. Just be good enough to read over the schedule to the Minmi and Hexham Railway Act, and say whether the schedule to this Bill is not as good as that? Ours is rather the better of the two, though it is not so accurate as it ought to be.
 699. Could you find out the Minmi line by that schedule merely? Upon my word I would be puzzled to find it out.
 700. And then the Newcastle Wallsend Company's Railway Act —? I dare say they are all troubled with the same complaint.
 701. Just run your eye through it—is it not painted with the same brush? About the same kind.
 702. Having looked at these two schedules, are you aware of any inconvenience having resulted from what you consider the too great generalities of description? I am not aware of any actual inconveniences, but if the line, at some future day, was discovered not to be on the site here named, it would be a feast for the lawyers I should imagine.
 703. The Minmi line, you say, is some six or seven miles long? Upwards of six miles.
 704. I suppose the longer a line is, the more expedient it is that the description of it should be accurate? Of course.
 705. And the public in all probability would be more interested or concerned in a long line than in a very short one? Yes, because it comes in contact with more of the public. If you make a railway of 100 miles long of course the public would be more interested in it than in half a mile of railway.
 706. By Mr. Burton: You have been speaking of the schedule to the Minmi and Hexham Railway Act, passed in 1854;—be so good as to look to the commencement of the preamble of that Act—do you observe that that railway was partly constructed before the passing of the Act? The railway was partly constructed by private arrangement before the Act was passed, on Mr. Wentworth's and Dr. Mitchell's land, and on Mr. Christy's; Mr. Malcolm's land was a piece that came in between. The line was intended to be exclusively a private one, but Mr. Malcolm objecting, they had to come to the Legislature for an Act, and it was then made a public line.
 707. The schedule to that Act, I believe, only describes so much of the line as passes through Mr. Malcolm's land? Quite so.
 708. What length of line passed through his land? 1,375 yards.
 709. Less than a mile? Yes.
 710. The whole line was six or seven miles? Upwards of six miles.
 711. But so much as was described in that schedule was a part less than a mile? Yes.
 712. That Act speaks of continuing the railway? Yes, continuing it through Malcolm's land.
 713. So that the schedule there was helped by the part of the line already made? Yes, the other portion of the line indicated the direction clearly.
 714. The bearing, in degrees and minutes, is given in the schedule to that Act? Yes.
 715. By Mr. Hoskins: This proposed railway will traverse your land? It will.
 716. Do you object to the definition of the route in which this railway is to traverse, in consequence of your land not being mentioned in the schedule, and also in the preamble? I do not object to the line, but I object to the description not being accurate and clear; there should be some definite starting point.
 717. In point of fact, there is nothing stated to show that the line will traverse any portion of your land? Nothing whatever; it is ignored altogether as far as I can see.
 718. By the Chairman: It is all Crown land? Yes.
 719. By Mr. Hoskins: Some of that Crown land is in your occupation—the 280 acres? Yes.
 720. By the Chairman: Are you of opinion that a mineral lease under the Act will entitle you to compensation for the use of the surface land? I think not.
 721. By Mr. Hay: Are you of opinion that land held under a mineral lease is not correctly described as Crown land—is it not still Crown land? It is Crown land under lease, of course.
 722. By Mr. Hoskins: For what term do you lease the land? Fourteen years; and at the termination of the fourteen years, by paying a fine you can have a further term under the new Land Act.
 723. Is there not a stipulation in the lease, when you obtain a lease of mineral lands from the Government, that you are to have undisturbed possession? Yes, I believe there is.
 724. Or is there any condition that persons are to be allowed to take roads or railways through it? I believe they will be empowered to take railways through it, if absolutely necessary.
 725. Have you a copy of the lease? No, they are not issued yet—none of them.
 726. Do you know whether the reservation in respect to railways refers to public or private railways—whether private parties would be allowed to make railways through land leased from the Government, without the consent of the lessee being obtained? I think it would be essential to have the consent of the lessee, but I am not clear upon the point whether the Government reserves that right to allow railways to be made indiscriminately or not.
 727. The preamble of this Bill states that it will prove beneficial to the public and the Colony if this railway is made;—now you consider it would be injurious to the public who may lease lands from the Crown in the neighbourhood in which this railway is made, if, by any concession made to this Company, they are precluded from making arrangements for conveying

conveying their product to the shipping port? I think it would be injurious to the public to prohibit other persons from joining this line. To the very thing that they show to be beneficial they are going to limit the contribution to themselves, by not allowing anybody else to use the line, the line being the channel through which the coal passes to contribute to the public benefit. Mr. A. Brown,
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728. Do you purpose boring for coal on these 280 acres? Yes.

729. If you find a seam of coal there, will you sink a pit? Yes.

730. And construct machinery? Yes, the machinery necessary to work the seam of coal if discovered.

731. What would be an approximation to the expense entailed on you by making these arrangements? It depends upon the depth of the seam, and the difficulties met with; it may go from £100 to many thousands. I knew a pit at Home that cost nearly £200,000.

732. Is there not machinery required on the surface? Yes; to sink a pit, provide machinery, and so on, may cost ten or twelve thousand pounds.

733. Did you contemplate, in leasing this land, that persons might make a railway in the immediate vicinity of any works you might put up? At the time I leased it I did not contemplate a railway coming through it at all, in March last, because they had been laying out lines in all manner of shapes and directions, so that it was hard to know where they were going to make the line.

734. Do you know the direction the proposed line will take through the 280 acres you have leased? If the line they now cut out is in accordance with this plan, it will be in about a north-easterly direction.

735. In the event of this line being made, and of your erecting works on this land for working the coal pits, if you sink them there, should the exclusive use of this line be granted to Messrs. Morehead and Young, will it restrict you in your operations, and prevent you from getting your coals to the sea-board? Yes, supposing this line is constructed as shown on this plan, and I was to sink a pit to the north of their line, the Waratah Company joining the Great Northern close to the promoters' line, if I was precluded from joining the promoters' line on the 280 acres, I would not be able to join the Great Northern Railway without coming in contact with either of these two lines, and consequently I would be shut up altogether, so far as a pit in this position (*pointing to the map*) would be concerned. You see I would be completely locked up.

736. You would have to cross Morehead and Young's line? I would have to cross Morehead and Young's line, and interfere with the Waratah line, in order to come to the Great Northern Railway, provided I was to sink a pit on the north side.

737. *By Mr. Hay*: Do the Waratah Company propose to come close to Morehead and Young's line? Yes.

738. Have they got a Bill? They have given notice for one. The only point where I could get down to the Great Northern line I would have to cross the promoters' line and join the Northern Railway on the A. A. Company's land.

739. Or otherwise cross the Waratah line? Yes.

740. That is supposing an Act is passed sanctioning the construction of the Waratah line as coming close up alongside Messrs. Morehead and Young's line, so as to leave no space between? Yes, there would be no space left between.

741. *By Mr. Hoskins*: Is the land on which Messrs. Morehead and Young have these coal pits sunk, Crown land leased? It is leased in the first instance, but I believe they will be able to convert it into freehold when the Act is complied with.

742. Have you any intention of converting your leasehold into a freehold? I believe, so far as this Crown land is concerned, that I will not be able to convert it into freehold, it being a town reserve and excluded from purchase, and being also within the limit of three miles.

743. Still you consider you have a good title to use it, provided you comply with the terms of the lease? Yes, certainly.

744. Do you consider that a line of railway for which the promoters obtain an Act of Parliament to enable them to take possession of land from private persons through whose land the line traverses is a private line? I do not; I consider it a public line when they come to Parliament to get an Act. I cannot see how they can have a line of that sort for exclusively private purposes. I never knew an instance, where it was necessary to apply to Parliament, in which they have had such powers granted them as would prohibit the public from using the line on payment of tolls.

745. Provision is always inserted in such cases, requiring that the line should be open to the use of the public? In all cases, so far as I know.

746. You do not consider this a case that ought to be an exception? Certainly not. It will be an exception if it is made so.

747. If they get their Act they will be empowered arbitrarily to take a portion of your leased land or a portion of Mr. Dangar's land? Yes.

748. And any other? Any land they may pass through.

749. What others are there? Only Mr. Dangar's and the Crown land, I believe.

750. And the land reserved as pasturage? That is the Crown land.

751. Therefore I infer that you consider that the interests of persons who might own or lease lands in the vicinity of this railway, and who might engage in coal mining operations, might be injured if this Company were allowed to make this railway, and prevent the public from using it? I believe they would be materially injured, and I have explained that if I were to sink a pit there I would be entirely locked up. That is one instance.

752. I think you stated, in reply to a question from Mr. Broadhurst, that every coal pit Railway Company in the Hunter district that you had known to obtain an Act from the Legislature, had been compelled to have a provision inserted to enable the public to use the line? Yes.

- Mr. A. Brown. 753. Are you aware that this Company propose to omit the 3rd and 4th clauses? Yes, they propose to have it all their own way.
- 26 Sept., 1862. 754. If they succeed in obtaining this Bill with the excision of the 3rd and 4th clauses, would it not be an exceptional piece of legislation? It would be an exceptional piece of legislation, without precedent in the Colony that I am aware of.
755. What is the nature of the works at the junction of this contemplated line with the Great Northern—is there an embankment? It is pretty level. This (*pointing to the plan*) is a very boggy swamp. I do not see that they make any provision for any gates or crossings over this line.
756. What distance is between the swamp and the proposed junction of the line with the Great Northern? Twenty-eight chains.
757. Between that swamp and the Great Northern are there no heavy earthworks? No, it is all nice and level—rather a sandy flat.
758. If this line joined the Great Northern at a high and wide embankment, for instance, or a deep cutting, it would be necessary to have a larger quantity of land taken up? They would then have to take up more land, but as it happens it is almost level; you see the section shows just a mere paring; the rails can be laid almost to the boundary line.
759. In consequence of the character of the country, you think there is no necessity for having a line so wide as the projectors contemplate? No necessity whatever. There is no necessity for 132 feet; 66 feet would be ample—more than they require.
760. If the width at the junction were only 66 feet, it would not preclude you or any other parties from making a line to the Great Northern Railway in the same direction, and easily and readily making a junction? We could make a junction if it were reduced to 66 feet.
761. What is the average width of the various coal pit lines where they join the Great Northern Railway? On the Wallsend line there is a very deep cutting that involves an extra width. Where we join with the Minmi line it is 33 feet wide; those are the only two lines that join at present, I believe.
762. Does not the Coal and Copper Company's line join it? No, it is an independent line.
763. You would be satisfied to make a junction at or about the place where Morehead and Young propose to do so if you could get a concession of 66 feet? Yes; from the 310 acres I could make a separate line and join at the same point.
764. What is the average width of the Minmi Railway, or the average quantity of land taken up in its construction? Sixty-six feet.
765. What is the average width of land taken up on other lines of the coal pit railway? The Wallsend Company have taken up 99 feet, but theirs is rather a heavy line with embankments, cuttings, and so on, and consequently they had to take in a greater quantity of land.
766. Are there any physical difficulties in constructing this line? No, it is a very easy line indeed.
767. Is there any special reason why this line should be 99 feet wide when other lines are only 66 feet? I do not think, from the cuttings and embankments, that they require it, though the section does not show the depth of the cuttings or embankments either; it is on too small a scale.
768. Supposing the Legislature passed this Bill, allowing this Company to have a railway 99 feet in width—would that injure, unnecessarily, persons in the neighbourhood, or put them to increased expense in making other lines of railway? So far as giving 99 feet along the line is concerned, it would make no material difference to any one, but it would make a very material difference at the junction where you come to be limited for space; it would be an injury to those constructing lines at a future time by continuing to give 132 feet at the junction.
769. Your objection is urged principally to the width at the junction? Yes, although 99 feet are not at all requisite anywhere.
770. Did Morehead and Young serve you with a notice of their intention to construct a line of railway to traverse through your 280 acres? No.
771. Had you no notice at all? No, except in the newspapers.
772. Is it customary for those who propose to make a railway to serve owners through whose land the line will traverse with notice of their intention? I believe it is.
773. How did you happen to know that Morehead and Young intended to apply for this railway? Simply by seeing the notice of their intention to make the application in the newspapers.
774. *By the Chairman*: Not by any marks on the ground? That was the first time. They made lots of marks; they have cut as many lines as there are days in the week, or days in a month.
775. *By Mr. Hoskins*: You received no official notice? No official notice whatever.
776. Did you take up these 280 acres of land subsequent to Morehead and Young taking up the land from which they propose to make a railway? I leased I believe subsequently, but I had applied for it on the 14th January, under the free selection clause.
777. Had you seen any persons staking out this land for the purpose of making a railway previous to your obtaining possession of the 280 acres? Not that I recollect.
778. You consider the schedule inaccurate, because your land is not mentioned? It is inaccurate because it does not give a starting point; it simply says, from the eastern boundary, not saying what part of that eastern boundary it starts from.
779. Do you see any objection to a railway joining this line? I can see no objection at all; it appears to me it would benefit the promoters to have traffic coming on to the line.
780. Could any other parties join except on an incline? It is all incline from top to bottom. 781.

781. Would not any other parties who might make a railway to join this railway at the junction be compelled to run for a certain distance parallel with this line? It would not be absolutely necessary. Mr. A. Brown.
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782. If you wished to make a railway from your 280 acres, would you not be compelled to run parallel? We would be compelled to run parallel; and as we approached the Great Northern Railway we would be stopped altogether, because we would come in contact with the Waratah line. It would be impossible to make an independent line from the 280 acres north of Morehead and Young's line, because we should come in contact with the Waratah line about two-thirds of the way from Morehead and Young's line.

783. Therefore you think that if a provision is inserted preventing persons from making a railway to join at this place it would cause great inconvenience? It would; it would shut up these lands, in fact, or otherwise cause a great deal of unnecessary expense in going through the A. A. Company's land, as well as making the line longer, and perhaps more difficult, besides the larger amount of compensation.

784. Is there any similar provision inserted in any of these railways you speak of that no railway shall run parallel with them? In the Wallsend Act I believe there is—not in the Minmi.

785. There is only one precedent? Only one—the Wallsend.

786. *By Mr. Broadhurst*: Not the Minmi, you think? The Minmi Act, I think, does not provide for prohibiting a parallel line.

787. *By Mr. Hoskins*: Do you consider it objectionable that parties making a line of railway, with a special Act of Parliament, should be allowed to make what by-laws they think proper? I think it very objectionable to give them power to make by-laws with the force of law without being referred to some authority. They might make such by-laws as would prohibit traffic altogether. I think it would be much better that the by-laws should be submitted to the Executive Council, and if approved, then let them take the force of law.

788. Do you know whether in the Minmi or any other Acts passed for the construction of coal lines of railway in the Northern District, a provision has been passed authorizing the framing of by-laws not subject to the approval of the Executive? I believe in the Act for the Wallsend line there is no provision of that kind. The Co-operative Company were desirous of joining their line—I do not know whether they had framed any by-laws—but there was no portion of the line set apart for any specific purpose, and the Company had actually to come to the Legislature to get an Act to enable them to join the line, notwithstanding its being a public line.

789. How long is it since the Minmi and Wallsend Companies obtained their Acts? The Minmi in 1854, and the Wallsend two or three years ago.

790. Is there not at the present time a greater disposition to invest money in coal mining enterprise than there was at that time? Much greater.

791. Do you not consider it the duty of the Legislature, seeing the disposition there is to invest money in coal pit railway lines, to insert provisions insuring active Government supervision? Yes, I think it peculiarly the province of the Legislature to look into such matters, and to make such provision as will prevent obnoxious rules being adopted by private individuals.

792. You do not consider that the character of the legislation, passed at a time when it was difficult to induce people to invest money in coal mining, should influence present legislation? I should say not; circumstances are altered.

793. What are your general objections to this Bill? I object to its being a private line, and I object to its monopolizing so much land at the junction of the Great Northern line. I also think the by-laws should be submitted to some authority.

794. Are these all? These are the principal objections. All the objections are stated in the petition. The schedule also should be in accordance with the plan.

795. *By Mr. Hannell*: Are you aware that the promoters have given up part of the width at the junction? I am not aware.

796. *By the Chairman*: The A. A. Company's land comes up to a point at the junction of the proposed line with the Great Northern Railway;—do you contemplate that any large sum will be demanded for making a junction there? I believe the Company would demand a large sum.

797. Why—is it only from surmise, or the result of any interview with any of the Company's officers? I have asked Mr. Merewether to sell me a piece of land here, but he did not see his way clear. Taking into consideration the fact that the A. A. Company got £9,000 for the small portion of land taken up by the Great Northern Railway, and that two lines join at this point, which will give a great value to this land, I am under the impression that they will ask a very large compensation for a very small portion of land.

798. If the junction of three railways would give an increased value to the other land, one would think they would be prepared to give as much as would be required without any charge at all? The difficulty would be to get the Company to that belief.

799. Is not Mr. Dangar's land there as valuable as the Company's? I dare say it may be as valuable, but different proprietors come to different conclusions.

800. There would be no difficulty in settling the amount of compensation whether to a Company or an individual, by arbitration? There may be a difficulty; they may value it at an enormous value.

801. *By Mr. Hay*: Would not the arbitration follow the same course whether Mr. Dangar or the Company were concerned? It might.

802. *By the Chairman*: You made a calculation based on taking 150 tons of coals per trip—is that the usual quantity taken? It depends upon the nature of the line. In this case they could take 200 tons a trip easily.

- Mr. A. Brown. 803. How much do you take on the Minmi line? I have taken along the swamp 200 tons at once on a level.
- 26 Sept., 1862. 804. What is your usual quantity? 150 tons. But the inclination being with the traffic, in this case they could take much more.
805. Are there any inclines on the promoters' line that it would be objectionable to join? No, the inclines are much easier than where the Wallsend line joins the Great Northern; they join at 1 in 66; the steepest in this is, I think, about 1 in 79.
806. You stated that you withdrew any objection to the Bill on account of there not being a proportionate reduction in the toll for any distance less than a mile, did you not? Well, I practically did so.
807. Are the Committee to understand that you do withdraw that? Yes, I will withdraw that, provided I can form a junction without being forced to interfere with their line, by their monopolizing so much space at the junction, 132 feet; if they reduce that to 66 feet.
808. The toll you are allowed to charge by your Act is 6d. a ton a mile? Yes.
809. And there is no provision for anything less than a mile? No, but I think it is quite competent to the parties seeking traffic to raise the question whether they are to pay for a mile or a part of a mile.
810. The toll, 3d. a ton per mile, is not excessive? I think not; it has usually been allowed.
811. Do you know any line where the charge is proportioned to the distance travelled less than a mile? The Government charge me in proportion to distance; for instance, from Hexham to Newcastle is nine miles and a quarter, and they charge me nine miles and a quarter.
812. Is there anything in this Act to prevent any railway you may lay down crossing this line? I am not aware of anything that prohibits it, but I dare say they would object to any line crossing theirs.
813. You stated, as one of your objections, that provided you opened a pit to the north of Morehead and Young's contemplated line, it would be necessary, supposing the Waratah Company to lead their line close alongside the promoters, to cross either that line or Morehead and Young's line, to get to the Great Northern line? Yes.
814. What is there to prevent your crossing Morehead and Young's line, if you are desirous to do so? There is nothing in the Bill that I can see to prevent it, but there is nothing to allow me, and possibly when the time came Morehead and Young would prevent me.
815. Do I understand you to suggest a clause giving you permission to cross? Yes.
816. Of course the gates being kept at the expense of the party requiring it? Yes, something similar to the Minmi Act; we cross the Great Northern and have to put in a crossing and maintain a man stationed there. A similar clause would be fair to the promoters, to be introduced into this Bill.
817. You stated that you had opened a great number of mines—what mines have you opened? I opened the first mines in the Colony at Four Mile Creek—the first after the A. A. Company, and at Burwood, and at Minmi.
818. Were these taken up on your own individual opinion with respect to the lands containing coal? In all the cases the coal was seen cropping out.
819. Is there any cropping out on the 280 acres? No.
820. The indications are not so good there? You see no indications on these 280 acres, because there is no broken surface; there is soil on the whole 280 acres.
821. As proprietor of the 310 acres you make no objection whatever to Morehead and Young's contemplated Bill? I make an objection to the junction being so wide. I want to join the Great Northern line without being forced on to the A. A. Company's land. I object to their monopolizing so much land at this point.
822. You have no objection to the railway, as proprietor of the 310 acres, except as to the junction? No.
823. As proprietor of the 280 acres, you also desire to have facilities for connecting any line you may make with their line? Yes.
824. But I understand you to say that generally you have no objection to the Bill if you have that facility? On the other hand I am desirous of promoting the Bill as much as possible; that is to say, I wish to have the line as practically useful as possible, but I object to the line being held exclusively to the use of Morehead and Young.
825. Provided you have the facilities you require, you think this line will be a public benefit? Yes.
826. The line does not pass over any portion of your 310 acres? No.
827. Is not the 280 acres you hold from the Crown on lease a portion of the Common? It is.
828. You say you have no claim to be paid anything for the surface that may be taken for the purpose of carrying this railway to the Great Northern line? I believe the surface will be reserved by the Government, allowing the lessee sufficient space for building work-shops, houses, and so forth. They give us no right to the surface except what we may reasonably require for these purposes—perhaps 20 or 30 acres.
829. Can you state the exact date when you applied for this lease? It was some time in March; I do not remember the exact date.
830. Is not this land properly described as being Crown land? You may call it so; we take the bottom and the Crown holds the top.
831. You spoke about the Wallsend "dodge"? That was a regular dodge.
832. The whole of the line being on an inclined plane, they have refused to allow any party to join it? They constructed the line, I believe, for the special purpose of preventing any party from joining, by making it inclines and curves from beginning to end.

833. Have they made any opposition to the Co-operative Company? I believe not. Mr. A. Brown.
834. How then do you consider it a "dodge"? It was generally considered a dodge; and when the Co-operative Company applied to them to point out a place where they could join they would not do so. 26 Sept., 1862.
835. You stated that the Co-operative Company have made application to Parliament for an Act, for the sole purpose of avoiding this dodge? Yes, they have come through private land with the whole of their line.
836. Have you read the Co-operative Company's Bill? Partly.
837. Are you not aware that it is also to incorporate the Company? Yes, to join the line and incorporate the Company.
838. When you applied for this lease, was not this line laid out from Messrs. Morehead and Young's property to the Great Northern Railway? This line, so far as I myself know, has been cleared almost within the last fortnight or within the last month. I was not aware where the line was coming till I saw it cleared.
839. Did you know that it passed through the 280 acres at all when you applied? No, I was not aware where it passed through when I applied.
840. Is it a matter of any particular importance where it passes through? I cannot say at the present time that it would be important; but when I sink a pit and see which way the strata lie, it may then become a question of importance. They may put the line in a position that will be very fortunate for me, and on the other hand it may be the source of great inconvenience.
841. As you have had no mining on your land, you have no specific objection to the contemplated position of the line? No.
842. In that respect you can have no particular objection to the schedule? The schedule ought to describe accurately where the line is going to be.
843. What does it matter to you, supposing the schedule does not describe it accurately over anybody else's land? When once the line is made I do not suppose it will matter a great deal.
844. What objection can you have to the schedule, if it is a matter of indifference to you on what part it crosses your land? It is not very material, certainly, where it crosses.
845. Therefore the inaccuracy of the schedule cannot affect the Bill or yourself? No, so far as that goes, it does not affect the Bill much.
846. *By Mr. Burton*: Is it not important to you that when the Act is passed, the line should be fixed in some certain position or other? Yes, it would be important, so that they could not change the line.
847. *By Mr. Broadhurst*: Could Morehead and Young get from their land to the Great Northern Railway without coming through either your land or some other private land? They must go through somebody's land.
848. Through your land as the most direct? As the most easy.

Mr. Thomas Croudace further examined:—

849. *By Mr. Broadhurst*: You have heard Mr. Brown's evidence about what width will be sufficient for this line? Yes. Mr. Thomas Croudace.
850. Will you be good enough to say what your opinion is—whether you agree with him, and if not, where you differ from him? In passing from one point to another with a railway, we so seldom find the country ready made for the railway that the breadth must be taken up in accordance with the features of the country. Commencing at the junction with the Great Northern Railway, and proceeding for upwards of a mile in the direction of Messrs. Morehead and Young's pit, the ground is pretty level, but we have three feet of embankment to raise to keep the rails clear from a great flow of water, and to do that it is necessary to have side-cuttings—at least it will be more than necessary—in the greater portion of it we are obliged to have side-cuttings, and side-cuttings occupy a greater breadth than many parties are aware other than engineers; for to work it to advantage, you must have an equal quantity on each side the centre of the line of railway; if not, you are obliged to carry entirely from one side over to the other; but, by having the cuttings on each side of the centre line of the railway, then you work to the greatest advantage. Now this (*plan produced*) is a simple cross-section of the railway which I did in ink yesterday afternoon, having time to spare, to shew that 99 feet will be just sufficient to form this railway from these side-cuttings. I consider that the least advisable breadth to take for a good and permanent line of railway, for a single line, is 28 feet at the bottom of the formation of a three feet embankment; then, taking either the right or left side, it is immaterial, but I have marked it on the left; before coming to the slope of the side-cutting I should like a space of 8 feet, so that the rush of water, after the side-cutting is taken out, should form no wearing away, and, therefore, loosening of the embankment. On the other side, and looking to futurity a little to the probability of making a double line of railway, I have put from the bottom of the embankment 13 feet, being an extra amount of 5 feet more than on the left hand side, and these 5 feet being in the extra quantity required to form a double line of railway; then the breadth of the side-cuttings being required to be 14 feet on each side to form the 28 feet of embankment, and allowing a smaller portion, from the slope of the side-cuttings to each side of the fence, for which, I think, 10 feet is little enough, the full breadth will be found, including fences, at something like 98 feet 6 inches. I might make a suggestion here, if allowed, that I would not wish this to be taken solely on

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Mr. Thomas
Croudace.

26 Sept., 1862.

my opinion, but that this section should be given to Mr. Whitton, whom I believe to be an eminent, talented, and just man, to say whether he thinks I have taken more than is necessary for the formation of this line.

851. You have already stated that you believe you will be able to employ fully this railway? I have. I have here a few calculations which Mr. Brown's statement induced me to make, in answer to the very absurd calculation he has made. Mr. Brown states, that an engine travelling at the rate of 10 miles an hour, and conveying 150 tons, would be able on our branch to take the enormous and unheard-of quantity of 3,000 tons a day, or 900,000 tons a year; but, I believe, as perpetual motion has never been attained, Mr. Brown forgot that stoppages must occur at both ends on each transit, which, in nearly every instance, I believe, amounts to nearly half, but, in some calculations I have made here, I have only taken one-third off. The distance from Messrs. Morehead and Young's pit to Newcastle is $5\frac{1}{2}$ miles, or thereabouts, and if the coal were conveyed at the rate of 10 miles an hour, and allowing 11 full working hours for a day's work, an engine could only perform 10 journeys to Newcastle in a day. I believe a very good load for an engine would be 120 tons, which is more than is generally carried, either by the Wallsend or the Minmi railway at a trip, though they might at occasional times exceed it, but very seldom. That would give us a carriage of 1,200 tons a day; but as we are obliged to allow for stoppages, which every one observing goods carried from one point to another must know to occupy very considerable time, I think it only reasonable, instead of taking off half, to take one-third off 1,200 tons, which would leave 800 tons a day carried along the railway of Messrs. Morehead and Young. I think we may fully expect to carry that quantity. I have had several opportunities of observing the transit of coal from the Wallsend Company's pit to Newcastle, for the last few months, and I have generally observed that they perform near six journeys a day, their distance being somewhere about 8 miles, I believe, and the time occupied something like 13 hours; they commence working at about five o'clock in the morning, and I have often known them to continue to work till seven, eight, or nine at night, and sometimes even till twelve o'clock. But I have taken 13 hours as the time occupied, and I should state the average quantity of coal conveyed each journey at somewhere about 90 tons, as they are not able on their heavy gradients to convey much more, and that only in very favourable weather. I think if their time is taken and the distance, it will be found to agree very conclusively with my first calculation, and go so far to prove it. Having a very extensive connection at home in England, I would illustrate this further, and on a more extensive scale, taken from a colliery where I was engaged for nearly five years previous to coming out here. From one part alone we wrought about 1,100 tons a day, and from another we worked about 500 tons, making together 1,600 tons a day, which were conveyed to the ports of Jarrow, Shields, and Sunderland. I think the distance was estimated at from 10 to 12 miles, and to convey this quantity we required two locomotive engines, one the most powerful that the North-Eastern Railway had. The usual time for starting was five o'clock, and the usual time we left off was eight o'clock. And I think that both the distance and the average number of journeys taken, will go greatly to prove my first calculation of the amount we will be able to convey. But Mr. Brown's calculation was based, I believe, entirely on supposing us to have the junction formed with the Great Northern Railway, and locomotives of our own; which, of course, would make the distance to be travelled with our own locomotives, to be only $2\frac{1}{2}$ miles, the distance from the junction to Newcastle being 3 miles. Now, if we worked from the junction to the pit we would be able, at the rate of 10 miles an hour, to perform in 11 full hours for a day's work 11 journeys, allowing a quarter of an hour's stoppage at each, which is about one-third taken off, the same as the first calculation. But it is necessary to have a greater number of sidings, which are put in for the purpose, and to have nearly double the quantity of trucks; and instead of conveying 120 tons each journey to the junction, we could only convey about 15 trucks, or 90 tons, on each journey, which, upon the 11 journeys, would give us 990 tons a day. It is very often necessary in working a colliery, owing to many things, perhaps too numerous to mention, to free the screens next the pit from a superfluous quantity of coal, and to allow for that; supposing we took only half a load down to the junction twice a day, we should have to make a deduction of 90 tons from the 990, which would give us an advantage of 100 tons over the other system of conveyance. I can only state that I trust this will go far to show the absurdity of Mr. Brown's enormously erroneous calculation.

SELECT COMMITTEE ON MOREHEAD AND YOUNG'S RAILWAY BILL.

THURSDAY, 2 OCTOBER, 1862.

Present :—

MR. HAY,
MR. MACLEAY,
MR. HANNELL,MR. GORDON,
MR. MATE,
MR. SAMUEL,

MR. DICK.

JAMES HOSKINS, Esq., IN THE CHAIR.

Mr. Broadhurst appeared as Counsel and Mr. W. G. M'Carthy as Solicitor for the Promoters of the Bill.

Mr. Burton appeared as Solicitor for Petitioners.

Thomas Croudace, Esq., called in and further examined :—

852. *By Mr. Broadhurst*: You were yesterday making a statement which you did not finish? Yes. T. Croudace,
Esq.

853. Will you be good enough to proceed with it—you said the breadth must be taken according to the features of the country? Yes. This (*produced*) is the cross-section of which I promised the Chairman I would make a fresh copy. (*Fresh copy handed in, and numbered 5.*) 2 Oct., 1862.

854. Will you be good enough to proceed with your statement? I have stated, I think, all about this portion beyond the junction leading up, and also relative to the cross-section, as well as what was necessary in reference to the side-cuttings.

855. *By Mr. Hannell*: You were speaking about the necessity of having 99 feet? Yes; and now I am speaking as to the extra width of the junction. I stated in my evidence before that I considered the distance taken at the junction was not more than necessary. I can only reiterate that statement, also bearing it out by the portion occupied and taken up for 99 feet where only two lines could be formed, providing they found it necessary to form two lines at a future time. At the junction it would be necessary to have six sets of sidings, as I explained before. We should occupy the full width at that junction, and were not the features of the country so very well adapted for it we should require to have a greater width than 132 feet. The ground is very level there, and instead of having side-cuttings we would have merely a couple of drains to lead down to the creek, and free the Great Northern Railway from the excess of water caused upon these extra sidings. Mr. Brown stated that he could work, and did work three sidings at his junction with the Great Northern Railway at Hexham, and that he only occupied 33 feet. I thought it singular that he could do it in so small a compass, and I went and measured the line, and I find that he has not three sets of sidings on but merely one working and another dead set—(and not a working siding)—at the junction. The formation part of that is 44 feet wide at 8 chains from the junction, and 55 feet wide at 10 chains from the junction point. He has side-cuttings similar to what these are, and the total width from the side-cuttings, taken barely from the edge to the other side at 5 chains from the junction point with the Great Northern Railway, is 110 feet wide; at 8 chains it is 110 feet wide; and at 10 chains it is 121 feet wide. I would simply state that if that is requisite for Mr. Brown, with merely two sets of working sidings, I think 132 feet would be little enough for the promoters of this Bill.

856. I believe, Mr. Croudace, seams of coal are rather capricious, are they not—do they not sometimes suddenly come to a full stop? Oh, yes, sometimes a fault or a dike will take a seam very abruptly up or down 20, 50, or 100 feet, and sometimes more? In some instances it might throw the seam out entirely.

857. Does it not often happen that a piece of land is entirely without coal, although contiguous to lands that have coal in them? Yes, that is a very frequent occurrence. I have brought a plan down, and if the Committee like I will show them a section of some borings.

858. *Cross-examined by Mr. Burton*: If I understand you aright, the promoters of this Bill propose to have the use of the Government locomotives on the promoters' line, and entirely to exclude the public from the use of the promoters' line? The promoters intend using the Government engines, and any one else joining, as I stated before, would, in my opinion, injure the promoters. It would be detrimental to their working.

859. Therefore the promoters seek that no one else should join? I think it would be advisable that they should do so.

860. The promoters propose to use the Government engines, and that no one shall be entitled to have goods carried on their line? The Government themselves have a truck which conveys passengers and goods up to the township of Wallsend, or to the colliery, and I suppose the promoters of this Bill would stand by the same arrangement. I believe that is entirely optional with the Government.

861. The promoters seek to strike out clauses 3 and 4 of this Bill? I believe such is their intention.

862. Then they propose that their line shall not be open to the public even on payment of a toll—that the public shall have no power to join their line, and yet that the promoters shall use the Government locomotives on their line—is that so? I believe the Government would not allow ———

863. Now do answer the question—"yes" or "no"? They intend using the Government engines on their lines; and any one joining them would be detrimental to their interests.

864.

- T. Croudace, Esq.
2 Oct., 1862.
864. I should be very much obliged to you, if I am entitled to have the question answered, if you would answer "yes" or "no," or make a statement that you cannot answer to that effect. Do the promoters intend to use the Government locomotives on the promoters' line, and yet that that line shall not be open to public use, and that the public shall not be entitled to join it? They do propose to use the locomotives of the Government.
865. Well, go on? And I believe it is the intention to prohibit any one from joining their line, knowing that it would be detrimental to their interest do so.
866. Do you consider it a very modest proposal that the promoters, although they propose to use the Government locomotives, wish to debar the public both from using their line or joining in it? Yes, I do. The promoters will have to pay the Government for the use of their engines, and they will have to pay for the formation of the line. After the promoters have been at all this trouble and expense it would seem very monstrous that the public should be allowed to come in and injure them.
867. You think it would be monstrous that the line should be used by the public even on payment of a toll? If the toll were greater than the injury the promoters would sustain. I do not know that it would be; but I am afraid the public would not be willing to pay an amount equivalent to the loss of the promoters upon such a junction.
868. *By Mr. Hannell:* You give us the widths Mr. Brown has at the junction of the Minmi line with the Great Northern line? Yes.
869. Are you aware that that land is private property? I am not aware that such is the case. I merely went into the matter on Mr. Brown's statement. He said he occupied 33 feet for three lines of railway, and I have given a proof that he occupies more. He occupies for three lines of railway, with the side-cuttings, within 20 feet on one part and 12 on another—of what we shall occupy for a greater number.
870. Are you aware whether the Waratah Company propose to join the Great Northern Railway at the same point as your line? I believe they propose to join at very near the same point, and we have conceded part of the width which was stated in the Bill on account of that.
871. If each Company were to construct a line of railway in that locality to join the Great Northern line at separate points, would it not render necessary a greater outlay on the part of the Government to extend the sidings they would have to put in? I believe Mr. Whitton, the engineer, proposed to make an extra siding at that point, so that each could go off from it. There would be three sidings in the Government line of railway—that is, between the fences of the Government line, and from this extra siding both the promoters' railway and the Waratah Coal Company's Railway would strike off.
872. You do not expect to find full employment for the Great Northern Railway from that junction in carrying the coal you send for shipment? I am afraid not.
873. Would not your line of railway be idle for a long time—for many hours during the day? I trust not. As far as our line is concerned I think it will be occupied the full time that constitutes a day's work in running trains; but although we may occupy our own line we cannot of course expect to occupy fully the Great Northern line.
874. If you expect to do so much, and the Waratah so much, and Mr. Brown so much, we should hardly have time to get the Government train down? The engineer, I believe, sees the necessity of doubling the railway, and for that purpose I believe they have already formed a portion of the leading from where we have joined to the Waratah portion, and intend to form the junction to the Wallsend portion; unless that is done they say we shall not be able to lead the coal we expect to come to market.
875. Do you know any line of railway in the Colony, used exclusively for private purposes, constructed over public land? No, I cannot say that I do.
876. The Wallsend is a public line? Yes.
877. And the Minmi? Yes, and I believe also the Minmi.
878. And the Burwood line? And the Burwood line too.
879. Can you state as to the necessity of greater facility for the shipment of coal at the wharves? I can state this much:—I have seen the Minmi coal waggons up to the Waratah siding, above the Waratah Station, and I have known them have to wait nearly the length of an hour until the Wallsend Company got their empty waggons to lead back again to their collieries. With greater facilities, of course, there will be quicker dispatch in the transit of coal and other goods. I know there are great complaints in reference to the matter.
880. Is it not likely that the increasing production of coal will demand greater facilities for the shipping of coal? It will, most certainly. There will have to be something done, either by Government or by private enterprise. Cranage is a very bad way of shipping coal; it is a slow process, and also very injurious to the coal.
881. Do you know whether any complaints have been made in reference to that matter? I am informed so. I cannot speak from experience, but I know that it is complained of generally.
882. There are great complaints? Yes.
883. *By Mr. Hay:* Is there any provision in the Bill relative to the using of the locomotive engines of the Government upon this railway? I am not sure. (*Witness refers to Bill.*) I do not see anything particularly relative to that.
884. In that case I suppose it would be a matter of arrangement between the Company and the Government as to that? As to that; it is a matter of arrangement between any parties who join the Great Northern line of railway.
885. I am asking you about this Company? It would be a matter of arrangement between this Company and the Government.
886. It would be open for the Government to furnish this requisite upon any conditions it might think necessary for the public interest—would it not? They have stated conditions on which they lead coal from the collieries to the wharf.
- 887.

887. But you will observe that in the Bills which have passed hitherto there were certain clauses which provided to a certain extent for making these railways public railways? Yes.
888. And if there is no clause in this Bill either in reference to the use of the Government locomotives, or giving a public character to this railway, it will be, I think, a matter of arrangement between the proprietors of this railway and the Government as to whether the Government locomotives shall be used, and upon what terms they shall be used? It would be, I believe. I suppose the terms would come under the present arrangement.
889. What is the present arrangement? I believe one shilling is the minimum charge the Government have for six miles, and above that twopence extra.
890. Would it not be open for the Government to make the concession of using its locomotives on this line dependent upon any conditions it thinks necessary for the public advantage or interest?—there is nothing to bind the Government, is there? There is nothing to bind the Government that I am aware of.
891. You must make a bargain with the Government? Yes; I am merely supposing that that bargain or arrangement will be the same as the present standing charges.
892. But the Government, perhaps, might impose other conditions if your Act is deficient in some provisions which are contained in other Acts? Well, I would not like to state that.
893. There is nothing to prevent them? I do not know of anything.
894. You cannot, as a matter of right, take the Government engines and use them on the same terms that they are granted to other railways? No; but it would be only reasonable to expect the same rate of charge.
895. That might depend upon whether the public interest had been provided for by your Act as it is provided for by other Acts? I believe the promoters of this colliery will benefit the public equally as much as any others.
896. Still it would be for the Government to have a voice in coming to a conclusion on that matter? Oh! yes! I suppose so.
897. You are disposed to leave that matter unprovided for by the Act, and to take your chance of making a satisfactory arrangement with the railway authorities? I think that would be best. I also might state, as I have stated before, that I believe it would be for the benefit of the promoters to have engines of their own as soon as possible. I think it would be a benefit to any Company to run their own engines to convey their coal to the junction, and to allow the Government to take the waggons down the Government railway.
898. If they have those full arrangements for a railway there does not appear to be any reason why they should not work it with their own engines? No.
899. The advantage of employing the Government engines is, I presume, because there might not be sufficient traffic to make it advisable to run an engine of your own? No; it is more the loss of time before you can get plant such as engines, trucks, and other material of that kind from England. For the present I think it would be well to use Government engines, but at a future time I think it would be better for the Company to run engines of their own to the junction, and let the Great Northern Railway lead them from the junction to the wharf.
900. If no provision is made with regard to these matters by enactment an arrangement can be made from time to time by the Government, so as to satisfy the promoters and the Government, I presume? I believe so.
901. You would expect the Government to protect the public interest I suppose? I would expect the Government to protect the public interest as their own interest.
902. *By Mr. Hannell*: Would it not be exceedingly dangerous if each of these Companies had engines of their own running on this public railway? I say, on their own lines. I think it would be a benefit to this Company, and to Companies generally, if they ran their own engines on their own lines. The shorter the distance, of course the greater the quantity of coal they would be able to lead.
903. *By Mr. Hay*: You do not contemplate the running of their engines further than the junction? No.
904. Not on the Government line at all? No; only to the junction.
905. *By Mr. Hannell*: It would otherwise be necessary to insert provisions in this Bill? Oh no; I only said that they might, with advantage, run their own engines on their own lines.
906. *By the Chairman*: It was never contemplated by the Company, if they obtained locomotive plant, to use their locomotives on the Government railway? Never, I think the Government would not allow it.
907. When did you make the measurement of the width of the land at the Minmi junction? On Monday.
908. Last Monday? Yes.
909. You are certain that your measurements are correct? I am certain of it. I went myself, and took one of my men with me. I measured it myself. Had there been a fence—as I think there ought to be—the width would be greater than I have stated. The least there could be then would be fully two chains in width. The land about the Minmi junction is open all through the Hexham Swamps. There are some gates at the Government railway, but not between their junction and the Hexham Swamps.
910. But you do not know whether the land is private property or not? No.
911. *By the Chairman (at the request of Mr. Burton)*: Can you say of your own knowledge, whether, in the event of the Waratah Company obtaining a right to make a junction at the place, Messrs. Morehead and Young propose to join their line with the Great Northern Railway, there would still be sufficient room for another Company (Messrs. J. and A. Brown) to make a junction with the Great Northern Railway at the same place, unless they purchase land from the Australian Agricultural Company? I think they would be obliged to purchase land.

T. Croudace,
Esq.

2 Oct., 1862.

T. Croudace, land. If they came on to the same portion proposed to be taken up by Messrs. Morehead and Esq. Young, it would be injurious to them. They would not be able to have the same number of sidings on.

2 Oct., 1862.

912. Who—Morehead and Young? Yes.

913. That is not what I asked you, but whether there would be room for the Waratah Company, and also for J. and A. Brown to make junctions with the Great Northern Railway at the same place without having to purchase land from the Australian Agricultural Company? I think they would have to purchase land from the Australian Agricultural Company—which I think, they would be able to get at a very reasonable price. I saw Mr. Winship, and he said that the Company would only require a reasonable price for the land.

914. He did not specify what he considered to be a reasonable price? No, a fair price; similar to that we would charge to any private individual.

915. When you say "we," do you mean Messrs. Morehead and Young? We pass over Mr. Dangar's property, and shall have to remunerate him, and Mr. Brown would merely have to remunerate the Australian Agricultural Company.

916. Do you happen to know whether the land held by Mr. Dangar's representatives is believed to be mineral land, and whether they contemplate working that land for mineral purposes; and also, whether the land held by the Australian Agricultural Company at or near the junction of this proposed line, is mineral land, and whether the Australian Agricultural Company contemplate working it for mineral purposes? Neither the one nor the other is workable mineral land at the particular part about the junction.

917. *By Mr. Hay*: Can you say whether the ground upon which Messrs. J. and A. Brown would be driven to form this junction is favourable or otherwise for the purpose? Favourable for a railway.

918. And for a junction? It is very favorable indeed—very much so.

919. You do not drive them into any country unfavourable, for the purpose of effecting a junction? Not at all. Almost from Newcastle to a considerable distance above Waratah—three quarters of a mile—it is known as the Broad Flat Meadows. It is a very flat, sandy plain.

920. *By the Chairman*: Do you know whether the Australian Agricultural Company have ever resisted any other Railway Companies desirous of constructing railways through any portion of their land? I cannot state. The Wallsend line was made before I arrived here. I think I have heard that they offered a little opposition, although I do not know whether they offered so much as Mr. Brown is offering to us. I heard Mr. Brown speak of the enormous sum that Government had to pay; but that is hardly any criterion, because it was valuable building land in the heart of Newcastle.

921. Is this land of the Australian Agricultural Company at or near the junction of the proposed railway, and which Mr. Brown alleges they would have to purchase if they were not permitted to form this junction—valuable land?—Do you consider it valuable land? I do not.

922. Can you give us any approximation to the value of this land? I cannot. I am not sufficiently well versed in the value of land in this Colony; but I should think its value would be very trifling. It is scarcely good for agricultural purposes, I should say, owing to its sandy nature, and there is no mineral underneath it of workable extent. There is not workable coal at 550 feet, I believe.

923. Is not land near mining works, or in the vicinity of large centres of population, even although worthless for agricultural purposes, considered valuable? It might be, but the Waratah freehold being nearer to the Waratah coal mines, renders that land of the Australian Agricultural Company of little value, I think, and it is at least a mile from the Bore Hole. There the land is more valuable; but this is out of the way, as it were.

ALEXANDER DICK, Esq., IN THE CHAIR.

Edmund Burton, Esq., examined:—

E. Burton, Esq.

2 Oct., 1862.

924. *By the Chairman*: You are Solicitor to Messrs. J. and A. Brown? Yes.

925. Please to make what statement you desire to place before the Committee? I produce a copy of the original Minmi and Hexham Railway Act by which the promoters of that railway were limited to a breadth of not greater than 66 feet, including supports, abutments, and foundations. I believe I am in a position to state that, with the exception of the land taken by that Act, and except any roads which may be crossed (about the breadth of the line over which I know nothing) the Minmi line is made exclusively with the assent of the proprietors of the land over which it is carried. And although Messrs. J. and A. Brown obtained another Act for extending that railway, it was an Act unopposed, so soon as they had agreed to pay a minimum amount of purchase money.

926. *By Mr. Hay*: Do you allude, in your last observation, to the Minmi and Hexham Railway Act Amendment Act of 1861? I do.

927. Will you look at that Act? I have not a copy with me.

928. Do you recollect whether there were not certain lands taken, the owners of which do not appear to have been accessible, and that provision was made for paying the compensation into the hands of the Master in Equity? The owners were only technically not accessible. They were really represented by Mr. Bradley, who opposed that Act until Messrs. J. and A. Brown agreed to the minimum rate of £80 per acre being inserted, after which Mr.

Bradley

Bradley discontinued his opposition. The Act was passed, and Mr. Bradley and his clients have recently obtained the compensation from the Master's office, or at least they have got an order to that effect.

E. Burton,
Esq.

2 Oct., 1862.

929. In this case, does Mr. Dangar oppose the present Bill? He is dead.

930. In this case? Mr. Dangar is dead, but his representatives are alive.

931. I suppose his representatives represent his estate as fully as Mr. Bradley did the owners in reference to the Minmi and Hexham Railway Act Amendment Act? I think so. As in that case they do not technically represent him, so that they cannot make a title, it appears by the Act.

932. In point of fact, you do not know how much land is occupied by the Minmi Railway at its junction with the Government railway? I do not, and have had no opportunity of communicating with my client on the subject.

933. It may be 66 feet, or it may be twice that? Yes, or it may be half that—I rather think, half that, from what I was told recently, at least I understood so.

934. *By Mr. Hoskins:* You have not heard your client complain that in the event of his not being permitted to join this projected line at the junction—or, to use their line at the junction, he would be driven into the swamp if he proposed to make a railway to his pits? No; but only that he would encounter the Australian Agricultural Company's opposition.

935. *By Mr. Samuel:* Are you aware whether Mr. Whitton has stated, in his evidence, that the Government will permit only one line to join the Government line? I am aware that he did not say so. He said that if three lines were made he would first lead them all into one, and then join that one to the Great Northern.

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
REPORT FROM THE SELECT COMMITTEE

ON

TAYLOR AND WALKER'S RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

—
ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
21 October, 1862.
—

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

—
1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 83. THURSDAY, 16 OCTOBER, 1862.

4. Taylor and Walker's Railway Bill :—Mr. Garrett, *with the concurrence of the House*, moved, pursuant to notice,—
- (1.) That Taylor and Walker's Railway Bill be referred to a Select Committee for its consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Alexander, Mr. Dangar, Mr. Harpur, Mr. Mate, Mr. Flett, and the Mover.
- Question put and passed.

VOTES, No. 85. TUESDAY, 21 OCTOBER, 1862.

3. Taylor and Walker's Railway Bill :—Mr. Garrett, 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 16th instant.
- Ordered to be printed.

* * * * *

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1862.

TAYLOR AND WALKER'S RAILWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 16th instant, "*Taylor and Walker's Railway Bill*,"—beg leave to report to your Honorable House,—

That they have examined one of the Promoters of the Bill*, * Mr. C. Walker. and the other witness named in the margin,† (whose respective † Mr. F. W. Holland. evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by the evidence of those gentlemen, they proceeded with the several Clauses and Schedules of the Bill, in the consideration of which they deemed it necessary to make certain Amendments.‡

‡ *Vide Schedule of Amendments.*

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

THOS. GARRETT,
Chairman.

*Legislative Assembly Chamber,
Sydney, 21 October, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 21 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Garrett,	|	Mr. Alexander,
Mr. Mate,	|	Mr. Dangar,
Mr. Flett.		

Mr. Garrett called to the Chair.

Copies of "Taylor and Walker's Railway Bill"—before the Committee.

Petition for leave to introduce the Bill, by direction of the Chairman, read by the Clerk.

Mr. Christopher Walker, *one of the Promoters of the Bill*, called in and examined.

Mr. Frederick William Holland, *Engineer, Surveyor, and Architect*, examined.

Plan produced by witness, shewing the direction of the proposed line.

Room cleared.

Preamble read.

Committee deliberated.

Motion made (*Mr. Mate*) and *Question*,—That the Promoters be requested to supply an accurate tracing of the Plan produced, and lodge it with the Clerk of the House,—*agreed to*.

Motion made then (*Chairman*) and *Question*,—That this Preamble stand part of the Bill,—*agreed to*.

Parties called in and informed of the resolutions of the Committee.

Tracing to be supplied as early as possible, in accordance with the wish of the Committee.

Clauses 1 to 6 read and agreed to, without amendment.

Clause 7 read.

Amendment proposed (*Mr. Dangar*),—That after the word "forfeit," in the 28th line, there be inserted the words, "any sum not exceeding."

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

Clause, as amended, agreed to.

Clauses 9 to 36 read and agreed to, without amendment.

Schedule read.

Motion made (*Mr. Alexander*) and *Question*,—That the word "seven," at the end of line 25, be omitted, with the view of inserting in its place the word "six,"—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That the words "twenty-seven," in line 26, be omitted, with the view of inserting in their place the word "ten,"—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That the words "thirty-eight chains and ninety-eight links," in line 28, be omitted, with the view of inserting in their place the words "forty-five chains and ninety-four links,"—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That the words "thirty-two" in line 30 be omitted, with the view of inserting in their place the words "twenty-four,"—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That after the word "twenty" in line 30, the word "four" be added,—*agreed to*.

Word added.

Motion made (*Mr. Alexander*) and *Question*,—That the word "fifteen" in line 32, be omitted with the view of inserting in its place the word "thirteen,"—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That the words "forty-six" and "eighty-one" in line 34, be omitted, with the view of inserting in their stead the words "fifty" and "twenty-six" respectively,—*agreed to*.

Motion made (*Mr. Alexander*) and *Question*,—That after the word "links" in line 40, the words "or thereabouts" be inserted,—*agreed to*.

Words inserted.

Schedule, as amended, agreed to.

Chairman requested to report the Bill, as amended, to the House.

SCHEDULE

SCHEDULE OF AMENDMENTS.

- Page 3, Clause 7, line 23. *After "forfeit" insert "any sum not exceeding"*
 Page 11, Schedule, line 25 (at the end thereof). *Omit "seven" insert "six"*
 Page 11, Schedule, line 26. *Omit "twenty-seven" insert "ten"*
 Page 11, Schedule, line 28. *Omit "thirty-eight chains and ninety-eight links" insert
 "forty-five chains and ninety-four links"*
 Page 11, Schedule, line 30. *Omit "thirty-two" insert "twenty-four"*
 Page 11, Schedule, line 30. *After "twenty" insert "four"*
 Page 11, Schedule, line 32. *Omit "fifteen" insert "thirteen"*
 Page 11, Schedule, line 34. *Omit "forty-six" insert "fifty"*
 Page 11, Schedule, line 34. *Omit "eighty-one" insert "twenty-six"*
 Page 11, Schedule, line 40. *After "links" insert "or thereabouts"*

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

TAYLOR AND WALKER'S RAILWAY BILL.

TUESDAY, 21 OCTOBER, 1862.

Present:—

Mr. ALEXANDER,	|	Mr. FLETT,
Mr. DANGAR,	|	Mr. GARRETT,
Mr. MATE.		

THOMAS GARRETT, ESQ., IN THE CHAIR.

Christopher Walker, Esq., appeared as one of the promoters of the Bill, and was examined:—

1. *By the Chairman*: You are one of the petitioners for this Bill? Yes.
2. You lease some land from the Osborne family, near Russellville, in Illawarra? Yes.
3. In which you are working a coal mine? Yes.
4. You are desirous, according to your petition, of having permission to lay down a railway from that land to the Harbour of Bellambi? Yes.
5. Through whose land is it proposed this railway shall pass? The property of Francis Peter M'Cabe, Michael Cowley, Patrick Farragher, John Cawley, Thomas Hale, and the Crown.
6. You believe this railway would be a public benefit? Yes.
7. Will it increase the facilities for supplying coal? Yes.
8. For general uses? Yes.
9. *By Mr. Mate*: What is the length of the proposed line? About two and a quarter miles.
10. Is it proposed to make it a public or private line? A public line.
11. *By the Chairman*: According to the 4th clause you draw the trucks of parties who make use of the line, with your engines? Yes.
12. *By Mr. Dangar*: Is 3d. per ton per mile the usual charge in other Companies? I believe so.
13. *By Mr. Alexander*: There is no objection made by your neighbours to the passage of this railway through their land? Not that I am aware.
14. It will not be any injury to those properties? No.

C. Walker,
Esq.

21 Oct., 1862.

Frederick William Holland, Esq., called in and examined:—

15. *By the Chairman*: You are a surveyor and engineer? Surveyor, engineer, and architect.
16. Have you surveyed the line of this proposed railway? I have.
17. Have you plans? These are the plans. (*The witness produced the same.*) This is the working section.
18. Will you be so good as to describe to the Committee the course of the line? Commencing on the north-eastern side of Messrs. Taylor and Walker's mine, situate near Russellville, in the County of Camden; thence in a north-easterly direction through lands known

F.W. Holland,
Esq.

21 Oct., 1862.

- F.W. Holland, known as Russellville, believed to belong to Francis Peter M'Cabe, a distance of forty-six chains and ten links or thereabouts, to the eastern boundary of said land; thence across the parish road from Wollongong to Appin; thence in an easterly direction through land believed to belong to Michael Cawley, forty-five chains and ninety-four links, or thereabouts; thence in the same direction through lands believed to belong to Patrick Farragher, a distance of twenty-four chains and twenty-four links or thereabouts, to the eastern boundary of said lands; thence in a south-easterly direction across Salt Water Creek; and thence through land believed to belong to John Cawley, a distance of thirteen chains and eight links or thereabouts; thence in a south-easterly direction, once crossing Hale's tramway through lands believed to belong to Thomas Hale, a distance of fifty chains and twenty-six links or thereabouts, to the western boundary of an allotment of land the property of the said Taylor and Walker, at Bellambi Harbour. Also commencing at a point a distance of three chains and forty-five links, or thereabouts, in a south-westerly direction from said allotment, in a south-easterly and easterly direction through lands believed to belong to Thomas Hale, a distance of ten chains and seventy links, or thereabouts; thence in a north-easterly direction through land believed to belong to the Crown, seven chains and thirty links or thereabouts, to Bellambi Harbour.
19. *By Mr. Mate*: Has this line been pegged out according to this schedule? Yes; the only difference is that in the schedule appended to the Bill, although the quantities were right, they were not set down in their proper portions to the several names. The total quantities are right, but there are more put down to one than there should be, and not so much to another. The plan is correct.
20. The parties through whose land this line passes, are they aware of this alteration of the schedule? Yes.
21. It does not interfere with the line at all? No, there can be no possible mistake, for we have put the pegs in chains and half chains.
22. This schedule, as you now describe it, is as it is pegged on the ground? Yes.
23. *By the Chairman*: This alteration in the schedule of the distances in crossing the land arises from your not having known, in the first instance, the precise boundaries of the various owners of land? Yes, and we gave more to one person and less to another.
24. With regard to the gradients on this line, do you think they are perfectly safe? Yes.
25. What is the steepest gradient? One in $27\frac{1}{2}$ is the steepest.
26. Do you know where it is intended that the locomotive shall start? The locomotive of course will start from the foot of the incline.
27. Are there any curves on this line? Yes.
28. Will you state the radii of the curves? 11 chains 80 links, 14 chains, and so on.
29. What is this (*pointing to the plan*)? $8\frac{1}{2}$ chains at the starting; that is on a dead level.
30. Where do you cross the main road? Just after you come to M'Cabe's, on a dead level.
31. Do you purpose putting up gates? Yes, we have gates on both sides of the road, and also a gate-house, which will be a residence.
32. *By Mr. Alexander*: Is it necessary that the land on both sides should be fenced, or will it be fenced? It will be fenced.
33. *By the Chairman*: With regard to crossing Mr. Hale's tramway, is there a proper provision in the Bill for that? I believe so.
34. With regard to approaching the harbour works, has this plan been submitted to Mr. Moriarty? I submitted it last Saturday to Mr. Moriarty; he looked at it for some little time, and stated that he had no objection to it.
35. Did he give permission to you to state that to the Committee? Yes. I asked him to give me a note; he declined to do so, saying that he would not give a note to any one under such circumstances, but that I could state what he had said to the Committee.
36. You think this line is perfectly safe? No doubt of it whatever.
37. And in no way injurious to public interests? Not at all—quite the reverse.
38. Do you know the nature of the permanent way intended to be put down? We are going to put down longitudinal sleepers, eight inches by , transverse sleepers of the same scantling, and about twelve inches of ballast.
39. What is the weight of the rails? 40 lbs. to the yard.
40. In the first place you intend to bring this line to the end of an allotment of Walker's and Taylor's—you do not intend to come to the harbour until the other portions of the works are finished? No.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BULLI COAL MINING COMPANY'S
RAILWAY BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED.

26 *August*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 41. TUESDAY, 5 AUGUST, 1862.

26. Bulli Coal Mining Company's Railway Bill :—Mr. Garrett moved, pursuant to notice,—
(1.) That the Bulli Coal Mining Company's Railway Bill be referred to a Select
Committee for consideration and report.
(2.) That such Committee consist of Mr. Arnold, Mr. Dangar, Mr. Lewis, Mr. Mate,
Mr. Buchanan, Mr. Harpur, and the Mover.
Question put and passed.

VOTES No. 53. TUESDAY, 26 AUGUST, 1862.

6. Bulli Coal Mining Company's Railway Bill :—Mr. Garrett, as Chairman, brought up
the Report from, and laid upon the Table the Minutes of Proceedings of, and
Evidence taken before, the Select Committee on the said Bill.
Ordered to be printed.

* * * * *

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1862.

BULLI COAL MINING COMPANY'S RAILWAY BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 5th August, the "*Bulli Coal Mining Company's Railway Bill*," beg leave to report to your Honorable House,—

That they have examined one* of the Directors of the Com-
 pany, and the Surveyor† of the Line (whose respective evidence is
 appended hereto), and that, the preamble having been satisfactorily
 proved by the evidence of those gentlemen, they proceeded to consider
 the several clauses and schedule, when it was deemed necessary to
 make certain amendments,‡ and also to introduce a new clause.§

Mr. William
Speer.

† Mr. William
Weaver.

‡ Vide Schedule
of Amendments.

And your Committee beg to lay before your Honorable House
 the Bill, as amended by them.

THOS. GARRETT.

Chairman.

Legislative Assembly Chamber,

Sydney, 21 August, 1862.

SCHEDULE OF AMENDMENTS.

Page 1. *After* Clause 1 *insert* the following new Clause,—

" 2. It shall be lawful for the Company either in substitution for some portion of
 " the Railway by the first section of this Act authorized to be made or in Power to con-
 " addition to the said Railway to make and continue a Railway through land tinue Railway
 " known as the Bellambi Estate or Village and believed to be the property to dock or
 " of Thomas Hale for the purpose of connecting the Railway and works of harbour works.
 " the Company with any public dock or harbour works which may hereafter
 " be constructed at Bellambi and to take and use so much of the said lands
 " as the said Company may require not exceeding in any part thereof a greater
 " space in breadth than sixty-six feet including the supports abutments and
 " foundations of the said Railway Provided that before such last-mentioned
 " work shall be commenced to be made a plan and section thereof shall be
 " laid before and approved by the Governor and Executive Council."

Page 4, Clause 10, line 7. *After* "highway" *omit* "or."

Page 4, Clause 10, line 7. *After* "road" *insert* "or tramway."

~~Page 4, Clause 10, line 7. *After* "road" *insert* "or tramway."~~

ERRATUM.

PAGE 4, instead of "That this Preamble stand part of the Question," read "That
 " this Preamble stand part of the Bill."

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BULLI COAL MINING COMPANY'S BILL.

THURSDAY, 21 AUGUST, 1862.

Present :—

Mr. GARRETT, | Mr. HARPUR,
Mr. LEWIS.

THOMAS GARRETT, ESQ., IN THE CHAIR.

G. W. Allen, Esq., appeared as Solicitor for the promoters of the Bill.

William Speer, Esq., called in and examined :—

1. *By Mr. Allen* : You are a proprietor of the Bulli Coal Mining Company? Yes.
2. And a director also? Yes.
3. Do you produce the deed of settlement? Yes. (*The witness produced the same.*)
4. Is it executed by the proprietors? Yes.
5. Is the Company incorporated? Yes.
6. Under what style? The Bulli Coal Mining Company.
7. Have the Company opened their mines? They have.
8. Are they desirous of constructing a railway from the Company's mines to the harbour of Bellambi? They are.
9. Is the land through which the railway is intended to pass the Company's property? Part of it is, but the greater part of it is other parties'.
10. To whom does it belong? To George Somerville, John Somerville, James Holden, James Somerville, George Organ, Robert Campbell, William Campbell, Patrick Collins, Sarah Salter, John Cawley, Elizabeth Colleary, Thomas Hale, and a small portion to the Crown.
11. Is it necessary to obtain legislative authority to make the railway? I presume it is.
12. Are the Company desirous of obtaining that authority? They are.
13. Is it probable that the opening of the Company's mine will prove beneficial to the Colony and the public? Undoubtedly.
14. Will you state in what way? By opening up a large export of coal, in fact, a new export in that district, and anything that facilitates that, is an improvement both to the district and to the country.
15. Has the demand for coal consumption, steam navigation, and export, increased of late years? Yes.
16. Will the construction of the railway to Bellambi facilitate the obtainment of a supply of coal? Yes.
17. Has any opposition been offered to this Bill by the proprietors of land through which it is intended that this railway should pass? Not that I am aware of.
18. Can you tell the depth of the seam of coal that is opened? I could not exactly say, but it is from eight to ten feet, more than eight I know.
19. Are there any bands of clay or other substance in it? Not that I am aware of.
20. Is the coal field extensive? Very extensive; it extends all along the mountain range.
21. *By the Chairman* : If the Company get this Bill, other persons will be allowed to use this line on equitable conditions? Yes, certainly.

Wm. Speer,
Esq.

21 Aug., 1862.

William

William Weaver, Esq., called in and examined:—

- W. Weaver,
Esq.
21 Aug., 1862.
22. *By Mr. Allen*: What are you? An engineer and architect.
23. Have you been employed by the Bulli Coal Mining Company? I have.
24. Do you produce plans showing the position of the mine, and of the lands through which the Company desire to pass, in order to reach the harbour of Bellambi? This is the plan, showing the course of the line from the mine to the port of Bellambi, with the various proprietors' names. (*The witness produced the plan and working sections.*)
25. *By the Chairman*: There is no Crown land? Not till you get to high water mark.
26. *By Mr. Allen*: Where are the mines situated? In the County of Camden, on land originally belonging to George Somerville, very near the north boundary of the County of Camden, where it joins the County of Cumberland, immediately to the west of the point known as Bulli Point.
27. How far is the mouth of the mine from the harbour of Bellambi? The length of the locomotive railway will be three miles and thirty-five chains, then beyond that is an incline a distance of about thirty chains I think, nearly half a mile, to the mouth of the mine, which is worked by a self-acting incline, and by horse power. The only road crossed is a parish road, known as Bulli Road, which is crossed by a bridge.
28. Can you say that the line, a plan of which you produce, is the readiest mode of conveying coals from this mine to Bellambi? Yes.
29. Will the construction of that line facilitate the communication of the mines with Bellambi;—what is the course of the proposed railway from the mine to Bellambi? Commencing at a point on the eastern boundary of the Company's property, and proceeding thence in an easterly direction through lands believed to belong to George and John Somerville, a distance of nineteen chains eighty-five links, or thereabouts, to the eastern boundary of the said lands; thence, in a south-easterly direction through open swampy land, believed to belong to John Somerville, a distance of thirty chains seventy-five links, or thereabouts, where it crosses the parish road from Bulli to Wollongong; thence, in the same direction, a further distance of six chains forty-five links, or thereabouts, to the southern boundary of the said John Somerville's property; thence, in the same direction, through lands believed to belong to James Holden, a distance of nineteen chains ninety links, or thereabouts, to the southern boundary of the said lands; thence, in the same direction, through land believed to belong to James Somerville, a distance of twenty-nine chains twenty-five links, or thereabouts, to the southern boundary of the said lands; thence, in the same direction, through land believed to belong to George Organ, a distance of thirteen chains seventy-five links, or thereabouts, to the southern boundary of the said lands; thence, in a southerly direction, through land believed to belong to Robert Campbell and William Campbell, a distance of twenty-one chains sixty-five links, or thereabouts, to the southern boundary of the said land; thence, in the same direction, through land believed to belong to Patrick Collins, a distance of twenty-five chains eighty-five links, or thereabouts, to the southern boundary of the said lands; thence, in the same direction, through lands believed to belong to Sarah Salter, a distance of twenty-six chains, or thereabouts, to the southern boundary of said land; thence, in the same direction, through land believed to belong to John Cawley, a distance of fifteen chains forty links, or thereabouts, to the southern boundary of said land; thence, in the same direction, crossing Hale's tramway, through land believed to belong to Elizabeth Colleary, to the southern boundary of said lands; thence, in a similar direction, through lands believed to belong to John Cawley, to Bellambi Creek, the southern boundary of said lands; thence, in an easterly direction, twice crossing Hale's tramway, a distance of forty-four chains fifty links, or thereabouts, through lands believed to belong to Thomas Hale, to the waters of Bellambi Harbour; thence, in a northerly direction, a distance of nine chains fifty links, or thereabouts, into Bellambi Harbour.
30. All these lands you speak of are in the County of Camden? Yes.
31. Can you state whether the proposed line is likely to be a benefit to the Colony? Yes.
32. Do you believe it will promote facilities for the supply of coal for local consumption, steam navigation, and export? Yes.
33. Do the plans you now produce show clearly the properties through which the line passes? Yes, and the sections.
34. They show the entire works? Yes, with the exception of the bridge drawings.
35. *By the Chairman*: Mr. Hale has no objection to your crossing his line? Mr. Hale told me himself yesterday that the promoters of this Bill had satisfied him as to the mode in which they proposed to cross his property.
36. There will be a bridge over the parish road? Yes, a timber bridge, giving a greater amount of headway than is generally required by such Acts. There is the usual clause for that purpose.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CO-OPERATIVE COAL MINING COMPANY'S
RAILWAY BILL.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 3 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Michael Metcalfe, of Sydney, Merchant,—

SHREWETH :—

That your Petitioner is one of the Directors and Chairman of the Newcastle Wallsend Coal Company.

That such Company is an incorporated Company, and was incorporated by an Act of the Legislature of this Colony, passed in the twenty-third year of the reign of Her present Majesty.

That under the provisions of the Act so incorporating the said Company, the said Company constructed a Railway from their pits, situate at Wallsend, near Newcastle, to the Government Great Northern line of Railway.

That from the time of its construction up to the present time, the said Company have used the said line for the purpose of taking their coal on to the said Government line, for conveyance on such last mentioned line to Newcastle.

That a Bill has lately been brought into your Honorable House, intituled "A Bill to incorporate the New South Wales Co-operative Coal Mining Company and to enable the said Company to connect a Railway proposed to be constructed over land belonging to them with a certain Railway belonging to the Newcastle Wallsend Coal Company."

That in and by the twentieth section of the said Bill it is proposed to repeal a portion of the said Act, incorporating the said Newcastle Wallsend Coal Company, and to compel the said last-mentioned Company to make such openings and additional lines of Railway upon the Railway of the said Company, at a place to be pointed out by the Promoters of the said Bill, notwithstanding at such place the Railway of the said Newcastle Wallsend Coal Company is upon an inclined plane.

That if the said clause is passed into law, the interests of the said Newcastle Wallsend Coal Company will be greatly damnified and injured thereby.

That great additional wear and tear will be thereby occasioned to the said Company's Railway, and such communication cannot be made with the said Company's line, where it is upon an inclined plane, without injury to the said Railway, and inconvenience to the traffic thereupon.

That your Petitioner respectfully submits to your Honorable House, that in passing the said Company's Act the question of allowing other parties to join their line, in places where it is upon an inclined plane, was duly considered by Parliament, and it was then decided that the said Company should not be compelled to allow other parties to join their line at such places; and your Petitioner respectfully contends, that inasmuch as the said Company completed their said Railway and commenced their business upon the faith of the said clause protecting them from being interfered with by parties joining their line at places where it is upon an inclined plane, that it would be unjust to the said Company to repeal that portion of the said Act in the manner proposed by the twentieth section of the said Bill.

That your Petitioner is informed, and believes, that in the event of the said Bill being passed into law in its present shape, it is the intention of the Promoters thereof to join their Railway on to the said Company's Railway at a spot where there is an incline in the Company's said Railway. The joining of the said Railway at the said spot would be most inconvenient and injurious, and detrimental to the interests of the said Company.

2 CO-OPERATIVE COAL MINING COMPANY'S RAILWAY BILL.—PETITION.

That no notice whatever was given by the Promoters of the said Bill to the said Company, of the alteration proposed by the twentieth clause of the said Bill, and the said Company were not aware of the said proposed alteration until after the said Bill had been reported upon by the Committee of your Honorable House, to whom the said Bill was referred, and consequently the said Company were unable to have their interests represented before the said Committee.

Your Petitioner, therefore, humbly prays that your Honorable House will not consent to repeal the said portion of the said Company's said Act in the manner proposed in and by the twentieth section of the said Bill, and that in considering the said Bill, your Honorable House will be pleased to preserve to the said Company all the rights, privileges, and advantages conferred upon and granted to the said Company in and by the said Act, and that in passing the said Bill into law, due provision may be made to compel the said Promoters to give due notice to the said Company of the spot at which they may desire to enter upon the said Company's Railway, and for the reference to competent parties of any dispute or difference which may arise between the said Company and the said Promoters as to the spot at which the said Promoters ought to be allowed to enter upon the said Company's said Railway.

And your Petitioner will ever pray, &c.

M. METCALFE,
Chairman of the Newcastle Wallsend Coal Company.

Sydney, 3rd October, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

CO-OPERATIVE COAL MINING COMPANY'S BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 2*d.*]

588—

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 65. TUESDAY, 16 SEPTEMBER, 1862.

14. Co-operative Coal Mining Company's Bill :—Mr. Windeyer, *with the concurrence of the House*, moved (without notice),—
- (1.) That the Co-operative Coal Mining Company's Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. Arnold, Mr. Driver, Mr. Lewis, Mr. Garrett, Mr. Wilson, and the Mover.
- Debate ensued.
- Question put and passed.
-

VOTES, No. 70. WEDNESDAY, 24 SEPTEMBER, 1862.

2. Co-operative Coal Mining Company's Bill :—Mr. Wilson, as Chairman, brought up a Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 16th September to consider and report upon the "Co-operative Coal Mining Company's Bill."
- Ordered to be printed.
-

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1862.

CO-OPERATIVE COAL MINING COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 16th September, the "Co-operative Coal Mining Company's Bill," beg leave to report to your Honorable House,—

That they have examined the Solicitor for the Bill,* and the Engineer† and Secretary‡ to the Company (whose respective evidence will be found appended hereto); and the Preamble having been satisfactorily proved by the evidence of those gentlemen, and verbally amended,|| they proceeded to consider the several clauses of the Bill, in which it was not deemed expedient to make any amendment.

*Mr. T. Iceton.
†Mr. R. Whytte.
‡Mr. R. Busfield.
(Vide Schedule.)

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

J. BOWIE WILSON,
Chairman.

Legislative Assembly Chamber,
Sydney, 24 September, 1862.



PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 23 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Wilson, | Mr. Garrett,
Mr. Driver.

Mr. Wilson called to the Chair.

Present for the Promoters :—

Mr. T. Iceton, *Solicitor for Bill.*

Mr. Robert Busfield, *Secretary to the Company.*

Mr. Robert Whytte, *Engineer to the Company.*

Petition for leave to introduce the Bill, by direction of the Chairman, read by the Clerk.

Mr. Thomas Iceton, *Solicitor*, examined.

Original Deed of Settlement referred to in the Preamble *produced* by witness, and a printed copy of the same *handed in*.

Mr. Robert Whytte, *Engineer to the Company*, examined.

Mr. Robert Busfield, *Secretary to the Company*, examined.

Plan of proposed Railway *produced*.

Room cleared.

Preamble read, and *verbally* amended. (*Vide Schedule of Amendment.*)

Motion made (*Chairman*) and *Question*,—That the Preamble, as amended, stand part of the Bill,—*agreed to*.

Clauses 1 to 23 severally read and agreed to without amendment.

The Chairman submitted Draft Report.

The same read and agreed to.

Chairman requested to report the Bill, as verbally amended, to the House.

SCHEDULE OF AMENDMENT.

Page 1, Preamble, line 13. *After "lands" insert "of."*

LIST OF WITNESSES.

Busfield, Mr. Robert, <i>Secretary to the Company</i>	6
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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

CO-OPERATIVE COAL MINING COMPANY'S BILL.

TUESDAY, 23 SEPTEMBER, 1862.

Present:—

MR. DRIVER, | MR. GARRETT,
MR. WILSON.

JOHN BOWIE WILSON, ESQ., IN THE CHAIR.

Thomas Iceton, Esq., called in and examined:—

1. *By the Chairman*: You are solicitor for the promoters of the Bill? I am.
2. That Company desires in the first place to obtain an Act of Incorporation, and in the next an authority to make a junction of a line of railway they propose to make, with the line of the Newcastle Wallsend Coal Company which intersects their land? Yes, the line of the Newcastle Wallsend Company passes through land of which they have the lease; it may be said to go through their land.
3. Will you be good enough to state the object the promoters have in view in being incorporated? Their object in being incorporated is to enable them to sue and be sued in a more convenient way than they could be if they were not incorporated.
4. But they could exist and carry on business as a Company without this Act? Certainly; they can carry on all their operations without the assistance of the Legislature, but they would be subject to some considerable inconvenience, because the Company consists of a very large number of persons, and it will be necessary to use the names of every one of them in every contract or procedure of the Company.
5. Then the Act of Incorporation does not affect any other parties but the individual shareholders? No, this part relating to the incorporation of the Company does not affect any one except the shareholders, with the exception of the 18th clause, which proposes to limit the liability of the shareholders in the Company—that is a matter affecting the community and can only be done by the Legislature.
6. Have you the deed of settlement? Yes, I now produce it. (*Deed of settlement produced.*)
7. Have many of the shareholders signed it? Yes, it bears the signatures of between 200 and 300 shareholders.
8. Do you know the precise number of shares in this Company that have been taken up? The Secretary of the Company will be examined, and he will give you more precise information on this point than I can do.
9. Will you state whether any correspondence has taken place between the Secretary of the Co-operative Coal Mining Company, or yourself on their behalf, and the Newcastle Wallsend Company, relative to this proposed junction? Yes, some letters have passed between Mr. Mellon and myself on the part of this Company, and the Secretary of the Newcastle Wallsend Company. A copy of that correspondence is now before the Committee, and I can produce the original letters

Thomas
Iceton, Esq.

23 Sept., 1862.

Thomas
Iceton, Esq.
23 Sept., 1862.

letters if the Committee desire it. I may state briefly that the substance of the correspondence is that the Newcastle Wallsend Company have refused to lay down a point at the place indicated by our engineer as the most eligible spot for effecting a junction, because their line is at that point on an incline; and the Wallsend Company insist that their Act excludes them from being obliged to allow a junction at any place where the line is on an incline.

10. Have you seen that clause in the Newcastle Wallsend Company's Act? Yes; it is recited fully in the 19th clause of the Bill now before the Committee.

11. It is there stated that the reason for this prohibition is that every such communication with their line shall be made with safety to the public and without injury to their railway? Yes.

12. The reason why a junction is not allowed to be made on an incline is that in the first place public safety shall be insured, and next that the line of railway shall not be injured? Their Act goes farther than that, for it prohibits a junction on an inclined plane, whether such junction can there be made with safety or not; and that is going, as I conceive, much farther than the Legislature intended.

13. Do you not think that the previous part of the clause to a certain extent interprets the other part of it? Yes, it shows what the Legislature had in view when they passed the clause; but the subsequent part goes farther than the object the Legislature intended to attain.

14. You are not in a position to give evidence as to what would be an incline within the meaning of this clause of the Wallsend Company's Act? I do not consider myself competent to do that, but I shall call professional evidence for the purpose.

15. You have read the preamble of this Bill? I have.

16. Can you say that the facts there stated are correct? It recites the deed of settlement correctly, so far as it does recite it; and the other part of the preamble is to the effect that the Company desires to be incorporated, and of that I have already given evidence, having been employed by the promoters for the purpose of procuring the passing of this Bill.

17. *By Mr. Driver:* I see by the deed of settlement that the capital of the Company is to consist of 6,000 shares of £5 each;—how many of these have been allotted? I must refer you to the Secretary for an answer. I have the information only on hearsay, and I would prefer that he should give evidence on this point.

18. By the deed of settlement has due provision been made for the management of the affairs of the Company by a director to be from time to time appointed for that purpose? There has.

Mr. Robert Busfield called in and examined:—

Mr. Robert
Busfield.
23 Sept., 1862.

19. *By Mr. Iceton (Solicitor for the promoters):* You are Secretary to the New South Wales Co-operative Coal Mining Company? I am.

20. Will you look at the deed of settlement now before you? Yes.

21. Is that the deed of settlement of the New South Wales Co-operative Coal Mining Company? It is.

22. Can you say how many of the shareholders have executed this deed? Yes, 267.

23. I believe that it is one of the objects of this Company that the shareholders should work the property as well as have an interest in the capital of the Company? It is.

24. How many shares have been taken up? 2,500.

25. The total number of shares being 6,000? Yes.

26. How much has been paid up on each share? Thirty shillings.

27. Is there any reason to suppose that, from want of funds, or from any other cause, the Company will not be able to carry on their operations;—do you anticipate any failure of means to carry on the Company? No, I do not.

28. No public mischief would be entailed if the corporation were broken up, but you do not anticipate any failure to render the breaking up of the Company necessary? No.

29. The Co-operative Coal Mining Company are in possession, under a legal instrument, of land upon which the proposed railway is intended to be made? They are.

30. And this land immediately adjoins the land occupied by the Newcastle Wallsend Coal Company? It does.

31. Will there be any difficulty in effecting a junction with the Wallsend Company's line, provided you are allowed to make one? None whatever.

32. You are well acquainted with the locality? I am.

33. At the place where it is proposed to make the junction, is the Wallsend Company's line used, or any part of it, for a station, a bridge, or a tunnel? No, it is not.

34. It is not used for any other purpose than the ordinary and direct traffic? For no other purpose than I know of.

35. Do you know what the incline is at that point? No, but our Engineer will inform you precisely what it is.

36. Will there be any danger or inconvenience to the public, or any injury to the property of the Newcastle Wallsend Company, in having the junction of your line at that particular spot? No, I think not.

Mr. Robert Whytte called in and examined:—

Mr. Robert
Whytte.
23 Sept., 1862.

37. *By Mr. Iceton:* What are you by profession? An engineer.

38. Are you acquainted with the land in the occupation of the promoters? I am.

39. And you know the Newcastle Wallsend Coal Company's land pretty well? I do.

40. Are you engaged in making a survey of a line of railway to connect the pits of the promoters with the line of the Newcastle Wallsend Coal Company? I am.

41. With respect to the proposed point of junction of the two lines, is the line of the Newcastle Wallsend Coal Company on an incline at that place? Yes, it is.
42. What is the incline at that point? 1 in 124, just about the point of junction.
43. Is there any point on the Wallsend Company's line within the land of the promoters at which the incline is less than this? No, the incline is less there than on any other point on their line.
44. Do you know the rest of the Wallsend Company's line? I do.
45. Is the whole of that line on some incline or other? I should say that there is not a level piece of ground along the whole line—not a piece that is not either on an incline or a curve.
46. Is there any curve at this point? Not at the point of junction, but just before we join there is.
47. Is that so sudden or so sharp as to interfere with the proper working of this junction? Not at all. They branch in on the Great Northern with a curve precisely similar to the one we now ask for.
48. Is it so great that any danger whatever need be apprehended from this proposed junction? Not in my opinion.
49. Is there any engineering difficulty that would render a junction at this spot inconvenient to the Wallsend Company to a greater extent than it would be at any other point? None at all.
50. Is there any engineering difficulty whatever in the way of the construction of the promoters' line? No. There will be a good deal of money wanted to make a viaduct, but there will be no difficulty about it.
51. *By the Chairman:* You state that the gradient at the point of junction is 1 in 124? Yes.
52. Can the junction be made at this point with safety to the public? Yes, with perfect safety.
53. And without injury to the railway of the Newcastle Wallsend Company? Yes.
54. And without inconveniencing their traffic? Yes.
55. Have the Newcastle Wallsend Company, to your knowledge, set this particular point apart for any specific purpose? No.

Mr. Robert Whyte.

23 Sept., 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

BOTANY RAILWAY COMPANY'S BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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

SYDNEY :
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 3d.]

590—A

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 65. TUESDAY, 16 SEPTEMBER, 1862.

10. Botany Railway Company's Bill :—
- (1.) Mr. Lucas moved, pursuant to notice,—
- (1.) That the Botany Railway Company's Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. Arnold, Mr. Harpur, Mr. Hoskins, Mr. Shepherd, Mr. Sutherland, Mr. Sadleir, Mr. Holt, Mr. Dalgleish, Mr. Garrett, and the Mover.
- Debate ensued.
- Motion by leave withdrawn.
- (2.) Mr. Morris then, *with the concurrence of the House*, moved (without notice),—
- (1.) That the Botany Railway Company's Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. Arnold, Mr. Harpur, Mr. Hoskins, Mr. Shepherd, Mr. Sutherland, Mr. Sadleir, Captain Moriarty, Mr. Dalgleish, Mr. Garrett, and the Mover.
- Question put and passed.
-

VOTES No. 71. THURSDAY, 25 SEPTEMBER, 1862.

2. Botany Railway Company's Bill :—Mr. Garrett, as Chairman, brought up a Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed, on the 16th September, to consider and report upon the "Botany Railway Company's Bill."
- Ordered to be printed.
-

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1862.

 BOTANY RAILWAY COMPANY'S BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 16th September, the "*Botany Railway Company's Bill*," beg leave to report to your Honorable House,—

That they have examined the Secretary* of the proposed Company, and two of the Directors† (whose evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by the evidence of those gentlemen, and the same been verbally amended, they proceeded with the several clauses of the Bill, all of which they agreed to without amendment, and added a new Clause.‡

* Mr. J. R. Radford.
 † T. Holt, Esq., M.P.
 J. Lucas, Esq., M.P.

‡ *Vide Schedule of Amendments.*

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

THOS. GARRETT,
 Chairman.

*Legislative Assembly Chamber,
 Sydney, 25 September, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Garrett,	|	Mr. Morris,
	|	Mr. Shepherd.

Mr. Garrett called to the Chair.

Committee deliberated.

Ordered, That Mr. Whitton be summoned as a witness for Wednesday next.

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

WEDNESDAY, 24 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Garrett in the Chair.

Capt. Moriarty,	|	Mr. Shepherd,
Mr. Morris,	|	Mr. Hoskins,
Mr. Harpur,	|	Mr. Sutherland,
	|	Mr. Sadleir.

Present for the Promoters :—

Mr. J. R. Radford, *Secretary to the Company.*

Mr. Thomas Holt, M.P., *One of the Directors.*

Mr. J. Lucas, M.P., *One of the Directors and Chairman to the Company.*

Printed copies of the Bill before the Committee.

Petition for leave to introduce the Bill—read.

Mr. J. R. Radford examined.

Mr. T. Holt, M.P., examined.

Mr. J. Lucas examined.

Plans of the proposed railway produced by witness.

Room cleared.

Preamble read and *verbally* amended. (*Vide Schedule of Amendments.*)

Motion made (*Chairman*) and *Question*,—That the Preamble, as amended, stand part of the Bill—*agreed to.*

Clauses 1 to 11 severally read and agreed to without amendment.

Clause 12 read, blanks filled in, and agreed to.

Clauses 13 to 48 severally read and agreed to without amendment.

Clause 49 read, blank filled in, and agreed to.

Clause 50 read and agreed to without amendment.

Schedule A read, amended (*vide Schedule of Amendments*), and *agreed to.*

New Clause brought up by the Promoters, to follow Clause 36 of the Bill as printed.

New Clause read. (*Vide Schedule of Amendments.*)

Motion made (*Mr. Morris*) and *Question*,—That the new Clause, as read, stand part of the Bill, and follow next after Clause 36—*agreed to.*

Draft Report read by Chairman and agreed to.

Chairman requested to report the Bill as amended to the House.

SCHEDULE OF AMENDMENTS.

Page 1, preamble, line 9. *After "whereas," insert "it was."*

Page 1, preamble, line 32. *After "and" omit "the."*

Page 1, preamble, line 33. *After "same" add "as follows."*

Page 15, clause 36. *After "said clause" insert the following new clause:—*

" 37. And be it enacted that it shall be lawful for the owners or occupiers of ^{Branch railway.}
 " the lands traversed by the said railway to lay down upon their own lands any
 " collateral branches of railway to communicate with the said railway for the
 " purpose of bringing carriages to or from or upon the said railway and the
 " promoters shall if required at the expense of such owners or occupiers make
 " openings in the rails and such additional lines of railway as may be necessary
 " for effecting such communication in places where the communication can be
 " made with safety to the public and without injury to the said railway and without
 " inconvenience to the traffic thereupon and the promoters shall not take any rate
 " or toll or other moneys for the passing of any passengers goods or other things
 " along any branch so to be made by any such owner or occupier or other person
 " but this enactment shall be subject to the following restrictions and conditions
 " (that is to say)

" No such railway shall run parallel to the said railway the promoters shall
 " not be bound to make any such openings in any place which they shall
 " have set apart for any specific purpose with which such communication
 " would interfere nor upon any inclined plane or bridge nor in any tunnel.

" The persons making or using such branch railways shall be subject to all
 " by-laws and regulations of the promoters from time to time made with
 " respect to passing upon or crossing the railway and otherwise and the
 " persons making or using such branch railways shall be bound to construct
 " and from time to time as need may require to renew the off-set plates and
 " switches according to the most approved plan adopted by the promoters
 " under the direction of their engineer."

Page 20, Schedule A, line 5. *Omit "Council," insert "Parliament."*

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

BOTANY RAILWAY COMPANY'S BILL.

WEDNESDAY, 24 SEPTEMBER, 1862.

Present:—

Mr. GARRETT,
Mr. HARPUR,
Mr. HOSKINS,CAPT. MORIARTY,
Mr. MORRIS,
Mr. SHEPHERD,

Mr. SUTHERLAND.

THOMAS GARRETT, Esq., IN THE CHAIR.

Mr. John Robert Radford called in and examined:—

1. *By the Chairman*: You are Secretary of the Botany Railway Company? Yes.
2. And the person who petitioned for leave to introduce the Bill? Yes.
3. Has the Company been regularly formed? Yes.
4. What is the number of shareholders? Thirty-eight.
5. What is the total amount of capital subscribed? £8,250.
6. How much has been paid up? 7s. 6d. per share.
7. What is the amount of the shares? £5 shares.
8. What is the total amount paid? £548 5s.
9. Have the directors been chosen? Yes.
10. By the body of the shareholders? Yes, at a public meeting.
11. What is the object of this Company? To form a Railway from Mudbank, near the City Water Works, to effect a junction with the Great Southern Railway, near the Erskineville Bridge.

Mr. J. R.
Radford.

24 Sept., 1862.

Thomas Holt, Esq., M.P., examined:—

12. *By the Chairman*: Are you one of the proprietors and directors of the Botany Railway Company? Yes.
13. For what purpose has the Company been formed? To connect Sydney with Botany Bay, by means of a Railway joining the Great Southern Railway at or near Newtown at the Erskineville Bridge. A very careful survey has been made of the line.
14. How far is the junction from the Erskineville Bridge? Speaking from memory, I should think about 100 feet.
15. The Great Southern Railway does not curve at this junction? No, it is straight and nearly level; this is the best place for joining the Great Southern Railway.
16. Does the proposed line pass through private property? It does.
17. Have you secured the assent of the owners? There will be no difficulty about that.
18. I suppose the Bill contains the usual compensation clauses? Yes, of course.
19. Does the line cross any parish roads? No parish roads that are used, merely some that exist on paper.
20. You purpose constructing this railway in order to promote the more expeditious and economical conveyance of passengers and goods? Yes, of which there will be a considerable traffic.

Thomas Holt,
Esq., M.P.

24 Sept., 1862.

MINUTES OF EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE

- Thomas Holt, Esq., M.P.
24 Sept., 1862.
21. And you believe that the carrying out of this railway will develop the natural resources of the neighbouring localities? To an immense extent; there is no doubt about it.
22. Do you anticipate that it will have the effect of drawing any trade into Botany? Yes, very considerable.
23. Do you think it will draw any of the Illawarra trade that way? We have spoken of it certainly; but independently of the Illawarra trade, there will be very considerable traffic. I feel quite sure that all the Illawarra steamers will land their passengers there as well as goods.
24. *By Mr. Shepherd:* In lieu of coming up Sydney Harbour? Yes; I am told the very worst part of the trip between Wollongong and Sydney is from Botany Heads to Sydney; the rest of it is merely a pleasure trip; the passengers do not become sea-sick until they have passed the Botany Heads.
25. *By the Chairman:* You believe that the formation of this line will be a great public advantage? An immense public advantage.
26. With regard to the Company, do you believe they would be in a position to carry out the undertaking if the Bill were passed? I am quite sure they would. In fact, were it not that it might cause a good deal of envy and jealousy to see such a line in the hands of a private individual, I would make it at my own expense rather than not have it done at all, so satisfied am I that it will be a very lucrative undertaking.
27. Is it proposed to form this Company under a limited liability to the extent of the shares? Yes, that has always been the case in this Colony.
28. Is there any deed of settlement? No, we have not considered any deed of settlement necessary, inasmuch as we do not intend to commence the works until we get the Bill.
29. Do you propose to work the Company under this Act alone? Under the Act alone, in the very same way that the Sydney Railway Company was formed originally.
30. What is the proposed capital of the Company? The proposed capital is considerably more than will be required. We seek powers to create 2,500 shares of £5 each, or a capital of £12,500; but we do not expect to require more than £7,000 or £8,000. We shall not issue more shares than are necessary.
31. The Company are desirous of being incorporated? Yes.
32. *By Captain Moriarty:* I presume that you anticipate that all the land to the southward of Botany, and all the inhabitants of that district, will derive some benefit from this railway? No doubt of it.
33. Is it your opinion that property in that neighbourhood will increase in value in consequence? Yes, both public and private property, to an immense extent.
34. Not only the land between that and Cook's River, but also the land on the other side? I do not think it will affect the land on Cook's River much; it is rather out of the way of the line; it will improve the property at the mouth of Cook's River, but it does not go near Cook's River above the Dam.
35. Then the land from that to George's River will be benefited thereby, in your opinion? You mean between the Dam and George's River; I do not think that will be much benefited. If you have a map of that portion of the country you will find it avoids that part; the proposed railway goes in a straight line from the Erskineville Bridge on the Great Southern Railway to near the Water Works at Botany, and therefore it avoids all that land now traversed by the road from the Dam to Rocky Point on George's River. No doubt land even at a distance will be greatly benefited by this railway. All the land on George's River will be very much benefited. The Government have a great deal of land there. There is no doubt this railway to Botany will be a great public good. It will be the means of enabling tens of thousands of persons on holidays to go and enjoy themselves on the beautiful bay of Botany.
36. *By Mr. Hoskins:* Do you know whether the owners of the land which this railway is intended to traverse have been served with notices of your intention to apply for an Act of Parliament to construct this railway? I presume they have, but from my own personal knowledge I cannot say.
37. This proposed railway of yours will cross several turnpike roads, will it not? Not one.
38. *By the Chairman:* Is there any power given in this Bill for the Government to purchase this railway? I believe there is.

John Lucas, Esq., M.P., examined:—

- John Lucas, Esq., M.P.
24 Sept., 1862.
39. *By the Chairman:* Are you one of the Directors of the proposed Botany Railway Company? Yes, I am a Director and Chairman.
40. Do you produce plans of the proposed railway? I do. (*Plans produced.*)
41. Will you be so good as to describe the intended course of the line? It connects with the Great Southern Railway about 100 feet from the Erskineville Bridge—I have a book of reference here showing the different persons' property that it goes through, and the whole of them are aware that the railway line was being surveyed, and would be proceeded with as soon as this Bill is passed. This book of reference has been lying three or four months at the Company's Office. It gives the names of the owners of the land, the present occupiers, and the quantity we propose to take from each.
42. Do you know, of your own knowledge, that the required legal notices were given in the *Gazette* and other papers? Yes, I had to introduce the Bill, and I handed over to the Clerk of the Assembly copies of the *Gazette*, *Herald*, and *Empire*, in which the notices required appeared.

43. Do you know what is the gradient on the Great Southern Line where the proposed line joins it? It is as nearly level as possible. Our gradients are these:—The first gradient from the bridge for 229 feet falls 1 in 50; then comes a fall of 1 in 48 for 720 feet; for 833 feet a rise of 1 in 62; 36 feet level; 982 feet a fall of 1 in 45—which I may say is the stiffest gradient on the line; 860 feet a rise of 1 in 75 feet; 732 feet a fall of 1 in 150; 2,075 feet a fall of 1 in 54; 842 feet a fall of 1 in 57; 1,060 feet level; 1,938 feet a rise of 1 in 352; 1,300 a rise of 1 in 928 feet; 1,087 feet a rise of 1 in 1,087 feet; 2,770 feet a fall of 1 in 1,833; 441 feet a fall of 1 in 90 feet. You will perceive on the plan a track marked "Anceel-street," which I may say is very little used indeed, it merely goes down to a brick yard; we cross that nearly on a level—if I remember right, we have to take off about a foot and a half of the street.
44. In whom is that road vested? I think it is a public road. In some subdivision of some small property this was a road marked out. This, marked "Rochford-street," we also go over very nearly on a level. In crossing this "cart track," we go down about eighteen inches; of course it will be made a level crossing. This (pointing to a road shown on the plan) was the original road to Cook's River, called many years ago the ——— road, but it is not now used.
45. It is not closed up, is it? No, but it is not used at all; it was abandoned after the new road was made, just as the old piece of the Parramatta Road was after the new cut near the University was made.
46. Is this road vested in any trustees? No, it merely appears on the map as an old road. I believe the proprietor of the Waterloo Estate intends to apply to the Government to allow him to purchase it. On plan No. 2 we commence with swamp land; this marked "reserved road" is a road reserved for some allotments that were purchased from the Government by Mr. Holt and two or three other gentlemen, and we cross it on a level; it is all a swamp. Then we cross "Ricketty-street," which is a mere cart track from the Newtown Road across to the Botany Road; it is very little used indeed. This (pointing to a road marked on the plan) is a road used by the market gardeners who carry on their business here; it is merely for their convenience to come across.
47. At what level do you cross these? All these will be crossed at a level, and we shall have to provide sufficient gates and so forth.
48. Is this (referring to what appeared on the plan to be waste land) Crown land? No; we do not go through any Crown land. There is another reserved road that we skirt, but it is not used, and I think the neighbouring proprietors have agreed each to take in half of it; it does not appear there at all now. Here we come down to the terminus through land belonging to Mr. Lord.
49. This reserved road, just before you come to the terminus, is that used? No.
50. At what level do you cross it? About one foot below the present level.
51. *By Mr. Shepherd:* Whose land is this abutting on the terminus? All this is Mrs. Lord's.
52. *By the Chairman:* Have you asked for powers to make a jetty, in this Bill? We have asked for powers to make the necessary works, which will include a jetty. We expect, and I am confident, that the whole of the passenger traffic between Wollongong and Sydney will go along this railway, as well as dairy produce; for the steamer can run from the pier at Wollongong to our pier at Botany in three hours; so that a person leaving Wollongong at six o'clock could be in Sydney by taking our railway at half-past nine, and having done his business, go back again the same evening. In the same way butter could be brought to Sydney without being exposed to the heat of the sun, whereas by the present mode of conveyance it is often reduced almost to oil in warm weather.
53. *By Mr. Shepherd:* What is the distance from the mouth of the Bay to your intended pier? About six miles.
54. And how far is it to Sydney? Twenty miles—ten miles from Heads to Heads, and ten more to the wharf. It will save fourteen miles to the steamers to come this route.
55. How long would it take to come from Botany to Sydney by rail? Twenty minutes.
56. *By the Chairman:* What is the length of your line? Three miles within 100 yards more or less.
57. You believe it a great public advantage that this line should be carried out? I do. I believe it will increase the value of Government land very considerably; and I know it will be an immense private benefit.
58. Where is this Government land situated? Between Botany, Mr. Beaumont's house, and Randwick, and out to the ocean; and there is also an immense extent of public land on the opposite side of the Bay, the south side of Botany. I may mention that the Messieurs Lord have offered to give the Company two acres of land for a terminus.
59. You believe that this railway will conduce to the more regular, expeditious, and economical conveyance of passengers and goods between the various localities indicated and Sydney? I do. I may also say that I have spoken to several persons through whose land this line goes, and they seem very willing to give the Company the land required, as they think it will be so beneficial to themselves and the public generally.
60. The Company has been duly constituted? It has. In the first instance a public meeting was called and a Committee formed to collect evidence and report to a public meeting, and after that surveys were made. I may say that four or five different lines were surveyed, until they had got the one they thought most advantageous to the public and the Company. The Committee then called a public meeting, and at that meeting directors were appointed to manage the affairs of the Company.
61. In this Bill is there any power given for the public to use the line—for other lines to join on? I think not.

John Lucas,
Esq., M.P.
24 Sept., 1862.

- John Lucas, Esq., M.P.
24 Sept., 1862.
62. Have you any objection to introduce a provision of that sort? No, certainly not. On the contrary, I believe the Company will be very willing to have a clause similar to that which we intend to take advantage of in the Government Railway Bill.
63. Is there any provision in this Bill for limiting the time within which to exercise the powers given under the Act? I think it is two years, but I am in hopes the line will be laid and ready for a locomotive in less than five months after the Act is passed. We have the necessary shares taken up, the original deposits and the first call paid.
64. What was the amount of the first call? The first deposit was 2s. 6d. a share, and the first call 5s., making together 7s. 6d. per share. As Mr. Holt has said, we originally intended to have a capital of £12,500, but we anticipate that the whole of the works will be constructed for between £8,000 and £9,000. We have subscribed capital already to the amount of £8,250.
65. *By Captain Moriarty*: I think I understood you to say that you consider it will be attended with public benefit? I do.
66. And also with benefit to the proprietors of land in the neighbourhood? I do.
67. And it cannot be attended with any private disadvantage sufficient to do away with the public advantage? Not the slightest. I have not heard one single individual say a word against the proposed line, but on the contrary they are all very anxious to have it made.
68. *By Mr. Morris*: On what do you base your calculations when you say the cost including permanent way will be only £3,000 a mile? The Company intend to try an experiment in the permanent way. We believe we will lay our permanent way for £350 a mile, equal to what now costs the Government £2,000.
69. Have you any objection to state to the Committee what plan you propose to adopt? We propose to form a platform of timber. The Government railway at present merely has a sleeper every three feet, and that sleeper is about ten inches wide by six feet long, so that there is only a bearing of five superficial feet in the lineal yard; but the railway we propose to construct will have a bearing of eighteen superficial feet to the lineal yard, instead of five feet.
70. *By Captain Moriarty*: Do you think that will diminish the expense? I do.
71. *By Mr. Morris*: Your permanent way will be made of timber altogether? Of timber altogether, a continuous platform, instead of broken stone or other material.
72. What timber do you propose to use? Ironbark. In fact, this is a plan I proposed in the House some time ago, and I estimated the cost of such sleepers as we propose to lay, eight inches through, at 8d. each, but it was laughed at, and said to be ridiculous. One honorable member said it would be "cheap and nasty;" but the fact is now, that we have an offer to supply them for 5d. each. Our timber platform will be something on the principle of the corduroy roads, only flat at top and bottom, to give a good bearing surface.
73. *By Mr. Shepherd*: Would these sleepers that you can get at 5d. each be similar to those used on the railway? Exactly.
74. *By the Chairman*: Do you know whether the Government Engineer-in-Chief for Railways has been consulted with regard to this proposed undertaking? A deputation from the directors waited on the Minister for Works, and of course the Engineer-in-Chief was called in in consultation; the plans were shown to that gentleman, and he said he could not see the slightest objection; and further than that, the Government promised to give us every assistance in their power to carry the line out. I believe, instead of its being necessary for the Government to take any objections, that the line will add considerably to the profits of the Government railway, because we will have to work on a mile and three-quarters of their line, and it will be much better on the southern line than on the northern, because the southern line is a double line, whereas the northern is a single line; and possibly other lines coming into it may be some impediment to the general traffic.
75. *By Captain Moriarty*: In your opinion this proposed line will test a fact in engineering, with reference to the permanent way, independently of any other public benefit? Yes.
76. *By Mr. Morris*: I suppose you will use a different kind of rails to those in common use? Certainly not, just the same; any rails would do for this sort of permanent way.
77. *By Mr. Shepherd*: Do you not imagine that by making a continuous platform, you will add considerably to the expense? No, quite the contrary; we do away with the present expensive mode of ballasting.
78. And you believe the expense of ballasting would be far greater than that of planking? Yes, and far inferior. We will lay our sleepers similar to the corduroy roads, only that our sleepers will be larger than those usually used for corduroy roads; they will be eight inches through and flat at top and bottom, to give a bearing. We insist they shall be at least six inches from flat to flat, which would make them eight inches at the smallest end when round.
79. *By Mr. Moriarty*: Have you taken the opinion of more than one civil engineer? Yes, several have been spoken to and they quite agree with the principle. I may say that I spoke to Mr. Weaver about this system of roads to Bathurst and those places, and he says he is sure it will answer better than any other.
80. *By the Chairman*: The way in which you propose to construct this line will not, I suppose, make it dangerous at the junction with the Government line? Not in the slightest.
81. Will the gauge be the same? Yes, it must be. We intend to take advantage of the Government rolling stock, and the Engineer-in-Chief no doubt will see that the line is safe before he entrusts his engines upon it.
82. *By Mr. Harpur*: It is owing to the abundance and inexpensiveness of timber that your method would answer here? Yes; it would not do in England, or any country where timber is not plentiful.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PITT-STREET TRAMWAY.

(PETITION.)

Received by the Legislative Assembly 10 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Residents and Proprietors of Property in Pitt-street, in the City of Sydney, and others,—

SHEWETH :—

That your Petitioners have suffered and are still suffering serious injury by reason of the ill-designed and ill-constructed piece of machinery known as "The Pitt-street Tramway," and humbly pray that your Honorable House will direct that such Tramroad be immediately taken up and removed, for the following, amongst other, reasons:—

Firstly.—That the said Tramroad does not answer the purpose for which it was originally intended, namely, for the conveyance of Goods.

Secondly.—That the vested interests which your Petitioners have acquired in a street so long established, and so long dedicated to the public, as Pitt-street, have been sacrificed for the sake of a few Travellers to and from the Railway Terminus at Redfern, who can, at the same expense, and with equal facility, avail themselves of the ordinary omnibuses.

Thirdly.—That numerous serious accidents have occurred, and are likely to occur, as well from the defective construction of the said Tramroad as from the narrowness of the roadway on each side thereof.

Fourthly.—That the trade formerly carried on in the said street has considerably decreased since the formation of the said Tramway, and is still decreasing.

Fifthly.—That your Petitioners fear that unless immediate steps are taken for the abolition of the said Tramroad, and the restoration of the street to its former condition, the chief part of the trade now carried on there will be permanently diverted into other channels.

Sixthly.—That your Petitioners anticipate that in wet weather the roadway on either side of the Tramroad will be almost impassable, in consequence of the practical impossibility of draining the centre of the road.

And your Petitioners humbly pray that your Honorable House will take the premises into your serious consideration, and grant your Petitioners the relief sought for.

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

[Here follow 646 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WILLIAM ANDERSON.

(PETITION OF.)

Received by the Legislative Assembly, 17 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of William Anderson,—

HUMBLY SHEWETH :—

That on the afternoon of the 24th of February, 1862, your Petitioner was a passenger in the tramway car, "Young Australia," from the Circular Quay, along Pitt-street to Liverpool-street, where your Petitioner, with his wife and family, intended to stop. On nearing that street the bell was rung, the carriage almost stopped, and your Petitioner had proceeded to the platform, in readiness to step out, when the whistle sounded; the horses starting at full speed precipitated your Petitioner from the carriage on the street, and thereby caused him severe bodily injury, in consequence of which he was a month under medical treatment, and thereby subjected to heavy pecuniary loss. Your Petitioner being entirely dependent on his labour, has received a permanent injury which seriously affects his health and consequent means of obtaining a living, and having a wife and five children dependent on him for support, humbly prays your Honorable House to take his humble Petition into your favourable consideration, and grant such relief as your Honorable House may deem meet; and your Petitioner, as in duty bound, will ever pray, &c.

WILLIAM ANDERSON.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PITT-STREET TRAMWAY.

(RETURN IN REFERENCE TO.)

Ordered by the Legislative Assembly to be Printed, 10 June, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 30 May, 1862, That there be laid upon the Table of this House,—

“ A Return shewing the first cost of the Construction,
“ including Material, together with the Expenditure on, and
“ the Receipts from, the Pitt-street Tramway, from the date
“ of its opening to the 1st of May, 1862.”

(Mr. Dalgleish.)

PITT-STREET TRAMWAY.

RETURN, called for by Mr. Dalgleish, of the CONSTRUCTION of the PITT-STREET TRAMWAY, to
30th April, 1862.

DATE.		CONSTRUCTION.	PERMANENT WAY.	PASSENGER STOCK.	TOTAL.
1861.					
September	To Cash for	£ s. d. 2 10 0	£ s. d. 0 13 4	£ s. d. 3 3 0	£ s. d. 6 6 4
October	Do.	19 0 0	855 7 2	12 18 8	887 5 10
November	Do.	30 19 0	2,326 15 8	10 17 9	2,368 12 5
December	Do.	605 6 0	.....	926 6 5	1,531 12 5
1862.					
January	Do.	149 1 7	.....	.....	149 1 7
February	Do.	32 3 2	587 8 2	.....	619 11 4
March	Do.	6 9 0	.....	.....	6 9 0
April	Do. ....	.....	.....	.....	.....
	For repairing and completing construction of Permanent Way	355 4 11	.....	.....	.....
		1,200 13 8	3,770 4 4	953 5 10	5,924 3 10

E. & O. E.

Sydney, 6 June, 1862.
Railway Department.

R. C. WALKER,
Accountant.

RETURN, called for by Mr. Dalgleish, of the WORKING EXPENSES and RECEIPTS of the PITT-STREET TRAMWAY, from 23rd December, 1861, to 30th April, 1862.

Dr.				Cr.				
DATE.		CARRIAGE REPAIRS.	COACHING CHARGES.	TOTAL.	DATE.		GROSS RECEIPTS.	TOTAL.
1861.								
Dec.	To Cash	£ s. d. 13 6 3	£ s. d.	£ s. d. 13 6 3	Dec. 23 to 31	By Cash	£ s. d. 63 7 3	£ s. d.
1862.								
January ..	Do.	48 14 9	69 1 0	117 15 9	January	Do.	215 1 11	
February ..	Do.	71 4 8	133 10 7	204 15 3	February ..	Do.	243 9 0	
March ..	Do.	12 17 10	109 5 4	122 3 2	March	Do.	166 19 3	
April ..	Do.	4 13 9	135 4 7	139 18 4	April	Do.	158 6 6	
		150 17 3	447 1 6	597 18 9			747 3 11	
May 1 ..	To Balance ..	.....	.....	149 5 2			£ 747 3 11	
				£ 747 3 11				
1862.								
May 1	By Balance ..	.....	.....	149 5 2			149 5 2	

E. & O. E.
Railway Department,
Sydney, 6 June, 1862.

R. C. WALKER,
Accountant.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

PITT-STREET TRAMWAY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
12 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 36. FRIDAY, 25 JULY, 1862.

25. Pitt-street Tramway:—Mr. Lucas moved, pursuant to notice,—
 (1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report as to the desirability of taking up the Pitt-street Tramway.
 (2.) That such Committee consist of the following Members:—Mr. Arnold, Mr. Dickson, Mr. Caldwell, Mr. Sutherland, Mr. Dalglish, Mr. Garrett, Mr. Piddington, Mr. Hoskins, Mr. Driver, and the Mover.
 And Mr. Robertson requiring that the said Committee be appointed by Ballot,—
 Question,—(1.) That a Select Committee be appointed, with power to send for persons and papers, to inquire into and report as to the desirability of taking up the Pitt-street Tramway,—put and passed.
 The House then proceeded to the Ballot, during which process notice was taken that there was not a Quorum of Members present, and the Speaker declared the following Members to be the Committee duly appointed:—Mr. Lucas, Mr. Arnold, Mr. Dalglish, Mr. Piddington, Mr. Caldwell, Mr. Sutherland, Mr. Hoskins, Mr. Dickson, Mr. W. Forster, and Mr. Driver.

* * * * * * *
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VOTES, No. 116. FRIDAY, 12 DECEMBER, 1862.

3. Pitt-street Tramway:—Mr. Piddington, 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 25th July, 1862. Ordered to be printed.

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1862.

PITT-STREET TRAMWAY.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 25th July last,—“with power to send for persons and papers, to inquire into and report as to the desirability of taking up the Pitt-street Tramway,”—have agreed to^a the following Progress Report:—

Your Committee have taken the evidence of several witnesses, whose names are shown in the margin,* and they deem it advisable to submit the evidence to the consideration of your Honorable House, and to recommend the resumption of the inquiry at some future time.

* J. Rae, Esq.
Mr. W. Scott.
J. Whitton, Esq.,
C. E.
Mr. S. C. Burt.
E. Bell Esq., C.E.
G. Hill, Esq.
W. W. Billyard,
Esq.
Mr. W. Tunks
Mr. R. Wynne
Mr. S. Hebble-
white.

W. R. PIDDINGTON,

Chairman.

Legislative Assembly Chamber,

Sydney, 12 December, 1862.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 7 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Lucas,	|	Mr. W. Forster,
Mr. Sutherland,	|	Mr. Piddington,
Mr. Dalgleish,	|	Mr. Hoskins.

Mr. Lucas called to the Chair.

Order of the House (Votes, No. 36, 25 July, Entry 25)—appointing the Committee—
on the Table.

Committee deliberated as to their course of proceedings.

Ordered, That Mr. Rae, *Under Secretary for Public Works*, be summoned to attend at the next meeting, and furnish the Committee with a Return shewing the original cost of constructing the Pitt-street Tramway, the cost of the tramway cars and their repairs, cost of the hire and keep of horses, and the cost of maintaining the permanent way, from the date of opening to the present time.

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

WEDNESDAY, 13 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. W. Forster,	|	Mr. Dickson,
Mr. Piddington,	|	Mr. Hoskins,
Mr. Dalgleish,	|	Mr. Sutherland,
	|	Mr. Driver.

Mr. John Rae, *Under Secretary for Public Works*, called in and examined.

Witness handed in certain Returns ordered at the last meeting. (*Vide List of Appendix*.)

Witness withdrew.

Committee deliberated.

Ordered, That Mr. W. Scott, *Locomotive Foreman, G. S. R.*, be summoned as a witness for Tuesday next.

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

TUESDAY, 19 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalgleish,	|	Mr. Piddington,
Mr. Hoskins,	|	Mr. Caldwell.

Mr. W. Scott, *Locomotive Foreman, Railway Branch*, examined.

Certain Papers handed in by witness. (*Vide List of Appendix*.)

Mr. J. Whitton, *Engineer-in-Chief of Railways*, to be summoned for the next meeting.

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

FRIDAY, 22 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. W. Forster,	|	Mr. Dalgleish,
Mr. Caldwell,	|	Mr. Hoskins,
Mr. Sutherland,	|	Mr. Dickson.

The Chairman stated to the Committee that he was informed that certain statistical returns handed in by Mr. Rae, in evidence, had been made use of in the House, by the Secretary for Public Works.

And the Clerk, when called on, having explained that he had, according to the usual practice, transmitted these returns, together with the evidence, to the witness, for revision,—

Committee deliberated.

Motion made (*Mr. Dalgleish*) and Question,—That before proceeding with any farther business, Mr. Rae be requested to attend—*agreed to*.

Letter

Letter requesting Mr. Rae's attendance written and despatched accordingly.
 On motion of Mr. W. Forster,—*It was then resolved*, That the Committee adjourn until Mr. Rae be in attendance.
 Committee adjourned accordingly.

After the lapse of a quarter of an hour, Mr. Rae being in attendance, Committee resumed proceedings.

Mr. John Rae, *Commissioner for Railways*, examined.

And Mr. W. Forster objecting to the line of examination pursued by Mr. Dalgleish,—
 Witness requested to withdraw.

Committee deliberated.

Witness recalled, and—no Member desiring to put any further questions—informed that his attendance was no longer required.

Witness withdrew.

Whereupon motion made (*Mr. Dalgleish*) and *Question proposed*,—"That" the matter be reported to the House as a breach of privilege.

Committee deliberated.

Amendment proposed (*Mr. W. Forster*),—That all the words after the word "That" be omitted, with the view of inserting the following words,—“That the breach of privilege be reported in the following form to the House:—

“Your Committee consider it their duty to report to your Honorable House, that a
 “statistical document which had come into the custody of your Committee as a
 “part of the evidence of a witness, namely, Mr. Rae, Commissioner for Railways,
 “and which had been transmitted by the Clerk to Mr. Rae, for revision, with
 “the rest of his evidence, has been, by this gentleman, transferred to the
 “possession of the Secretary for Works.

“Your Committee at the same time are of opinion that Mr. Rae gave up the docu-
 “ment from inadvertence, and without the least intention to show disrespect
 “to your Committee, or to abuse the confidence reposed in him.”

—*agreed to.*

Chairman to ask leave to bring up Special Report.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and examined.

Witness withdrew.

Committee deliberated.

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

THURSDAY, 28 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. W. Forster, | Mr. Hoskins.

Mr. Sydney Charles Burt called in and examined.

Witness withdrew.

And the second witness summoned not being in attendance,—

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

WEDNESDAY, 3 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. W. Forster, | Mr. Driver,
 Mr. Hoskins, | Mr. Dickson.

Mr. E. Bell, *City Engineer*, called in and examined.

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

TUESDAY, 9 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Sutherland, | Mr. Dickson,
 Mr. Hoskins.

Mr. George Hill, and Mr. W. W. Billyard, examined.

And there being no other witness in attendance,—

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

TUESDAY,

TUESDAY, 16 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Piddington,	|	Mr. Sutherland,
		Mr. Hoskins.

Mr. William Tunks called in and examined.

Witness withdrew.

The Chairman here vacated the Chair, which was taken by Mr. Sutherland, *pro tem*.

Mr. R. Wynne called in and examined.

Witness withdrew.

Committee deliberated.

Motion made (*Mr. Piddington*), and *Question*,—That Mr. Rae be requested to supply a Return of the working expenses (including those for the maintenance of way) for the month of August, in continuation of Return already furnished,—*agreed to*.

Mr. S. Hebblewhite to be summoned as a witness on Tuesday next.

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

TUESDAY, 23 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Piddington,	|	Mr. Caldwell,
Mr. Hoskins,		Mr. Dalglish.

Mr. Samuel Hebblewhite called in and examined.

Mr. John Rae called in and further examined.

Additional Returns *handed in* by witness. (*Vide List of Appendix*.)

And Committee desiring to deliberate,—

Strangers requested to withdraw.

Committee deliberated.

Motion made (*Mr. Piddington*), and *Question*,—That the duplicate copy of Returns handed in by Mr. Rae, on the 13th August last, be retained in the hands of the Clerk,—*agreed to*.

Ordered, That the Returns for the month of August, this day handed in, be added to the Returns of the previous months, if not already printed.

Mr. Hebblewhite called in and further examined.

Mr. Lucas here vacated the Chair, which was taken by Mr. Piddington *pro tem*.

Witness withdrew.

Committee deliberated.

Ordered, That Mr. Whitton be summoned to attend at next meeting.

[Adjourned to Wednesday, 1st October, at *Eleven o'clock*.]

WEDNESDAY, 1 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Arnold,	|	Mr. W. Forster,
		Mr. Hoskins.

Mr. W. Forster, in the absence of Mr. Lucas, called to the Chair.

Mr. John Whitton, *Engineer-in-Chief for Railways*, called in and further examined.

Witness withdrew.

Reassembling of the Committee to be arranged by Chairman.

[Adjourned.]

FRIDAY, 12 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Piddington,	|	Mr. Dickson,
Mr. W. Forster,		Mr. Stewart.

Committee met, pursuant to the request of a Quorum—the Chairman (Mr. Lucas) having declined calling a meeting.

Mr. Piddington called to the Chair, and elected *permanent* Chairman of the Committee.

Letter from Samuel Hebblewhite to the Chairman of the Committee, dated 23rd September, 1862, mentioning the names of persons who would be glad to give evidence on the Tramway question, laid before the Committee.

Committee

Committee deliberated.
 Chairman requested to frame Progress Report.
 Draft, thereupon, prepared and read.
 Progress Report considered and agreed to.
 Chairman requested to report to the House.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PITT-STREET TRAMWAY.

WEDNESDAY, 13 AUGUST, 1862.

Present :—

Mr. DALGLEISH,	Mr. HOSKINS,
Mr. DICKSON,	Mr. LUCAS,
Mr. DRIVER,	Mr. PIDDINGTON,
Mr. W. FORSTER,	Mr. SUTHERLAND.

JOHN LUCAS, Esq., IN THE CHAIR.

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

1. *By the Chairman* : This is a Committee appointed by the House to consider whether or not it is desirable to take up the Pitt-street Tramway, and we have summoned you to give us some information on this point ;—you are Commissioner for Railways, I believe? I am.
2. And Under Secretary for Public Works? Yes.
3. The management of the tramway is connected with your department? It is.
4. How long has it been in operation? Since the 23rd December, 1861. It was opened on that day.
5. Since that period have there been any complaints in reference to the working of the tramway? In what way?
6. As regards accidents that have occurred or inconvenience arising? We have had a few complaints about accidents.
7. What has been the nature of those complaints generally? We have had very few. One complaint we had of a carriage having been run into by the tramway car, whereby there was considerable risk to the passengers in the vehicle. The tramway car ran against it. We found, however, upon inquiry, that the fault lay entirely with the parties themselves, owing to careless driving.
8. Who was the party complaining in that case? I forget now. There was a Catholic priest in the conveyance at the time, but I do not remember his name.
9. Was any person hurt at the time? No. The conveyance and horse only were injured. A claim was made on us by the cab owner for the injury suffered by his vehicle, but we did not entertain it, as we found, on inquiry into the circumstances, that the accident had occurred through the carelessness of the driver, and therefore we were not liable.
10. Have there been other complaints? Yes, we have had other complaints, such as injury to the wheels of vehicles in crossing the rails, but in most of these cases the fault has been with the drivers of the vehicles. By trying to get out of the way too hurriedly, they get their wheels injured. But we have had very few complaints, considering the traffic on the line; in fact, not nearly so many as might have been anticipated.
11. However, when complaints have been made, you have inquired into them? Yes, in all cases.

John Rae,
Esq.
13 Aug., 1862.

John Rae,
Esq.

13 Aug., 1862.

12. And what has been the result, generally? Generally it has been that they arose from careless driving on the part of the persons complaining.

13. Have you heard any complaints made of the manner in which the line has been constructed? I do not remember any.

14. Has any person ever brought under your notice that they were not proper rails? I have heard the thing talked about. I have heard it alleged that the rails were unsuitable, but no formal complaint has ever been made to me on the subject.

15. You have heard it remarked that they were not proper rails? Yes; I have heard that said repeatedly.

16. Can you give the Committee a return of the original cost of the construction of the line, of the plant, and the rolling stock? Yes; I have had such a return prepared, and now beg to lay it before the Committee. (*Witness lays return on the table. See Appendix A, No. 1.*)

17. *By Mr. Piddington*: Does this include the whole cost of cars until they were put on the tramway line? Yes, every penny. By referring to the cost under the head of "Maintenance of Way," the Committee will see that it amounts to £583 15s. 2d. This has been a very heavy item, because the line was brought into use before it was properly consolidated; and I think a part of the cost of maintenance may very properly be looked upon as part of the original outlay upon the line. Even now it is not so complete as I should wish it to be, as I consider we shall never make a complete job of it until the line is paved for a certain distance on each side of the rails.

18. Is this paving part of the consolidation you allude to? Not part of the consolidation, but part of what I consider necessary before we make a perfect road. But what I wish to point out to the Committee is, that the expenses of the line are much larger than they otherwise would be, because the line was not properly completed when the traffic was put on it.

19. And you consider paving each side of the line as part of the idea of a good line, and in order that it shall be properly completed? That is only my own opinion on the matter.

20. It was not, then, part of the original plan? The idea, in the first instance, was to make a good line; but, from what I have seen of the line, I have come to the conclusion, that to make the work complete, and to prevent accidents, it will be necessary to pave each side of the line.

21. Have you proposed such a plan? I have not, in consequence of the large additional expense that will be entailed. I have had some calculations made of the cost of paving eighteen inches on each side of the line, and I find it will be about £2,000. If to this be added a proportionate amount for paving the centre, the Committee will see that a very heavy cost would have to be incurred.

22. *By Mr. Hoskins*: You mean to pave the centre and each side of the line, so as to have a level surface for vehicles to cross? To have a level surface on each side of the rails, with an opening left to receive the flange of the wheel.

23. *By the Chairman*: I see by this return that the receipts in the month of June were lower than those of any of the other months? Yes, I see that it is so.

24. How do you account for this falling off? Owing to the season of the year, I presume. It is the mid-winter month, and fewer persons are travelling at that time of the year.

25. Do you find the same falling off in the railway traffic in the same month? Yes, there is generally a corresponding decrease, according to the seasons.

26. In July, I see, the receipts rise again? Yes; some £20 additional were received.

27. I believe that you have been asked, through the Clerk of Select Committees, to furnish a detailed account of the cost of working the tramway? Yes.

28. The returns show the whole of the working expenses? The whole of them.

29. Will you hand them in? I now beg to do so. (*Witness hands in returns.*) I may be allowed to explain, that I have got this return out in two ways. In the one (*Appendix A, No. 2*), I exclude the maintenance of the road entirely, regarding it, for the reasons I have before given, as a portion of the first cost of forming the line; the other (*Appendix A, No. 3*) includes the cost of maintaining the permanent way, which of course makes the balance against the line look so much the worse.

30. Who supervised the construction of the permanent way? It was done under the Engineer-in-Chief.

31. Under Mr. Whitton? Yes.

32. I understood that he had refused to have anything to do with the construction of a tramway? You allude, I presume, to the time when the order was given for the rails; but I was not in the same position then, in the Railway Department, as I hold now. I believe he was opposed to the line; but that is a matter that he can better explain himself. He was the only officer that I am aware of responsible for the work.

33. Was there any particular officer set apart to look after this work whilst it was in course of construction? It was one of the officers under Mr. Whitton who supervised it.

34. Was it not originally intended that heavy goods should be carried by this line? It was; and I am not aware that that intention has been since altered.

35. As a matter of fact, heavy goods never have been carried by it? No; except only the "engines and cars"* belonging to Sir M. Peto and Co. They were brought along the line from the railway terminus to the Circular Quay.

36. Can you inform this Committee why it is that heavy goods have not been carried on the line, as originally intended? I am not aware of any particular reason, except that it was considered advisable to give the line a fair trial with the passenger traffic in the first instance. But besides that, the unsettled state of the question has done much to prevent it.

37.

*Revised:—Trucks.

37. Do you not think that the time taken for the trial of the passenger traffic has been quite long enough, and that it is time enough now to give a trial to the second object for which the line was formed, namely, the goods traffic? It has only had a seven months' trial as yet.
38. Do you know, as a matter of fact, whether the line has been tried for the heavy goods traffic, and found to be a failure? I do not know that it has had a fair trial. I believe that it will be found competent to carry any amount of traffic that may be required.
39. Are you aware that they have tried goods cars on this tramway, and that they found the horse power insufficient to draw up the empty cars on the incline? I have heard a statement of the kind.
40. What have you heard? That it was tried, and that the horses found enough to do to pull the empty trucks up the incline; but I think there will be no difficulty, with four good horses, in taking eight or ten tons of goods up the incline.
41. Then you think there is no foundation for what has been said? No, I think not.
42. But you have heard it reported that the horses found their work to do to take up the empty cars? Yes; but that was a long while ago, when the line was first opened, and before the horses got accustomed to that kind of work. They would naturally be a little frightened when first put to this work, and you would not be able to get the full amount of power out of them.
43. Since then you have had eight months' trial of the line? It is not eight months since the trial I allude to was made.
44. But since that first trial the capability of the line for heavy goods traffic has not been tested? No; nothing in the shape of heavy goods have gone along it, except the engines and cars* of Messrs. Peto and Co.
45. And they came down the railway, and were brought from the railway terminus along the tramway to the Circular Quay, and no difficulty was found in getting them along the line? I believe not. I was given to understand that no difficulty was experienced. I do not, however, pretend to be an authority on this point, but I have made inquiries from those who are competent judges, and from what they assure me, and from what I have seen in the passenger traffic, I believe that four good horses will have no difficulty in taking eight or ten tons along the line.
46. Who has given you the information upon which you base this assertion? I have it from Mr. Whitton.
47. Do you know if he was present when the line was tried with the empty cars? I am not aware that he was; but he can better answer this himself, as I presume the Committee will take his evidence.
48. Do you know whether these rails that have been laid down are those that were ordered by Captain Martindale;—he was the person who ordered the rails? I believe he was.
49. Is this the description of rail he ordered? I believe so. They are Train's patent. The flange, however, is not the exact size that was ordered, at least I think not. I did not expect I should be questioned on this point, or I would have looked into the papers and have given full information; but, at all events, the rails were found practically not to suit our railway carriages. The flange of the Train's rail sent out is only five-eighths of an inch, whereas the flange on our wheels is one inch, so that to enable our wheels to run on these rails we have had to reverse the rails, and make the flange of the wheels run inside the rails.
50. You cannot tell us anything about the construction of the line? I would rather you would ask Mr. Whitton, as it comes more immediately under his branch.
51. Do you believe that the tramway has been a public convenience? I do, most decidedly.
52. And has the tramway, in so far as the passenger cars are concerned, answered the expectations of the Government and the public? That is a difficult question to answer, since it is a matter of opinion more than anything else. If you mean to ask whether the tramway is popular, I say most decidedly that it is.
53. Not, however, with the holders of property in Pitt-street? I have heard little to the contrary; at least, I have heard quite as much upon the one side as upon the other.
54. You have heard it objected to? Yes; I have heard complaints.
55. Can you give us an idea of the amount the Government pay for the carriage of goods from the Circular Wharf to the railway terminus at Redfern? I think I have already sent in a statement of this amount in answer to questions or motions of Mr. Dalgleish; but I will supply an answer to this question if the Committee wish it. (*Vide Appendix A 4.*)
56. How is this work—the cartage of Government goods—done? By contract.
57. By annual contract? Yes.
58. *By Mr. Dalgleish:* This return (A No. 3) purports to be a return of the total cost connected with the working of the Pitt-street Tramway from the time of opening the line to the 31st July? It does; it contains every penny expended.
59. There are items charged here under the head of repairs to railway carriages;—do they embrace the costs of the alteration of the cars rendered necessary to enable them to run on the line? They include, I believe, every item of cost.
60. Then, in the month of January, I see, under the head of "Repairs," that £16 15s. 9d. were paid for wages, and 5s. 2d. for materials;—was that the total cost of making the alterations in that month? It does not necessarily follow that it was, because expenses might be incurred that would not be paid in the same month in which the alterations were made. The work may be done in one month and the money paid in the month following. I cannot say, without reference to the accounts themselves, in what particular month the expense was incurred.

John Rae,
Esq.
13 Aug., 1862.

* Revised:—Trucks.

- John Rae,
Esq.
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61. Does this cost occur in consequence of the alterations necessarily made in the cars, or from the ordinary wear and tear? Both are conjoined in the accounts before the Committee.
62. It might be advisable to have the cost of the first alteration sent in separately from the cost of repairs through wear and tear? I will put the return in any shape the Committee may wish to have it.
63. It seems to me that it would only be fair to the tramway, that in balancing current expenditure against receipts, nothing should appear in the former as repairs which are not really legitimate repairs? I will make the division you suggest. (*Vide Appendix A, No. 5.*)
64. Were any rules promulgated to the servants of the department and the public, for the management of the tramway? Yes, rules were made.
65. Were they published in the *Government Gazette*? No, they were not.
66. Is it not usual to publish the rules for the management of public vehicles on the railway in the *Government Gazette*? Yes; but these were not rules in the way in which you mean; they were merely directions for the guidance of the persons connected with the cars.
67. They were the ordinary by-laws, I presume, passed on the authority of the Government Railways Act? No; the by-laws were published in the *Government Gazette*.
68. If they were not published in the *Gazette*, they would, at all events, be printed and posted up somewhere for general information? They were published in the *Government Gazette*, and printed as passed by the Executive Council, in the same way as all other by-laws. I append a copy. (*Vide Appendix A 6.*)
69. Will you furnish the Committee with a copy of the rules in which the streets are indicated that are to be made stopping places? I will. (*Vide Appendix A 7.*)
70. Has any alteration been made in the rules as originally passed and published? There has.
71. Will you furnish the Committee with a copy of that alteration also? I can tell you what the alteration was if you wish it.
72. Of course the Committee can have no objection to your doing so? It was intended to make a stopping place at the corner of Liverpool-street, but it was found that the incline there was so severe that this street was struck off the list of stopping places.
73. Do you remember the time when this alteration was made? Not exactly; but it was not long after we began running on the line. I will, however, give you the date, and add it to my evidence.*
74. Was it after the accident you speak of had occurred that the alteration was made? I think it was made before that; but I will furnish the Committee with the precise date.† Since that stopping place has been struck off, two additional stopping places have been appointed on application sent in to the department. One of these is at Tattersall's Hotel, and the other at the Metropolitan. These are the only alterations that have been made on the original rules.
75. I am not sure whether I understood you aright—but I thought you stated, in answer to a former question, that you had nothing to do with the department when these rails were ordered? I stated that I was not then in my present position in the department.
76. Have you any means of knowing how these rails were ordered, and why this particular kind of rail was ordered? I can refer to the records of the office. The information will no doubt be contained in the correspondence with the English agents.
77. The special reasons that caused this particular kind of rail to be ordered? Yes; but I presume it was Train's patent rail that was ordered, as well as Train's patent carriages.‡
78. Did you say that the alteration in the mode of laying down the rails was made for the purpose of enabling the heavy goods cars to run on them? Yes; so that the goods trucks running on our railway line should be able to come on and off the tramway line without reloading.
79. So that the common railway trucks could be sent down this branch line from the Circular Quay, or wherever they might take up their loading, and thence to the Redfern terminus, and on to the railway line? Yes.
80. Without the necessity of reloading, or shifting of cars? Yes.
81. The ordinary railway trucks used on the railway line? Yes.
82. At whose suggestion was this done? At Mr. Whitton's. He saw that the rails we had received would not answer in any other way to carry the goods traffic direct from the railway line on to the tramway, and he suggested this alteration in the manner of laying the rails as the only way of accomplishing this object.
83. In order to make this plan of traffic, direct from one line to the other, available? Exactly.
84. And has it been made available? Not yet; some steps have been taken; we have made arrangements for the occupation of a piece of land on the Circular Quay as a goods depôt; but nothing has yet been done beyond this. The matter, however, is still under consideration.
85. Have any attempts been made to load the goods trucks at the Circular Quay, and to take them along the tramway line to the Redfern terminus, and on to the main line of railway? I have heard nothing beyond what your honorable Chairman has stated relative to some experiments that were tried on the line soon after it was opened.

86.

* NOTE (on revision):—I now find that the alteration took place on 8th January last, and was published in the newspapers on the 9th. (*Vide Appendix A 8.*)

† NOTE (on revision):—The accident referred to happened on 19th May last.

‡ NOTE (on revision):—I have appended a copy of Captain Martindale's letter to Captain Galton, of 13th June, 1860, from which it will be seen that it was left to Captain Galton's discretion to send such rails and carriages as he considered best adapted for the object in view—and Train's rails and carriages were adopted. (*Vide Appendix A 9.*)

86. You have not heard officially of any such an attempt having been made? I have not.
 87. Had such an attempt been made officially, you must, from your position, have become cognizant of it? Most assuredly; such a thing would not be done officially without my knowledge.

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88. And you have heard of nothing of the kind? I have not.

89. *By Mr. Hoskins*: What is the gradient of the incline at Liverpool-street? I think about 1 in 20; but I forget.*

90. What is the reason that this street was discontinued as a stopping place? It was found that the gradient was too difficult. The carriages stopped there well enough, but owing to the incline there was a difficulty experienced in starting again if there was a heavy load on the carriage. These tramway cars take very heavy loads. Sometimes there are as many as a hundred persons on one car; and if their average weight is estimated, you will find that there is a very considerable load on the car.

91. What is the weight of one of the tramway cars? The carriage itself weighs about two tons. They are made to carry seventy† persons, though we have had as many as a hundred on them; these seventy‡ persons would be four or five tons more perhaps, or seven tons altogether, taken up by four horses. For that reason alone I believe that the trial mentioned by your honorable Chairman could not have been a decided one, as the new trucks which we are building weigh four tons, and our old trucks are considerably lighter, so that four horses that can take four tons up this incline at a trot, would surely experience no difficulty in taking an empty truck over it.

92. You do not know, however, officially or personally, whether such an attempt was made? I do not, except what I have stated.

93. Nor do you know the exact gradient of the line at Liverpool-street? I do not remember at this precise moment. It is rather a heavy one, I know; and I understood that it was 1 in 20.§

94. Do you happen to know whether there are any railway stations or stopping places on the line used by the locomotives with gradients as heavy as this at Liverpool-street? No; nor anything like it. There is no gradient at any station on our line, I think, steeper than 1 in 80.

95. Who directed that the cars should discontinue stopping at Liverpool-street? It was done by the direction of the Government, under the advice of the Executive Council,|| in the ordinary way.

96. Upon whose representation? Some complaints were made by the conductors and drivers, and reported by the traffic manager, that they found a difficulty in stopping at this street.

97. In what way—was it that they found the break power insufficient to arrest the progress of the carriage? No, not at all. They could stop readily enough, but the difficulty they found was in starting again when the motion of the carriage was once arrested.

98. Is not the crossing of Liverpool-street by Pitt-street nearly on a level? No, it is very far from a level; it is just the end of the incline rising towards Bathurst-street.

99. What is the average number of passengers conveyed per day by each carriage, each trip? I cannot tell you that at the moment; but I have a daily account of the number of passengers, and I will furnish the information if you desire it.

100. You do keep a daily account of the number of passengers on the tramway? Yes.

101. Of the number conveyed by each trip? Yes, and by each car. (*Vide Appendix A 10.*)

102. Are the conductors of these cars supplied with cheques to give to persons who travel by them? No. The parties using the cars pay their fare in cash as they enter.

103. You have no check then on the honesty of the conductors? No; nor do I see any way of establishing such a check on them as will be efficient. We have tried all sorts of plans, but, like omnibus proprietors, we find that every system of check is useless, and that we must trust almost entirely to the honesty of the conductors. The check I suggested was, that the station master at Redfern should keep an account of those that came into, and those that started from, the Redfern terminus by each carriage, and that he should send in his return daily to be compared with that of the conductors. But this was not at all an efficient check, because a large number of passengers always get up and down on the road.

104. You happen to know, then, that a good many of those who use the tram are wayside passengers? Yes, a good many of them are.

105. Persons who do not go to the terminus, but get out on the line, in the same way as they travel by an ordinary omnibus? Yes; I have seen passengers myself getting up and down on the line.

106. What is the average time that the tramway cars take to go from the Circular Quay to the Redfern terminus? A quarter of an hour.

107. And what is the distance? About two miles. Scarcely so much; about $1\frac{3}{4}$ miles.

108. Are the cars generally very regular—do they keep their time well? Generally they are very regular. With one or two exceptions, when they have got off the line, and so have been a little late, I may say that they are quite regular. They are so much so that I have never known but one instance of their being behind the train since they began running.

109. I think I understood you to say, that there was not a preponderance of complaints over expressions of satisfaction at this line? It appears to me that the preponderance is all the other way.

110.

* *Revised*:—I think the steepest gradient is about 1 in 20; but I forget what it is at Liverpool-street.

† *Revised*:—60.

‡ *Revised*:—100.

§ *NOTE (on revision)*:—On referring to the section I find that the gradient opposite Liverpool-street is 1 in 51.

|| *Revised*:—Minister of Works.

- John Rae,
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13 Aug., 1862.
110. You have heard more expressions of satisfaction than of dissatisfaction at the line? I think so.
111. Have you heard these from persons resident on the line? From all parties.
112. And in what way? They have generally spoken of these cars as being a great convenience.
113. Do you know whether persons of all classes avail themselves of this means of conveyance? Yes. I think they have been most popular ever since they began running.
114. Have the railway authorities tested, in any way, the maximum weight that four horses can draw on this tramway? I am not aware, beyond the daily experience of the loads carried.
115. You are not aware, officially, whether any actual trial has been made? Officially I know of none beyond what I have stated.
116. Then in your statement that four horses would find no difficulty in taking eight or ten tons along the line, you do not go upon any official or reliable data? The data were these:—I gave instructions to one of the officers of the department, who is fully competent to judge of these matters,* to take the weight of the car and the weight of the maximum number of passengers carried in it. Adding these together, I am enabled to form an idea of what four horses can draw on the line. These cars have run with as many as a hundred passengers; and from that I judge that, if four horses can take one of these cars with one hundred passengers up this incline, the same number of strong horses would have no difficulty in taking up eight or ten tons.
117. I understood you to say that the engine and trucks belonging to Peto and Company were taken along this line—can you give any idea of their weight? I am not prepared to say what is their weight. I can, however, get that information, if it is considered desirable, and include it in my evidence on revision.
118. Do you know if these trucks of Peto and Company are made differently from the ordinary railway trucks? That I can hardly say. They have the same kind of wheels as ours; but I do not know as to their weight, though I think they are not so heavy as ours. But I will give you their weight, and also the number of horses that were required to bring them down.
119. I believe they were brought from the Redfern Terminus down to the Circular Quay? Yes; they came down the railway line by steam, and were then brought by horse power along the tramway.†
120. Do you happen to know if it was originally intended, when the proposal to construct this line was under consideration, to use the tramway for the conveyance of goods by the railway trucks from the Redfern terminus to the place of shipment at the Circular Quay? Most unquestionably that was part of the original design; and that is the design we intend to carry out. We have already made one step towards it, by getting a piece of land at the Circular Quay for the purpose of erecting a goods shed, preparatory to opening the line to the goods traffic.
121. Are you aware that upon the various street tramways in England and America goods are not conveyed? I know that they are more particularly intended for the conveyance of passenger traffic; but I am not aware that there is no carriage of goods on them.
122. Are you aware that in England and America another and a different description of rail is used for the goods traffic? You mean the rail for the street tramways?
123. Yes? I understood that the rail used in all the street trams was the same as ours. That Train's patent rail was used.
124. But with the alteration that has been made here in the mode of laying them down, do you think they are suited to the peculiar object originally had in view in proposing the line, namely, the goods traffic? I do not see how the alteration affects the capability of the rail. The rail is merely turned the opposite way. The same wheel runs upon the same rail, only the flange runs inside the rail.
125. Can you inform the Committee what are the net receipts upon this tramway, including, on the debit side, the interest of the money expended on its construction? The net receipts will be nil, since the working expenses are more than the receipts for the last few months. It will be seen from the returns I have given in, that this last month we ran at a loss of £30, and the month previous at a loss of £50. This is excluding the cost of maintaining the permanent way, as shewn in Return No. 2.
126. *By Mr. Piddington*: So that, exclusive of the cost of maintaining the permanent way, there was a loss to the country last month by the tramway of £30? There was.
127. And including the cost of the permanent way? Of course that will make the statement appear still worse.
128. *By Mr. Hoskins*: Then, according to this shewing, the tramway is actually a losing concern? Yes; but then I may explain, in order to account for the expenditure being in excess of receipts in some months, that in those months we have run two cars. Sometimes we run only one car. We commenced running with one only, and it was found that the one car would not take all the passengers that offered. We then ran two; but it often happens that we have not enough to fill two cars, though too many for one. However, the last return I had of the traffic on the line satisfied me that we could not profitably run two cars. The last proposition was, that we should return to one car, and that is now under consideration.

* Revised:—Omit "who is fully competent to judge of these matters."

† ADDED (on revision):—I find that Messrs. Peto and Company's trucks weigh about 3½ tons; nineteen trucks were brought on the tramway—but no engine; three horses were attached to each truck from Campbell-street to Bathurst-street; and four horses took two trucks from Bathurst-street to the semi-circular Quay.

129. You run two cars now? Yes.

130. And do you not think that one car would have been sufficient? It was reported to us that one was not sufficient to carry the passengers that offered; we therefore tried two, and sometimes they are full—sometimes not. It is evident now, that there is not traffic enough for two cars; but then the difficulty we experience is this, that sometimes there are more passengers than the one car will take, and we do not like to disappoint passengers who depend upon us to take them; thus, whether we run one car, or whether we run two, a difficulty presents itself in either case.

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131. On the average, however, the number of passengers that travel by the line is not more than one car can conveniently carry? On the average there is not more; but then there are some trains that bring down, or take away, a larger number of passengers than others.

132. How many persons are employed on these cars? There is a conductor to each car—he receives 8s. a day; there is also an assistant-conductor, who is paid partly by the contractor, and partly by us. He acts as stable-man for the contractor, and as assistant conductor for us, and his wages are paid between us and the contractor. The driver is paid by the contractor.

133. Then there are two breaksmen for each car? Yes.

134. Do you think it requires two breaksmen to each car? We employed only one in the first instance, but it was afterwards reported to me that two were required. This was reported to me by the contractor; and I then made inquiry of the traffic manager, who reported that one was not sufficient on the inclines.

135. From what you now know of the cost of work on the line, and the necessary expenses, do you think that if one carriage only is used, the expenses would be covered by the receipts? I do. There is a difficulty in the way of running one car only; but this may be got over by knocking off the early trip to meet the first train, by which there are very few passengers. The difficulty is this:—On calculating the distance from the terminus to the Circular Quay, and multiplying that by the number of trips made to and fro, we found that the horses had to go a greater distance than one set of horses could be expected to do in a day. We made it out that they would have to go $24\frac{1}{2}$ miles in the day. Comparing this with the daily work ordinarily done by omnibus horses, we found that it was expecting the horses to do more than they could accomplish. It was then suggested, that if we did not run the car to meet the morning train we might do the work with one set of horses. As the present arrangements had gone before the Executive Council, and as they had fixed the times for meeting the train, we could not alter them without going to the Executive again. The contractor, however, agreed to meet all the trains, and to run one car with six horses, or to run the two cars with four horses to each. By either of these courses he would not be obliged to run the same horses all day, as he would be enabled to give them a change in the one case, and in the other would be able to save one or two trips in the course of the day, in running to meet those trains by which only few passengers travel, and only one car is required. He has now offered to run one car to meet all trains, with six horses. We have tried all ways to save expenses, and to make the line pay, but none have been successful, and we must now try something else.

136. How many times does the car pass each way? It runs to meet each train going and coming.

137. It makes four or five trips a day, backwards and forwards? Yes; five trips and two additional runs.

138. If these cars run more frequently, not merely to meet the trains, but to get the wayside traffic, do you think they would be likely to pay better? Yes; no doubt they would.

139. Then what objection is there to their doing so? I should imagine that there would be objections to their running all day, if there is an objection made now to their running only five times a day to meet the trains.

140. But for your part you think it would be preferable? Yes; I think if they were to be run all day they would pay well.

141. Can you say whether the majority of persons who now use the tramway are wayside or through passengers? The majority now are through passengers, because we run to meet the trains arriving and departing; but if we ran all day long, we should get many more wayside passengers.

142. Are the railway authorities deterred from running the railway cars more frequently, even though they believe that such a plan would pay better, by reason of the complaints from the residents in Pitt-street? I believe that the Bill authorizing the cars to run on the Pitt-street Tramway was passed with the consideration of facilitating the railway traffic, and it has been suggested, that if we ran at any other times than those necessary to meet the trains we may be going beyond the meaning of the Act. That is one difficulty I see in the way of running the cars all day. We asked for authority to run our cars by a tramway through the streets for the convenience of passengers to and from the train, and our Act says nothing about our running for the accommodation of wayside passengers. No doubt the line would pay better if we could run the cars all day long, because we have to keep the horses whether they are running or not.

143. How many horses do you pay for? Four for each car.

144. Then you require eight horses to do the work? Yes.

145. Would it not be better under such circumstances to lease the line to private individuals to work it at their own risk? No doubt it would; and I have already prepared a specification for the purpose of calling for tenders for the lease of the line.

146. You have not yet advertised for tenders? No, but I have prepared the specification in anticipation of the advertisement. Then, again, by the terms of our contract we are bound to give the contractor three months' notice prior to terminating his contract.

147.

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147. Have you given him that notice? Not yet; but the matter was under discussion a fortnight ago, and reports are ordered to be prepared and laid before the Minister for his determination. He was, however, always in favour of leasing the line from the first.
148. Can you say whether the Government have ever considered the question of the propriety of taking up the tramway altogether? I have never heard such a thing suggested.
149. *By the Chairman*: With reference to the difficult gradient at Liverpool-street—is that before reaching Liverpool-street or at the street itself? Directly opposite the street, where Pitt-street crosses it. It is near the commencement of the gradient.
150. But where Pitt-street crosses Liverpool-street, is it not quite level? No, far from it. Many persons have been deceived in the same way, and have imagined that it was level, until they came to look closely at it.
151. *By Mr. Driver*: There can be no doubt about its not being level? No, none whatever.
152. *By Mr. Sutherland*: You stated that Peto and Company's engine and trucks were taken down the line from the Redfern terminus to the Circular Quay? Yes.*
153. Are you aware how many trucks one horse drew at one time? I do not know positively.
154. Are you in a position to place the Committee in possession of any facts on this point? I am, and I will take care that the Committee shall be furnished with all particulars.†
155. No difficulty was found in bringing them down the line? I believe not, but I cannot say of my own knowledge. I will, however, give the Committee such information as I have myself received.‡
156. You have stated that the Pitt-street Tramway is popular;—is that amongst the people travelling by it, or amongst the people residing in the street? I have always understood it to be so, even amongst the residents in the street, with the exception of some two or three who have always been opposed to it. I have heard complaints made, but the majority of those I have conversed with have been in favour of it; and I have always understood that it was highly popular.
157. And you are running these cars for a less amount of receipts than you have to pay in expenses? Yes.
158. And I suppose if you were to run them for nothing at all they would be still more popular? I have no doubt they would.
159. Do you not think, then, that it is the cheap ride the people get that makes the line popular, rather than any actual usefulness it has? No, I do not think so; I have heard everyone who has ever ridden in these cars speak of the immense advantages they possess over the common omnibus in comfort.
160. What is the charge made for travelling by them? Threepence.
161. And what is the charge by the ordinary omnibus? The charge used to be fourpence before we began running, and now it is threepence, the same as we make.
162. Do you think it is any part of the business of a Government to compete with individuals in any branch whatever, at a loss to the country? No, I do not.
163. And yet you are doing so in this instance? I am not aware that we are in anyway competing with anyone. The railway omnibus certainly runs for the same fare as we do, but then I think that threepence is quite sufficient for the distance; in fact, I think it would pay the other omnibuses better if they were to run for threepence instead of sixpence for a similar distance.
164. On the same rule, then, if you lowered the fare to three-halfpence instead of threepence, it would pay better still? No, I do not say that, because there is a limit below which a reduction will not pay. You cannot take more than a certain number in a vehicle, and therefore you must not go below a certain price. I think the experience of England is very conclusive on this point, that the more fares are reduced the better the vehicle pays—that is, a reduction to a certain limit.
165. *By Mr. Piddington*: Do you find that remark confirmed by the experience you have had on the Pitt-street tramway? We have not had two prices there yet.
166. *By Mr. Sutherland*: Have you had complaints made to your department by the inhabitants of the street, of the want of water, owing to the water pipes being broken? We have had one complaint, but not of the water pipes being broken.
167. Only one complaint? Only one, and that was not a complaint against us, but a complaint by an officer in our department against one of your plumbers for intercepting the line.
168. *By Mr. Dalgleish*: What do you mean by one of "your" plumbers? I should have said one of the Corporation plumbers; I was wrong in addressing the Honorable Member for Paddington as a member of the Municipal Council.
169. *By Mr. Sutherland*: What was this one complaint? It was against one of the Corporation plumbers, for opening the road and intercepting the line, without giving us notice. I was obliged to communicate with the Town Clerk on the subject; and it then turned out that the plumber was not an officer of the Corporation, but only a plumber licensed by the Corporation.
170. Then what you stated in reference to our plumbers was not correct? In what way?
171. As to our plumbers having intercepted the line? It was merely a mistake in names; he was not a Corporation plumber, but a plumber licensed by the Corporation.
172. Were they repairing the main or making a connection with the main? I believe they were making a connection with the main.

173.

* ADDED (on revision):—The trucks were.

† NOTE (on revision):—See answer to a former question.

‡ NOTE (on revision):—I was informed that, with the number of horses employed, no difficulty was experienced in bringing the trucks over the line.

173. And the plumber was paid by some private individual? Yes.
174. Are you aware that a pipe was broken in Pitt-street, and that for some two days a large portion of the inhabitants of the street were without water, through the bursting of the main? I am aware that a pipe burst upon one occasion, but it was not caused by the tramway cars, I believe.
175. Are you aware that upon one occasion one horse got killed through the breaking of the water pipe, the roadway having been washed away by the escaping water? I do not recollect such a thing; I may have heard of it, but I do not remember it now.
176. Have you heard of the tramway cars having been stopped from travelling on the line through the fire engines being connected with the main, near the corner of Pitt and King streets, on the occasion of the late fire in King-street? Such a thing has not been reported to me.
177. If anything of the kind took place it should be reported to you? Certainly.
178. In the event of a fire taking place in that part of Pitt-street which was deprived of water through the bursting of the pipe, would not a great destruction of property ensue from the street being deprived of water? Yes; unless there were some other means of getting water.
179. And suppose there were no other means of getting water in that street, would not the destruction of property be very great? No doubt it might be so.
180. Do you think it safe for the citizens to be placed in that dangerous position through the tramway cars going over the main and bursting the pipes? I do not conceive that there is the slightest danger likely to arise from our cars injuring the water pipes.
181. Have you seen a section of the street, showing the position of the water pipes and sewers, and the way in which the framing for the tramway cars lies on them? I am not aware that I have.
182. Are you aware that the framework on which the cars travel lies very close upon the water main? It is not very far from it, but sufficiently distant to prevent injury to the pipes.
183. In the event of the tramway being allowed to remain, and of the heavy goods traffic being carried on it, would it be safe to continue the water mains in their present position under the framing? I think it would; but the Engineer-in-Chief is better able than I am to give an opinion upon this question.
184. *By Mr. Forster*: You say that you consider yourself limited by the Tramway Act to carrying passengers for railway purposes only, and that by running all day for chance passengers you would be going beyond the meaning of the Act? I say that is my impression; I do not state it positively.
185. Has it not always been deemed that the line was more particularly established for carrying goods to and from the railway terminus and the point of shipment? Yes, I believe that was more particularly the intention.
186. And you consider the line to be perfectly well adapted for that peculiar traffic? I do.
187. Then how is it that goods have never yet been carried on the line? As I have said before, it has been mainly owing to the unsettled state of the question; as yet, we may regard what has been done upon the line as little more than a trial.
188. The law, however, does not prevent you from carrying goods on the line? No.
189. Nor the adaptability of the line itself? No.
190. Then the difficulties in the way are merely official? Yes.
191. And you cannot explain the reason why no goods have yet been carried, further than this, that official difficulties have intervened to prevent it? Yes.
192. It is merely because you cannot get the necessary official machinery to work to set the traffic in motion? No actual orders have yet been given on the subject, except to make an arrangement at the Circular Quay for the establishment of a goods depôt.
193. Have there been no orders whatever given on this subject—nothing done to expedite matters? It has been merely talked over, with a view to making arrangements, but nothing further. The head of the department, Mr. Arnold, has always been in favour of leasing the line.
194. Is he in favour of carrying goods on the line? He is.
195. Has he given no orders towards attaining that object? No, nothing has yet been positively ordered, beyond arranging for the goods depôt.
196. You say that arrangements are being made;—have you been making arrangements ever since the tramway was opened? I have explained that, as yet, we have done nothing further than getting the land on the Circular Quay for a goods depôt. We wished to give the line a trial with the passenger traffic, to see if it would answer for that before we went into the other part of the traffic it was intended to carry.
197. And are you satisfied with the trial you have had? I think it has been to some extent satisfactory, but it certainly has not been profitable; but we have not yet tried the goods traffic.
198. So that if the line is continued to be worked, there is some chance of its being made profitable also, if the other part of the traffic is run upon it? Yes.*
199. And in what time do you suppose that the goods traffic will be put on it? It is difficult to say. We shall require to give three months' notice to the contractor, unless he be disposed to waive this notice.
200. He horses the tramway cars? Yes.
201. He has nothing to do with paying the conductors? No, nothing; he merely pays the half of the wages of one man, an assistant conductor or breaksman, on each car.
202. And the other—who pays him? We do.
203. They are not Government officers? Yes, they are; at least, one conductor to each car, who receives the money from the passengers.

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* ADDED (*on revision*):—And one car instead of two.
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204. Have you had complaints made to you against the conductors? Yes, we have, occasionally.
205. Complaints of incivility? Yes.
206. Have they been frequent? No.
207. Have they been inquired into? Yes, invariably.
208. And have you had reason to reprimand the conductors in consequence of such complaints? Yes, on one occasion one of them was warned.
209. Is that one of the present conductors? That I am not prepared to say.*
210. Have there been any complaints made to you of the drunkenness of the conductors? No, I have never received any complaints of drunkenness, officially.
211. You have never heard it said that a conductor was drunk upon any particular occasion? No; he would not have been long in his situation if I had.
212. You mean the conductors of the tramway cars? Yes.
213. Is the expense of altering the tramway cars, so as to enable them to run on the present line, included in the return of expenditure you have laid before the Committee? It is; that return includes, I believe, every penny that has been expended.
214. I suppose, in running two cars, the extra expense entailed consists solely of the cost attached to one car? That is all. It consists of the wages of an additional conductor, of four additional horses, and half the wages of a breaksman. My proposal was, in order to reduce the expense, to run only one car, to give up the additional breaksman and the trip to meet the early train, so that we might do with four horses instead of eight. These would very materially reduce the working expenses.
215. You admit, I think, that you are now running the line at a loss? Yes.
216. And that this has been the case for some months past? Yes.
217. Has not the member of the Government who has charge of this branch stated to the contrary, in all the public statements he has made upon the subject? Whatever statement he has made has been a correct one, I believe.
218. Have not statements been made to the House, by the Minister for Public Works, contrary to what you are saying now? Not that I am aware of. Every statement that has been made to the House has been made from the same data that I now lay before the Committee.
219. Whenever formal questions are put to the head of the Department of Works, he goes to you, I believe, for the information necessary to supply the answer? Invariably.
220. And you are responsible for the correctness of the data with which you furnish him? I am.
221. You are not aware, then, that the Minister for Public Works has stated in the House that the tramway was a paying concern? It was so, for some time. It is only within the last three months that it has fallen off.
222. It has been a paying concern, taking off the expense of maintaining the permanent way? Yes. I have before stated that the whole expense of the permanent way ought not to be taken into account, as the line was so hurriedly made in the first instance that it had not time to consolidate before the traffic was put upon it. I remember, too, that this was distinctly stated in the House by Mr. Arnold. I explained to him, that it was not fair to charge to the current expenses what was really a part of the first cost of making good the permanent way, and he stated this to the House.
223. You think, I believe, that the preponderance of opinion is in favour of the tramway, as a great public advantage? Yes, decidedly.
224. What sort of evidence have you had of this? In what way do you mean?
225. Has it been the evidence of persons using the line? Yes.
226. Not that of persons who are precluded from the use of it? No; it has been merely hearsay—remarks I have heard from persons who have travelled by the cars.
227. Then in giving it up, these persons would fancy that a public injury was done? Those who have spoken to me think so.
228. That is, those who make use of the line? Yes, exactly; unless they do make use of it they are not likely to know the advantage of it.
229. That, then, is, in your opinion, the only way of forming a correct idea of it? Yes, in the same way as I form an opinion of its popularity from what I hear.
230. Then, according to your opinion, the tramway is very popular amongst those who find it a convenience to use it? That is the only way in which it would be popular with any persons.
231. *By Mr. Piddington:* How many use it to those who do not—what proportion does the one bear to the other? That I cannot say.
232. *By Mr. Forster:* Have you seen the effect that this line of tramway has upon foot passengers who find it necessary to cross it? I have seen no difficulty in the way of crossing it.
233. Have you never observed that in wet weather the centre of the street is full of water and mud? Not more than any other street is in wet weather.
234. Have you ever walked over the tramway line in wet weather? I am not very often in Pitt-street, but I have been there occasionally, and I have seen no difference between it and any other street.
235. But in wet and muddy weather? It is not worse than any other street, I think.
236. Does it not stand to reason, that if two lines of iron rails are laid down the centre of the street they must check the flow of water off the roadway, and so cause an accumulation of mud? Yes, to some extent; but means might be taken to prevent this accumulation.
237. How do you propose to do this? By surface drainage.

* ADDED (on revision):—I think it was one who is since dead.

238. You have stated that this would not be a complete job until the line was paved? Yes.

239. In what sense do you use the word "job"? Not in its offensive sense. What I meant to say was, that it would put an end to all complaints from parties using the street if good granite paving were laid down along each side of the rails, as the roadway would then be level, and the wheels of vehicles would not get in against the edge of the rails, as they now do.

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240. If you were to discontinue working this line, the result would be to throw a great number of persons out of employment? I do not understand the question.

241. How many persons would be thrown out of employment if you discontinued the working of the line? Only two officials, the conductors of the cars.

242. But does not the running of these cars give employment to a large number of men, in the repairs that are required to be made in the street? There are a few men employed on the street.

243. Would not these men be thrown out of employment by the stoppage of the tramway traffic, by the street not requiring to be repaired so often? I do not think it likely.

244. Or the men employed in the repair of the water pipes and other works, alluded to by Mr. Sutherland, that lie below the street—they would not have the same amount of work? I believe that the tramway does not interfere with those works.

245. Do you not think that the public loss on all these incidental matters, by the larger amount of repairs required to the street and other public works that the tramway causes, is more than sufficient to counterbalance any advantage the tramway may confer? I am not aware that it causes more expense.

246. Not more than if there was no tramway through the street? Certainly not, as regards the water pipes.

247. Nor as regards the street itself? There is some more expense attached to maintaining a permanent way than to keeping an ordinary street in repair.

248. Do you think the laying down the rails was a good job? I had rather you would question the engineer on this point; he is a better judge of this kind of work.

249. But in looking down the line of rails, do they seem to you to have been laid level? They have been repeatedly altered since they were first laid down, and on this very account.

250. Is it a feature peculiar to tramways, that they should be laid in a gentle waving line? This has been owing, I believe, to the rails having been laid down before the roadway was properly consolidated, and from the warping of the sleepers.

251. *By Mr. Piddington:* What has been the total cost of working the line, since its first starting, down to the end of July last? Including the permanent way?

252. Including everything? The total expenditure has been £1,545 3s. 9d.

253. And what have been the total receipts during the same period? £1,115 18s. 9d.

254. What has been the actual loss to the country, independent of interest on capital invested, of working the line to the end of July last? £429 5s.

255. Has not the country been a loser every month for the last six months on the working of this tramway? Yes, including the maintenance of the permanent way, there has been a loss during the last six months.

256. During the whole of the last six months, without exception? Yes.

257. How many complete months has the tramway been at work, up to the end of July? Six months, and a portion of the seventh. I should rather say that it has been open seven months, during six of which it has been worked at a loss. The first month we had a large gain.

258. Then during the period it has been open, reckoning complete months, it has been worked at a loss six months out of the seven? Yes.

259. During only one month has it ever been worked except at a loss? So it appears.

260. And is it necessary to run two cars in order to accommodate the public? I do not think it necessary to have the whole of two cars. Sometimes one car is not sufficient to accommodate all the passengers, but we seldom find sufficient to fill two cars altogether.

261. How do you propose to do then—cut them in half? I propose to run one car only. I do not think that we are called upon, merely for the accommodation of a few extra passengers occasionally, to run the line at a loss. We should endeavour to bring the working expenses within the receipts.

262. Do you think, then, that there is not more demand on the part of the community for this means of conveyance than one car will be sufficient to supply? The information that I have received, in answer to my inquiries on the subject, is to the effect that one car will generally be sufficient, and therefore it is that I am trying to arrange to do away with the second car. It is only by one or two trains that we get more passengers than one car will accommodate.

263. And notwithstanding this—notwithstanding your having more than one car will carry—you propose to run only one car? That is my intention at present. Except by these one or two trains, one car is sufficient, and I do not think that for these few persons we should be called upon to put on another car.

264. Then by one or two trains there is an excess of passengers beyond what one car will carry? Yes.

265. And this excess, you think, should be disregarded? I do.

266. Would they be able to find some other means of conveyance? No doubt they would. They did formerly, before we put on the second car.

267. Was not this tramway constructed in order to accommodate that portion of the public who used the railway? It was.

268. Seeing that was the case, and that the public had been put to the expense of making this tramway, on what ground would you exclude this excess by the one or two trains from the enjoyment of its advantages? Merely on the ground that it is necessary to keep our working expenses within our receipts.

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269. And if one car only were used, would that be sufficient to enable the Government to work the line at a profit? It is my opinion that it will be, but we can only judge by giving the proposal a trial.

270. You have no other ground to go upon than your opinion? No other, except the fact that we shall materially reduce the expenditure.

271. Would it not reduce the expenditure even more if there were no cars running? Certainly, but then there would be no receipts.

272. You have stated that you think it would be right for you to run your cars at all hours of the day, independent of the periods when you are required to run to meet the trains;—do you think it would be right for you to do so? I see no objection to it.

273. Do you think it would be fair for your cars to come into competition with private enterprise—with the omnibus proprietors, for instance? I do not think it advisable to run in competition with private parties in any matter, and I do not speak of this in that light. I refer to the matter only in the way of making it a paying concern. I was asked the question, whether it would pay better to run the cars all day long, and it was merely in answer to that question that I gave the opinion that it would do so, because now we have to keep a certain number of horses, whether we run them all day or not.

274. Were they not established expressly to run in connection with the railway, to meet the different trains? They were.

275. *By the Chairman*: The Bill does not state so? No; I have already said that there is nothing in the Tramway Act to limit our right of running only to meet the trains.

276. *By Mr. Piddington*: Do you know of any case, either in England or America, where tramways have been established by the Government for the purpose of running cars for the use of the public, and independent of the railway traffic? Dr. Smith, who has just arrived from England, has mentioned to me, in reference to the English tramways, that the cars are run on them between the times of the arrival and departure of the trains. He tells me that they run there all day long.

277. But what I ask you is, whether you know of any case, either in England or America, of the Government establishing a street railway to run at all hours of the day, and to enter into competition with private enterprise? I say, in answer to that, that I was conversing with Dr. Smith on the subject, and he suggested to me that we ought to follow the example of the English tramways, and run our cars all day.

278. Did he say that in England and America the Government had established tramways to run in competition with the omnibus proprietors? He tells me that they do so.

279. What, the Government? Not the Government, but the Companies.*

280. Then you do not know of any case, either in England or America, of the Government running tramway cars in opposition to private enterprise? No, I do not. In England the Government do not run the railways.

281. Or the tramways? No.

282. Nor do they in America? No.

283. Will there be, in the event of your leasing the tramway, any limitation of the times when the cars will be allowed to run? The proposition is, that they should be allowed to run between the times necessary to meet the train.

284. Is that to be one of the conditions of the lease? The conditions are not yet in a complete form, but this is proposed.

285. Do you, as Commissioner for Railways, intend to propose this as one of the conditions? I think I shall, unless it is found to throw any difficulty in the way of leasing the line.

286. You think you will propose it? I think I shall.

287. Do you think that the Pitt-street tramway is any benefit to the inhabitants of that street, or that it has tended to enhance the value of house property in that street? The great advantage of the cars is, that they are more convenient than the ordinary omnibuses. From what I have seen, however, I cannot say that it has been a very great benefit to the street, as there can be no doubt but that the line causes some inconvenience to carriages.

288. It has been found to interfere with the other and ordinary traffic of the street? To a certain extent it must do so, necessarily. The street itself is rather narrow, and that is the main source of the inconvenience. The original idea was, that it would increase the traffic in this street; and it was under that impression that a large number of the residents in the street signed the petition in favour of its construction.

289. From the experience you have now had of the working of the line, has that idea been confirmed? I do not think so; from what I have seen, my impression is that the effect has been otherwise. I have heard, in fact, of persons giving instructions not to drive their carriages through that street.

290. From the circumstance of two bars of iron running down the centre of the street, above the level of the roadway, a very considerable obstruction is experienced from that alone? Certainly it is.

291. Is the tramway laid down here the only description of tram used in England for street railways? I am not aware of any others. This is Train's patent, the one universally used, I believe, in England.

292. Are there not some laid with grooved rails? The grooved rails have been tried in some cases, but they were soon given up, because the groove so quickly fills up with stones.

293. If the grooved rails were laid down, and the space between was pitched, would the risk of filling up with stone be lessened? It would be lessened; but in any way there would always be a difficulty in regard to filling up, where the grooved rail is used.

294. Are you aware that the object of constructing this tramway was to convey goods between the Railway Terminus and the wharf, quite as much as it was to convey passengers? Certainly I am.

295.

* ADDED (on revision):—I misunderstood your question.

295. And though the line has now been in use over seven months, no goods have been conveyed on it? Not as yet.

296. Are you aware that a resolution was passed by the Assembly, in June last, to the effect that the House considered it desirable that experiments should be made on the Pitt-street Tramway, and the Pyrmont railway extension, in order to ascertain whether goods could be transported on these lines or not? I do remember such a resolution having been carried, and I believe that in consequence of that, experiments were made on the Pyrmont line.

297. I allude more particularly to the tramway? But it would be the same thing, whether tried on the one or the other.

298. Not at all;—the resolution I allude to had two objects in view: one was an experiment by horses on the Pitt-street Tramway, and the other an experiment by locomotive power on the Pyrmont line; and what I wish to know is, whether, in accordance with that resolution, any experiment has been made on the tramway? I am not now in a position to say, but I will refresh my memory on the subject, and append an answer on revising my evidence.

299. Are you aware whether any experiments were made in accordance with that resolution? I believe there were, now that you bring the matter to my mind; I did not remember this circumstance at the time this was first mentioned to me.*

300. And what would be the expense of pitching all the way down between the two lines of rail, and for two feet on each side of the line? I think I have stated that an estimate was given to me of £2,000 for the pitching on each side of the line alone; a still larger sum would be required for pitching the centre.

301. *By Mr. Dickson:* The tramway does not pay at present? It does not.

302. It was intended, when first constructed, to convey passengers and goods between the railway terminus and the point of shipment? It was.

303. You have conveyed no goods by it? Not hitherto.

304. When you run the goods traffic, I believe the returns from the passenger and goods traffic combined will be much greater than they are now, particularly if you convey all the mercantile consignments one way, and all the colonial productions the other, between the terminus and the quay? It is rather difficult to answer that question; we have yet not tried the goods traffic, and perhaps when we come to do so we may find that it does not pay better than the passengers.

305. However, you believe it to be the duty of the Government, so long as they have the line under their control, to do all in their power to make it profitable? I do.

306. You believe that conveying the merchandise received by the shipping, from the wharf to the railway station, thence to be forwarded direct to the interior, and conveying all the productions of the country coming into Sydney by railway, from the terminus to the quay, where they can be shipped, would be likely to benefit the country and add materially to the revenue derived from the tramway? I do.

307. Do you believe that the tramway, as it is now laid down, can be made competent to convey all the merchandise that it may be required to send from the harbour to the terminus, and all the produce required to be sent from the terminus to the harbour? That is what I am led to believe; but you had better question Mr. Whitton upon this point, since he is better able to give an opinion on it. One reason, however, why the goods traffic has not yet been commenced I should have mentioned before, only it escaped my memory at the moment. It has been owing not only to the unsettled state of the tramway question, but also to the other question of the Darling Harbour extension to the bridge and deep water. The difficulty we experienced was, that after we thought of establishing the goods traffic on the tramway, the other question was taken up of continuing the Pyrmont line down to the bridge. As in the event of our carrying the Pyrmont line down to deep water in order to obtain the goods traffic, it would be next to useless to run a goods traffic on the tramway lines, the question as regards the tramway has been allowed to stand over until the other question of the railway is settled.

308. Then the tramway now is only really doing one-half its work? Only the half of what was the original intention.

309. And the most important half has not yet been commenced? No.

310. That which has been done as yet is little better than an experiment? Very little more.

311. If facilities for conveyance were given, would they not greatly increase the number of passengers by the railway? I am not aware that they would.

312. Would not increased facilities of conveyance be likely to induce many persons to reside outside the town, and on the line of railway? I am not aware. I do not see how they could do that.

313. I suppose the country has been a loser by the establishment of railways in the first instance, and until they were extended some distance into the interior, as well as it is now a loser by the tramway? Yes, it has.

314. Is there anything extraordinary about this loss on the tramway, as compared with the loss that has been experienced on the railways? I do not think so; we are arriving, month by month, at the means of ascertaining the cheapest way of running all our railways. The railway has been getting better and better every year.

315. The extra expense of conveying merchandise from the wharf, and the products of the country from the terminus, would not add very much to the working expenses? Not a great deal in comparison to the proceeds.

316. It would not add more than 25 per cent. to your present working expenses? I do not think it would; the great advantage would be, that products from the interior, such as wool and tallow, would be brought down direct to the wharf without unloading, and placed there ready for shipment.

317.

* NOTE (on revision):—On referring to the records, I can find no report of any experiments having been made, except those on the Darling Harbour branch, and the tramway before opening the line.

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- John Rae,
Esq.
13 Aug., 1862.
317. That was one of the objects for which the tramway was established? Yes.
318. And the main one? Yes.
319. Do you think the object for which the tramway was constructed will be completely attained until it does convey all these articles backwards and forwards between the wharf and the terminus? I do not.
320. I suppose that, in your opinion, it is the duty of the Government to consider the general benefit of all the inhabitants of the Colony, and not that of the residents in any one street? Unquestionably it is.
321. Do you think that a general benefit has been experienced by the inhabitants of the Colony, by the construction of this tramway? I think so; it has been a general convenience to the public.
322. Do you think it would be desirable to take it up? I think not; it is too soon to do that yet. It has not yet had sufficient time allowed to show its capabilities.
323. *By Mr. Driver:* What would you consider to be sufficient time? When it has been fairly tried for both purposes—for goods as well as passengers; it has not had a trial with the goods traffic yet, and until this has been done, it would be completely throwing away all the money that has been expended on it, to take it up.
324. When did you first discover it to be a losing concern? It has been a losing concern, in one sense, nearly from the very commencement, that is, if you take into account the cost of maintaining the permanent way, which I consider ought not all to be charged against it.
325. *By Mr. Hoskins:* But this is done in England? Yes, after the line is fully established, the maintenance of the permanent way clearly forms part of the working expenses; but then it must be remembered that this work was begun in a hurry and finished as rapidly as possible, and then that we commenced running the cars upon it before the roadway had become properly consolidated. Under those circumstances it was only natural to expect a much larger amount of expense in keeping it in repair; since we had to do whilst the cars were running, what ought to have been done before the traffic was put upon it.
326. *By Mr. Driver:* You have said, I think, that a large proportion of the public would be averse to taking up the line? Yes, I believe so.
327. How have you obtained that information? From conversations I have had with different persons.
328. Have you ever had conversations on the subject with shopkeepers and owners of property in that street? Some of these I believe are as much in favour of pulling it up as others are of maintaining it.
329. Have you been able to form an opinion as to which way the balance lies? In favour of keeping it on.
330. The balance of the testimony of shopkeepers and freeholders in the street? Yes, I think a majority of the residents in the street are in favour of the line.
331. And you are also of opinion that what has as yet been done being merely an experiment, the tramway has not had a fair trial? Yes.
332. And that it should not be taken up at once, but that this fair trial should be given to it? Exactly.
333. *By the Chairman:* With reference to the competition, some questions have been asked you by Mr. Sutherland and Mr. Piddington, as to whether you considered it desirable that the Government should enter into competition with private enterprise;—would not the same remarks that have been made in reference to running the tramway cars apply equally to the railway between Parramatta and Sydney, which came into competition with the coaches running between the two places, and is now competing with the steamers running on the river? Yes, of course.
334. And also to the Hunter River Railway, which comes into competition with the steamers plying to Morpeth? Yes, the Government cannot undertake any work of this kind without coming into competition with somebody or other.
335. It is a different thing in England and America, where the railways are not in the hands of the Government? Yes, they are all run by Companies in those countries.
336. But the Companies keep cars for the accommodation of the passengers by their lines, and these cars come into competition with individuals? Exactly. I would remark, with reference to the loss that has been spoken of, that the expenditure on the line is always much larger on first going off than it will be hereafter. For instance, in the item of repairs to the permanent way, there is the large sum of £378 set down under this head, caused by the repairs necessary from the want of consolidation when the line was opened; then there are tools and implements, £13; and ballasting, £191. Now it stands to reason that these expenses are not likely to occur continually for years; it was only at first starting that they were so heavy, and they are being now reduced gradually.
337. Then is the amount shown in this return a fair test of the average cost of maintaining the permanent way, after the line has been some time at work? No, when once the roadway has settled down and become consolidated it will be nothing like that. The maintenance of the permanent way is always a great expense on railway lines at the first going off.*
338. And afterwards it does not require an expenditure at the same rate? No, not afterwards. After a time it is not so high.
339. I believe that a great many persons holding property in Pitt-street petitioned to have this tramway constructed? They did.
340. I see by your return that a very large amount of receipts is shown for the month of January;—was that the month when the English cricketers were here? I think it was.
341. Some questions were asked you with reference to establishing a check upon the conductors;—now is it not a fact, that the same difficulty has been found in the way of providing

* ADDED (on revision): In proof of which, I may state that railway Companies are in the habit of charging the first year's maintenance of way to capital.

- a check upon the honesty of omnibus conductors in England as well as here? Yes, I have tried every means of securing a check, but as yet I can see no way of doing it thoroughly.
342. You say you have had as many as a hundred passengers at one time in one of your cars? Yes, on a few occasions, but that was an extraordinary number. They are not made to carry so many as that; seventy* is the number they are intended to accommodate.
343. But they have carried one hundred? Yes.
344. And they would weigh on the average about seven tons? Yes, about that, I should think.
345. So that you regard that as a good test of the capability of the line? Yes, if a car with a hundred persons on it can run easily along the line, we can form a good idea from that of what amount of goods can be taken on it by the same number of horses.
346. Two horses on the ordinary street would not be able to draw above a third of what they would on the tramway? I do not know the exact proportion, but it is somewhere about a third.
347. How much do you pay per horse? Three† and sixpence per day.
348. And the contractor finds drivers as well as horses? Yes.
349. *By Mr. Hoskins*: Do you know anything of the management of railways in England? Not much.
350. Did you ever inspect railway accounts? I have, repeatedly.
351. But the English railway accounts? Not in England.
352. Do you know if it is the practice to charge the consolidation of the permanent way against capital or against receipts? Against receipts, after the line has been handed over. It is the principal part of the working expenses of a railway after it is in use.
353. Immediately after the line is opened, I gather from what you have stated, that keeping the permanent way in repair is more expensive than it is subsequently? Yes.
354. Do you know if they charge this cost, in the first instance, when it is heaviest, against receipts or against capital? Against receipts; because after the line is handed over by the contractor it is considered to be completed, and a certificate to that effect is given to the contractor by the inspecting engineer. But I may say again, that this tramway line was got up, the permanent way made, and the line laid down in a hurry; and the work was not, therefore, done so completely as it would have been if more time had been given for the consolidation of the road. In that way more expense has been incurred in maintaining it than there would have been if more time had been taken over it.
355. Supposing the line to have been properly laid down and consolidated, would it have cost more to maintain it than it would cost to maintain a road for the ordinary street traffic? I think it would.
356. In auditing railway accounts are you in the habit of charging the cost of the permanent way against receipts? Yes.
357. Immediately after the line is opened? Yes; only I explain that the expense is a little more than it would have been had the road been properly consolidated.
358. You have never heard of any cases, either in England or America, of the Government having railways under their control? No, but they have in Belgium.
359. Do you happen to know whether a statement was ever made in the Assembly that this tramway was the best paying railway in the Country? I do not remember such a statement being made.
360. Was not such a statement made by the Minister for Public Works? I do not remember it.
361. Not under any circumstances? I do not remember to have heard such a statement; but I know that, leaving out this expense of maintaining the permanent way, the line has been a fairly paying one until lately.
362. But is this not an ordinary charge against the receipts of a line? I have already explained that it is.
363. As a matter of fact, has this tramway been the best paying line of railway in the Country? None of the railway lines have been paying much.
364. Do not the railways now pay 2 per cent.? On the capital expended?
365. Yes? No, not at all.‡
366. However, they have not been working at a loss. No; the receipts are paying the working expenses, and leaving a per-centage over.
367. And is it not the fact that the tramway has been worked at a loss during six months out of the seven it has been running? Yes, there is a loss.
368. And therefore there is not so much as half per cent. of net receipts upon the working expenses of the tramway, leaving out of question the interest on the money expended? There has been a loss, and therefore there are no net receipts.
369. Is it not a fact that the railways have paid 1 per cent. upon the working expenses, exclusive of interest? Yes, there has been a small per-centage on the working expenses, which is steadily improving.
370. Has the tramway ever paid one-half per cent on the working expenses? It has not.
371. Then the statement that it was the best paying line in the Country was an incorrect one? I do not remember its being made.
372. But if it was made it was incorrect? Yes.
373. *By Mr. Dalgleish*: You have stated, in the course of your examination by Mr. Piddington, that now your memory was refreshed by circumstances mentioned to you by him, you believed experiments had been made on the tramway? I did.
374. Will you send in the results of those experiments to this Committee? I will.§

375.

* Revised:—Sixty. † Revised:—Eight shillings. ‡ Revised:—Latterly.

§ ADDED:—But I have stated that these experiments were made before opening the line.

John Rae,
Esq.

13 Aug. 1862.

- John Rae, Esq.
13 Aug., 1862.
375. Are you aware of any additional carriages or trucks for goods are now in process of manufacture for this line? I am not aware of any.
376. Have you heard of none having been ordered? No.
377. What are your duties as Commissioner of this tramway? It would be difficult to state all my duties at a moment's notice, they are so various.
378. Will you be good enough to define them in writing, and send them in to this Committee? I will.*
379. With regard to this permanent way, might you not just as well leave out of your account any other item of expenditure, as select this one of maintaining the permanent way—might you not with as much justice leave out the repairs to the carriages, as this particular item? No, not in the manner in which I look at it. In general it is part of the working expenses, most unquestionably, but in this instance I have endeavoured to explain why a portion of it should be charged to capital, as being part of the first cost; but I have given the account in both ways, so that the Committee may take whichever they choose.
380. By Mr. Sutherland: You have stated in one of your answers that it costs the Corporation no more to repair the pipes and in making connections, through the tramway being in the street, than it did before the line was laid down? I do not see how it can do so.
381. Would you be surprised to find that it costs them three times as much as it did before? I should, certainly.
382. And do you think it right that this should be the case? It would depend upon what cause it arises from; but I am not aware that such is the case, nor can I see how it is possible to be so.

APPENDIX.

A. No. 1.

RETURN showing the Original Cost of Constructing the Pitt-street Tramway; the Cost of the Tramway Cars and their Repairs, Hire and Keep of Horses; and Cost of Permanent Way, from day of Opening, 23rd December, 1861, to 31st July, 1862.

DATE.	EXPENDITURE.	AMOUNT.	TOTAL COST.
1862.	Construction—	£ s. d.	£ s. d.
	Formation	782 14 3	
	Permanent Way	3,779 5 10	
	Stables	75 11 10	4,637 11 11
	Tramway Cars—		
	Original Cost	1,001 0 5	
	Repairs—		
	Wages	£118 4 0	
	Materials	46 1 2	1,165 5 7
	164 5 2		
	Maintenance of Way—		
	Salaries	0 5 6	
	Repairs	378 13 4	
	Tools and Implements	13 2 0	
	Ballasting	191 14 4	583 15 2
Coaching Charges—			
Wages of Conductor and Breaksman	210 9 6		
Horse Hire	572 1 0		
Stores	14 12 11	797 3 5	
			7,183 16 1
	TOTAL.....		
DATE.	RECEIPTS.	AMOUNT.	TOTAL RECEIPTS.
1861. 1862.	Amount of Revenue for the month of December	£ s. d.	£ s. d.
	Do. do. January	63 7 3	
	Do. do. February	215 1 11	
	Do. do. March	143 9 0	
	Do. do. April	166 19 3	
	Do. do. May	158 6 6	
	Do. do. June	142 1 4	
	Do. do. July	106 1 6	
		120 12 0	1,115 18 9

E. & O. E.
Railway Department,
Sydney, 11th August, 1862.

R. C. WALKER,
Accountant.

A. No. 2.

* ADDED (on revision):—My duties as Commissioner of Railways include the collection of revenue, supervision of accounts, and payment of all disbursements; control of the officers in the Traffic Branch and the general establishment, settlement of all claims on account of railways, including land claims; making all contracts for carrying out works, or for supplies, and all other duties imposed by the Railway Act. I may add, that these duties are performed under the sanction of the Minister for Works, and that no pay is attached to the office of Commissioner.

A. No. 2.

RETURN of the Cost for working the Pitt-street Tramway, *excluding* the Maintenance of Way (open for Traffic, 23 December, 1861), from 23 December, 1861, to 31 July, 1862.

	Coaching Charges.				Repairs to Tramway Cars.			Total Working Expenses.	Receipts.	Gain.	Loss.	Balance.
	Wages.	Horse Hire.	Stores.	Totals.	Wages.	Materials.	Total.					
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1861.												
December	3 0 0	.....	.....	3 0 0	.....	.....	.....	.....	63 7 3	60 7 3	.....	.....
1862.												
January	17 1 0	.....	1 7 6	18 8 6	16 15 9	0 5 2	17 0 11	35 9 5	215 1 11	179 12 6	.....	.....
February	25 8 6	107 2 0	1 0 1	133 10 7	51 13 11	19 10 9	71 4 8	204 15 3	143 9 0	.....	61 6 3	.....
March	26 19 0	80 15 0	1 11 4	109 5 4	4 12 9	0 2 7	4 15 4	114 0 8	166 19 3	52 18 7	.....	.....
April	31 6 0	96 18 0	1 18 4	130 2 4	2 13 9	2 0 0	4 13 9	134 16 1	158 6 6	23 10 5	.....	.....
May	32 11 0	95 4 0	3 17 4	131 12 4	6 3 4	19 11 4	25 14 8	157 7 0	142 1 4	.....	15 5 8	.....
June	32 11 0	98 12 0	2 8 8	133 11 8	21 15 11	2 6 4	24 2 3	157 13 11	106 1 6	.....	51 12 5	.....
July	41 13 0	93 10 0	2 9 8	137 12 8	14 8 7	2 5 0	16 13 7	154 6 3	120 12 0	.....	33 14 3	.....
	210 9 6	572 1 0	14 12 11	797 3 5	118 4 0	46 1 2	164 5 2	961 8 7	1,115 18 9	316 8 9	161 18 7	154 10 2

A. No. 3.

RETURN of the Cost for working the Pitt-street Tramway, *including* Maintenance of Way (open for Traffic on 23 December, 1861), from 23 December, 1861, to 31 July, 1862.

	Coaching Charges.				Repairs to Tramway Cars.			Maintenance of Way.					Total Cost for Working Expenses.	Receipts.	Gain.	Loss.	
	Wages.	Horse Hire.	Stores.	Total.	Wages.	Materials.	Total.	Salaries.	Tools and Implements.	Ballasting.	Repairs.	Total.					
	£ 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.	
1861.																	
December	3 0 0	.....	3 0 0	3 0 0	.....	.....	.....	.....	.....	.....	.....	.....	3 0 0	63 7 3	60 7 3	.....
1862.																	
January	17 1 0	.....	1 7 6	18 8 6	16 15 9	0 5 2	17 0 11	0 5 6	.....	.....	16 4 0	16 9 6	51 18 11	215 1 11	163 3 0	.....
February	25 8 6	107 2 0	1 0 1	133 10 7	51 13 11	19 10 9	71 4 8	.....	2 11 9	.....	62 4 6	64 16 3	269 11 6	143 9 0	.....	126 2 6
March	26 19 0	80 15 0	1 11 4	109 5 4	4 12 9	0 2 7	4 15 4	.....	4 1 3	82 12 4	90 2 5	176 16 0	290 16 8	166 19 3	.....	123 17 5
April	31 6 0	96 18 0	1 18 4	130 2 4	2 13 9	2 0 0	4 13 9	.....	3 6 0	92 9 0	84 15 8	180 10 8	315 6 9	158 6 6	.....	157 0 3
May	32 11 0	95 4 0	3 17 4	131 12 4	6 3 4	19 11 4	25 14 8	.....	2 17 6	15 6 0	56 11 0	74 14 6	232 1 6	142 1 4	.....	90 0 2
June	32 11 0	98 12 0	2 8 8	133 11 8	21 15 11	2 6 4	24 2 3	.....	0 5 6	.....	41 14 6	42 0 0	199 13 11	106 1 6	.....	93 12 5
July	41 13 0	93 10 0	2 9 8	137 12 8	14 8 7	2 5 0	16 13 7	.....	.....	1 7 0	27 1 3	28 8 3	182 14 6	120 12 0	.....	62 2 6
	210 9 6	572 1 0	14 12 11	797 3 5	118 4 0	46 1 2	164 5 2	0 5 6	13 2 0	191 14 4	378 13 4	583 15 2	1,545 3 9	1,115 18 9	223 10 3	652 15 3	
													1,115 18 9				223 10 3
													429 5 0				429 5 0

A. No. 4.

RETURN of Cartage and Wharfage on the Great Southern Railway, from the 1st January to 31st July, 1862.

Cartage, £181 10s. 10d.; Wharfage, £36 13s. 10d.; Total, £218 4s. 8d.
 Railway Office,
 21st August, 1862.

R. C. WALKER,
 Accountant.

A. No. 5.

TRAMWAY CARS.

DATE.	ERECTING.	CLEANING, PAINTING, &c.	REPAIRING.	ALTERATIONS AND ADDITIONS.	TOTAL.
1861.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
September 21	3 3 0	.....	.....	.....	3 3 0
November 2 .....	.....	7 5 0	.....	.....	7 5 0
" 16 .....	.....	3 0 0	0 5 3	.....	3 5 3
December 14	1 12 6	.....	.....	11 13 9	13 6 3
" 28 .....	.....	.....	.....	22 5 0	22 5 0
" 31 .....	.....	.....	.....	3 3 9	3 3 9
1862.					
January 11 .....	.....	.....	.....	3 6 9	3 6 9
March 8 .....	.....	.....	2 19 3*	.....	2 19 3
" 22 .....	.....	.....	5 3 3	.....	5 3 3
	4 15 6	10 5 0	8 7 9	40 9 3	63 17 6

* Lamps and parcel lockers.

A. No. 6.

PITT-STREET TRAMWAY.

Department of Public Works,
 Sydney, 11 December, 1861.

His Excellency the Governor-in-Chief, with the advice of the Executive Council, has been pleased, in pursuance of the powers vested in him, to approve of the following Time Table and By-laws, made by the Commissioner for Railways, for regulating the Pitt-street Tramway, from and after the 23rd day of December, 1861.

W. M. ARNOLD.

PITT-STREET TRAMWAY.

Time Table.

The Passenger Cars will leave the Circular Quay at—

6:25 A.M.	4:40 P.M.
9:55 A.M.	6:10 P.M.
1:40 P.M.	

Sunday:—

8:10 A.M.	4:40 P.M.
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and the Redfern Station on the arrival of every passenger train.

By-Laws.

1. No person will be allowed to take his seat in or upon any Tramway Car, without having first paid the fare or toll determined upon by His Excellency the Governor-in-Chief, with the advice of the Executive Council, and published from time to time, under the authority of the Government Railways Act, 22 Victoria, No. 19, and under and by virtue of the provisions of the Pitt-street Tramway Act, 24 Victoria, No. 15, under a penalty not exceeding forty shillings for each offence.

2. No person will be allowed to take his seat in or upon any car, in a state of intoxication, under a penalty not exceeding forty shillings for each offence.

3. All persons smoking within any car after being required by the conductor in charge to desist, shall be liable to a penalty of forty shillings for each offence.

4. Any person using obscene language, or committing any nuisance, or wilfully interfering with the comfort of the passengers in or upon any car, shall be liable to a penalty not exceeding five pounds, and shall be liable to be immediately removed from such car.

5. Any person who shall wilfully injure, or cause any damage to the fittings, or break or deface the windows of any car, shall be liable to a penalty not exceeding (£5) five pounds, in addition to the cost of repairs.

6. The word "Car" in these By-laws shall be held to mean the vehicle used for the conveyance of passengers on the Tramway.

(L.S.)

JOHN RAE,
 Commissioner for Railways.

The Seal of the Commissioner for Railways was affixed hereto, at Sydney, this third day of December, 1861, in the presence of

R. MOODY,
 Chief Clerk.

Department of Public Works,
 Sydney, 11 December, 1861.

PITT-STREET TRAMWAY.

His Excellency the Governor-in-Chief, with the advice of the Executive Council, has been pleased, in pursuance of the powers vested in him, to declare and determine, that the following shall be the charges to be taken in respect of passengers to be carried on the Pitt-street Tramway, from and after the twenty-third day of December, 1861.

W. M. ARNOLD.

PITT-STREET

PITT-STREET TRAMWAY.

Table of Fares for Passengers.

For the conveyance of every passenger, from the Redfern Station to the Circular Quay, or vice versa, or for any intermediate distance—threepence. Children under five years of age, travelling with the parents—free.

A. No. 7.

Department of Public Works, Railway Branch, Sydney, 24th December.

PITT-STREET TRAMWAY.

In order to avoid inconvenience and delay, the Tramway Car in connection with the Railway will not stop to take up or set down passengers, except at the intersections of the following streets:—

- Bridge-street
- Hunter-street
- King-street
- Market-street
- Park-street
- Bathurst-street
- And Liverpool-street.

JOHN RAE,
Commissioner of Railways.

A. No. 8.

Department of Public Works, Railway Branch, Sydney, 8th January, 1862.

PITT-STREET TRAMWAY.

In order to avoid inconvenience and delay, the Tramway Car in connection with the Railway will not stop to take up or set down passengers, except at the following places, viz.:—

- Bridge-street
- Hunter-street
- King-street
- Market-street
- Tattersall's Hotel
- Park-street
- Bathurst-street.

JOHN RAE,
Commissioner for Railways.

A. No. 9.

Department of Public Works, Sydney, 13 June, 1860.

Sir,

I am directed by the Secretary for Public Works to transmit herewith, for your information, certain papers relative to a tramway proposed to be laid down along Pitt-street, Sydney, together with a plan and section of this proposed line.

You will perceive by perusal of the above papers, that this tramway is intended to convey both passengers and goods by horse traction between the Railway Station at Redfern and the harbour, a distance of about 1½ miles, and that, under the recommendation of a Select Committee, it is proposed to lay before the Legislative Assembly of this Colony, next Session, a Bill to confer on the Commissioner for Railways the powers necessary for the construction and maintenance of the line.

The scheme is looked upon as an experiment merely, but one which it is very desirable should be successful.

Unfortunately Pitt-street is somewhat narrow, and the gradients not as favourable as could be wished, and part of it is occupied by a constant traffic during most of the day. Notwithstanding these disadvantages, it presents the most favourable line that can be obtained. It is now a well macadamized street.

It was intended, when the experiment was first proposed, in March, 1858, to lay down the Barlow rail only, on account of its being on the spot. The length of time that has since elapsed, and other circumstances, render it undesirable, however, so to do; and in order to avoid unnecessary delay, and to give the experiment every chance of success, the Government desire to have the most suitable rails and carriages at once from England.

I am therefore to request that you will contract for, without delay, such rails as your experience and the opportunities which your position naturally affords you of judging, point out as the best. I have to suggest that longitudinal timber bearers, covered with a grooved iron plate, and framed together at intervals, might answer well, and be an economical arrangement—a matter of special importance in trying an experiment—the timber being obtained in this Colony.

The total length of rails or plates required would be two miles of single way. As the railway goods waggons will have to run on the tramway its gauge will require to be 4-8½.

I am further to request that you will at the same time contract for and forward two carriages or omnibuses for passenger traffic.

These should be light, while strong; to be drawn by say three horses abreast, and capable of containing from forty to fifty people each, including inside and outside passengers; so fitted as to permit being drawn from either end, and with very powerful brakes, to admit of their being stopped instantaneously. The seats might be constructed with movable backs, as in an American railway car, or else as in a saloon omnibus. It would be an advantage if they admitted of separating 1st from 2nd and 3rd class passengers.

In requesting your early attention to this matter, I have to observe, that the suggestions I have offered are not intended to fetter you in obtaining such rails and carriages as in your discretion you may consider best adapted to secure the end in view.

The total estimate for this service was £7,500, being £4,500 for rails and construction, £1,500 for the goods shed, and £1,500 for two carriages.

A copy of this communication has been addressed to Messrs. L. Merry and Co., 35, Cannon-street, London, who will, as usual, make the arrangements for the shipment to this Colony of the above rails and carriages, and who will be provided with the necessary funds for their payment.

Captain Galton, R.E.,
Whitehall Garden,
London.

I have, &c.,
B. H. MARTINDALE.

A. No. 10.

RETURN of the Number of Passengers carried by each of the Tramway Cars, on each day, from the 23rd December, 1861 (date of opening), to 31st July, and the Amount received for same.

DATE.	DECEMBER.		JANUARY.		FEBRUARY.		MARCH.		APRIL.		MAY.		JUNE.		JULY.		TOTALS.			
	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.	Pass.	£ s. d.		
1861																				
23	222	2 15 6																		
24	237	2 19 3																		
25	401	5 0 3																		
26	592	7 8 0																		
27	407	5 1 9																		
28	376	4 14 0																		
29	227	2 16 9																		
30	490	6 2 6																		
31	273	3 8 3																		
1862																				
1	.....	.....	532	6 13 0	406	5 1 6	285	3 11 3	272	3 8 0	214	2 13 6	190	2 7 6	194	2 8 6	.....	.....	.....
2	.....	.....	400	5 0 0	233	2 18 3	.....	.....	286	3 11 6	257	3 4 3	205	2 11 3	198	2 9 6	.....	.....	.....
3	.....	.....	201	2 10 3	381	4 15 3	266	3 11 6	285	3 11 3	308	3 17 0	195	2 8 9	158	1 19 6	.....	.....	.....
4	.....	.....	415	5 3 9	.....	.....	196	2 9 0	276	3 9 0	210	2 12 6	188	2 7 6	159	1 19 9	.....	.....	.....
5	.....	.....	227	2 16 9	.....	.....	179	2 4 9	215	2 13 9	251	3 2 9	199	2 9 9	190	2 7 6	.....	.....	.....
6	.....	.....	298	3 14 6	.....	.....	193	2 8 3	145	1 16 3	234	2 18 6	183	2 5 0	157	1 19 3	.....	.....	.....
7	.....	.....	337	4 4 3	.....	.....	145	1 16 3	247	3 1 9	148	1 17 0	191	2 7 9	184	2 6 0	.....	.....	.....
8	.....	.....	349	4 7 3	.....	.....	268	3 7 0	287	3 11 9	221	2 15 3	161	2 0 3	193	2 8 3	.....	.....	.....
9	.....	.....	149	5 12 3	.....	.....	.....	.....	250	3 2 6	83	1 0 9	195	2 8 9	189	2 7 3	.....	.....	.....
10	.....	.....	287	3 11 9	.....	.....	277	3 9 3	252	3 3 0	.....	.....	244	3 1 0	181	2 5 3	.....	.....	.....
11	.....	.....	316	3 19 0	.....	.....	156	1 19 0	240	3 0 0	235	2 18 9	185	2 6 3	226	2 16 6	.....	.....	.....
12	.....	.....	252	3 3 0	.....	.....	163	2 0 9	293	3 13 3	251	3 2 9	173	2 3 3	224	2 16 0	.....	.....	.....
13	.....	.....	325	4 1 3	437	5 9 3	180	2 5 0	155	1 18 9	120	1 10 0	190	2 7 6	151	1 17 9	.....	.....	.....
14	.....	.....	397	4 19 3	489	6 2 3	144	1 16 0	274	3 8 6	149	1 17 3	160	2 0 0	208	2 12 0	.....	.....	.....
15	.....	.....	361	4 10 3	546	6 16 6	284	3 11 0	271	3 7 9	138	1 14 6	80	1 0 0	224	2 16 0	.....	.....	.....
16	.....	.....	315	3 18 9	254	3 6 0	.....	.....	244	3 1 0	119	1 9 9	182	2 5 6	204	2 11 0	.....	.....	.....
17	.....	.....	288	3 12 0	538	6 14 6	300	3 15 0	263	3 5 9	271	3 7 9	163	2 0 9	174	2 3 6	.....	.....	.....
18	.....	.....	293	3 13 3	439	5 9 9	188	2 7 0	264	3 6 0	.....	.....	165	2 1 6	159	1 19 9	.....	.....	.....
19	.....	.....	145	1 16 3	207	2 11 9	141	1 15 3	231	2 17 9	240	3 0 0	197	2 9 3	173	2 3 3	.....	.....	.....
20	.....	.....	339	4 4 9	184	2 6 0	173	2 3 3	206	2 11 6	140	1 15 0	204	2 11 0	199	2 9 9	.....	.....	.....
21	.....	.....	87	1 1 2	161	2 0 3	173	2 3 3	521	6 10 3	128	1 12 0	95	2 8 9	212	2 13 0	.....	.....	.....
22	.....	.....	219	2 14 9	332	4 0 6	245	3 1 3	290	3 12 6	198	2 9 6	199	1 4 9	205	2 11 3	.....	.....	.....
23	.....	.....	317	3 19 3	.....	.....	.....	.....	285	3 11 3	237	2 19 3	155	1 18 9	162	2 0 6	.....	.....	.....
24	.....	.....	219	2 14 9	261	3 5 3	224	2 16 0	310	3 17 6	376	4 14 0	177	2 4 3	170	2 2 6	.....	.....	.....
25	.....	.....	347	4 6 9	166	2 1 6	157	1 19 3	241	3 0 3	163	2 0 9	168	2 2 0	173	2 3 3	.....	.....	.....
26	.....	.....	289	3 12 3	179	2 4 9	157	1 19 3	252	3 3 0	261	3 5 3	168	2 2 0	155	1 18 9	.....	.....	.....
27	.....	.....	550	7 0 0	170	2 2 6	168	2 2 0	223	2 15 9	242	3 0 6	153	1 18 3	165	1 18 9	.....	.....	.....
28	.....	.....	529	6 12 3	150	1 17 6	.....	.....	263	3 5 9	209	2 12 3	185	2 6 3	169	2 2 3	.....	.....	.....
29	.....	.....	390	4 17 6	.....	.....	.....	.....	261	3 5 3	196	2 9 0	141	1 15 3	293	3 13 3	.....	.....	.....
30	.....	.....	412	5 3 0	.....	.....	.....	.....	266	3 6 6	157	1 19 3	230	2 17 6	114	1 8 6	.....	.....	.....
31	.....	.....	399	4 19 9	.....	.....	254	3 3 6	.....	.....	181	2 5 3	.....	.....	117	1 9 3	.....	.....	.....
			3,225	40 6 3	10,294 over	128 13 6 0 0 8	5,533	69 3 3	5,396	87 9 0	7,868	98 7 0	5,937	74 4 3	5,322	66 10 6	5,970	70 17 6	615 11 11
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1	480	6 0 0	343	4 5 9	231	2 17 9	188	2 7 0	198	2 9 6	127	1 11 9
2	211	2 12 9	192	2 8 0	84	1 1 0	133	1 13 3	195	2 8 9	117	1 9 3
3	264	3 6 0	217	2 14 3	234	2 18 6	139	1 14 9	257	3 4 3	90	1 2 6	103	1 5 3
4	204	2 11 0	461	5 15 3	241	3 0 3	153	1 18 3	90	1 2 6	102	1 5 6
5	382	4 15 6	282	3 10 6	205	2 11 3	239	2 19 9	99	1 4 9	175	2 3 9
6	312	3 18 0	397	4 19 3	288	3 12 0	146	1 16 6	107	1 6 9
7	254	3 3 6	358	4 9 6	242	3 0 6	208	2 12 0	120	1 10 0	187	2 6 9	208	2 12 0
8	111	1 7 9	311	3 17 9	254	3 3 6	132	1 13 0	130	1 12 6	167	2 1 0	121	1 10 3
9	60	0 15 0	81	1 9 3	254	3 3 6	163	2 0 9	213	2 13 3	164	2 1 0	113	1 8 3
10	153	1 18 3	419	5 4 9	257	3 4 3	151	1 17 9	168	2 2 0	114	1 8 6	119	1 9 9
11	357	4 9 3	414	5 3 6	249	3 2 3	116	1 9 0	202	2 10 6	105	1 6 3	152	1 18 0
12	402	5 0 6	292	3 13 0	294	3 13 6	211	2 12 9	107	1 6 9	278	3 9 6
13	344	4 6 0	12	0 3 0	282	3 10 6	234	2 18 6	100	1 5 0
14	215	2 13 3	216	2 14 0	226	2 16 6	241	3 0 3	210	2 12 6	203	2 10 9
15	209	2 12 3	236	2 19 0	147	1 16 9	190	2 7 6	140	1 15 0	140	1 15 0
16	.....	.....	198	2 9 6	.....	.....	277	3 9 3	138	1 12 0	174	2 3 6	141	1 15 3	136	1 1			

TUESDAY, 19 AUGUST, 1862.

Present:—

MR. CALDWELL,
MR. DALGLEISH,MR. HOSKINS,
MR. PIDDINGTON.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. William Scott called in and examined:—

383. *By the Chairman:* You are employed by the Railway Department? Yes.
384. What position do you fill? Locomotive foreman.
385. Have you done any repairs to the tramway cars? Yes.
386. What was the nature of those repairs? There were both repairs and alterations. The first alteration was strengthening the bottoms of the cars.
387. As they were imported they were not strong enough? No.
388. They are supposed to carry how many passengers? Seventy.
389. Was the roof strong enough? No, they were very light altogether.
390. How many passengers do you believe they could have carried with safety, as imported, before they were strengthened? I should say they might carry the same number of passengers—seventy.
391. Before they were strengthened? Yes, if they had been in the same condition as when they were built; but in fact, they were not fit to run as they were; they were wracked in coming out—one of them in particular; the whole of the joints had to be strapped before it was of any service at all.
392. Was that in consequence of bad packing? Yes.
393. Do you consider that when these cars left the manufacturers in England they were sufficiently strong to carry seventy passengers? Yes.
394. Had they arrived here safe they would have carried seventy passengers? Yes.
395. What was the nature of the alterations you made? One was to make seats for the drivers and ironwork for supporting them.
396. What was the cost of that alteration? £63 17s. 6d. was spent on the two of them before they commenced running.
397. For all the alterations? Yes, including erecting, cleaning and painting, repairing, alterations, and additions.
398. That pays for materials and labour? No, for labour only.
399. Are you aware what was the cost of material? No.
400. From whom should we get that information? The storekeeper.
401. What repairs have been done to these cars since they have been running? After they had been running some time we were obliged to take them in and take off the inside linings, and strap them throughout with iron straps.
402. Were there any other repairs? Yes, one set of wheels re-tired, one spare set of wheels fitted, stretcher bars, poles; I believe that is about the whole, with the exception of irons and brooms put on them at first to throw the stones off the rails, but that did not succeed.
403. What was the cost of all the repairs you have done to the cars since they have been running? £112 5s. 1d., from the 31st December to the 30th June.
404. That is for labour only? For labour only.
405. Do the papers you have in your hand contain the particulars? Yes.
406. Have you any objection to hand them in to the Committee? Not the least. (*Papers handed in. Vide Appendix A and B; also Appendix A 5, to Mr. Rae's Evidence, 13 August.*) One of these papers shows the cost of fitting two axles to two pairs of wheels we had by us.
407. The cost of these wheels does not appear in your list? No.
408. That we will get from the storekeeper? Yes.
409. What was about the cost of these spare wheels? About £15.
410. Did you not alter the wheels that came with the cars originally? Yes; they were rather too tight for gauge, for one thing, and we turned a little off the tire to give the flanges a deeper hold, from half to three-quarters of an inch.
411. Is the cost of doing that included? Yes.
412. Have you seen any street tramways in the old country? No.
413. Do you think the rails laid down in Pitt-street are the best possible rails for a street tramway? For a macadamized road I see no objection to them, but for a tramway I would give the preference to a bridge-rail or a foot-rail.
414. Is not the chief object in designing rails for a street tramway to answer for a flange-wheel, and give the least resistance to the ordinary traffic? Yes.
415. You do not suppose the present rails laid down in Pitt-street give the least possible resistance or obstruction to the ordinary traffic? Of course there is an obstruction.
416. Did you ever see Mr. Light's rails? Not that I am aware of.
417. Look at Figure 11 in this book (*Burn on Tramways*)—would not that be a better form of rail for a street tramway than those at present in use in Pitt-street? Is this wrought iron or cast iron?
418. Cast iron. Will you turn over the leaf, and look at Figure 6, the description of rails laid in France;—do you think that would be a better description of rail—would it obstruct the general traffic so much as Train's patent, the one now used here? I should say these are preferable to others. The only objection is their being cast iron.
419. A wrought iron rail, formed as they are formed, would, you think, be preferable to the ones in use in Pitt-street? They would offer less obstruction.

Mr. W. Scott.

19 Aug., 1862.

- Mr. W. Scott. 420. If laid as shown there, there would be little or no obstruction to the general traffic? No obstruction at all. The only difficulty would be in keeping this groove free of stones.
- 19 Aug., 1862. 421. *By Mr. Piddington*: Have you ever seen any grooved rails such as these? No.
422. *By the Chairman*: Of course, being connected with the railway, and as a practical man, you have paid some attention to the manner in which the present tramway down Pitt-street is constructed? Yes.
423. I presume you are aware that one side of the rail is laid higher than the macadamized street? Yes, it is a little.
424. Do you not think it would be a great improvement if it were some two or three inches lower? I do not think it would; in wet weather it would be a great obstruction, by getting filled up with mud.
425. Now the longitudinal sleepers appear above the macadamized road, which is a great obstruction? Where they do, of course it is a great obstruction.
426. It would be much better if it were two or three inches lower? I think the rail ought to be kept half an inch, at least, above the level of the macadamized road.
427. Supposing Mr. Light's rail was used, do you think there would be the same objection to the obstruction of the ordinary traffic as there is with the rail now used—Train's patent? I do not think there would—not to the obstruction.
428. Did you see them constructing the Pitt-street Tramway—do you know how the timber is laid down? Yes.
429. I believe there is a transverse piece and then a longitudinal piece merely laid upon the edge? They are checked in a little way, I believe.
430. Not otherwise secured? I think there are wooden pins driven through.
431. Now, as a mechanic, do you not think it would have been more substantial if, instead of putting these transverse pieces down, they had been all framed together, mortised and tenoned? Yes, certainly, but it would have been more expensive.
432. What would have been the difference in the cost between mortising and tenoning, and boring through and pinning both pieces with a wooden pin? A little additional expense, but not a very great deal.
433. £20 on the whole construction? £20 would not do it.
434. £50? The tenons would be useless without bolts.
435. Why not draw-bore and pin? It would rot in time and break off.
436. Not before the rails rotted—if properly put in there would be no possibility of the damp getting to it? It depends on what sort of timber is used.
437. If mortised and tenoned together, and draw-bored, and pinned with iron-bark dowels, would it not be a more substantial and better mode of constructing the foundation—that is the wooden rails—than the present mode? Yes, provided they were bolted together with tie bolts.
438. You do not believe in draw-boring? No.
439. You are a practical engineer, are you not? Yes.
440. You have not been much accustomed to using our timber? Not a great deal; more in the iron line.
441. You believe in iron, do you? To a certain extent.
442. *By Mr. Dalgleish*: Is the account you have handed in a detailed account of the repairs effected on the Pitt-street tramway cars? Yes.
443. Giving the detail of all the work done? Yes.
444. Is the detailed account of alterations also given in? I do not know whether the jobs are enumerated.
445. That is what I meant by a detailed account? The jobs are not all enumerated.
446. You stopped, in giving the description, when you stated that the inside lining had been taken off in order to strap the joints of the carriages together—was anything else done at that time? Yes, I believe some new flooring boards were put in, and any repairs that were found necessary were made. In taking to pieces old work we always find something that wants renewing; but that was the principal thing, taking the inside lining off and strapping.
447. Have you observed the arrangements for breaking the carriages? Yes, the breaks are too light.
448. What arrangement was it? It is worked by a lever and chain and a ratchet wheel.
449. Is that a good arrangement for breaking? No.
450. Have you had to repair or alter it? I had to strengthen the levers and also the chains.
451. Is it a good job now? It answers the purpose, but it is not so good as a screw would be; I prefer a screw and lever.
452. Had you to alter the axles and wheels in the first instance before the carriages could run? We had to put the wheels on the axles, and make them narrower for the gauge; they were rather too wide.
453. Did they do that with the lathe? No, just shifted them on the axle.
454. Were they turned axles? Yes, turned for the wheels and bearings only.
455. Is the tramway rail in Pitt-street now laid down in the position it was intended to occupy? That I had nothing at all to do with; I can give no opinion on the matter.
456. You are aware of the present form of rail—do you know if it was intended to be used in the mode in which it is used now? Well, I believe the wheel was intended to run in the centre of the rail.
457. Where does it run now? On the inside edge as the rail is laid.
458. *By the Chairman*: As the rail was originally intended to be laid down, they work on what was intended to be the outside of the rail—they have turned the rail? They have only put it a little wider to gauge.

459. *By Mr. Dalgleish*: Then it has been necessary to lay the rails at a different gauge to what was intended? Yes. Mr. W. Scott.
460. What was this arrangement made for? I believe it was for taking our ordinary trucks down, as far as I can learn. 19 Aug., 1862.
461. Could it not have been made still to have answered the purpose of the tramway as originally intended—could the tramway cars not have been used upon it, as originally intended, notwithstanding it was also adapted to the common trucks? I do not think there is sufficient flange to keep the trucks from running off.
462. By keeping the rails at the present gauge, and lengthening the axles of the tramway cars, could not both objects have been attained? You must alter the frame of your car altogether to do that; you cannot do it without altering the frame of the car entirely.
463. Do not the wheels run outside the car? The wheels run inside the frame-work; the bearing is underneath the frame.
464. So that the distance between the wheels could not be increased? Not without altering the frame of the car.
465. Would that be difficult? Yes.
466. What is the width of the frames? It is a 4 ft. 8½ in. gauge—they would be a little under 5 feet, not exact to an inch.
467. What is the weight of these tramway cars, do you know? I believe about two tons originally, but there have been several additions to them since—heavier tires, and so on.
468. Do you know the ascent from the Haymarket to Goulburn-street? No, I do not know what the gradient is.
469. You know the place? Yes.
470. When these carriages are loaded with seventy passengers going down that gradient, if it was necessary to stop suddenly to preserve life, would the breaks at present on the tramway cars be sufficient to attain that object? Yes, they would stop them dead.
471. At full speed? Yes.
472. *By Mr. Hoskins*: Within how many yards? Say thirty yards when at full speed.
473. *By Mr. Dalgleish*: What makes you think they are not sufficient for the purpose of a break? A screw is much better—surer, but not so quick; you have not the same power on the lever, but still they are sufficient to stop the car.
474. You have handed in a time-sheet, showing the time of the men employed on these cars;—in calculating the time of the men, did you make any allowance for the machines they may have been using in the manufacture? No, only the men's time and their wages.
475. No other expense? No other expense.
476. Supposing the same work had to be done in any other establishment than the Government establishment, what would have been the expense of making these alterations and repairs? I should say 25 per cent. added at the least.
477. Is it not usual in all cases where a lathe is used, to charge more for the lathe than what is charged for the labour of the person that uses it? Yes, it is the general custom.
478. From £1 to £3 or £4 a day? Yes.
479. Were many of these machines used? A large lathe was the principal thing that was used.
480. What would the value of that be a day when at work? 5s. an hour—£2 10s. a day.
481. Is any charge made for that in the time-sheet you have handed in? No.
482. When this work was being proceeded with in the shop, I presume the lathe was kept unemployed for other work? Yes, certainly.
483. Could it have been profitably employed during that time on other work? Yes, we have always to keep the lathe going; there is plenty to do with it.
484. You have not got another lathe that would answer the purpose at present? We have not got it put up; we have one there.
485. You spoke of a spare set of wheels—what spare set of wheels was that? As far as I can trace them, they were a pair that were lying in Mr. Randle's yard in 1855.
486. They did not come out with the tramway cars? No.
487. Was anything allowed for those wheels? No.
488. So that the cost you have named does not include the cost of the wheels? No.
489. Is the men's time charged at the usual wages they receive in the shop? Yes.
490. For all the tools employed there is no charge? No.
491. But a list of the tools employed is given in the paper you have handed in? No.
492. I thought you said the time of the lathe was given? Not the time of the lathe, but the time of the men at the lathe; but of course that is the same thing.
493. Do you keep a separate account for the tramway cars? It goes into the general account to the office, and is made out there in what they call their appropriation sheets.
494. What plan have you for taking the time of the men? The timekeeper goes round once a day and takes down each man's time, what he has been doing, and enters it in the time-book; from the time-book it is copied into a sheet every fortnight and sent to the office, and they make out the returns there.
495. That is the same plan as is adopted in private establishments? Yes.
496. You say you do not know the amount of material used? No; the storekeeper keeps that in a separate account.
497. Is there any blacksmiths' time included? Yes.
498. Is the time of the hammermen and helpers given also in that account? Yes.
499. Any price for the forge? No.
500. It has been found necessary, has it not, to lay a different description of rail for the incline from the railway station? Merely for the switch points, and for the incline from the railway station.

- Mr. W. Scott. 501. Is there any reason why the switch points were not made from the same description of rails as the tramway? It was considered, I believe, that the gradient was too steep, and the curve too sharp, and therefore it would be unsafe to put down the points that came out with them originally; they were only fit for a level road.
- 19 Aug., 1862. 502. Are the rails on the tramway adapted for sharp curves? I do not think they are.
503. Can the rails be altered easily to fit curves? By heating you can bend them to any sweep; it would be a good deal of work.
504. The flange is not supposed to make it safe for sharp curves where the wheels are all fixed? No.
505. The wheels are fixed in these cars? Yes. I do not consider that rail would have been safe from the Haymarket up to the station; the depth of flange is not sufficient.
506. Were you allowed your own discretion in repairing the cars, or did you work to order? My own discretion, along with the foreman of the carriage department.
507. Have you seen tramways in use in England? No, I have never been in any way connected with them.
508. Have you seen horse railways for coal carriage? Yes, I have seen them—not to any great extent.
509. Have you seen any heavy gradients on those lines? No.
510. Was it in Scotland you saw these horse railways or tramways? No, at Newcastle, in this Colony.
511. Have you been on lines of railway in England? Yes, since 1845.
512. What is the heaviest gradient you have seen worked by steam? From Queen-street to Cowlairst, on the Edinburgh and Glasgow Railway; I believe it is 1 in 45.
513. Is that worked with a stationary engine? It is at present. It was worked by a stationary engine at first, then by locomotives, and since by a stationary engine again.
514. Did they ever use horse power on the incline at Cowlairst? No, and they are not likely to attempt it.
515. What weight of trains or carriages generally, as a rule, went up that incline? Wagons similar to those we use now, about four tons each, five tons in them when loaded—about nine tons each.
516. How many of them? About fifteen.
517. If, on the Pitt-street Tramway, the carriages were stopped dead half way up the incline between the Haymarket and Goulburn-street, would they be able to start with the carriages and load again? I doubt it.
518. Has anything of the kind been tried? Not that I am aware of; I have not been present at any trials.
519. Were you present when the trucks were sent down the incline? No.
520. When the tramway was first opened was any attempt made to send down loaded trucks? I believe there was; I was not present; Mr. Thomas and Mr. Nealds were the principal men.
521. Who is Mr. Nealds? The Traffic Manager.
522. You do not know the result? No.
523. Have any engines been sent down the tramway? No, none.
524. Mr. Rae stated in his evidence that an engine of Messrs. Peto and Co. was sent down the incline? No; it was once proposed to send the tender down, but they took it down in the ordinary way.
525. You have tenders with breaks, have you not? Yes.
526. It would be a safe trial with a tender? Yes, quite safe. All the trucks have breaks.
527. What is the weight of your tenders, loaded? Some about twenty tons, with water and fuel; our largest tender holds 2,000 gallons of water.
528. And the smallest? About ten tons, holding 1,000 gallons.
529. Have you intermediate sizes? Yes, three sizes.
530. All fitted with breaks? Yes.
531. So that if it be thought desirable to try experiments on the line, these tenders could be made available with horses on the line? Yes.
532. Are the tenders always in use on the railway? They are generally either under repair or in use.
533. If that line was laid with rails, have you any engines that would work the incline? I believe we have one.
534. By Mr. Hoskins: What incline do you mean? The incline in Pitt-street, I understood Mr. Dalgleish.
535. Do you know what the gradients are in Pitt-street? I should say about 1 in 30.
536. What peculiarity has this engine that leads you to believe it would surmount that gradient? It has the same length of stroke as our larger engines, and smaller wheels, and of course the crank is nearer the power.
537. Are the driving wheels connected? Yes.
538. Has it ever been tried on such a gradient? It has frequently been used on the Darling Harbour branch.
539. What is the gradient there? 1 in 30 or 35, I am not quite certain.
540. I suppose you are not quite certain about the gradients on the Pitt-street Tramway? No.
541. Did you ever hear that it was 1 in 20? It may be 1 in 20 approaching the station.
542. Did you ever hear it was 1 in 20 in Liverpool-street? No.
543. Is the gradient more severe on the tramway approaching the station than on the Darling Harbour branch? Yes, I believe so.
544. What is the weight of the engine you speak of? 25 to 30 tons.

545. Is the tender attached? You can either attach or detach it—it is movable; it is Mr. W. Scott, not a tank engine.
546. Is it not generally considered that tank engines are the best for ascending inclines? 19 Aug., 1862. Yes, there is more weight on the wheels.
547. You think that an advantage? Yes, certainly.
548. Have experiments been tried with this engine on the Darling Harbour branch? No more than frequently bringing coals and other traffic up.
549. What weight of coal does this engine draw up the Darling Harbour branch? It will take six waggons, each weighing four tons, and carrying five tons of coal; fifty-four tons in all.
550. Do you happen to know the reason why the directors of the Glasgow Railway you spoke of discontinued the use of locomotive power on the incline you mentioned? There was about a mile and a quarter of tunnel, and the exhaust steam was damaging the roof of the tunnel; that was the principal reason.
551. *By Mr. Dalgleish*: Destroying the masonwork? Yes.
552. *By Mr. Hoskins*: What is the length of that incline? Somewhere about two miles, I think.
553. You alluded to the breaks on these tramway cars—I think I understood you to say they were defective? Yes, they have been strengthened from the first; they were too light.
554. I suppose the leverage power of a break is in proportion to the velocity expected to be attained by the train or carriages? Yes, the leverage power ought to be sufficient to stop the car on any incline likely to be worked.
555. Do you happen to know what was the cost of these tramway cars in England? I believe somewhere about £450 each; the two of them cost £906 3s. 3d.* I believe, including the first alterations that were made, and putting them together here ready for use.
556. Can you say, of your own knowledge, whether similar vehicles, with as good work in them, could have been constructed here for the same money? I believe they could.
557. Can you give us any data to go upon—any information? No, I have no data; that is my opinion, that they could be constructed here for the same amount.
558. You say so from your general knowledge of the cost of work? Yes.
559. Do you think it would have been superior work, generally, from what you have seen of the work done in the Colony? Yes; I always prefer Colonial work to English, because the English work gets damaged coming out, loading and unloading such heavy packages.†
560. Do you think the manufactured articles received here from England, forwarded by order of the Government, are equal to the articles you have seen manufactured and used in England for the same purpose? Yes, I believe they are, in the first instance; but there is a deal of damage done to these large packages in shipping and unloading them.
561. Then you believe it would be better to have them manufactured here? Yes.
562. They would be equally as cheap, and more durable? Yes, I believe so.
563. Are the rails laid down in Pitt-street wrought iron? Yes.
564. The rails mentioned as Mr. Light's are cast iron? Yes.
565. What would be the difference between cast iron rails and wrought iron rails in price? You must have a deal more metal in cast iron rails than in wrought iron; wrought iron rails can be made much lighter. I do not think there would be a great difference in the price per ton.
566. Of course you consider it a material advantage to have the lighter rail for a tramway, if you can get it equally durable? Yes.
567. *By the Chairman*: Who keeps the men's time in your establishment? Mr. Dickson is the time keeper at present.
568. Do the men keep any account themselves? Yes, for their own satisfaction.
569. Do they hand it in at the pay-table? No, the time keeper goes round every morning, and takes down an account of what each man has been doing the day before.
570. Have you been in any large establishment where the practice is adopted of the men keeping an account and handing it in at the pay-table? No; there are a great many different ways of keeping the time.
571. With reference to the engine you spoke of;—do I understand that the longer the crank and the smaller the wheel, the more the leverage power? Yes, the longer the crank and smaller the wheel, the nearer the power.
572. That is the reason why an engine with small wheels will ascend steeper gradients than one with large wheels? Yes.
573. *By Mr. Dalgleish*: Is the locomotive you spoke of in a former part of your evidence one of the heaviest, or one of the lightest? One of the lightest—what we call the "Governor General."
574. It is not a tank engine? No; she has 2 feet stroke, and 4 feet 6 inches wheel.
575. What is the diameter of the cylinder? Fourteen inches.
576. What is the weight of the engine? From twenty-five to thirty tons.
577. What is the weight of the heaviest engines on the line? Forty-three or forty-four tons.
578. If the wheels of the heavy engines were small in proportion, would they or the "Governor

* NOTE (on revision):—The £906 3s. 3d. includes freight, also the first capital charge of £63 17s. 6d., for erecting, cleaning, and painting, &c. The invoice cost in England was £521, or £260 10s. each.

† NOTE (on revision):—The only data I can give is, we have got as good timber in this Colony, viz., blue gum and cedar, as can be got in England, and we have some of the very best English workmen, and the difference in wages would not amount to the charge of freight.

Mr. W. Scott, "Governor General" be best adapted to ascend an incline? The larger engines, of course, with a smaller wheel.

19 Aug., 1862. 579. Was that the description of engine used on the Cowlair's incline? No, six 4 feet 6 inch wheels coupled, and seventeen and eighteen inch cylinders.

580. And very heavy engines? Yes.

581. *By Mr. Caldwell:* Can you suggest any plan to obviate the hindrance to the traffic caused by the tramway rails in Pitt-street as now laid down and used? I do not know of any, unless they are pitched.

582. Do you think pitching would answer the purpose? Yes, no doubt it would.

583. What width would it be necessary to leave for the flange to run in? An inch and a quarter.

584. What plan would you suggest to keep that clear of stones and rubbish? There is no method that we could fix on to the carriages.

585. Would there not be danger of accidents by stones filling up the groove? I do not see that there would be any great amount of danger, not on a straight road, even if the car went off the track.

586. I suppose you are aware it has already been off the track sometimes? Yes.

587. Is there any danger in the cars stopping at Liverpool-street or Goulburn-street? No danger in stopping, but I suppose there is difficulty in starting again.

APPENDIX.

A.

TRAMWAY CARS.

Date.								£	s.	d.
31 Dec., 1861.—Wages for repairs, &c.	..	..	..	..	..	..	..	1	17	6
1862.								110	7	7
1 January to 30 June.—Ditto	..	..	..	..	..	..	..	£112	5	1

B.

Making, turning, and fitting one set of axles, for tramway cars:—

								£	s.	d.
Hill, blacksmith, $\frac{1}{2}$ day, at 16s.	..	..	..	..	..	..	..	0	8	0
O'Connell, striker, $\frac{1}{2}$ day, at 9s.	..	..	..	..	..	..	..	0	4	6
Lunt, striker, $\frac{1}{2}$ day, at 9s.	..	..	..	..	..	..	..	0	4	6
Vale, turner, 3 days, at 12s.	..	..	..	..	..	..	..	1	16	0
Haste, fitter, 3 days, at 13s.	..	..	..	..	..	..	..	1	19	0
								4	12	0
Cost of two axles, 3 cwt.	..	..	..	..	..	..	..	2	2	0
Turning up wheels for the above axles:—								5	4	0
Morrison, turner, 8 days, at 13s.	..	..	..	..	..	..	..	£11	18	0

Bending, welding, blocking, turning, and riveting two pair of tramway wheels:—

Hill, blacksmith, $2\frac{1}{2}$ days, at 16s.	..	..	..	..	..	..	..	2	0	0
O'Connell, striker, $2\frac{1}{2}$ days, at 9s.	..	..	..	..	..	..	..	1	2	6
Lunt, striker, $2\frac{1}{2}$ days, at 9s.	..	..	..	..	..	..	..	1	2	6
Morrison, turner, $5\frac{1}{2}$ days, at 12s.	..	..	..	..	..	..	..	3	9	0
Elliott, turner, 1 day, at 11s.	..	..	..	..	..	..	..	0	11	0
Twiss, fitter, $\frac{1}{2}$ day, at 6s.	..	..	..	..	..	..	..	0	3	0
Lacy, boiler maker, $\frac{1}{2}$ day, at 14s.	..	..	..	..	..	..	..	0	3	6
Brown, boiler maker, $\frac{1}{2}$ day, at 8s. 6d.	..	..	..	..	..	..	..	0	2	2
								8	13	8
Four new tires, at £4 2s. 6d. each	..	..	..	..	..	..	..	16	10	0
								£25	3	8

NOTE.—£18 9s. 8d., for wages, is included in the Revenue sheet of £112 5s. 1d.—W. SCOTT.

FRIDAY, 22 AUGUST, 1862.

Present:—

MR. CALDWELL,
MR. DALGLEISH,
MR. DICKSON,

MR. W. FORSTER,
MR. HOSKINS,
MR. SUTHERLAND.

JOHN LUCAS, Esq., IN THE CHAIR.

John Rae, Esq., Commissioner for Railways, called in and further examined:—

588. *By the Chairman:* The Committee have sent for you, to ask you to return a document, handed in by you the other day as an Appendix to your evidence, and transmitted to you when your evidence was sent you for revision, having reference to the cost of the Pitt-street Tramway;—have you got it with you? I stated, in answer to a note from the Clerk of Select Committees, that I had given it to Mr. Arnold last night to refer to in the House, and that whenever he came to the office I would send it. In the meantime I sent the rough draft from which it had been copied.

J. Rae, Esq.
22 Aug., 1862.

589. Seeing that that document had been handed in to this Committee, do you think you were justified in giving it to Mr. Arnold? I think so, most unquestionably. It was a copy of information that was in the office books.

590. But it was the property of this Committee—you handed it in as a document to this Committee—and I ask you, do you think you were justified in giving it into the custody of any individual before you returned it to the Clerk of Select Committees? It certainly did not occur to me in that light. The matter happened in this way: Mr. Arnold, in a hurry last night, at the House, asked me if I could supply him with information as to the expense of coaching the tramway cars; I said I could, and ran off for it at once, and having obtained this document, as the first upon which I could put my hand, I handed it to him. Of course it is an exact copy of information contained in the books of the office.

591. You see when you were requested by the Committee to bring this document, and furnished it, it became an Appendix to your evidence, and was transmitted to you with your evidence, when it was sent for revision. It seems that appendices are usually transmitted with evidence when sent for revision, though that is a sort of document that should not require correction after having been handed in. And the Committee believe that you had no right to give it out of your custody to any person whatever until you returned it to the Clerk of Select Committees? Perhaps I may have done wrong in doing so, but I looked upon it, not as part of my evidence, but as a mere office document which could not be altered. I could have given Mr. Arnold this rough draft, of which I believe it is an exact copy, if the clerks had not left; but I went off from the House in a hurry, when he asked me for the information, and took up the only document containing that information on which I could put my hands. The clerks were all gone, and I had no other means of supplying the information then. It did not occur to me that I was doing anything wrong in supplying the Minister at the head of the department with the information he wanted from the official document I had handed to the Committee.

592. The Committee do not know the Minister from any person else? I am aware of that.

593. The Minister had no more right than anyone else to make use of documents handed to the Committee;—nothing should be published until the Report of the Committee is brought up; and no Member of the Committee, whether a Minister or not, has any right to make use of any information obtained by the Committee, until then—in fact it is a breach of privilege? I may state that the Minister did not apply for it as part of the evidence; he simply asked if I could supply him with the information.

594. *By Mr. Dalgleish:* Given before the Committee? Not at all. He did not allude to the Committee directly or indirectly. It was with reference to something that was said in the House at the time. He came to me and said, "Could you furnish me with a statement of the expense of coaching the tramway cars," I think it was whether the expense was more than the receipts; I said my impression was that it was not—that I was almost certain, but that I could supply him with the information in a few minutes; and I just ran down to the office at the moment, and took the first and only document I could get that would give the information. I never have said anything to him, directly or indirectly, of the evidence I have given here.

595. *By Mr. Hoskins:* You know the information contained in the document referred to is similar to the information contained in the document you sent up this morning? I believe it is an exact copy. I could have given him this as soon as the other, if the clerks had not left the office.

596. *By Mr. Forster:* Did you get orders from Mr. Arnold to hand to him that document? Not at all; he merely asked for the information, and that was the only way I had of giving it to him.

597. Was Mr. Arnold cognizant of its being the actual document that had been handed to the Committee? I am not aware. He merely received it from me as office information.

598. *By Mr. Dalgleish:* Did Mr. Arnold allude to the Committee at all last night, in conversation with you. Not in the slightest degree. I was not with him two minutes.

599. Did you give him any information with regard to the questions asked or answered in the Committee? Not a syllable that I remember.

600. Then if he mentioned any such information, he must have obtained it from other sources? I presume so.

601. Are you aware whether he did mention any such information in the House? I am not aware that he did; I have not seen the report of the proceedings last night.

J. Rae, Esq. 602. You are not aware that Mr. Arnold said, "Neither did the answers given to the
 22 Aug., 1862. "Honorable Member's questions, by the gentleman alluded to, in any way bear the construction which the Honorable Member had put on them"? I do not think I said anything about it, but I would not be very certain. I may have made some casual remark on the subject; I do not remember having done so. I do not remember making any reference to the evidence at all.

603. *By the Chairman*: Did you hand him the written evidence? No, I merely ran over for this document; and I remember, when I put it into his hand, he asked me if the coaching charges were higher than the receipts, and I stated to him, as far as I remember, that I was almost certain they were not so high as the receipts by themselves, and I may have added that I stated so before the Committee; but I was in a hurry at the time, and I did not pay very much attention to what passed.

604. It was the document appended, not your evidence, that you handed to Mr. Arnold? Not the evidence; it was a copy of this memorandum.

605. *By Mr. Dalgleish*: Then you had not a copy of your evidence in the House last night? No, I had not.

606. Then Mr. Arnold had no means of knowing what questions I asked you? He has never seen my evidence. He knew I had been examined, I believe, but he never saw my evidence.

607. You think you informed him of the questions and answers asked and given on that matter? No, as I have told you, I think I said the coaching expenses were not higher than the receipts, and that I had stated so to the Committee. But it was really done in such a hurry that I have no distinct recollection on the matter.

608. Did you volunteer to Mr. Arnold to give him this information? I did not; he asked me for the information, and I believed when I was supplying it that I was merely supplying information that the office documents furnish, nothing more.

609. The information that you gave the Committee on the last occasion of your examination was to the effect that the passenger traffic, with the ordinary expenses attending on it, did not pay the working expenses of the line? Do you mean the actual expense of coaching?

610. That the passenger traffic did not pay the working expenses of the line, independent of the alterations and independent of the permanent way? No, it did not, latterly.

611. Then, if I stated last night that the passenger traffic did not pay the working expenses, I was correct? Let me be quite sure of the way you put it. All my statements were made from these figures, and I can state them just in the same manner now if you will put your questions in the same way. I mean with reference to including or excluding the expense of maintenance.

Mr. Forster objecting to the line of examination, witness was directed to withdraw. Committee deliberated. Witness recalled, and no Member of the Committee desiring to put further questions, informed that his attendance would be no longer required. Before leaving the room, the witness said:—

I may state that if I have done wrong I regret it, but I did not think I was doing wrong at the time. I believed that if the Minister asked me for information from the office, it was my duty to furnish him with it from whatever sources I could, and although I handed him the document I had previously laid before the Committee, it only contained information that was procurable from the office records.

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

J. Whitton, Esq. 612. *By the Chairman*: You are Engineer-in-Chief for Railways? Yes.

613. You know the object of this Committee,—to inquire into the desirability of taking up the Pitt-street Tramway? Yes.

22 Aug., 1862. 614. Was the Pitt-street Tramway constructed under you? The details were carried out under me.

615. Do you think it is constructed in the best possible manner? I think it is, considering, of course, the materials used in its construction. I had no option whatever with regard to the rails or timber.

616. You did not order the rails? I did not.

617. Did you order the timber? I ordered the timber simply as Colonial timber, but the manner was arranged in England in which the line was to be laid down; the drawings were furnished from England.

618. I believe there are short pieces of timber, of about six feet long, as transverse pieces, and then the longitudinal rails are laid upon them? The rails are laid upon longitudinal timbers.

619. I am speaking of the longitudinal timber rails? The rails are laid upon the longitudinal timbers.

620. How are these longitudinal pieces secured to the transverse timbers? By knees.

621. Iron knees? Iron knees. (*Witness produced a plan.*) This is the original drawing sent out from England, and the tramway is laid in accordance with that.

622. Does this show a bolt or a pin? A pin—a wooden treenail.

623. Do you not think it would have been much better if the transverse pieces had been framed into the longitudinal timbers? I do not know that it would. The timber is iron-bark, which twists and warps very much when first used; there is no way of putting it together without some shrinking taking place.

624.

624. Do you think the rail used is the most suitable rail for a street tramway? I do not know any other description of rail that could have been much better. J. Whitton, Esq.
625. Is not the chief object to have a rail that answers all purposes of a tramway, and at the same time offers as little resistance or obstruction to the ordinary traffic as possible? This offers a little obstruction, but it is not so much the fault of the rail as the want of pitching on the two sides; if they were pitched with granite there would be less difficulty in carts or other vehicles passing over it than at present. The cause of the obstruction is not the way in which the rails have been laid down, but because the carts run along the edge of the rail and cut down the metalling. 22 Aug., 1862.
626. Do you not think it would have been much better if the tramway had been laid two or three inches lower? I do not think it would; if it had been lower the metalling would have worn down to it.
627. Looking at the formation of the street, it seems the crown of Pitt-street is very high? Yes, it is between the rails; it is kept high.
628. Do you think that if the tramway was pitched on both sides of the rail it would get rid of the objection now made, in consequence of the obstruction to the ordinary traffic? I do not think so, because in England, where they have been laid down, they have taken them up again, in consequence of the projecting flange.
629. There would still be an obstruction? Yes, to a certain extent.
630. Have you seen Mr. Light's rail? I am not aware that I have; I have seen so many modifications of rails for tramways that I scarcely remember what forms I have seen. (*A drawing of the rail in question was shown to the witness.*)
631. Do you think that would be a better form of rail than Train's patent—the one now adopted? I do not know that it would; any description of rail laid down in a public street would be objectionable. If laid down in the way this is shown, the two sides must be pitched with granite or hard stone of some kind, and there would still be the objection of this groove being filled up by carts passing over it.
632. I see by a paragraph here, that Light's rail is so formed that the wheel working in it forces the stones out of the groove? The object of the invention may be that it should work itself clear, but I doubt very much if it will do so in practice.
633. Have you tried any trucks upon the tramway? I have not.
634. Have there been any experiments tried on the Pitt-street Tramway? I do not know of anything in the way of experiment; I have heard that a truck loaded with stones stuck fast at the bottom of the incline at the Haymarket, with six or seven horses attached to it, but they must have been "jibbers."
635. What weight of goods, besides the weight of the trucks, should four horses draw on the Pitt-street Tramway? Exclusive of the weight of the truck, they should draw about six tons of goods.
636. What would four horses draw on the ordinary street, supposing the tramway was removed? Probably three or four tons. I am speaking now of the incline of 1 in 20. It depends a good deal, of course, on the description of horses employed. They would be very good horses that would bring six tons of goods on the tramway up that incline, exclusive of the weight of the truck. Four horses should draw about ten tons including the truck.
637. And on the same street, if the tramway was removed, four horses would not draw more than four tons? I do not think they would.
638. Do you include the vehicle? The dead weight altogether.
639. You think that horses would draw fifty per cent. more on the tramway than on the ordinary street? They will draw much more, no doubt.
640. What is the reason goods have not been conveyed on the tramway? I do not know of any particular reason. One cause has, no doubt, been the unsettled state of the question with reference to the Darling Harbour branch. If that is to be constructed, it would be useless to go to any expense for goods sheds at the Circular Quay.
641. Do you believe the present tramway cars are a great convenience to the Southern and Western Railways, for passengers? I believe they are for passengers; that is, the travelling is much easier in the tramway cars than in any other conveyances.
642. The price is the same? I believe the price is less on the railway cars.
643. I saw a 'bus going up the street with a piece of tin on it with "3d. to the Railway Station" painted on it? That is the same price as the cars; I have not seen that; I thought it was 4d.
644. Do you suppose the passengers by the railway would be inconvenienced to any great extent if the tramway was removed? I think they generally prefer the tramway to the ordinary conveyances; but if there were other means of getting to the Railway Station, I do not think there would be any great inconvenience if the tramway were removed.
645. If it is found the tramway will not pay its working expenses, do you think the Government should run the cars between the trains, merely as a street conveyance? I think that is hardly a matter on which I could give an opinion. It is a question more for the public to decide, whether the tramway should remain down or not. No doubt all such matters should be made to pay, not only their working expenses but interest on the money expended.
646. You do not know whether it does or does not pay—that is not in your department? No.
647. If you had had the ordering of these passenger cars, would you have ordered them so large as the present ones? If the whole matter had been in my hands, I should not have ordered them at all. They were not ordered of any particular size, but to be sent out in accordance with the tramway cars used in England—the best form of rail and the best description of car.

- J. Whitton, Esq.
22 Aug., 1862.
648. You are not favourable to the construction of tramways generally? I am not.
649. You prefer railways? Yes, decidedly.
650. We could not have a railway down Pitt-street? I do not think it is necessary, but I strongly recommend that the Southern line should be extended to Hyde Park.
651. You do not think it any great convenience to passengers that the Pitt-street Tramway should be continued? The passengers generally are much better pleased with the cars than with the ordinary 'buses.
652. *By Mr. Sutherland:* Do you think that there would come one passenger less by the railway if the Pitt-street Tramway were taken up? I do not think there would.
653. To what depth are the timbers of the tramway sunk in the street, from the top of the rail to the bottom of the timbers? About thirteen inches.
654. Are you aware of the depth where the water-pipe lies under this timber in the centre of the street? No, I am not; but it is quite clear the tramway can do no harm to the water pipe, even if almost laid on the top of it, if the same damage be not done by the ordinary conveyances in the street. I presume the question has reference to any injury the water pipe might sustain from the pressure upon it of the cross timbers of the tramway.
655. Yes, that was partly the intention? It is quite clear the pressure can be no greater.
656. You say it is quite clear the water pipes can receive no harm from the cross bearers of the tramway? Not more than from the ordinary traffic of the street. I am not aware that in any single instance the cross bearers touch the water pipes; if they do, the water pipes are not sufficiently low.
657. What is the weight of the tramway cars loaded? Loaded with about 100 passengers, I think they weigh from seven to eight tons—nearly eight tons.
658. Is that not more than the general traffic of the street would be in any one instance? I think not; ten tons for four wheels would be two tons and a half on each wheel, and I believe some of the drays have four tons on two wheels at times.
659. You are aware that the water-pipes have been broken a great many times since the tramway has been working? I am not aware that that has arisen from the tramway; I am aware that they have been repaired, but for what cause I do not know.
660. Have you known that there has been difficulty in getting them repaired, on account of the tramway being there? I do not know of any difficulty that there need be.
661. Are you aware that the men under your charge have stopped them from being repaired? I am not aware of it. I heard notice had been sent to the Town Hall that before they were repaired notice should be given to the Commissioner of the intention to repair them, but I am not aware that that has been carried out.
662. According to the rules of your office, notice has to be sent to your office, and a reply or authority given to allow them to repair them? A man called at my office the other day, and said he was going to repair some of these pipes, and asked me about the notice; and I told him to go at once and repair the pipes, so long as he did not obstruct the traffic of the tramway.
663. Then you were not aware of the men under your charge stopping them from being done until they got that notice? I am not, because I gave the order distinctly to the man myself to repair them at once, provided he did not obstruct the working of the tramway, and did it between the times the cars ran; and so far as I know, he did so.
664. Is it possible to do it between the times that the cars run, when there is a large breakage of the water? The man told me he could do it, when he made the application.
665. I wish the question not only to apply to any particular man, but to any ordinary breakage there might be in the pipes? I do not know of any difficulty in repairing the pipes; I do not know what the breakage might be, but a new pipe might easily be inserted in a very short time.
666. Are you aware of the water being off in Pitt-street for two nights and a whole day through their not being able to get the pipes repaired? I have not heard of it.
667. If such a thing has been, is it not a great risk to the property in that street, in the event of a fire taking place? If such a thing did take place, I should say it was unnecessary.
668. That is no answer to my question;—the question I put to you is, if such a thing did take place, would it not be a great injury to property in that street, in the event of a fire taking place? No doubt; it would be a great inconvenience to the public generally, even assuming there was no fire, to be without water for two days and a half.
669. In the event of the tramway remaining there, would you not think it advisable to have the water pipe either removed out of that altogether, or other pipes put down clear of the tramway? If the obstruction be so great as has just been stated it is, there is no doubt some better provision for repairing the pipes should be made; but I can scarcely understand how the water should be off for two days and a half in Pitt-street, simply because the tramway cars run there.
670. You will remember I said two nights and a day? The length of time is about the same.
671. Are you aware that the water plugs that are used in case of fire are right in the centre of the tramway, and that either they cannot work the plugs or the tramway cars cannot run, in the event of a fire taking place? I believe they are in the centre, but in the event of a fire, I should see no objection to stopping the cars for the time.
672. Have you given any orders that the cars should be stopped in the event of a fire? I have nothing whatever to do with them in any shape, or with the working of the traffic on any of the lines, either the Pitt-street Tramway or any other portion.
673. Who is the person having charge of that? Mr. Nealds has charge of the working of the traffic.
674. Are you aware that the cars were stopped on the Sunday the fire took place in King-street, through the engines being at work, the water being taken from Pitt-street to put the
fire

fire out? I am not aware of it; I never heard of it; but I may inform the Committee that reports connected with the tramway never come to me unless they are sent to me by the Commissioner, nor do I feel it my duty to take any notice of the working of the tramway unless I am specially requested to report.

J. Whitton,
Esq.

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675. Then in the event of anyone stopping the cars, by either repairing the water pipes or having the hose of an engine for putting a fire out connected with the main in Pitt-street, who would be responsible for that stoppage? I think for any unnecessary stoppage the City Council would be responsible; but for any necessary stoppage I think it would be a matter of duty merely. If the tramway cars cannot run when the water pipes are required for other purposes, no doubt they ought to be stopped.

676. You are not aware that the persons in charge of the cars tried forcibly to remove the hose out of Pitt-street at the last fire? I am not aware of it; I never heard of it before.

677. And you are not aware that the men having charge of the Pitt-street Tramway forcibly stopped the men from repairing the pipe in Pitt-street? I am not aware of it.

678. If they did so, or if they have the power of doing so, do you think it is right the water pipes should remain there at all to be under their control? No; if the obstruction exists, no doubt it would be better that either the tramway were removed or the water pipes.

679. Do you think the tramway in Pitt-street is an obstruction to the ordinary traffic of that street now, after seeing it in work for some time? It has been very much complained of as an obstruction.

680. Do you think there would be any difficulty in carrying heavy loads on that tramway, now, after seeing it in work? It is simply a matter of power, there is no difficulty beyond that.

681. Would it be profitable for the Government to establish traffic upon that tramway now for goods? That would depend very much on the rates charged for the conveyance of goods.

682. I suppose you to be aware of the rates charged now for Government cartage? The rate is 4s. a ton, I believe.

683. Taking that as a guide to my question, would it be profitable for the Government to carry their goods by the Pitt-street Tramway, in place of paying for carrying them by the ordinary cartage? Yes, I think they might be taken along the Pitt-street Tramway at a less expense; but the difficulty would be, that the tramway does not go to the different stores in the town; the goods would have to be carted from the stores to the tramway.

684. Do you suppose that even the cartage would be 4s. a ton if the Government stores were landed at the Circular Quay, in place of Botts' Wharf, as they are now? No, I do not; but looking at the arrangement the Government made with reference to Botts' Wharf, I do not know that at the present time they could order the goods to be landed at the Circular Quay.

685. I am taking the future into consideration;—when this contract is done with, the goods may be landed at the Circular Quay, and I wish to have your answer to this question;—supposing they were landed at the Circular Quay, would the carriage of them cost 4s. a ton then? Certainly not.

686. What do you suppose would be the expense of carting from the Circular Quay to the railway station by contract, as at present? That I do not know.

687. Supposing it is 4s. from Botts' Wharf, coming up that steep gradient, what would it be likely to be, taking the shorter distance from the Circular Quay and the level road all along? It would be something less, I have no doubt; but really I do not know what the price would be.

688. You have stated in your former evidence that there would be no trouble in repairing or renewing the pipes in Pitt-street, or running the tramway over them, if twenty or thirty feet of pipe were lifted at once—that the tramway could be carried over by planking? Yes, I think so still, if the water-pipes had been at the depth I assumed they would be below the surface of the street.

689. What depth was that? About two feet six inches below the level of the street, I assumed they would be. No doubt the tramway is inconvenient when the pipes require repair, but I do not think the inconvenience is insurmountable.

690. Is it not more expensive to the inhabitants of that street, making and repairing their connections, through the tramway being there? There is no doubt it would be more expensive, but at the same time the connections are something very small, they require a very small opening; and I assume that it is very seldom necessary to repair the main pipe.

691. Are you aware that the main pipe has been broken six times in the last six months? I am not aware of it. If it has, I should think it is because the pipe has been laid much too near the surface of the street, or from the pressure.

692. *By Mr. Hoskins:* Would not the ordinary traffic be equally obstructed by the fire plugs being used at a fire, as well as the tramway cars? The ordinary traffic could take to one side of the street, but the tramway cars cannot do so.

693. In every case are the fire-plugs in the centre of the tramway? I believe they are in many instances, but I am not clear that they are throughout the whole length of the tramway.

694. However, this is not a very frequent obstruction? I have never heard of it before.

695. With reference to the inconvenience which is stated to arise in getting at the water pipes and sewers, that inconvenience and expense falls upon the Government, does it not, in repairing the road of the tramway—not upon the residents? The expense of getting at the pipes of course falls upon the residents or the Corporation; the Government do not pay for the repair of the pipes.

696. If the roadway is broken up by the servants of the Corporation, it loosens the roadway and requires more expense in consolidation? To that extent some expense falls upon the Government.

J. Whitton,
Esq.
22 Aug., 1862.

697. You also said that there have been complaints of the tramway as an obstruction—do you consider it an obstruction to the traffic of Pitt-street? Yes, I do.
698. In what way? Simply from the fact of Pitt-street being a very narrow street, and the rails standing up above the surface of the ground, making it very inconvenient and sometimes dangerous for carriages or cabs to cross. I think the two things are incompatible, a tramway in a public street and traffic by ordinary conveyances.
699. Have you ever seen a street tramway used before? I have seen many at the Docks at Liverpool and Hull, but no other conveyances were used on the same roads. In all cases in which they have been laid in the public street I believe they have been found inconvenient.
700. Have you ever seen street tramways used for transporting passengers from one point to another? Never.
701. You are aware that such tramways are in existence? Yes, and I am also aware that others have been pulled up.
702. Where have they been removed? In London.
703. Are there no lines of street tramway in existence at the present time? There are.
704. It is only in particular localities they have been removed? I assume, from the fact of their being removed, that they were found an obstruction; and I know that many applications have been made to have them taken up, which have not yet been successful.
705. Do you know they are in extensive use in large towns in America? Yes, and I am also aware that the streets in America are very much wider than here or in London. No doubt the conveyance by means of cars running on tramways is much more easy than by the ordinary omnibuses, but at the same time, when they are laid down in a public thoroughfare they must be an inconvenience.
706. The primary objection to this tramway appears to be the resistance or obstruction to the ordinary traffic of vehicles crossing it? It is not the crossing at right angles—it is the oblique crossing that is the objection.
707. Do you not think that might be obviated by having the sides pitched, as you have suggested, with blocks of granite or timber presenting a concave surface? Yes, that is what I stated some time ago, that to make the tramway better, it would be advisable to pitch it with large stones on either side; but at the same time that does not remedy the obstruction caused by the rails standing above the surface of the street.
708. Could not the surface of these blocks of stone or timber, whatever might be used, be level with the top of the rail on which the wheel of the car runs? Yes.
709. Would there be an obstruction then? Yes; one side of the rail is higher than the other, and though the stone might be placed level with the lower side, the higher side of the rail must still stand up above the street. There must be an obstruction, unless you have a grooved rail, or the pitching be extended over the rail. No doubt it might be pitched so as to present no obstruction whatever, but then the tramway cars would be apt to be thrown off the line.
710. Do you think that might not be obviated by having some kind of guard-iron fixed in front of the wheels of the cars, so as to throw out any stones or obstruction offered to their passage in the groove of the rail? It would be somewhat difficult to fix it so that it would work. You must give a certain play to the wheel, and if the guard-iron were fixed so low as to reach the bottom of the groove at ordinary times, when the cars were loaded it would not travel at all, because the springs would yield to the weight and let down the guard.
711. Do you consider the line as it stands a great convenience? I believe it is, for passengers.
712. What is the length of the line? About two miles.
713. How long do the cars occupy in running that distance? About a quarter of an hour.
714. That offers great facilities to passengers transporting themselves from one part of the town to the other? No doubt it is much more easy for the passengers. It might be that the tramway would be considerably improved by pitching the sides with granite.
715. You think that, if your suggestion to pitch the sides with granite were carried out, the objections to the tramway would be obviated? I do not know that they would be entirely obviated, because I have heard that horses get frightened at the cars running down the street—the street is so narrow; and all sorts of objections have been raised to it.
716. Do you know from whom these objections mainly proceed? I can only say from the public. I have heard them so often that I cannot particularize; but some people always have an objection to everything. The greatest objection I see to the Pitt-street Tramway is, the narrowness of the street.
717. You think some of the objections are frivolous? I do.
718. Do you happen to know whether these objections have mainly proceeded from residents in the street? I do not think they have; I have not heard them from residents.
719. Do you think that if the cars were run more frequently, there would be an increased number of what may be called way passengers—persons wishing to travel from one part to the other—who would avail themselves of the railway cars? I think so. I think they should be run oftener.
720. Not alone to meet the railway trains? No, but to make it pay as a commercial speculation.
721. You think the public do really consider this tramway to be a great convenience? I do.

THURSDAY, 28 AUGUST, 1862.

Present:—

MR. W. FORSTER, | MR. HOSKINS.

JOHN LUCAS, ESQ., IN THE CHAIR.

Sydney Charles Burt, Esq., called in and examined:—

722. *By the Chairman*: You are an auctioneer in the City of Sydney? I am.
723. Your place of business is in Pitt-street? In Pitt and Castlereagh streets.
724. How long have you been carrying on business there? Since 1849, I think.
725. You were carrying on business there before the establishment of the Pitt-street Tramway? Yes.
726. Have you given any attention to the construction of the Pitt-street Tramway, or the working of it since it has been in operation? Yes, I have paid considerable attention to it.
727. Do you believe that the Pitt-street Tramway is an obstruction to the ordinary traffic in that street? I do.
728. Do you think it injures property in Pitt street? Seriously.
729. Do you find it has any effect upon your business? I cannot say it has any effect upon our business, because we have the other entrance by Castlereagh-street; but I find that we are compelled to make more use of the Castlereagh-street entrance than we formerly did. It would have injured my business if I had not had the other entrance.
730. Do you think it dangerous? I do.
731. In what way? It is dangerous for this reason—that it is impossible, from the rise of the rails above the surface of the road, for a vehicle to pass over the tramway except by being turned directly across the street; you cannot turn off in the ordinary way.
732. Your objection, then, is that the rails are above the street—that the rails are laid too high? Yes.
733. Do you think there would be the same objection if the rails were some two or three inches lower? Not so much.
734. If the line were paved along each side with one or two rows of granite, to raise the street to a level with the rail, do you think that would have the desired effect? I think it would be very much better—that is, if it were done on both sides.
735. Have you seen any accidents which have occurred in Pitt-street in consequence of the tramway being there? I have seen breakages of vehicles. I have seen a wheel torn off the axle by catching on the rail in going over it.
736. Were you one of those who petitioned for the tramway? No.
737. Did you sign a petition against it? I did. I was always opposed to it, from the narrowness of the street.
738. You have no doubt it depreciates the value of property there? I have not a doubt about it myself. I consider my own property considerably depreciated.
739. And it also interferes with business in the street? Yes, almost every gentleman directs his coachman not to go into Pitt-street; it is a general direction not to go into Pitt-street, except when it is necessary to cross it.
740. In consequence of the tramway? In consequence of the tramway.
741. *By Mr. Forster*: I suppose you have often walked along Pitt-street in wet weather? Yes.
742. Do you not find it a serious nuisance to foot passengers? Yes; the mud and slush collect between the rails.
743. Can you say, putting all the inconveniences on one side, and the supposed convenience to passengers by the cars on the other, whether the convenience or the inconvenience is the greater? The inconvenience, I should say.
744. Would you recommend its being taken up? Yes, I think so. It was originally contemplated to put goods trucks on the tramway, and I think if that were done the street would be almost wholly taken up by the railway traffic, there being so little room to pass between the tramway and the side of the street. The street is altogether too narrow for it.
745. Do you think there is any street in Sydney wide enough for it? I do not think there is.
746. In that case the tram system is inapplicable to Sydney? Yes, to our narrow streets. It would be very applicable to Melbourne, where the streets are as wide again; the space would not be lost there.
747. *By the Chairman*: Do you not think it would be much better if the tramway had been taken on one side of the street? Very much better. You see, the best part of the street, in a street so narrow as Pitt-street, is the crown of the road. From the heavy rush of water, we have all our streets formed with a great deal of crown; and that is all taken up now by the tramway, so that a vehicle passing when the cars are going by is run into the gutter, or on to the awning posts.
748. Instead of laying the rail some two or three inches below the macadamized road they have actually laid it two inches above it? Yes; and the road will wear away from the iron, however good it may be; you cannot possibly make an ordinary macadamized road so good as to lay level with the iron.
749. *By Mr. Hoskins*: I infer that if the tramway had been laid down on one side of the street you would not have had so much objection to it? Not so much. There would have been great objection by the owners of property on that side of the street on which it was laid, on account of obstructing the access to their premises; people calling at shop doors in carriages could not remain there.

S. C. Burt,
Esq.

28 Aug., 1862.

- S. C. Burt, Esq.
22 Aug., 1862.
750. Do you not think having the tramway there increases the passenger traffic in the street, by bringing persons from the other streets to travel by the cars, and thereby increases the trade of the shopkeepers in Pitt-street? I think not.
751. Is there not considerable "way" traffic;—do not the cars take up and put down many persons besides those who go on by the railway? Very few people get down; they go right through. The tramway has driven a great deal of traffic out of the street, both foot passengers and vehicles.
752. Are there not a larger number of persons conveyed by these tramway cars from the north to the south end of the city than by the omnibuses? Yes; the George-street 'buses have suffered, because the people all go to the railway by the tramway cars.
753. You think the majority of passengers by the cars are railway passengers? I do.
754. Have you ever heard it stated, or do you consider yourself, that the tramway cars are a much improved method of traction for passengers? I believe they are a much improved mode of conveyance—no doubt about it.
755. You would still object to having the tramway in Pitt-street, even if laid down on the side of the roadway? Yes, I would; there is not sufficient space; the street cannot afford the width to be taken off it; and there would always be great danger of collision.
756. What is the width of the street? I think about 23 or 24 feet from kerb to kerb; I do not know the width the rails take up.
757. Is there sufficient room for two vehicles to pass on one side of the tramway? No.
758. You think one great objection to the tramway is the danger of accident to vehicles crossing it? Yes.
759. Do you not think all this danger would be obviated if there were some pitching on each side of the rails, with a concave surface? It would certainly be improved.
760. Do you not think it would be entirely obviated? No, because between the tramway cars and the kerbstone it is impossible for two vehicles to pass. There is scarcely room even for one vehicle to pass the tramway car; the gutter occupies about three feet, and the road on the side of the gutter is thrown up to such a height that a vehicle is tilted to one side, and if it comes too near it must touch the awning post. A much wider street is, of necessity, much flatter.
761. I think I understood you to say that you considered property in Pitt-street considerably depreciated in value in consequence of the tramway? I do.
762. Have you any data to go upon—have you seen any sales of property there? The rents are reducing, and I have noticed that the shops are not so good as they were.
763. Is it not a fact, that shop rents all over Sydney are reduced? I think not. The shops in Pitt-street do not do the business they did.
764. You have not seen any sales of property in Pitt-street that would enable you to form any reliable estimate whether there has been an actual depreciation or not? No, it is a class of property that seldom comes into the market.

WEDNESDAY, 3 SEPTEMBER, 1862.

Present:—

MR. DRIVER,	|	MR. FORSTER,
MR. DICKSON,	|	MR. HOSKINS.

JOHN LUCAS, Esq., IN THE CHAIR.

Edward Bell, Esq., City Engineer, called in and examined:—

- E. Bell, Esq., C.E.
3 Sept., 1862.
765. *By the Chairman:* I believe you gave evidence on the subject of the Pitt-street Tramway in 1860? I did.
766. Do not the tramway cars run over the water pipes? The water pipe is about the centre of the tramway track.
767. Did you notice the workmen when they were constructing the line? Yes, in some places.
768. Do you think they adopted the best plan of constructing it? They were putting in the timbers very light, I thought. I did not pay much attention to it.
769. There is first a transverse sleeper laid on the ground, and a light wooden rail laid on the top of that, merely secured by an iron knee? Yes.
770. Do you not think it would have been much better if they had been mortised, and tenoned and framed together? Yes, I think it would, if the timbers had been heavier.
771. But whether or no? I do not think it would have improved the present timbers to have cut a mortise in them.
772. Not to have draw-bored and framed them together? I think the timbers were not strong enough for framing.
773. Not six by twelve? These were not six by twelve.
774. Would six by twelve be strong enough? Six by twelve would be strong enough, on edge.
775. The present wooden rails are laid on edge, are they not? Yes.
776. But there is no way of keeping them together except the earth on each side? I think not, except the iron bracket nailed into the angle.
777. Would it not have been much better if they had been framed together? If the timbers were strong enough.
778. If they were six by twelve? Yes.

779. Is that the plan you would have adopted? I think I would have made them twelve by E. Bell, Esq., twelve. C.E.
780. Do you think the rail laid down is the most suitable that could be got for the purpose? I think not. 3 Sept., 1862.
781. Would you have had a grooved rail? No; I think I would have had a simple flat bar laid on the twelve-inch log of timber.
782. Do you think Mr. Light's rail would have suited better? No, I think not. The objection to the present rail is that the road can never be kept even with the surface.
783. Do you think if there was a course of stone pitched up to it on each side of the rail, that that would remove the objections? Yes; I stated that in my evidence in 1859.
784. As at present constructed, the tramway causes great inconvenience and obstruction to the ordinary traffic, does it not? It is such a nuisance that no one drives through Pitt-street who can avoid it.
785. You think it would remove the objection if a course of stone were pitched down each side of the rail? Very greatly.
786. Do you not think the tramway was originally laid at least two or three inches too high? It never occurred to me.
787. I may remark that there is a great curve to the roadway in Pitt-street, and the tramway is laid an inch, or, in some places, two inches above the ordinary level, and as the macadamized road, as was sure to be the case, has worn down by the side of it, in some places the rails are as much as three inches and a half above the level of the street;—do you not think it would have been much better to have laid it lower originally? Generally it did not occur to me that it was laid too high; but in some few places, near Hunter-street and some other points near the Haymarket, I have noticed that the rails were too high.
788. Could you give the Committee any information as to the probable cost of laying a course of stone on each side of the rails? A course of hard stone?
789. Yes, at per lineal yard if you like? It would be necessary to get granite pitchers for that.
790. Would not the hard blue stone answer the purpose? I think not; it does not come in suitable shapes and sizes. I think the granite pitching would be the cheapest and best, and I should think it would not cost less for a course on each side than 4s. 6d. a yard run. You might do it for from 3s. 6d. to 4s. 6d. if you imported a quantity on purpose for it. That is about the price it has cost us for such granite pitching stones as we have had to purchase.
791. You now mean a stone on each side of the rails—four courses? No, two courses; a stone on each side of the rail, about a foot in width.
792. Two courses of stone, a foot wide, for 3s. 6d. a yard lineal? I think it might cost about 3s. 6d. I know all the granite pitches we have purchased or imported have cost that money—say 5s. or 5s. 6d. a superficial yard; and the stone we purchased from Gabo Island was much dearer.
793. Where do you obtain granite pitching from now? We have purchased none since the Corporation have been in existence; it was bought during the time of the Commissioners—the granite pitchers from the Aberdeen vessels, and the Gabo Island granite from Mr. Johnson, who then worked the Gabo Island quarry.
794. Do you think the present rail is the most suitable? No, I do not. I think a flat bar on a twelve inch square log would answer better, and be much cheaper, similar to those I described in my previous evidence as laid in New York. I then stated that I had seen tramways in the City of New York, “constructed with wooden sleepers laid longitudinally, with a flat bar of iron laid on their surface.” The bar was from two to two and a half inches wide and one inch thick. That was all the projection that existed above the surface of the roadway, because the wood on each side presented a surface of about four inches, which was not so easily depressed as the material of which the road is made in Pitt-street; a wheel ran easily over it. An inch was scarcely enough to cause any serious impediment to large gig or carriage wheels passing it.
795. Do you think the present tramway is any convenience to the public? It does appear to be a convenience to passengers travelling upon it between Redfern and the Circular Quay, but to the public generally it is very little convenience, and to most persons it is very inconvenient, particularly to the shopkeepers in Pitt-street, who complain that they are great losers by it.
796. The flange on the present rail is not above five-eighths of an inch deep? About five-eighths, I think.
797. Would not a bar of iron an inch deep be an obstruction? It is not the flange of the rail that is now an obstruction and a nuisance; it is the rail itself and the timber, which is in many places standing five inches above the ground, or above the ruts on each side which now exist. The centre of the track is now above the rails in many places, but in places the rails—that is the timber and the iron—are five inches above the surface of the ground immediately in connection with them.
798. Do you find that the tramway has done any injury to the City property, such as the water mains? The water mains have suffered from it; five times they have been broken, and on each occasion the whole of Bourke Ward has been deprived of water two days, and in one instance three days.
799. What has it cost the City authorities to repair the damage? From £7 to £10 and £11 each time.
800. Do you find any difficulty in making connections with the water mains in consequence of the tramway? We find no difficulty in making connections, but it causes considerable inconvenience to the tramway cars when we have to make them; they have to stop the cars, unyoke the horses, pass the car over by hand, and then yoke the horses again on the other side.

E. Bell, Esq., C.E. 801. Could not that be managed for the time by a movable platform? We have had that in one or two instances.

3 Sept., 1862. 802 You do not break up the street to any extent? Not when making the ordinary plumbers' connections; but when there is a fracture in the main, we have to make a considerable opening.

803. And that is the only inconvenience the City authorities are put to in consequence of the tramway? Yes, except in connection with the sewers. The main sewer in Pitt-street is under the tramway.

804. The sewer is at a considerable depth, is it not? Yes, and consequently, when a connection has to be made, it requires a tolerably large opening; but we can get under the tramway without disturbing the rails, except where the man-hole is between them. In making connections and side entrances, we are obliged to open the man-hole for a man to get down and work inside the sewer. That causes an obstruction on the tramway, and the horses are unyoked, and the cars passed over by hand, as I said before.

805. Do you think the present tramway cars are too large, too lumbering? Yes, I think they are.

806. Do you not think it would be much better to have them smaller, and to work them by two horses instead of four? They would be much more under control, and much cheaper to work; they would not require a breaksman. They work them in New York similar to the ordinary omnibuses, perhaps rather larger, about half the size of the present cars; they work them with two horses to each, which only requires a coachman and a conductor.

807. The present cars are supposed to carry seventy or eighty passengers;—do you not think it would be more convenient to the passengers, and more economical to the public, if they carried thirty or forty passengers, and worked with two horses? Yes, I think if they carried about thirty passengers in each car, as a maximum, they would be much more convenient than they are now, and much safer too.

808. You have no doubt that if there were a course of granite pitching at each side, it would remove the objection as to the obstruction to the ordinary traffic? I think it would; I never had any doubt about it.

809. *By Mr. Hoskins:* You have seen street tramways in America? Yes.

810. Do you not think they are considered, in large towns in America, a very great convenience in locomotion? They had not introduced them into large towns, as a system of locomotion from one part of the town to another, when I was there, but merely from a village about five miles distant from New York up to the Bowery Theatre. You will bear in mind that the Bowery is a very wide street indeed, and the tramway was scarcely observable in it—in fact you had to look for the tramway in the street. It was a bar of iron on wooden longitudinal legs, and was no impediment or obstruction to the traffic at all.

811. Do you think that if a similar tramway were adopted here it would be an impediment to the ordinary traffic? I do not think it would be any impediment to the traffic. The bar only would generally be above the surface of the ground, and the wood occupying a space of three or four inches on each side of the bar would prevent carriage wheels running close to the bar and causing ruts as they do now; the wheels of the carriages would come first in contact with the edge of the wooden rail, which would soon lose its sharpness, and the wheels would pass easily over it. The track of the Harlem line, you may remember, was paved, but outside the timbers it was not paved.

812. I gather from what you say, that you think the reason why this Pitt-street Tramway has been generally so unpopular with residents in Pitt-street, is in consequence of the rail, as you conceive, not having been of the best description for a street tramway? Yes, I think so. If the tramway itself was not objectionable, it would not be injurious to the inhabitants of the street.

813. Nor yet to travellers in the street? Exactly. The inhabitants suffer because travellers avoid the street. I know many people will not allow their coachmen to drive into Pitt-street. I will not myself drive into it if I can avoid it. Horses will run on the track, and you cannot easily get the wheels off it again, once they are inside; and perhaps you lose your tire.

814. The most material objections would be removed, you think, if this iron bar were laid down on wooden sleepers? Yes, with a sufficient width of sleeper on each side.

815. Do you consider that a horse tramway is a very much improved system of locomotion through a town, from one end of a town to the other, as compared with any other system of locomotion? No, I do not.

816. Do you not think it is much more convenient to passengers, and much more agreeable? Yes, for the persons travelling.

817. And more expeditious? That depends on circumstances.

818. You, of course, consider that a horse can move a given weight much more expeditiously on a tramway than on a common road? With the present tramway they could not do it at all unless they did it expeditiously; they could not get up the line near Goulburn-street unless they went at a good hard gallop—the gradient is too steep.

819. Could not such an objection as that be surmounted by using better horses? They are good horses, I believe, but I doubt whether, on the present tramway, horses will draw the cars up at slow speed. I have been informed they will not.

820. Do you not consider that the same amount of horse-power will draw a given weight on a tramway with more facility than on an ordinary road? Yes, of course they will; but if the horses jib they let the carriage go back.

821. The carriage could be stopped by the break? Yes, but then they could not get the horses to start again.

822. Would not that happen on an ordinary roadway? I have not observed it to the same extent.

- extent. It is the fact, however, that they do not stop the cars at any street which crosses the incline, because the horses will not go on again. E. Bell, Esq.,
C.E.
823. Is that the fault of the horses or of the tramway? It seems that very much depends upon the humour of the horses, whether they will go up a steep incline with the tramway carriage behind them. You see these carriages are very heavy, and though they will run easier on a tramway, still it is nearly as difficult to start the load on a tramway as on the ordinary road. 3 Sept. 1862.
824. Do you not think that objection would be obviated by having lighter carriages? Yes, decidedly.
825. Do you not consider that, for the amount of traffic, the carriages used are unnecessarily heavy? Yes, I think they ought to be smaller, and to run oftener—every quarter or half an hour—and then they would be much more useful.
826. The line would then be more frequently and extensively patronised by way travellers? Much more.
827. Would you have any particular objection to the retention of the tramway in Pitt-street, if there were a different description of rail? Yes, the same objection I always had, that the street is too narrow. The tramway carriages must always pursue a straight line, regardless of other traffic, and every other must be put to inconvenience to accommodate this particular traffic.
828. That is only whilst the carriages are passing? Yes; but it is very awkward to find yourself met, in one of these narrow strips between the tramway and the side of the street, by another vehicle at the same time that the tramway car is passing.
829. But if the tramway carriage was not there at the same time, and if the rail laid down were different, these objections would be obviated? No, I do not think the objection arising from the narrowness of the street can be obviated. If there is a horse or vehicle standing at the side of the road, at a shop door, or any other place, there is not room to pass between it and the tramway; you must go on the tramway, and when you try to get off again the wheels skid along the rail, perhaps for half a dozen yards.
830. If the rail you speak of were laid down with wider timbers, or the same rail with broader longitudinal sleepers, and if the sides of the sleepers were pitched with blocks of granite with a concave surface rising from the side of the street—do you think these objections would be obviated? In a great measure they might; but then you devote the street entirely to this tramway, to the inconvenience of the shopkeepers, who wish naturally to have carriages drive up to their doors.
831. If these precautions were taken in constructing the tramway, do you think there would be any difficulty in vehicles crossing the tramway? I should think not.
832. Is it not generally considered by shopkeepers and residents on a line of road in any town, that bringing traffic to the street naturally increases the business of the shopkeepers? Not by a tramway, which moves on without stopping at all, or only at the street corners. If the trains stopped anywhere where a passenger chose to get down, then I grant you would be bringing a great deal of traffic to the street; but if the tramway goes on without stopping, you take the traffic past the shops.
833. Does not the tramway stop at the corners of the streets? Not at Goulburn-street.
834. Did you ever see any horse tramways in use besides that on the Haarlem road? No; and there they will stop anywhere for you.
835. How far is it generally, on the average, between the corners of the street, or the crossing-places, where the cars stop and passengers alight—is it an average of 100 or 150 yards? I cannot tell you, but I should think between King and Hunter-streets it is over 200 yards.
836. *By the Chairman*: Do they not stop at the Metropolitan Hotel? I am not aware.
837. *By Mr. Hoskins*: The inconvenience of walking from where they do stop to any house between one stopping-place and another is not very great? Still it is far enough away for people not to turn back. But if you had light omnibuses on that line, that could be stopped anywhere—they would just be as useful as any others.
838. Would they not be superior? I think they would be a great deal better.
839. In point of comfort? Yes, very probably, if they were a little more roomy than ordinary omnibuses.
840. Do you happen to know, as a matter of fact, whether property in Pitt-street has depreciated in value since the tramway has been laid? Yes, I know, as a matter of fact, that it is rated lower than it used to be, but I do not know whether that is confined to Pitt-street.
841. Do you know if property there has been sold at lower rates or not? I do not know as a matter of fact.
842. Have any house properties in Pitt-street been recently in the market for sale, since the tramway was laid down? None that I can point out. I think the Government recently put up some lots for sale in Pitt-street—the land near Pitt and Bridge streets—and I do not think they had the offers for it they anticipated.

TUESDAY, 9 SEPTEMBER, 1862.

Present:—

MR. SUTHERLAND, | MR. DICKSON,
MR. HOSKINS.

JOHN LUCAS, Esq., IN THE CHAIR.

George Hill, Esq., called in and examined:—

- G. Hill, Esq. 843. *By the Chairman:* You are a large holder of property in Pitt-street, Mr. Hill? Yes, I hold some property in Pitt-street.
- 9 Sept., 1862. 844. Did you watch the construction of the Pitt-street Tramroad? Well, I cannot say that I did minutely. I had an opportunity of seeing it laid down as I passed backwards and forwards.
845. Do you think that tramway interferes with the ordinary traffic of the street? I am certain of that.
846. Do you think it causes a depreciation of the value of property in that street? I am certain of that, from the properties I hold. The rents have gone down very much in Pitt-street.
847. Are you one of those who petitioned for the construction of the tramway? No, I petitioned against it, and contended against it in the Legislative Council when it passed.
848. Oh! you were a member of the Legislative Council at that time? Yes, I was a strong opponent of the Bill in the Legislative Council.
849. Do you think that if the rails were laid some two or three inches lower, the tramway would be as great an obstruction to the street as it is at present? I think it is a great nuisance in the street, and that it is not only injurious to property, but also dangerous to persons travelling in gigs and carriages.
850. But do you think it would be as dangerous if the rails were two or three inches lower? I do not know that it would, but I think it would still be as great a nuisance.
851. Do you think that if there was a course of granite on each side of the rail, your objection would be removed? I think, on account of the width of the street, that no matter in what way you may lay down this tramway it would be a nuisance to the street. It will prevent private carriages going along Pitt-street. It will prevent persons with their families, at all hours of the day, going down Pitt-street, on account of the passing backwards and forwards of the tram carriages. This is a great nuisance to carriage horses; in fact, many of them are shy and will not pass the cars.
852. You are now alluding to the tramway cars when passing? Yes.
853. But do you not think that if there were a course of stone on each side of the present iron rail, to raise the street to a level with the top of the rail, the obstruction you complain of would be removed? It might relieve the obstruction to carriages crossing the rails in a slanting way, but in a direct way I do not think it would.
854. Of course you have not seen other tramways—you are a native of the Colony? This is the only one I have seen, and I am perfectly satisfied that, in whatever way it might be laid down, it would be a nuisance in a narrow street like Pitt-street.
855. But do you not think the rails were laid too high in the first instance? Well, you see I am not prepared to answer that question—to give a fair answer to it—because I do not know how the tramways have been laid down in the Mother Country. Persons who have had some experience in these matters would be better qualified to answer such a question.
856. In some places the iron rail is three inches above the macadamized road? You know a carriage has got a lock to it, and whenever you get the wheels of the carriage within the rails, the moment you attempt to get out, the vehicle keeps wriggling about and grinding against the iron, and you have no opportunity of getting out. But I may say this: supposing that the tramroad cars were coming down Pitt-street, and that I was going up the street with my family, I have an equal right to Pitt-street with the tram, and why should I endanger the lives of my family to give way—why should not the tramway carriages give way or pull up?—but you must either be run over, or pull out of the way at the risk of the lives of your family.
857. Do you not consider the tramway cars equally a convenience to those who travel by rail? It may be a convenience to poor people who live out at Newtown, but is it a convenience to the majority of the country?
858. That question will follow? It may be a convenience to a few people to the injury of some thousands.
859. Do you think it is so? I think it may be beneficial to a few, to the injury of thousands.
860. *By Mr. Sutherland:* Suppose you were going up Pitt-street with your family, as you have stated, and your carriage got locked in the rail, can you readily get out again, or are you not many times compelled to drive at least twenty yards before you can draw your carriage off the rails? In answer to that question, I may state that I have gone more than fifty yards and could not get my carriage out. The minute the wheel comes against the rail the carriage goes sidling along, and you may get out in a few yards or you may have to go fifty.
861. Are you aware whether any accidents have taken place on the tramway through gigs and carriages getting locked in? Yes, there was an accident with two drays yesterday—one was going up and the other was coming down. One of them was inside, and the driver wanted to pull away, but could not, and his dray got foul of the other and upset it.
862. In Pitt-street? Yes; and a dray is a much more likely vehicle to be able to get out of the way than a carriage.

863. Have you heard of any other accidents taking place in Pitt-street? Not of a serious nature. I had the tire pulled from my gig a short time ago in trying to get out of the way of the tram carriage. G. Hill, Esq.

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864. You think property is depreciated very much through the tramway going down Pitt-street? Yes, very much. The property is depreciated, because persons who used to go into Pitt-street to buy articles will not now approach the street in any way unless it is compulsory to do so.

865. You believe the retail trade of Pitt-street, and more particularly the retail drapery trade, must suffer in consequence of the passing to and fro of the tram carriages? Nearly all the trades requiring the presence of families, or persons connected with families, has been drawn from Pitt-street into George-street; persons who formerly visited the shops in Pitt-street will not now go near the street if they can avoid it. In confirmation of my statement upon this point, I may say, that if any gentleman will take the trouble of going into George-street between three and six o'clock in the evening, he will find it almost impossible to pass along with a carriage or gig; while on going into Pitt-street he will find it nearly abandoned. No one will go into it if they can help it. On several occasions I know that not only myself, but other persons also, have left their carriages in George-street when business required them in Pitt-street. They would sooner walk than take their carriages there.

866. *By Mr. Dickson:* You mentioned that rents had gone down in Pitt-street? Yes.

867. Have they gone down in other streets? Oh, yes; they have gone down generally all over the country, with the exception of George-street. George-street and Pitt-street maintained their rents throughout the time of difficulty; but the rents in George-street have not now gone down like those of Pitt-street.

868. But rents in the city generally have gone down? Yes, in some parts of the city. Some have maintained their rents; George-street has maintained its rents.

869. In other streets the rents have gone equal to those in Pitt-street? Well, they have—equal to Pitt-street.

870. There are a great many people who travel by the tramway, I suppose? I think it goes as often with a few as with many; I often see it in the middle of the day with very few passengers, but towards sundown it goes with a good carriage full.

871. And in the morning? Yes, in the mornings and evenings it is full; at other times of the day it is almost empty.

872. It would be a convenience to those who travel by railway? No doubt of it.

873. And many hundreds must travel by railway? By the tramroad, you mean —

874. By the tramroad? I dare say hundreds a week travel from the city to the terminus.

875. Do you think any alteration in laying down the rails would remedy, to any material extent, the nuisance which you say is caused in the street by the tramway? No, I do not think so; in whatever way it might be laid I think it would be injurious to the city. I cannot say whether it would be dangerous to life, because I am not prepared to answer that question fairly, but it would be very injurious to Pitt-street, and depreciate the value of property there; it would cause hundreds, getting a living by their business, to leave it and go to other parts of the town.

876. Do you think the tramway would be equally objectionable if carried along any other street in the city? I do not think it would, if some back street could be selected for the tramroad, if it is required. A back street might be selected where there is not so much traffic as in George-street and Pitt-street; but they have selected Pitt-street, where, in my opinion, there was as much traffic as in George-street before the tramroad was laid down. The minute the tramway began to run, that minute the traffic began to fall off in Pitt-street.

877. I think some of the leading retail houses in Pitt-street had removed to George-street before the tramway was laid down? I think there were some few who left before the tramway put down. But there have been sad complaints by persons paying large rents, and who held upon leases, that the tramroad had almost ruined them; and all for no other benefit than to carry a few passengers backwards and forwards.

878. But of course it is only those who drive, that experience the nuisance of which you complain—foot passengers do not experience it? I think there is a good deal of danger to foot passengers. Supposing your family, or my family, or anybody else's family, were going up and down, do you think they would be safe when these carriages were going backwards and forwards.

879. Do you think it is dangerous to pedestrians? I think it is dangerous for families to be going where these carriages are running backwards and forwards; in fact, fathers and mothers will not allow their families to go into Pitt-street if they can keep them out.

880. Do you speak in reference to pedestrians, or to those driving? To pedestrians. I think there is a good deal of danger to all passengers in Pitt-street, whether walking, driving, or riding. One of Mr. Wooller's sons was crippled a short time ago. He was cantering along Pitt-street, when his horse slipped on one of the rails and fell, breaking one of the small bones of his leg.

881. Then you could suggest no remedy in point of construction? No; I think whatever remedy might be suggested as to the laying of the line in a different way would not remove the inconvenience. The tramroad would always be injurious in a narrow street like Pitt-street. I think a tramroad ought not to be laid in either Pitt-street or George-street. That is my opinion—that no tramway ought to be laid in either Pitt-street or George-street, on account of the traffic backwards and forwards.

882. *By the Chairman:* Do you consider the tram cars a great convenience to passengers by rail—just answer "yes" or "no," if you please, to this question, because I want two or three others to follow it? No doubt self-interest is always a consideration to every man,
and

- G. Hill, Esq. and if a man can get from the bottom of Pitt-street to the railway terminus for threepence or two-pence, instead of sixpence or a shilling, it will be beneficial to him.
- 9 Sept., 1862. 883. Will you please to answer the question as briefly as possible? Then I must answer, that no doubt it is beneficial to those who travel by rail.
884. Do you consider that it obstructs the ordinary traffic of the street? I am certain of it, in every way.
885. Looking at it in a public light, do you think the convenience it affords to passengers by rail is more than counterbalanced by the obstruction to the ordinary traffic of the street? Yes, by 100 per cent.
886. *By Mr. Sutherland:* I suppose you do not think it proper for the Government of the country to bring passengers from the railway terminus through the town for half the amount it costs the country to convey them;—they charge 3d., and I believe it would cost double that rate for each passenger, to keep the tramway going? I do not think the Government ought to have made a speculation that way at all. I think that those persons who pay licenses for 'buses, and safeties, and cabs, ought to have the privilege of carrying passengers backwards and forwards without having to contend against competition by the Government.
887. Do you think there is one passenger more carried by railway in consequence of the Pitt-street Tramway having been constructed? I do not think there is. I think those persons who now go by tram would go otherwise if the tramway was not there.
888. That is, that the railway would have the same number of passengers if the tramway was not there at all? Exactly.

William Whaley Billyard, Esq., called in and examined:—

- W. W. Billyard, Esq. 889. *By the Chairman:* You have been resident in Sydney many years? Yes.
- 9 Sept., 1862. 890. And you have property in Pitt-street? Yes.
891. Were you one of those who petitioned for the construction of the Pitt-street Tramway? No.
892. You are a professional gentleman, I believe—a solicitor? Yes.
893. Do you believe that the present tramway is an obstruction to the ordinary traffic of the street? Yes, a very great obstruction.
894. Do you think the property in Pitt-street has depreciated in value in consequence of the tramway being in that street? Yes, very much. I will give you an instance of my own. I have some property between Sir Stuart Donaldson's stores and Rickards' in Pitt-street; I have 43 feet 6 inches. It was valued to me by Mr. Hilly two years ago at upwards of £71 per foot. I have had it put up to auction, and have been offered only £50 per foot. I have offered to take £55 per foot. I consider that property depreciated to the extent of 20 per cent. It is property of an enormous depth—207 feet; but it is not now available for stores, because the occupiers could not get their goods delivered from the street.
895. The rails about Hunter-street are many inches above the surface of the macadamized road, are they not? Yes.
896. And it is next to impossible to pass over the tramway about that locality? Yes.
897. The street, too, is so narrow that there is scarcely room for two vehicles to pass each other? Yes.
898. Do you think that if the present rails were lowered, or a course of granite or other stone were laid on each side, so as to raise the macadamized road above the rails, it would then be as objectionable as it is at present? I think it would.
899. According to your opinion, then, no matter how the tramway is constructed, it would be a nuisance to the street? I think it would, in so narrow a street.
900. Do you not consider the tramway a great convenience to passengers by rail? It no doubt is a convenience to people who live at Ashfield and Newtown—to a few people; but I think they could get by the ordinary omnibuses at very little more expense.
901. Do you consider that the tramroad obstructs the ordinary traffic of the street? Yes, I think it does, very much. I have a large family; but since the construction of the tramway they have always avoided going into Pitt-street. When my wife has occasion to go to a shop in Pitt-street, she leaves the carriage in George-street, and walks down to it.
902. Do you think, looking at the matter in a public light, that the convenience afforded by the tramway to passengers by rail is more than counterbalanced by the obstruction to the ordinary traffic of the street? The convenience to passengers by the tramway is very slight compared with the great drawbacks consequent on the construction of the tramroad in Pitt-street.
903. Do you think it would be a public convenience to remove it? I think it would.
904. *By Mr. Hoskins:* Has there not been a great depreciation in the value of property in Sydney generally within the last two years? Yes, excepting in George-street.
905. Excepting in George-street? Excepting in George-street. I have sold property in George-street within, say, a year, for £80 per foot—building land.
906. There has been no depreciation in the value of property in George-street? The depreciation has not been so great in that street as in others; but there has been generally a great depreciation in the value of property.
907. I presume that land in Pitt-street was never so valuable as land in George-street—that it never fetched so high a price? No.
908. Do you consider that the depreciation in the value of this property of yours to which you have alluded was greater than the general depreciation in the value of land in other parts of the city, excepting George-street? I do. It may not have depreciated to the amount

amount of 20 per cent. solely in consequence of the construction of the tramroad, but I think it has depreciated to a very considerable amount.

W. W.
Billyard, Esq.

909. Have you seen or heard of any land in Pitt-street which has been put up to auction during the last two years, besides your own? Yes.

9 Sept., 1862.

910. Do you know if it was sold, and whether the amount realized by the sale was 20 per cent. below the price the land would have fetched three or four years ago—was there a corresponding reduction in the land so sold? There has been a great reduction in the value of all land in Pitt-street, and particularly within the last two years; I am not quite certain to what amount. The lowest price given for property in Pitt-street in a good situation, of which I am aware, is that paid for the land where Richardson and Wrench's auction rooms now stand; that land was sold for a very low price; Mr. Holt bought it. I will give you another instance: Sir Stuart Donaldson (I was his solicitor), before he went to England this last time, was offered by the Union Bank £6,000 for his Pitt-street property; he gave his brother £3,000 for half of it; he sold it to Mr. Holt for £2,700.

911. Can you say whether the land on which Messrs. Richardson and Wrench's stores are erected was sold previous to the Pitt-street Tramway being laid down? I am not sure, but I think it would be about the time. It may have been sold a little before.

912. And when it was sold it was sold remarkably cheap? Yes.

913. Much lower than the rate at which land had been previously sold? Yes. I receive the rents of considerable property in Sydney; perhaps I have £100,000 worth of property in my charge. In Pitt-street I have some property of Mr. Robert Lowe's, which I let on lease before the tramway was laid down. I have other houses of my own that I let on lease before the tramway was constructed, and I can speak as to the depreciation in the value of property there.

914. But can you state, as a matter of fact within your own knowledge, whether the rents of properties in Pitt-street have been reduced since the Pitt-street Tramway has been laid down? I have had no personal experience. All my properties I let before the tramway was laid down.

915. You are not prepared to say whether the depreciation in the value of land in Pitt-street is greater than the general depreciation in the value of land all over the town, excluding George-street? I believe it to be very much greater. I believe the depreciation in the value of Pitt-street property, in consequence of the tramroad, to be very much greater than the depreciation of property in the rest of the city. Of course I collect that from personal inquiries of different people. A great many people tell me that they are nearly ruined by the tramroad.

916. Well, are the persons who tell you that they are nearly ruined by the tramway the owners of property or the occupants of houses? They are the occupants.

917. Do you know whether the storekeepers have sustained a diminution in their business since the Pitt-street Tramway has been laid down? I believe the drapery firm of Farmer and Painter has sustained a diminution of more than £1,000 a year from the custom being diverted from Pitt-street to George-street.

918. But you do not know that? I do not know.

919. You have never heard any person say so? Yes, I have. Mr. Moore told me that Messrs. Farmer and Co's losses would exceed £1,000 a year, in consequence of the laying down of the tramroad in Pitt-street.

920. Was that Mr. Moore, the auctioneer? All the people of large families (like my own) who used to shop in Pitt-street never go there to shop now; they go to George-street.

921. Do you consider a tramway from one end of the street to the other a superior system of locomotion? No.

922. Do you not think the traction is much easier? No.

923. Do you not consider it more convenient and pleasant to ride in the carriages on the tramway? I inquired of Mr. Salting, who came out from England lately, and he tells me that the tramways in all the broad streets of London are being taken up—they being a nuisance. Of course, you are aware that they have been decided to be a nuisance.

924. I am not asking you that question—have you ever ridden in the tramway cars? No.

925. Have you heard persons say that they are superior to other modes of conveyance? No. Mr. Mann told me that he had only travelled three times by the tramroad, and that on two of those occasions he met with an accident.

926. Have you noticed whether there has been a diminution or an increase in the number of persons travelling through Pitt-street since the construction of the tramway? There has been an increased number by the tram cars.

927. There has been a larger number travelling by conveyances? Decidedly; I have no doubt about that.

928. Do you know whether those who travel in the tramway cars are chiefly "through" passengers (railway passengers) or "way" passengers, who get into the cars, and alight at different streets on the road? As far as I have observed—my office being close to the tramroad—they are chiefly people who reside at Ashfield and Newtown. I generally see Mr. Holden and Major Fanning, and people who live in the same direction. They, no doubt, find it convenient.

929. You have not remarked people availing themselves of that mode of conveyance by getting up at Hunter-street and alighting at Bathurst-street? I have no doubt they do, but I cannot say.

930. Do you not think the fact of there being—according to your own testimony—an increased number of passengers, is a proof that the tramway is considered not only more expeditious and convenient, but also a better system of locomotion than the ordinary vehicles? I do not see why it would not be as convenient to go by the ordinary omnibuses.

- W. W. Billyard, Esq. 931. But were the ordinary omnibuses patronized to the extent these tramway cars are patronized, as a matter of fact? I should think not quite to that extent.
- 9 Sept., 1862. 932. Setting aside the opinions of persons to whom you have spoken in reference to this matter, is it not generally found to be the case, that when any new system of locomotion has been brought into operation in a particular road or thoroughfare, the number of passengers has increased, and that the business of persons residing along the line has had given to it a natural stimulus? I think that in Pitt-street experience shows otherwise. I was under the impression, when this tramway was formed, that it was to be a tramway for the conveyance of goods; but now I see very few goods conveyed by it, and I think it has altogether failed in the object for which it was laid down.
933. But in your own evidence you admit that it has not failed for the conveyance of passengers? I admit that more passengers go by it to the railway than used to go by the ordinary conveyances; but I do not think they go to the shops in Pitt-street.
934. But you do not know that of your own knowledge? I do not. A great many country gentlemen, I know, direct their servants never to drive into Pitt-street, so objectionable do they think it.
935. Have you been in the habit of driving in Pitt-street yourself? Yes, I have been in the habit of driving across it; but I direct my servant never to go down by the side of the rails. I am obliged to cross the tramway.
936. You cross it at right angles? Yes; I go every day in a Hansom to my office, and I make the man go down Hunter-street; I would not allow him to go down Pitt-street.
937. You have never crossed the tramway in a vehicle when you have had to go over the rails in an oblique direction? No.
938. And personally you have experienced no inconvenience? No.
939. Do you really consider yourself that the presence of this tramway in Pitt-street is a great inconvenience, and calculated to entail loss of life and inflict injury upon persons traversing the street? I think it is calculated to occasion damage to carriages.
940. Will you state in what way you think it would damage carriages? I have heard of the tires of wheels being taken off, and of various accidents. Of course I have not witnessed them myself. I have heard of the horses taking fright, and the carriage being turned off.
941. The railway car? Of the railway car being turned off the line. I have heard of many instances, but I have never witnessed them.
942. I presume you do not consider a horse taking fright an unusual accident—a horse may take fright and overturn an omnibus? Yes.
943. I suppose the obstruction you consider dangerous arises from the rail being much higher than the roadway—is not that the difficulty? No doubt.
944. That is the primary difficulty? No doubt.
945. That is your own opinion, I presume? Yes, but I know very little of engineering, and the fact is, I do not feel competent to give an opinion.
946. I am taking your own evidence;—you said you considered the presence of this rail, being so high above the roadway, to be an inconvenience, inasmuch as people will not cross with their carriages, and you therefore naturally consider this to be the great objection? Yes.
947. Do you not consider that that objection could be obviated? It might to a certain extent.
948. For instance, if the roadway was made level with the top of the rail, do you think the difficulty would be removed? To a certain extent; but I consider that a tramway in such a narrow street would always be attended with great disadvantages, no matter how it might be constructed.
949. In what way? The street is too narrow, and it must inevitably depreciate the value of property. You will find that every occupier and landlord will tell you the same.
950. But if no obstruction were offered to the free passing of vehicles over the tramway, this objection would no longer exist, would it? There is very little room for carriages to turn. We have had no rainy season yet; but when we have, I think you will find that, with the tramway constructed as it is at present, the road will be almost impassable.
951. What part of the road? Those portions on either side of the rails. I do not see how it is to be drained. We have had no experience yet, but when we have had a little rain it has been very bad.
952. Has it been worse than George-street? Yes.
953. Have you ever seen tramways in use in any other towns for the conveyance of passengers? No; I have seen them at English collieries.
954. But you have never seen street tramways for passenger accommodation? No.
955. If any means were devised to prevent the obstruction caused by the rails being so much above the surface of the road, and if drays and other vehicles unloading at the stores could do so with facility, do you consider the principal ground of objection to the tramroad would be removed? One ground of objection would be removed, but I think the principal ground is the narrowness of the street.
956. But Pitt-street is no narrower now than it was previous to the tramway being laid down? No, but previously there was not the tramway in the centre.
957. But if the tramway were made level with the roadway, it would not offer any obstruction to ordinary vehicles? It would still be inconvenient.
958. *By Mr. Dickson*; You stated that Mr. Donaldson was offered £6,000 for his Pitt-street property? Yes.
959. What time was that? I forget how long Mr. Donaldson was in England.
960. Three or four years ago? Yes.
961. And he sold the property for how much? £2,700.
962. When did the sale take place? Just before he left for England again, at the beginning of this year.

963. Has not property generally in Pitt-street depreciated in value since the time the offer of £6,000 was made, and up to the period of the sale? Yes, to a certain extent.
964. The fall in price, then, is not to be attributed solely to the tramway? No, not solely.
965. Was it attributable in any degree to the tramway? Yes, I think it was a good deal.
966. I think you have stated in your evidence that a good many more passengers travel by the tramway than formerly travelled by the omnibuses? Yes, I think that is the case.
967. Then there must be a considerable increase in the railway traffic? I do not think that. I think they would go by the railway whether they were conveyed to the station by the ordinary omnibuses or by the tramway.
968. Do you not think that the tramway has increased the traffic by the railway? To a trifling extent it may have done so.
969. What would you recommend should be done with the tramway? Taken up.
970. *By the Chairman*: Do you think the removal of the tramway would increase the value of property in Sydney? I think it would increase the value of property in Pitt-street.
971. To what extent? 15 per cent.

W. W.
Billyard, Esq.
9 Sept., 1862.

TUESDAY, 16 SEPTEMBER, 1862.

Present:—

MR. HOSKINS, | MR. PIDDINGTON,
MR. SUTHERLAND.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. William Tunks called in and examined:—

972. *By the Chairman*: You have been a long resident in Sydney, have you not? Yes, upwards of twenty years. Mr. W. Tunks.
973. You are a mechanic, are you not? Yes. 16 Sept., 1862.
974. A builder, I believe? A carpenter and joiner.
975. You have been engaged very extensively in contracts for the City Corporation—both the old and the new—and for the City Commissioners? Yes, I have had several contracts.
976. Did you notice the construction of the present Pitt-street Tramway? I have seen it as I passed along the street occasionally.
977. Do you think it is laid as you would lay it,—if you had the planning and laying of the tramway, would you lay it in the manner in which the tramway is laid now? No, I do not think I should.
978. I believe there are transverse pieces put down first, as beds or sleepers? Yes, there seem to be some pieces of wood as sleepers underneath the longitudinal woodwork.
979. And then the longitudinal woodwork —? Is just halved together at the ends.
980. Laid on the sleepers, and fastened with an iron knee? Yes, there is a bit of a crank iron.
981. Would it not be much better if they were framed together? Yes, my impression is that it would be much better framed together, supposing the framing were held with an iron bolt or something of that kind.
982. What do you think about draw-boring and pinning? That would necessarily imply the mortising to go through the side pieces. The other mode might have been more expensive, but it strikes me it would have been much more secure, because the tenons need not have gone through the side pieces, and so far weakened them.
983. Does not the draw-bore consolidate the wood round where the pin is driven, and draw it tight together? Yes.
984. Do you not think that would have been much better than the present mode of construction,—would it not have kept the timber from springing? You mean the oscillation in the length.
985. Yes? No doubt it would have been, to some extent, more secure in that way; besides which, being a solid frame, it would have afforded opportunity for laying it down on a solid bed, whereas, by cutting narrow trenches along and across the street they, the persons who put it down, had not the opportunity of properly bedding it. There was either too great a regard for the street, or too great a regard for their labour.
986. Do you not think it would have been much better if the tramway had been laid two or three inches lower than it has been, to allow the macadamized road to wear down to it instead of away from it? The macadamized road will never stand up to the tramway, because it always wears very quick.
987. Was it not a great mistake to have laid it above the road when it was just finished? I should have remedied that by putting granite or whinstone, or any hard durable stone, in blocks along the rails—in fact, paving the centre of the tramway with five by nine inch paving stones set on edge; and the outer side of the road could have been protected by granite paving stones somewhat higher than the iron-work, and thereby it would have allowed carriages to cross it at acute angles.
988. By that means the tramway would not be such an obstruction to the ordinary traffic? I do not think it would be any obstruction then, if it were done with granite or some other durable stone that would not wear too smooth.
989. Do you think a grooved rail would have caused the same obstruction to the ordinary traffic as the present sharp angle for instance, a rail in this form, Mr Light's rail (*exhibiting*

Mr. W. Tunks. *a drawing*)? With a macadamized road I think this would be always subject to small stones, grit, and other stuff filling up these cavities.

16 Sept., 1862. 990. The construction of that rail works it out? If it does that would meet the difficulty. I would rather have fancied that with the clay and grit we have, it would not work it out in ordinary weather.

991. Would you propose now to lay a course of stone on each side of the rail? Yes.

992. Do you think suitable stone could be got out of the present blue stone quarries at Pennant Hills? No. There is a stone at Prospect that would answer.

993. What would be the probable cost, per superficial yard or foot, of that stone, eight or nine inches thick? I have had no experience here in working paving stones, and therefore I should not like to give an opinion about the price of it. I attempted, I may say, to introduce granite paving stones, but the City Council did not choose to encourage that kind of thing, and such a thing was never developed; therefore I have had no opportunity of knowing the cost. A sample of the stone that can be got is now in the Corporation Depôt, on the site of the old Government House, which you might like to see as an article of Colonial produce. They are sample stones that I prepared for exhibition to the Corporation.

994. Where was that stone obtained? At Prospect, but not at the Government quarries.

995. There is no doubt, you think, that stone suitable for paving the tramway could be got there? No doubt of it.

996. Will you just read this paragraph, referring to Mr. Light's rail, a drawing of which I showed you just now? "The sketch, figure 11, shows the section of the rail used in Dorchester Avenue Tramway, and the Metropolitan Tramway, Boston, United States. It is of cast iron, and weighs 75lbs. to the yard. The chief object in designing forms of rail for street railways is to make the rail answer all the purposes of the tramway, and, at the same time, not offer any obstruction to the ordinary traffic; also that the groove into which the flange runs shall not get clogged up, but shall work itself clear. This object, we think, is best attained by Mr. Light's rail, figure 11. The groove is not so deep as the New York rail, figure 8; still it is found to be quite deep enough to guide the wheels, and offers less obstruction to the ordinary traffic. It has been found, in cases where the groove is too deep and too wide, that the narrow wheel tires of other vehicles get into the groove, and are often torn off in consequence. The inside bevel of the rail allows small pebbles that get in the groove to be pushed out of the way up the bevel by the flange of the wheels, without crushing them, thereby preventing them from being the cause of throwing the omnibus off the track. The rails are cast in lengths of eight feet, and have a dowel and socket cast on the ends, so that the rails fit into each other at the joints. Each length is fastened to the sleepers by three spikes." (*Burn on Horse Railways*.) Well, as this is stated as an engineering fact, I cannot dispute it; I have no experience to contradict it; but at the first blush it would not seem to me that it would act.

997. You have no doubt that if the present tramway in Pitt-street were properly paved with good hard stone that would remove the obstruction to the ordinary traffic of the street? There is not the least doubt of it in my mind. I think vehicles could pass the tramway in any direction if the rails were protected by granite.

998. Have you any property in Pitt-street? No.

999. You have in Castlereagh-street? Yes.

1000. Do you think the tramway depreciates the value of property in Pitt-street? I am not aware that it has done so.

1001. Do you think it is calculated to depreciate the value of property? No, I think it is calculated to improve it ultimately.

1002. Would you have any objection to its running down Castlereagh-street? Not the least. I am aware there was a furor got up about it, but I do not think that amounts to anything; two or three persons who fancy their business is injured for a few days may get up a great noise.

1003. There is not so much business carried on by linen-draperies in Pitt-street now as there used to be;—do you know whether they were moving out of Pitt-street before the tramway ran? I saw that several—Mr. Hordern and others—had built what I call magnificent places, in other streets, and it seemed to me they were spreading over a wider circuit. I fancy the theatre might have something to do with the linen-draperies shifting out of Pitt-street, by bringing into it a concourse of persons at night that might be objectionable to some of the drapers.

1004. *By Mr. Piddington*: You say that the tramway in Pitt-street is not in such a desirable state as it might be? That is my opinion; I mean with regard to its construction.

1005. You have spoken of paving the tramway between the rails? Yes.

1006. Do you know the width between the rails? I should suppose it is between four and five feet.

1007. Do you consider it desirable also that the tramway should be paved on the outer side next the rail? Yes, that would seem to be the most important part to be paved.

1008. *By the Chairman*: Just one course of stone along the rail? As to that matter, I would undertake to defend the paving of the whole street, as a matter of economy.

1009. *By Mr. Piddington*: You think paving would be more economical than broken up metal for the streets? Yes, where there is great traffic.

1010. What I wish to know is, the expense, additional to the original outlay for the tramway, that would be caused by paving the tramway inside the rails, and the necessary quantity outside the rails? I have had no experience in pitching stones. I never had a chance of developing the granite quarries as I wished to do.

1011. Your opinion is formed without reference to the cost of the proposal? Yes; I believe generally that pitching would be cheaper in the end than macadamizing, where there is much traffic. It is found to be so in London.

1012. Do you speak now with reference to tramways in London, or with reference to paving ^{Mr. W. Tunks.} as compared with macadamizing? Of paving as compared with macadamizing.
1013. My question applies to the cost of paving the tramway? I am not able to say at a ^{16 Sept., 1862.} word what it would be.
1014. Have you seen the Gabo Island granite? Yes, that was the first thing that drew my attention to the procuring of granite; it has cost me some £50 at times searching for granite.
1015. Is the granite you have discovered equal in quality and hardness to Gabo Island granite? What I have got is not, probably because it is merely from the surface; a little deeper I have no doubt it would improve.
1016. You do not know what would be the cost of paving the tramway with it between the rails and outside the rails as far as necessary? No, I am not able just now to say. The cost of a work like that is a matter of figures, not guess.
1017. The tramway has already cost a certain sum in its present imperfect condition, and I wish to know what would be the cost in addition, to put it in the more perfect state you wish to put it in? I cannot say at present what it would be.
1018. *By Mr. Sutherland:* Perhaps you could attach to your evidence an estimate of the expense? I should not like to give such an estimate for mere amusement; it would cost me some trouble.
1019. *By Mr. Piddington:* Are you acquainted with the traffic on the tramway since it has been established? I have no other acquaintance with it than merely casually seeing the returns in the newspapers, and seeing the cars go along occasionally. I have made no estimate as to the number of passengers, or whether it pays.
1020. Have you formed any opinion as to whether the tramway interferes with the general traffic through Pitt-street? I do not think it does. I am aware that a number of people have said so, but I do not think it does.
1021. Do you know that part of Pitt-street near the Metropolitan Hotel? Yes.
1022. How wide is it from kerb to kerb there? About thirty feet.
1023. Notwithstanding that Pitt-street is only thirty feet wide at that part, you think the tramway occupying five feet out of the thirty does not interfere with the traffic? It does not occupy it, only occasionally, while the car is passing along.
1024. I am speaking of the part abstracted from the thirty feet width of the street there? I do not think it is abstracted from the width of the street, except when the tramway carriage is passing.
1025. Is not that part of the street occupied to the extent of the surface covered by the tramway carriage? At that particular moment it is.
1026. Is there any guarantee that two other carriages may not be coming up the street at that particular time, and meeting the tramway car at that particular spot? The same objection would apply to every carriage, of whatever kind.
1027. Is not the tramway carriage rather a wide one? It is rather wide; probably five or six feet.
1028. *By the Chairman:* It takes a great number of passengers at the same time? Yes.
1029. *By Mr. Piddington:* The width of the carriage extends over the tramway, does it not? Not nearly so far as a load of hay would do over an ordinary cart.
1030. I am asking whether the tramway carriage does not occupy a considerable portion of the street? About six feet probably.
1031. When the tramway carriage is in motion, do you think it would be safe for two carriages to pass it at the same time? I do not see that there is any danger in it. People unaccustomed to driving may look upon it as a difficulty; but where carriages have been very thick I have seen them have to ferret their way with much more difficulty than there is in passing along Pitt-street.
1032. Have you ever observed the car coming along Pitt-street at the particular part I have mentioned? I cannot say I have.
1033. You do not know whether it goes at a rapid pace? The pace does not seem to be very great.
1034. Do you think they travel seven or eight miles an hour? They do not keep up a regular pace. Probably they travel sometimes at the rate of eight miles an hour for a short interval, but not the whole distance.
1035. There is nothing in that particular part of the street to prevent them driving at that rate? I think going down towards the wharf they travel the fastest.
1036. In the present condition of the tramway can carriages cross the iron rails at all places at right angles? Yes, at right angles they can; the acute angles seem to me to be the difficulty, but a great deal of it is owing to the drivers of the vehicles themselves. I have seen horsemen insane enough to try and keep their horses on the line of rail, and go at a canter, as if their object was to throw them down.
1037. You do not know whether the iron rails are laid properly? I am not able to say.
1038. You have not been accustomed to lay tramways yourself? No.
1039. You do not know whether the rails of this tramway are laid the reverse way to what they ought to be? As far as I can understand they are the reverse way.
1040. You know very little about tramways practically? No, but I have got some common sense by which I can judge of them when I see them.
1041. Have you ever been out of the Colony? Yes, I have been out of this Colony as it is at present.
1042. Have you ever been anywhere where tramways are laid down for general traffic? No.
1043. Are you aware that tramways for general traffic are being constructed in England now? I am aware they have been.
1044. To what extent, and for how long? I am not able to say; not a very great length, I dare say. There may be some in America.

Mr. W. Tunks. 1045. *By Mr. Hoskins*: Is not that portion of Pitt-street opposite the Metropolitan Hotel the narrowest part of Pitt-street? Yes, because it is not opened to its proper width yet; the houses project upon the street beyond the proper line.

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1046. In the event of the Corporation directing a proper alignment of the street, would not the verandah, or that portion of the Metropolitan Hotel which projects into the street further than the other houses, have to be removed? It will have to be removed in course of time, no doubt, but it is not in the power of the Corporation to remove it at present.

1047. In the event of the Corporation obtaining an Act enabling them to align the streets, would it not be removed? Yes; but the street would be narrow at any rate, probably not more than 36 feet from kerb to kerb.

1048. It would be wider there, of course, than it is now? Yes, I think it would be a little wider than it is now.

1049. Did you ever ride in these tramway cars? Yes.

1050. Did you ever observe that there was any difficulty in stopping them? No. The momentum will sometimes carry them a little further than the exact corner, but that depends upon the inexperience of the man that has got the break in hand. I take it, that in the first instance, these men could have known nothing at all about the working of these things.

1051. You have never seen any accidents occur from the breaksman being unable to stop these carriages? No.

1052. Do you consider it a superior mode of locomotion to ordinary vehicles? I do.

1053. I suppose you never saw a tramway in which the rail was a flat bar of iron bolted on to a wider sleeper than those used in the tramway here? Such as are used for temporary purposes are so, and those at coal mines, quarries, and such places. I have seen something like the tire of a cart-wheel laid on edge.

1054. Do you not think that would be better than the kind of rails they have in Pitt-street, not being open to the objection as to the obstruction of other vehicles? The obstruction could be met in the way we were speaking of before, by raising the roadway a little above the rail, by means of granite or other hard pitching stones.

1055. *By the Chairman*: Which do you think would take up the most space, or obstruct the street the most,—the present tramway cars, or a sufficient number of ordinary vehicles to take the passengers now taken by the tramway cars? The ordinary vehicles necessary to carry the same traffic would take up more of the street, and be more dangerous on the whole than the present arrangement.

1056. In that point of view, instead of the tramway cars obstructing the other traffic of the street, they facilitate it? I think they do.

1057. *By Mr. Piddington*: How would omnibuses used in the ordinary way be more dangerous than omnibuses used on the tramway? Because there would be more of them required to carry the traffic, and therefore a greater crush among them, which would end, perhaps, in their fouling one another. I have seen the ordinary omnibuses often come to a dead lock.

1058. Is it absolutely necessary that omnibuses starting from the railway terminus should pass down Pitt-street, or would they not take George-street, which is a wider street? George-street is not a wider street throughout; it is wider generally, but there are places where it is as narrow as Pitt-street.

1059. Would it be imperative for the ordinary omnibuses to pass down Pitt-street? Not imperative, but convenient.

1060. Is it not imperative on the tramway omnibuses to pass down Pitt-street? Yes, no doubt; but the Chairman's question was, whether the number of omnibuses sufficient to carry the same traffic as that carried by the tramway cars would not obstruct Pitt-street more than the tramway cars do now. If some of the omnibuses go into another street that would necessarily imply a diminished traffic in Pitt-street. It seems to me that if the same number of passengers were conveyed along Pitt-street in ordinary omnibuses they would create a much greater obstruction.

1061. I ask whether it is imperative on the ordinary omnibuses to pass along Pitt-street at all? No, it is not.

1062. Is it not imperative on the tramway cars? Yes.

1063. How, then, can you make any comparison where there is free action in one case and no free action in the other? It seems to me that streets are like men, when they come to maturity they will do a certain amount of work, or carry a certain amount of traffic, and will not do more; when the traffic reaches that amount, other streets must relieve them.

1064. *By the Chairman*: Did not the railway omnibuses run down Pitt-street previously to the tramway being laid down? Yes.

1065. Have you not, of your own knowledge, known or heard of many accidents occurring by omnibuses running into gigs, dog-carts, and other vehicles, upsetting in the streets, occasionally killing a man, or breaking two or three legs, and so forth? I have heard of them, but I cannot call to recollection any particular accidents.

1066. Are not accidents just as likely to occur with ordinary omnibuses as from the running of the tramway cars? Yes, and more so, because a practice has prevailed lately of just catching a horse, strangling him for a bit—what is called Rarefying him—and clapping him into a 'bus, when he has no more notion of work than I have of flying; with such horses of course accidents are probable.

1067. *By Mr. Hoskins*: Can you say, as a matter of fact, whether the number of passengers who traverse Pitt-street has increased since the opening of the tramway? I am not in a position to say.

1068. Do you think there are more passengers now by the tramway cars than there used to be by the railway omnibuses previously? I think there are.

Mr. Lucas here vacated the Chair, and Mr. Sutherland was called to it pro tem.

Mr. Richard Wynne called in and examined:—

1069. *By the Chairman:* You have a business place in Pitt-street? Yes.
1070. Has the Pitt-street Tramway been a convenience to you in your business or otherwise? It has been a convenience on the whole.
1071. Do you think it has been a benefit to the proprietors or residents in Pitt-street? Not generally. It may be a convenience, so far as passengers are concerned; but it would be a very great benefit if it were to carry luggage. I know it would then be a great benefit to me, and many merchants round the Circular Quay; in fact, it would be a blessing to the people there. I am sending my drays every day to the railway, three, four, and five times, over the same ground as the tramway runs on, and if the tramway took luggage I would avoid that; and in fact, neither I nor others would have to pay so much for dray hire.
1072. Is the tramway an obstruction to the ordinary traffic of the street, as it is now constructed? I think not, now that people have got used to it. My men and horses seem to know the tramway as well as possible now; they know how to pass over it, and they go right along the street to the railway, instead of turning into George-street, as they used to do at first.
1073. Then you think it is the want of knowledge of the people, more than the construction of the tramway, that has caused the accidents that have happened in Pitt-street? No doubt. Living, as I do now, at Burwood, I have been on the tramway when many of the accidents have taken place, and I have always seen the cause it. I have seen five or six accidents take place, and I have seen whose fault it was as plain as possible.
1074. Will you tell the Committee whose fault it was, in your opinion? In one case I saw a cabman coming down Bridge-street at such a rate that he ran his horse's head right against the tramway carriage, which, being in full motion, hit his horse and slewed him right round. And I have seen a lot of sleepy-headed people and boys driving carts and vehicles—people that ought not to be allowed the management of horses and carts—who would not get out of the way, although the people on the tramway car were whistling and singing out to them. There is very great care and diligence used indeed by the persons in charge.
1075. You, living at Burwood, the tramway is a great convenience to you, in enabling you to get direct to your place of business from the railway? Very great.
1076. Do you think it is right for the Government to run a tramway at a loss, for the convenience of people living at Burwood, or travelling by the railway? Knowing that the money comes from the people who get the convenience and advantages of it, I think it is right, because all the money expended by the Government is for the use of the public.
1077. *By Mr. Piddington:* What part of Pitt-street do you live in? My place of business is next to Dawson's Iron Foundry, near the Circular Quay.
1078. Your place of business is within a few yards of the terminus at the Circular Quay, where the cars stop? Yes, within three hundred yards.
1079. Is there much traffic in that part of Pitt-street? There is more there than any other part.
1080. More carriages pass your place of business, within three hundred yards of the terminus, than pass the place of business, for instance, of Mr. Moffitt? Not carriages, drays.
1081. I am speaking of the general traffic? There are very few carriages, mostly loaded drays.
1082. Then the traffic of vehicles is not so great in that part of Pitt-street as between King and Market streets? No.
1083. Is there half as much? I dare say there is half as much.
1084. Are you quite sure there is half as much? I would not say I am quite sure either.
1085. You say the money expended on this tramway, in constructing and maintaining it, comes from the persons using it? I imagine it does, directly or indirectly.
1086. What interest does a country resident, who never comes to Sydney, possess in the tramway? A country resident who never comes to Sydney of course does not receive any benefit from the tramway.
1087. Do not country residents, as tax payers, pay their share of the expense of constructing the tramway? No doubt.
1088. Are you aware that this tramway is carried on at a serious loss to the public? I have heard it was.
1089. For whose benefit? For the general benefit.
1090. For the benefit of those persons who do not use the tramway? Not exactly for their benefit.
1091. Is it not exactly for the benefit of those who do use it? Of course it is a benefit to them.
1092. If those who do use it do not pay sufficient to meet the expense of working the tramway, the balance must be paid by some other persons? I suppose so, but they will not pay any more, because they can travel by the ordinary 'buses at the same price.
1093. Then you think it is a benefit to yourself, for instance, to be able to travel as cheap or cheaper than at your own cost? No, I do not travel cheaper, but I can go by the 'buses at the same price.
1094. Why do you prefer the tramway? Because it comes opposite my door.
1095. For general reasons you prefer the tramway car to the ordinary 'bus? Yes.
1096. You do not think you are called upon to pay a sufficient sum to enable the Government to pay the expenses of working the tramway? I cannot answer that question.

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1097.

Mr. R. Wynne. 1097. You are aware that the tramway does not pay the expense incurred in working it?
I am.

16 Sept., 1862. 1098. Well, then, those who receive the advantages of the tramway do not pay sufficient to enable the Government to pay the expenses? According to the argument of your questions, I receive a certain amount of disadvantage as well as advantages from it, because if it is a disadvantage to other vehicles, I have two vehicles, drays, continually going and drawing to the railway, which experience the inconvenience that has been mentioned.

1099. I was asking with reference to your actual use of the tramway—I understood you to say that you preferred it to ordinary omnibuses—for what reason do you prefer it? It is pleasant riding—it goes smoothly along.

1100. For reasons connected with the pleasant mode of travelling, you think it an advantage to you to travel by it? Yes, and for its punctuality.

1101. And you think it right that the public should have to pay the balance they have to pay, in order that you and other gentlemen may have the pleasure of travelling by this improved mode of conveyance? I think so, finding that the Government does the same thing in other instances which perhaps I do not participate in.

1102. You think the tramway cars a decided improvement as compared with the ordinary omnibuses? Yes.

1103. As travelling more pleasantly, and being more roomy and safe? Yes.

1104. Do you know whether the two omnibus cars placed on the tramway are run on every occasion when the railway train reaches the terminus? They always run.*

1105. Both of them? Yes.

1106. You have never seen one run crowded with passengers, and the other left at the terminus without any? I have seen that in the winter months.

1107. Within the last month, August or September? No, I think not. I know three times as many people travel now as used to do; two ordinary omnibuses used to take all the traffic; and now these cars are chock-a-block in some instances, besides the 'buses in George-street.

1108. Have you observed whether the cars are as full now as they used to be two or three months ago? There has been more traffic lately than at any other time, with the exception of the first month.

1109. You are not aware that during the whole of six months of this year these cars have been travelling at a loss to the public every month? I have heard they were.

1110. If they have been travelling at a loss to the public, who pays the expense? I imagine the country in general.

1111. For whose benefit does the country in general pay the expense? All those who choose to travel by it.

1112. What proportion do you suppose the passengers on this tramway to bear to the general population of the country? I cannot answer that question. I believe everyone in this town travels on the railway occasionally, and you must look on the tramway as part of the railway.

1113. Do you think the passengers by the tramway are in the proportion of one to twenty to the community? I cannot answer that.

1114. *By Mr. Hoskins:* Will not the inference to be drawn from Mr. Piddington's questions apply still more strongly to residents on the Manning, the Clarence, Twofold Bay, Kiama, Shoalhaven, and other places, who have to pay their share towards the expenses of the management of the railways, though they do not participate in the benefit? The people of Kiama do benefit in some degree by the railway.

1115. Have not the people of the Clarence and the Manning to contribute, though they receive no benefit? Yes, they cannot receive any benefit there.

1116. Therefore, the same objection would apply to the railways and other public works, as well as to the tramway? Of course.

1117. Did I understand you to say, you thought the number of passengers on the tramway was increasing? I think so; in fact, I am sure of it.

1118. In the event of your ascertaining that the tramway did not pay its working expenses, and if it was represented that the fares were insufficient, would you object to pay a trifle more? Not at all.

1119. Do you consider the mode of locomotion so much superior to ordinary vehicles that a small increased charge would not be objected to? It would not, I think.

1120. You consider it much safer than the ordinary mode of conveyance? Yes.

1121. In what way? Because the car is low to the ground, and keeps in one straight line, and comes foul of nothing without it is the fault of that it comes in contact with. It is the fault of the people who come in contact with it, because there is always sufficient warning given by the drivers of the tram carriages to warn them off; therefore, I think, that any accidents that take place are not owing to the fault of the tramway carriages.

1122. You think the Government servants employed in connection with these carriages adopt every precaution to prevent accidents? I think they do.

1123. You are a daily traveller by the tramway? Yes.

1124. Have you ever seen any difficulty experienced in stopping the carriages with the breaks? None at all.

1125. Did you ever see any accidents occur through the conductors or persons in charge of the breaks not being able to stop the momentum of the carriages to prevent an accident? No, I have not seen an accident happen in that way.

1126. Can you say, as a matter of fact, being a daily traveller on the tramway, whether there are a larger number of through passengers by the cars or way passengers—passengers
who

* NOTE (on revision):—I understand only one car runs from Circular Quay at 1:40 p. m.

who get in at the different crossings, and alight at other crossings, or railway passengers, who come to and from the railway trains and the northern end of the city? There are very few passengers by the tramway cars who are not also passengers by the railway—very few indeed. I think I know most of these “way” passengers, and could count them; there are not a dozen I should suppose.

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1127. At what hour do you come in, in the morning? I get into Sydney usually a quarter before nine, or sometimes a quarter before ten.

1128. Do you mean to say that nearly all the passengers by the cars at that time are railway passengers? Yes.

1129. Can you say, from what has come under your observation, whether the number of way passengers has increased lately—the number of roadside passengers—persons wishing to travel from the northern to the southern end of the city? I cannot say that.

1130. Have you remarked that they have increased? No; the people I have known to travel by the tramway, as way passengers merely, generally live at Redfern. I know three persons who get out at the Railway Station who live at Redfern, and I have known them to travel by the tramway all the time I have been using it myself.

1131. You have known persons who have patronized the tramway when the cars commenced running, and have continued to do since? Just at that particular time I did not travel by it. I was living in Sydney then; but finding the tramway and the railway convenient, I went out of town to live, for the benefit of my health chiefly.

1132. When you are in the habit of coming in or leaving town by the tramway, is there generally only one car or two cars used? Two generally. Whenever I travel there are always two.

1133. On these occasions, are both tramway cars generally full of passengers? Yes.

1134. Both of them? Both of them. The people are sometimes standing up, holding on; there are not seats enough for them.

1135. How many times a day do the cars pass backwards and forwards, can you say? Six times.

1136. Each way? Yes.

1137. Are both tramway cars used on each occasion;—does one follow the other? I cannot say whether both are used on all occasions. I am not in Sydney the first thing in the morning, by the five o'clock train, but I should think they would not be likely to use two then, or the last thing in the evening.

1138. Have you not frequently remarked, during the day, one car following the other, and neither of them with a complement of passengers? I have seen that sometimes; but the probability is that they have had a full load when they started from the station, and have left the passengers at different points as they came along. I have seen the carriages nearly emptied at one of the streets near that horse-racing place, O'Brien's, when a lot of people—sporting characters—have been coming down.

1139. Then, whenever you have travelled both from the terminus and to the terminus the car has been full? No, not full always, but there has always been a good traffic.

1140. Do you think one car could accommodate all the passengers? No, I think not.

1141. You are of course aware that the expenses of working the tramway would be greatly reduced if one car could accommodate all the passengers;—you are aware that one car will accommodate a hundred persons? Yes, but I am certain one of them could not take all the traffic.

1142. Do you happen to know whether property in Pitt-street has been depreciated in value since the establishment of the tramway? I do not know.

1143. Have you ever seen any land or house property in Pitt-street sold since then? No.

1144. Have you ever heard that property in Pitt-street has been depreciated in value in consequence of the tramway? No. I have heard property is lower everywhere than it used to be.

1145. You have not heard that there has been a greater depreciation in Pitt-street than elsewhere? No.

1146. Do you think if the tramway cars were run more frequently the number of way passengers would be increased—that persons would use the cars to travel from one end of the town to the other? If it was generally known, I think they would; but I think that a great many people believe now that they are not allowed to travel on it except to the railway.

1147. Have you heard that stated? No, but I have got that impression. I think that if the cars were to run oftener through the day, with the same punctuality as at present, they would get a good many passengers.

1148. If the tramway were leased to a private person, who would of course necessarily endeavour to consult the interests of passengers, do you think it would be more likely to be remunerative than when in the hands of the Government? I am sure of it.

1149. With reference to the accidents to which you have referred, would not the kind of accidents you have alluded to occur to persons who were carelessly driving through some of the cross streets which intersect Pitt-street, even with other vehicles besides the tramway cars—the ordinary omnibuses for instance? Yes, just the same.

1150. Have you ever seen any accident specially attributable to the peculiar system of locomotion by tramway? No.

1151. Can you say, of your own knowledge, whether the proprietors of property in Pitt-street have suffered, in a business point of view, in consequence of the establishment of this tramway? I do not think they have.

1152. You do not think the number of wayfarers—passengers along the street—has diminished? The number of foot passengers has increased if anything; in fact, people come

Mr. R. Wynne. out of the other streets into Pitt-street now; you can see them running out of George-street to catch the tramway car.

- 16 Sept., 1862. 1153. You have remarked that? Yes; that is why I think that if a tramway carriage was to run all day it would get a great many passengers, because the buses go with such irregularity, and crawl along the streets so slowly, that people do not like to get up in them, especially if they are in a hurry. Another reason is, that they have to pay sixpence when they can ride on the tramway for threepence.
1154. Do you think there would be any objection on the part of the public who use the tramway to pay fourpence? No, that was what we used to pay in the railway omnibuses before the tramway was started.
1155. Have you ever seen tramways in any other part of the world? I have not.
1156. Do you think that if this tramway was adapted for the transmission of goods, the trucks would be largely patronized? Yes, and it would be more likely to pay then.
1157. Would you patronize it yourself? Yes.
1158. What business have you, may I ask? I import building materials—slates, cement, galvanized iron, sheet lead, paving stones, and so on.
1159. This tramway would be a much better way of transporting goods from one end of the city to the other than by drays? Not unless they were going by the railway.
1160. Is there a large quantity of goods—building materials and other heavy goods—sent to the different stations along the railway line? Yes, people are continually building on the line.
1161. Have you ever remarked the increased load a horse will draw on the tramway compared with what he will draw on an ordinary road? No, I cannot answer as to that.
1162. Without making any calculation, you must have remarked the much larger load a horse can draw on the tramway cars than on an ordinary vehicle? I dare say a horse will draw four or five tons on a dead level on a tramway, when a ton or a ton and a quarter would be his load in an ordinary vehicle.
1163. And therefore the tramway must be an advantage for the transmission of goods? Yes.

TUESDAY, 23 SEPTEMBER, 1862.

Present:—

MR. CALDWELL,
MR. DALGLEISH,

MR. HOSKINS,
MR. PIDDINGTON.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Samuel Hebblewhite called in and examined:—

- Mr. Samuel Hebblewhite. 1164. *By the Chairman:* You have a place of business in Pitt-street? I have.
1165. And have had for some considerable period? For five or six years.
1166. I believe you were originally one of the petitioners to have the Pitt-street Tramway constructed? I was.
- 23 Sept., 1862. 1167. From your experience since, do you think it has answered the desired purpose? For a short time after its construction it did not answer my expectations, on account of the very imperfect way in which it was laid down, and the bad state it was kept in; in fact, it was not properly finished for some time.
1168. Do you think it is in a proper state now? My opinion is that they will never be able to make what I would call a good job of the present tramway without pitching it in the centre.
1169. Do you think it is an obstruction to the ordinary traffic of the street? No, I do not.
1170. Not at all? ———
1171. If it was, do you think that by paving the inside—the horse-track—and laying a course of stone on the outside of the rail ———? It would not require it outside the rail. I think a course of pitch paving on the inside would render it everything that is desired.
1172. Do you not think that it is too high—that if it had been laid two or three inches lower it would have been much better? If the street had been originally reduced six inches in the centre, so as to have made it nearly flat, it would have been better than it is now.
1173. Then you think the only objection to the present tramway is the mode in which it has been constructed? That objection has been obviated a great deal by the good repair in which it has recently been put.
1174. You have some freehold property in Pitt-street? I had, but I have sold it.
1175. Do you think property in Pitt-street has been depreciated in value in consequence of this tramway? No.
1176. Do you think property in Pitt-street has depreciated in value more than in other parts of the city? I do not think it has, from sales I have noticed.
1177. You are still of the same opinion as when you petitioned for the construction of the tramway, that it is a general benefit to the public? Yes, I am fully of opinion that it is one of the best things that could be done in the absence of a central terminus for the railway. That has always been my opinion. I was always in favour of a more central terminus.
1178. Then you would regret to see the tramway removed? I would, very much indeed; and I speak the opinion of a great many of my neighbours with whom I have consulted. I may state that I have been requested by a great many of the former petitioners to get up a petition in favour of its remaining.

1179.

1179. Have you declined to do so? I do not think the time has come yet. If the time comes when I think it is seriously intended to remove it, I shall use all my endeavours to get up a petition; but I do not think the Government will be so foolish as to take it up, or the Assembly so foolish as to recommend it.
1180. Do you think a majority of the people in Pitt-street, men of business, are in favour of the continuance of the present tramway? I do. The majority signed the petition for it formerly, and the majority would sign a similar petition again.
1181. *By Mr. Piddington*: Have you observed the number of passengers that use the tramway? Yes.
1182. During the whole period since it has been in operation? Yes, with the exception of a little time that I have been out of town.
1183. Do you think the number has increased or decreased since the beginning of the year? I think it is slightly on the increase, judging from appearances.
1184. Are you aware whether the tramway has been conducted at a loss to the public, independent of all payment of interest, during the whole of this year? I am not aware of it. I have been given to understand, by some of the railway people, that it is paying.
1185. You are not aware, then, that it has been conducted at a loss to the public, without reference to payment of interest on the cost of construction. I was not aware of it.
1186. Do you think a partial benefit ought to be purchased at the cost of daily loss to the public, such as I describe? I do not think it is a partial benefit; it is a public benefit. Both the benefit and the receipts could be very much increased if it were used for the carriage of goods as well as passengers, as was originally intended; but they have never brought any goods upon it yet.
1187. If the public do not use the tramway to the extent of paying its expenses, how can it be called a public benefit? You may say just the same of all turnpike roads; they do not pay their expenses.
1188. This is not a turnpike road, but a special improvement—a special public work? I have always looked upon it as a benefit to the general railway lines of the Colony—as an addition to the line of railway. I myself never expected that it would repay its cost, and I do not think the Government ever expected it would do so.
1189. I am not speaking of paying interest on the money borrowed, but of the working expenses? I should be very glad to take it to-morrow and work it; I know I could make it pay.
1190. You appeared to think it did pay as it stood? I think it does pay. It either does pay, or ought to pay.
1191. It is a mistake, it does not pay? We all know very well that the Government do not offer those facilities to the public that a private set of persons would do.
1192. Does not this tramway work in connection with the railway? Yes.
1193. Was it not constructed in order to work in connection with the railway trains? Yes.
1194. What more can be done than to work it in connection with the railway trains according to the Act under which it is constructed? I do not know that the Act authorizing its construction restricts it to that alone. I thought it was to work up and down the street.
1195. If it does work in connection with the railway trains, what more can be done, as far as the passenger cars are concerned, than is done? It is a thing I have never gone into, not intending to be one of the lessees.
1196. If it be a fact, as given in evidence here, that the tramway has been carried on at a loss to the public ever since it has been opened, with the exception of the first month, do you think the public use it to such an extent as to make it properly a public benefit? I certainly do.
1197. Then you would be content to see it remain if only one passenger a day used it? No, that is another thing altogether.
1198. To what amount of loss do you think the public ought to submit? You are putting questions to me that would require that I should go into figures to answer them. But I may say, that I consider this matter is so great a convenience to the public, that we are warranted in keeping it down even at a loss.
1199. To what extent of loss do you think the public ought to submit, without respect to the payment of interest? There is one thing to be borne in mind, that this tramway cost as much more in laying it down as it had any business to do. It was put down in the most expensive way it could possibly be, with no particular benefit to be derived from the outlay. To bring the matter to a point, I would say, that if the Government were losing even 50 per cent. by it, I think it should be continued.
1200. If the public lose one-half of the cost of working this tramway, you still think it ought to be kept down? Yes, I do; at the same time I am satisfied they have no business to lose so much.
1201. If they lost 75 per cent. do you think it ought to remain down? I should begin to look into the working expenses. I should say it would be a rascally bad concern if it would not pay more than that.
1202. Do you think that if the public were to lose three-fourths, or 75 per cent.; out of every £100 of the cost of maintaining and working this tramway, it still ought to remain down? I should certainly be of a different opinion then.
1203. Then a difference of 25 per cent. would cause you to alter your opinion? Yes; but I should say, from the hundreds of persons using it, that there must be something very wrong if it is losing even 25 per cent.
1204. Do you keep a retail establishment in Pitt-street? Wholesale and retail.
1205. Chiefly wholesale or chiefly retail? Chiefly wholesale.

Mr. Samuel
Hebblewhite.

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- Mr. Samuel Hebblewhite.
23 Sept., 1862.
1206. Then the effect of an obstruction in Pitt-street would not much injure your trade? Decidedly it would. I have often several drays standing at my door.
1207. Is your trade of such a nature as to be injured in the same proportion as a draper's, haberdasher's, or grocer's? I sometimes have carriages with ladies in them at my door, and they stand as old fashioned now as before the tramway was laid down.
1208. What is the width of the street opposite your establishment? I think thirty-five or thirty-six feet between the kerbs.
1209. As wide as most portions of the street? About the average width; some portions are wider and some narrower.
1210. *By Mr. Hoskins*: I suppose you have not sustained any perceptible diminution in your business since the tramway was laid down? I believe my business has increased since; my returns have increased considerably.
1211. Have you heard from any other residents or storekeepers in Pitt-street, that they have sustained any perceptible diminution in their business since the tramway has been laid down? I have never heard anything definite. I have heard rumours of people saying that ladies have been driven out of the street by it, but not from the parties interested themselves. Several of the persons who signed the petition before are drapers, and they are anxious the tramway should remain down.
1212. The drapers are? Some of them. I have very little doubt I could get nearly the whole of them to sign again.
1213. If the tramway, as has been represented by some persons, was an obstruction to the traffic in Pitt-street, and also considered a dangerous obstacle to carriages conveying females, the retail shopkeepers would be more affected than any other class of persons? Yes, they are the persons most affected by anything in that way, because the carriages are generally standing at the door while the ladies are making their purchases inside.
1214. And you have heard some of those persons state that they wish the tramway to remain? Yes, I have; one in particular, who lives close to me. I think they are rather anxious to be summoned here to give evidence.
1215. Do you think the number of persons traversing Pitt-street has increased since the tramway has been laid down? At the very first it was quite a new thing, and many persons, through the novelty, used it; and since then there may have been some falling off; but I think now that the really permanent customers to the affair are increasing. I know several persons who are going to live out on the line of railway, on account of the convenience afforded by the tramway for reaching their places of business without the intervention of the omnibuses.
1216. Do you consider the ordinary passengers through Pitt-street, not by the tramway cars, have diminished in number since the tramway has been laid down? I do not think there are quite so many carriages in the street. I attribute that in a great measure to the alarm that has been spread by letters in the papers, and by several influential parties who have always been opposed to it.
1217. Have you seen any accidents occurring to horses and vehicles crossing the Pitt-street Tramway? No. I was on the tramway one day when an accident happened to a person who jumped from the car.
1218. Are not the facilities for alighting from the tramway cars much superior to the facilities for alighting from the ordinary omnibuses? Very much. This accident occurred through the rashness of the man himself; he was drunk, and wanted to get down between two streets; the men in the car tried to stop him, but he struck out and jumped right off, fell on his back, and lay senseless for a couple of hours. The carriage was at full speed.
1219. Have you ever seen any difficulty in stopping the cars? No.
1220. Have you ever seen any damage done to vehicles in crossing the tramway, unavoidable damage from the obstruction presented by the rail? I have never seen any immediate damage. I have heard persons say it had taken tires off wheels; but that was at first, before it was properly raised in the middle. It has stopped a very great nuisance—furious driving in the street; persons are obliged now to drive rationally and reasonably.
1221. You have never seen any inconvenience occur to a careful driver? No, not since the tramway has been in good repair.
1222. Have you seen horse tramways in use in other places? I have seen them in England forty years ago.
1223. Where, and for what purpose? This is not a tramway in reality. I have seen what was properly called a tramway, around the docks in the town of Hull.
1224. Have you never seen a tramway used for the transmission of passengers? Never.
1225. I presume you are aware that tramways are in use for that purpose in the large towns of America? Yes, I have heard they are.
1226. Have you ever heard that the per centage of accidents is less on tramways in America than the per centage of accidents occurring to the same number of persons in ordinary vehicles? From inquiries I have made from Americans who come to my establishment, the per centage of accidents is considerably lower; in fact, accidents are of very rare occurrence.
1227. You are in the habit of conversing with intelligent Americans? I am.
1228. Have you ever heard them making any remarks in reference to the Pitt-street Tramway? Yes, a good many have done so.
1229. Do they approve of the way in which it has been laid down, or have they complained of the defective construction or inadaptability of the rails? They say the rails are of very improper construction, and that if they were of a proper description, such as are used in the United States, they would afford no obstruction at all.
1230. Did they describe the kind of rail? The rail they have described to me is much like
like

like the ordinary rail laid on the line of railway. It is thoroughly bedded in the soil, and nothing appears but a slight rim just above the ground.

Mr. Samuel
Hebblewhite.

1231. Have you never heard that horse tramways in America have rails like flat bars of iron spiked on to wide longitudinal wooden sleepers, the bar of iron not rising more than about an inch above the surface of the ground? No, the rails have been described to me as much like ordinary rails.

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1232. However, the Americans with whom you have conversed have generally stated that the rails used there are not of the description laid down in Pitt-street? Decidedly; and that the rail we have is not at all suitable; they say it is one of the worst that could be laid down.

1233. Are you in the habit of travelling by the tramway cars? Whenever I can.

1234. Do you consider it an improved system of locomotion as compared with the ordinary 'buses? I do most assuredly. There is as great a difference as between the old stage coach and a railway.

1235. Do not the cars travel much more rapidly than ordinary vehicles? They run with greater regularity, and I think quicker, because there is none of that trailing along the road to get passengers as they go along, which is so annoying to a passenger in an ordinary omnibus.

1236. Are there not many way passengers who take the car at one street and alight at some other, without going right through by the railway line? There are a few.

1237. Are there very few way passengers? Of course the great majority are railway passengers.

1238. Can you ascribe any cause for the paucity of way passengers, seeing that the omnibuses traversing a parallel line of road have to depend entirely on way passengers? Because these cars run so very seldom—only just on the arrival and departure of the railway trains. If they were running every quarter of an hour they would soon eclipse the George-street 'buses altogether.

1239. Then I should infer, from your evidence, that in your opinion, if the Pitt-street Tramway is not a paying concern, the reason is that the interests of the travelling public are not considered? That is precisely my idea.

1240. Do you think that, in the hands of private persons, it would be a lucrative concern? I do. A private Company would run it at a much cheaper rate than the Government. The Government pay double or treble for everything they get done.

1241. Do you know the rate the Government pay the contractors for drawing these cars? No; but, as a general rule, we know the Government do pay more for everything than private persons.

1242. In answer to a question from Mr. Piddington, you stated that if you had the tramway you would undertake to make it pay? If I was to lay myself out for it I would.

1243. Do you think that any person knowing the traffic in Pitt-street, and the number of persons who traverse from the northern to the southern end of the city, might venture—or that you yourself, if you had given the matter any consideration, would venture—to give the Government any interest on the money sunk in the construction of the tramway? I do. I think there would be no difficulty in getting the interest.

1244. Do you think that if it was managed by private individuals—who of course would look to the public custom to indemnify them for the expenses of working and a return for their outlay—they might safely calculate on being able to pay a fair amount of interest on the cost of construction? I think so. I think it would be a very poor concern indeed if it would not.

1245. You are not prepared to say what rate of interest could be given? I am not.

1246. You were asked what per centage of loss you think the Government would be warranted in incurring for the sake of benefiting the public, or a portion of the public, by retaining the Pitt-street Tramway as a medium of communication;—now you are aware, I presume, that the railways have not paid their working expenses? I am.

1247. You must be also aware that railways are very little, if any, benefit to the residents of the Manning, the Richmond, the Clarence, Kiama, Twofold Bay, and other places, and therefore are only a benefit to a certain portion of the public;—now what amount of loss do you think the Government would be warranted in incurring in constructing and working railroads, if those railroads only benefit a portion of the public? I am satisfied of one thing, that even if there was a loss of 75 per cent. on the working expenses of railways, you could not shut them up, they are so vital to the interests of the community; and I think that if you shut up this tramway, you will find your mistake out very soon. Railways may now be said to be part and parcel of the constitution of the country; and though I consider that the Government have no business to work railways at all, I think that having done so, even if they should lose 75 per cent. of the working expenses, they could not shut them up.

1248. On account of their being a national benefit? Just so. I look on this tramway as conferring benefits equally great, so far as it goes. I go the whole figure for tramways; I would have one in every street of the city, and so do away with the nuisance of omnibuses—one of the greatest nuisances in the city. Three-fourths of the blackguardism of the streets proceeds from 'bus boys and drivers.

1249. *By Mr. Caldwell:* Do you mean to say you would make the tramway in Pitt-street pay under any circumstances, if confined only to passengers? I would have passengers and goods too; I would take everything on the line that could possibly be conveyed upon it.

1250. Would you carry goods on the line as it is now? I would, as was originally intended.

1251. Is it constructed as was originally intended? It is not constructed as I expected it would be.

- Mr. Samuel Hebblewhite,
23 Sept., 1862.
1252. As it now stands, is it fit for goods traffic? I consider it is. A couple of horses could draw about ten tons on it.
1253. Have you ever known two horses draw five tons on it? I do not think they have ever attempted it. I have seen in England, on a proper tramway, two horses run away with ten tons of goods.
1254. Are you aware that an attempt has been made to bring goods along this tramway? I am aware they have brought some of those seven or eight ton trucks on it.
1255. What quantity of goods was on them? I do not know. But if you have not proper appliances, there is no use in calling a thing a trial.
1256. What mode would you suggest in order to make it pay? I should have all the railway material which is landed at private wharves landed at the Circular Quay; and there can be no difficulty in taking fifteen or twenty tons on proper trucks, because from the Circular Quay down to the terminus it is principally down hill.
1257. What quantity of goods do you think four horses would bring along that tramway now to the present railway station? It is a thing I never tried; but I should have no hesitation myself, if I were going to make the experiment, in putting ten tons behind two horses from the Circular Quay to the railway station. It is very different the other way.
1258. And you would expect two horses to bring ten tons to the railway station? I would; and I would lay a wager of £10 I would have it done, too.
1259. Supposing the tramway was confined to passengers alone, do you think it would pay under any circumstances? In private hands I am satisfied it would pay considerably better than it is paying now.
1260. Have you found any inconvenience arising from the rail being laid in Pitt-street? I have heard of many fancied inconveniences, but I never knew a case in which the fault was applicable solely to the tramway.
1261. Have you yourself driven along Pitt-street? Yes.
1262. Have you found any inconvenience in doing so? When there was a gutter several inches in width alongside the rail I did; but wherever the road has been kept in a proper state I am not aware that there has been any real inconvenience.
1263. The inconvenience, you think, has been done away? Yes, in great measure.
1264. In what way? By the road being better filled in the centre.
1265. Has the space where the flange of the wheel runs been filled up? I consider that will never be perfect for traffic without pitch paving, and then there would not be a groove of more than an inch and a half wide, which no wheel could get into.
1266. I suppose you have observed that wheels run now alongside the rail? They do; that is the only inconvenience that arises from it, and could be obviated by pitch paving. I consider that pitch paving the centre would make it perfect.
1267. Do you not consider that there is some danger to passengers driving along the street at present? If they drive like ordinary sober people there is no danger. As I noticed before, we have got rid of the nuisance of furious driving in Pitt-street, on account of the tramway. I saw a butcher's cart pulled up by it one day, when going at a rapid rate.
1268. In what way? It took the tire off his wheel. It is notorious that the butchers' carts are a nuisance all over the city.
1269. By Mr. Dalgleish: You gave evidence, I think, before the former Committee on the Pitt-street Tramway? I did.
1270. Your opinions at that time were, that it would be a very valuable work for the country? Yes.
1271. Have you had any reason to change your opinion on that subject? The present tramway, as I have said before, has not come up to my expectations, in the way in which it is laid down, either as to expense or utility.
1272. Is it the same description of tramway you were led to believe would be laid down? Not exactly.
1273. Does it differ on any material points? I have already given evidence as to the sort of rail I would have had laid down; perhaps you do not want me to repeat what I have said before.
1274. Is it the description of rail you anticipated would be laid down? No; it is not the description of rail that was generally anticipated would be laid down.
1275. Was it anticipated that this line would be available for goods carriage? Yes.
1276. Has it been so? No.
1277. Are you aware of anything to prevent its being used for that purpose? No.
1278. Are you aware whether the Pitt-street Tramway at present pays its working expenses and maintenance? I was not aware of it, but I have been told to-day it does not pay.
1279. I think you stated, that if it was in the hands of private persons it might pay? I have already said that I am satisfied it would.
1280. Then you infer that the line at present is not properly managed? It is managed in about the same way that all Government affairs are. That is my honest opinion with respect to Government works generally. What with political influence, and one thing or other, we get a lot of bad servants and pay them high salaries.
1281. In your opinion, then, it is in consequence of bad management that the Pitt-street Tramway does not pay? That is my opinion.
1282. Have you any private vehicles, carts or drays, for taking heavy weights? None that I use in Sydney.
1283. Have you any experience of cartage in the city? Yes, a good deal.
1284. What is the heaviest weight that one horse could take up Pitt-street on the steep inclines, from say the Haymarket to Goulburn-street? I have had a ton brought up from the various wharves, for instance, Botts' wharf.

1285. That is much steeper? Yes.
1286. You have not had any cartage of goods in common drays up the same inclines as the Pitt-street Tramway? No.
1287. In what way would you suppose the Pitt-street Tramway would pay better, were it in the hands of private individuals—by raising the fares? No, by offering greater facilities—running oftener.
1288. Is the accommodation sufficient for the passenger traffic to and from the railway, more especially from the railway? From the railway I think the carriage is generally pretty well filled.
1289. Is it usual to have both carriages running on the line? Generally.
1290. Have you seen occasions when there was only one carriage run? Yes.
1291. Have you any means of knowing whether passengers were left behind from want of accommodation on these occasions? No, but the carriage appeared to me to be inconveniently crowded.
1292. You have seen it more than conveniently full? Yes; all the sitting room occupied, and persons standing in the middle—thoroughly filled.
1293. And at the same time only one carriage running? Yes; that was when there was only one carriage running, and there was a great outcry for more accommodation.
1294. It might be reasonably inferred that there were passengers who could not find accommodation, though you have not heard that any were left behind? I had not the means of knowing.
1295. Has property been much injured in Pitt-street in consequence of the laying down of the tramway? I do not think it has been more depreciated in value than property in other streets; there has been a general fall.
1296. Supposing the tramway cars were run more frequently, once an hour for instance, do you think it would be any detriment to the ordinary traffic of the street? I do not think it would.
1297. Was there any anticipation on the part of the inhabitants that goods depôts, in connection with this tramway, would be established in different parts of the city? It was my impression that there would.
1298. In order to facilitate the transfer of goods from the city to the railway? Yes.
1299. That has not been carried out? No.
1300. Were there any other public advantages anticipated from the construction of the line, which have not been carried out? The only facility that has been kept back that occurs to me, is their not taking goods. If they did so, both to and from the railway, I think it would add very much to the revenue of the line.
1301. Bathurst-street, I think, is the last street to the south at which the cars stop? Yes.
1302. Would there be any difficulty in stopping at Liverpool-street? It is rather steep there, but I have seen them stop there; when they first started I think they used to stop there.
1303. The junction of Liverpool-street and Pitt-street would be a very important station, if the carriages were stopped there? Well, I do not know; it is so near the line. But I do not see why they should not stop there.
1304. If passengers were going to the railway, a quarter of an hour's walk would be a great object, would it not? Yes, no doubt.
1305. Liverpool-street would be the nearest point for all passengers from the South Head Road and that direction? When they did stop there, I never saw any difficulty in stopping; they always had full control and command of the carriages at all times by the breaks.
1306. You know of no other inconveniences that have arisen from the construction of the tramway? No, except what I have given evidence of here to-day.
1307. And of no accidents, except the one to the butcher's cart? There have been other accidents, I believe, but that was one I happened to see, and it certainly was not the fault of the tramway.

Mr. Samuel
Hebblewhite.

23 Sept., 1862.

John Rae, Esq., Commissioner for Railways, called in and further examined:—

1308. *By the Chairman:* You were requested to attend to-day and bring some further returns respecting the Pitt-street Tramway, in continuation of returns already laid before the Committee;—have you those returns? I have a return for the month of August, from the 1st to the 31st, which I beg to hand in. (*Vide Appendix A.*)
1309. *By Mr. Piddington:* Does this include the maintenance of way? Yes, everything.
1310. In accordance with the former return up to the end of July? Yes, the same particulars.
1311. Have you any objection to furnish the Committee with the specifications and conditions with reference to the leasing of the tramway? Not the slightest, with the sanction of the Minister, of course. I do not believe there will be the slightest objection. (*Copy of conditions handed in. Vide Appendix B.*)

John Rae,
Esq.

23 Sept., 1862.

John Rae,
Esq.

23 Sept., 1862.

APPENDIX.

A.

Dr.		PITT-STREET TRAMWAY.		Cr.	
1862.		£	s. d.	1862.	£ s. d.
Aug. 1-31.	To cash paid wages ..			Aug. 1-31.	By receipts
	B No. 1, carriage repairs	4	9 0		116 18 9
	C No. 2, repairs permanent way		5 12 0		Balance carried down
	C No. 4, ballasting	23	12 0		45 5 9
	D No. 1, conductors ..	31	3 0		
	D No. 5, horse hire	96	18 0		
	D No. 12, repairing lamps		0 10 6		
		162	4 6		162 4 6
Sept 1 ..	To balance	45	5 9		

E. & O. E.
Sydney, 18 September, 1862.

R. C. WALKER.

B.

CONDITIONS for leasing the Tramway, extending from the Railway Station, Redfern, to the Circular Quay.

The Government is prepared to lease the tramway and cars appertaining thereto, together with the stables erected in the station yard.

Tenders will be at liberty to offer for the above with or without maintenance of permanent way.

The terms of lease will be for one year, terminable on three (3) months' notice by the Commissioner or the contractor.

Tender to state a fixed sum per annum, payable by monthly instalments, in advance.

Tenders must be addressed to the "Commissioner for Railways," by whom the lease will be granted.

The lessee will be required to keep the cars in proper repair, subject to the inspection of the officer appointed by Government for that duty.

Should the permanent way be taken by the lessee, it must be maintained in good condition to the satisfaction of the officer appointed for this duty.

The lessee must run cars in conjunction with the arrival and departure of all advertised railway trains, and may run them at such other times as may be approved by the Government.

Should the lessee fail to maintain the cars, permanent way, or other property taken under this lease, in a proper and efficient manner, and to the satisfaction of the officer appointed for the purpose, the Commissioner shall have full power, on giving twenty-four hours' notice to the lessee, to make such repairs as may be considered by such officer requisite, and the cost of such repairs shall be recovered from the lessee or his sureties.

The lessee will be liable in every legal respect as owner of the tramway during the period of the lease.

The lessee will be required to give approved security for performance of contract to the amount of £300.

The maximum rate for passengers will be (6d.) sixpence for any distance, each trip.

The maximum rate for goods 2s. 6d. per ton either way: but it must be distinctly understood that the goods traffic will be subject to arrangement for the use of trucks in the event of a tender being accepted for leasing the railway.

In the event of acceptance of any tender made in pursuance of this advertisement, a contract embodying the above stipulations will be prepared for execution.

WEDNESDAY, 1 OCTOBER, 1862.

Present:—

MR. ARNOLD,

MR. HOSKINS.

WILLIAM FORSTER, ESQ., IN THE CHAIR.

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

J. Whitton,
Esq.

1 Oct., 1862.

1312. *By the Chairman:* You have always, I believe, expressed an opinion against putting down a tramway in Pitt-street? Yes, I think I have generally done so.

1313. But when once it was determined to lay down that tramway, the superintendence of the work was placed in your hands? It was.

1314. I think you have stated in evidence, that complaints have been made about this tramway by different people? Yes.

1315. On what grounds? In consequence of the narrowness of the street, and on account of the rails projecting above the roadway.

1316. What was the ground of your objection in the first instance? The narrowness of the street.

1317. You have no general objection to a tramway through the streets of a city like this? No, provided the street be sufficiently wide to admit of a tramway that would not interfere with the ordinary traffic.

1318. It would then be impossible to obviate your objection to this tramway without knocking down the houses, and thus widening the street? I have no further objection to it than the

J. Whitton, Esq.
1 Oct., 1862.

- the one I have stated. I was asked my opinion as to the propriety of carrying this tramway down Pitt-street, and I stated that I thought the street too narrow; but if the public have no objection on that ground I have none.
1319. Then, on balancing the advantages and disadvantages, do you think it is advisable to retain it? The disadvantages I am not personally aware of, and I think it is a great convenience to railway passengers and the public.
1320. And the inconveniences are to the owners of property in that street? Yes; but the owners of property originally were the very first to insist upon the line being laid down in that street.
1321. But they are now opposed to it? I do not see any complaints from them in the newspapers, and I have heard none of them make objection to it.
1322. Does it strike you that there are public inconveniences that can be placed against the conveniences to railway passengers? The inconveniences I have heard of are, that in consequence of the projecting flange of the rail, ordinary vehicles coming in contact frequently have their axles twisted; but this might, to a great extent, be obviated by pitching the sides with granite or blue stone.
1323. Then the rail would be level with the street? The only projection would be to the extent of five-eighths of an inch.
1324. Then, by levelling the rail with the street in that way, you get rid of that objection? Yes, with the exception of the groove inside the rail.
1325. Then you would not say, that whilst this inconvenience could be easily met, it would form a reasonable ground for taking up the tramway? I should say not.
1326. Has it not occurred to you that there is an objection to it as regards foot passengers? No, I do not know of any such objection.
1327. Are you not aware of the fact, that that street is more muddy than any other—that on the slightest shower you cannot pass it without going through much mud? It may be so; perhaps the Corporation have paid less attention to it in consequence of the tramway running down that street.
1328. Do you ever pass that street on foot? Yes.
1329. Did you notice it this morning? I have not crossed it this morning.
1330. As a general rule, would you not suppose the tramway must make a street muddy, from the tendency of the rails so laid to collect water, being above the level of the street? That would be obviated, to a great extent, by pitching it.
1331. But not altogether? No; there must be a small groove for the water to pass down.
1332. Have you never heard the muddiness of this street complained of? No, except on the last occasion when I was in attendance at this Committee.
1333. Supposing this improvement of levelling and pitching that you speak of were carried out, would it not be open to this objection, that stones and mud would be continually getting on the rails? The only objection would be, that stones might get in between the pitching and the rail.
1334. If you had the line level with the street, would it not be always subject to have dirt and other substances falling upon it? It would be scarcely level, as the rail has a flange projecting above the level of the street.
1335. The flange of the rail would be above the level of the street on one side, and level with it on the other? Yes.
1336. The rail would be level, but the projecting flange of the rail above the level? Yes, about five-eighths of an inch.
1337. Would it not then hold water? Only in the groove made for the flange of the wheel, and it would soon evaporate.
1338. There would be no remedy except evaporation? No, and absorption.
1339. Then there would always be this annoyance with street tramways or railways of any kind? Yes; but the space in which water would collect would be only an inch and a half wide.
1340. Do you think there would be any improvement in using locomotives instead of horse traction upon this line? No, I do not think it would be any improvement. Locomotives could not run over this line.
1341. Are not locomotives better suited to tramways in towns than horse traction? I think not. Locomotives are not suited to run through towns, unless the line be entirely away from the thoroughfares for public conveyances. If the line were not brought through a public street, and did not come in contact with extensively frequented thoroughfares, no doubt locomotives would be an improvement.
1342. Have the rails been laid down in the best possible way? They have been laid down in accordance with drawings from England.
1343. Are they the best rails for the purpose that could be obtained? I do not know of any better; all are open to the same objection.
1344. Are they perfectly levelled now? No; that arises from the cambering of the timber.
1345. That will require alteration? Yes, until the timber is seasoned.
1346. It was not owing to any fault in the laying down of the line? No, certainly not.
1347. Nor of the rails? No.
1348. Is it true that the rails are placed in a different position to what was intended by the inventor? Yes.
1349. Will you explain? The instructions sent to England in reference to rails for this service were, that they were to be of such form as would admit of trucks travelling over them as well as 'buses; but when they came out it was found that they were not so constructed that ordinary trucks could run over them.
1350. And they could not now run upon them? Yes, they can now, as the rails are laid down differently.

J. Whitton,
Esq.

1 Oct., 1862.

1351. You had them laid down as they are now? I recommended it. The flange of the 'bus wheel runs outside instead of inside the rail. The projecting portion of the rail is turned inside instead of outside.

1352. Do the rails answer the purpose quite as well that way? Quite as well. Had we laid them the other way we could not have used the ordinary trucks upon them.

1353. Have you used the trucks upon them yet? They have been over them.

1354. You intend to use them? Yes.

1355. Upon the whole, you do not recommend that the rails be taken up? I do not. I think the line may be greatly improved by pitching it on the two sides; and I think it would be a great convenience in communicating with the waters of the harbour.

1356. Does it add to the traffic of the Great Southern Railway? I do not know that it does.

1357. Its greatest advantage is as a convenience to railway passengers—is not that the only one? No, the public make use of it between the different streets as well as when proceeding by the railway.

1358. *By Mr. Hoskins:* You do not apprehend any difficulty in working the goods trucks on this tramway if you require it? No.

1359. *By Mr. Arnold:* When you speak of your objection to this tramway originally, do you not mean that you objected to it as compared with some other means you suggested of bringing the railway into town? Yes. I proposed to bring the railway to Hyde Park, and my original objection to this tramway was, that it was in opposition to that proposition.

1360. Do you think some means should be provided for continuing the railway into the more populous parts of the town? I do. I think the Great Southern Railway should be continued to Hyde Park, so as to make the permanent station in Sydney; and as a new station must shortly be erected, it would be unwise to spend a large sum of money at so inconvenient a place as the Redfern Terminus.

1361. Supposing it were thought undesirable to continue the railway into the town—do you know of any better mode of meeting the convenience of passengers by the railway than by means of this tramway? None better than this, for meeting the convenience of passengers.

1362. Do you know of any better mode for goods? No doubt it would be a greater convenience for goods if either the Darling Harbour branch were completed, or some other means adopted for bringing the goods traffic by locomotives to the waters of the harbour.

1363. Can you suggest any more convenient mode of conveying goods from the Circular Quay than by a tramway of this kind? No, I think there are no other better means for conveying traffic between the railway and the Circular Quay.

1364. So far as this tramway can be looked upon as an accessory to the railway, do you not think it a complete success? I consider that it is a great public accommodation to have this tramway, and it is generally preferred to any other means of conveyance between the Circular Quay and the railway.

1365. Have you seen or heard of anything that detracts from the success of the tramway as calculated upon originally? No, nothing in that respect; of course I have heard all sorts of complaints.

1366. Has it not answered the purpose originally in view in all respects? So far as it has been tried; but I think the original intention was to bring the goods traffic to the Circular Quay.

1367. Is there any difficulty now in bringing goods along this line to and from the Circular Quay? No.

1368. I suppose it would be desirable to have a lighter kind of truck for horse traction? Yes, for horse traction, but then in that case there would be the disadvantages and expense of loading and unloading at the railway station, in order to change goods from the one set of trucks to the other.

1369. Then it would be more economical to employ a greater horse power than is now employed, than to submit to the trouble and expense of loading and unloading at the station? Yes.

1370. Would there be any danger in using the heavy railway trucks on the tramway? None whatever.

1371. Not in descending the inclines? Not if sufficient break power were used.

1372. With regard to the inconvenience and danger stated to arise in regard to the ordinary traffic in Pitt-street, from the groove alongside the rail, is not that inconvenience and danger created more by the ruts made by drays and carriages running alongside the tramway, than by any peculiarity in the construction of the tramway itself? It is caused almost entirely by that means.

1373. Is it not the case, that the tramway forming the best part of the street, all the traffic goes along it in preference to any other part of the street? It may be so.

1374. From whatever cause it may arise, such a preference is shown, and the inconvenience and danger spoken of arise from the ruts thus made? Yes, to a great extent, if not altogether.

1375. Have you observed that Pitt-street is more inconvenient to foot passengers, or more muddy than George-street? I have not noticed it, but if it be so it may arise from the Corporation not paying so much attention to Pitt-street, in consequence of the tramway being there. I do not know any other cause for it.

1376. When this idea was first suggested, was it not originally proposed to use the Barlow rail? Yes, I proposed that Barlow rails should be used.

1377. Would not the same inconvenience have arisen from the use of the Barlow rail, or would it not have been aggravated by the use of that rail? I do not know that there would have been much difference.

1378. Would it not have been more difficult to pass with a rut on the side? No, it is precisely the same top—2½ inches in width.

1379.

1379. Would not a rut be made on both sides? A rut may be made on both sides of this rail. J. Whitton, Esq.

1380. You think the Barlow rail would have answered the purpose just as well? I do not know that it would be so convenient; it is not perpendicular at the sides. I suggested it because we had plenty of old rails of that kind in the Colony, and as this was to be only an experiment I thought it would have been best to use them on the line. 1 Oct., 1862.

1381. Which do you think is the best suited more completely to answer the purpose with regard to this tramway? I think the present rail is the best suited.

1382. Do you think the plan and construction, looking to the purpose it was intended to serve, are as perfect as they could be? It is possible that some improvements may be made in it, but nothing of any very great importance; it would have been better if seasoned timber had been used instead of Colonial timber unseasoned.

1383. That is the only improvement you can suggest in the way of construction? I would have had iron pins instead of the wooden ones.

1384. How was it that unseasoned timber was used? In the first instance, I believe seasoned Colonial timber could not be obtained in town within so short a time as was required; that it was difficult to get the timber, seasoned or unseasoned; and as I understand, a resolution was passed in the Assembly in favour of the use of Colonial timber, I ordered it to be used. I have frequently tried to get seasoned timber, either American pine, Memel, or Baltic, but have scarcely ever been successful in getting it in the Colony.

1385. Is not the reason why more use is not made of this tramway for the conveyance of goods, that the nature of the arrangement with the Commercial Agent prevents the goods from being landed at the Circular Quay? That has been the sole reason.

1386. There is no other reason why the goods should not be landed at the Circular Quay, and run along this tramway to the railway? No reason. It would require great care in taking the trucks down the steep inclines near the Haymarket.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COAL TRAMWAY AT WOLLONGONG.
(PETITION.)

*Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Inhabitants of the Town of Wollongong
and its vicinity,—

HUMBLY SHEWETH :—

That the District of Illawarra is known to contain a number of valuable
Coal seams, some of which are, and others about, being worked by Companies, to the great
benefit of the residents of the District generally.

That a Company known as "The Illawarra Coal Company" has been lately formed,
and is laying down a Tramway along the sea shore, on land belonging to the Government.

That the said Company has not obtained an Act of Parliament authorizing such
Tramway, or in any way regulating its construction.

That Parliament having commenced its sitting and no application for a Bill having
been made by the said Company, your Petitioners fear that this Company will become
possessed of exclusive rights, to the prejudice of other Coal Companies.

Your Petitioners therefore pray that the said Company, as well as all others that
may hereafter require Tramways into the town, should be compelled to obtain an Act of
Parliament by which all such Tramways may be thrown open to those who may be willing to
use them on fair and equitable terms.

And your Petitioners will ever pray.

[Here follow 131 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MOUNT PLEASANT TRAMROAD BILL.
(PETITION OF JOHN HUBERT PLUNKETT.)

Received by the Legislative Assembly, 31 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of John Hubert Plunkett,—

HUMBLY SHEWETH:—

That your Petitioner is the proprietor of certain land which contains coal mines; that this land has been leased by him for a term of only ten years, commencing from July, 1861.

That he has learned with surprise that evidence has been given before a Select Committee of your Honorable House, to whom the Bill "to authorize the completion of a Tramroad from Mount Pleasant Coal Mines to Wollongong Harbour" was referred, to the effect "that James and William Byrnes, of Sydney, Merchants, are the owners of the Mount Pleasant Coal Mines;" and your Petitioner further observes, that in the preamble of the said Bill the recital is to that effect.

That your Petitioner has endeavoured to obtain a view of the plan shown to the said Select Committee, but without effect, although he applied to the Clerk of your Honorable House, and also to the Solicitor of the Promoters.

That your Petitioner, in the absence of the plan, has reason to believe that the coal mines in question are on the land so leased by him, and that the said James and William Byrnes are only the assignees of his lessee.

Your Petitioner respectfully urges upon your Honorable House that his rights should be protected by the Bill in question, and that the said Bill ought not to be passed in its present shape.

That its recital should be altered according to the real facts, that the owners of adjoining mines should be entitled to use the intended tramroad throughout, that is, from the mines, because the point at which that right purports to be given by the Bill is upwards of two miles from the coal mines, and would be delusive and useless.

That your Petitioner's property would be much deteriorated in value, and would be of no avail either to himself or the public at the expiration of the said lease, if he had not the right to use the said tramway throughout, on the usual equitable conditions.

Your Petitioner prays your Honorable House to extend to him the same rights and privileges which have been secured to the proprietors and owners of the Mount Keera Coal Mines, from which a tramroad was authorized, by an Act passed in the year 1860, entitled "*An Act to authorize the completion of a Tramroad from the Mount Keera Coal Mines to Wollongong Harbour.*"

And your Petitioner will ever pray.

JOHN H. PLUNKETT.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

MOUNT PLEASANT TRAMROAD BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

17 October, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 8d.]

636—A

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 77. TUESDAY, 7 OCTOBER, 1862.

10. Mount Pleasant Tramroad Bill :—Mr. Faucett moved pursuant to notice,—
- (1.) That the Mount Pleasant Tramroad Bill be referred to a Select Committee for consideration and report; the Committee to have power to send for persons and papers.
- (2.) That such Committee consist of the following Members, viz., Mr. Robertson, Mr. Piddington, Mr. Hay, Mr. Burns, Mr. Smart, Mr. Lucas, Mr. Dickson, Mr. Leary, Mr. Suttor, and the Mover.
- And Mr. Garrett demanding that the said Committee be appointed by Ballot,—
- Question,—That the Mount Pleasant Tramroad Bill be referred to a Select Committee for consideration and report; the Committee to have power to send for persons and papers,—put and passed.
- Whereupon, the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Faucett, Mr. Hay, Mr. Piddington, Mr. Dickson, Mr. Leary, Mr. Lucas, Mr. Smart, Mr. Robertson, Mr. Arnold, and Mr. Garrett.

VOTES, No. 84. FRIDAY, 17 OCTOBER, 1862.

6. Mount Pleasant Tramroad Bill :—Mr. Faucett, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred, on 7th October, for consideration and report.
- Ordered to be printed.
- * * * * *

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1862.

MOUNT PLEASANT TRAMROAD BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 7th instant, the "*Mount Pleasant Tramroad Bill*," beg leave to report to your Honorable House,—

That they have examined one of the Promoters of the Bill,* the Engineer-in-Chief for Railways,† and the Engineer-in-Chief for Harbours and Rivers,‡ (whose respective evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by the evidence of those gentlemen, they proceeded to consider the enacting part of the Bill, in which they deemed it necessary to make certain amendments,§ and to introduce two new clauses.¶

* Mr. J. Byrnes.

† Mr. J. Whitton,
C.E.‡ Mr. E. O. Moriarty,
C.E.¶ *Vide Schedule.*

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

P. FAUCETT,
Chairman.

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

Amendment proposed (*Mr. Lucas*),—That the word "two," in line 3, be omitted, with the view of inserting in its place the word "three."

Question,—That the word proposed to be omitted stand part of the Clause,—*negatived*.

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

Further amendment proposed (*Mr. Lucas*),—That after the word "mile," in the 3rd line, the following words be inserted, "or for any fraction of a mile."

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

Further amendment proposed (*Mr. Lucas*),—That the following words be added at the end of the Clause, "and all such trucks or waggons when emptied shall be conveyed on their return free of cost."

Question,—That the words proposed to be added be so added,—*agreed to*.

Words added.

Clause, as amended, agreed to.

Clauses 4, 5, 6, 7, 8, 9, and 10 severally read and agreed to without amendment.

New Clause read, viz. :—

9. It shall be lawful for the Governor with the advice of the Executive Council at any time after the completion of the Tramway authorised by this Act to be made to purchase the same with the appurtenances in the name and on behalf of Her Majesty upon giving to the promoters six months notice in writing of the intention to do so and on payment to them of a sum equal to the whole sum expended in completing the said Tramway by this Act authorised to be made and its appurtenances with a premium thereon at ten per cent. reserving nevertheless to the said promoters their heirs and assigns the use of the said Tramway or any other Tram or Rail way laid down in place thereof for the transit of coal from the said mine to the harbour at Wollongong on such reasonable conditions as to the Secretary for Works for the time being may seem fit.

Motion made and *Question*,—That this clause stand clause 9 of the Bill—*agreed to*.

Another new clause read, viz. :—

10. The said promoters shall within six months after the completion of the Tramway authorized by this Act to be made file in the office of the Colonial Secretary a true and faithful account in detail of all costs and expenses incurred in the making of the said Tramway or connected therewith verified by a declaration of the promoters or one of them and the amount of such costs and expenses so verified shall together with such premium as aforesaid be the amount at which the said Tramway may be purchased under the power in the foregoing clause contained.

Motion made and *Question*,—That this clause stand clause 10 of the Bill—*agreed to*.

The Chairman here requiring to be absent on other business, Chair taken *pro tem*.

by Mr. Lucas.

Committee deliberated.

Motion made (*Mr. Garrett*)—That clause 3 be reconsidered—*agreed to*.

Clause 3 reconsidered accordingly.

Amendment proposed (*Mr. Garrett*)—That the word "three," in the third line, be omitted with the view of inserting in its place the word "two."

Question,—That the word proposed to be omitted stand part of the clause—*negatived*.

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

Further amendment proposed (*Mr. Garrett*)—That the words at the end of the clause, viz., "and all such trucks and waggons when emptied shall be conveyed on their return free of cost," be omitted with the view of inserting in their place the following words "and no additional charge shall be made on the return of such trucks or waggons."

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

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

Draft Report submitted and read.

Motion made and *Question*—That this be the Report of the Committee—*agreed to*.

Chairman to report to the House.

SCHEDULE OF AMENDMENTS.

- Page 2, Clause 3, line 3. *After* "mile," *insert* "or for any fraction of a mile."
- Page 2, Clause 3. At the end thereof *add*, "and no additional charge shall be made on the return of such trucks or waggons."
- Page 4, Clause 8. At the end thereof insert the following new clauses, to stand clauses 9 and 10 of the Bill respectively :—

" 9. It shall be lawful for the Governor with the advice of the Executive Council at any time after the completion of the Tramway authorized by this Act to be made to purchase the same with the appurtenances in the name and on behalf of Her Majesty upon giving to the promoters six months notice in writing of the intention to do so and on payment to them of a sum equal to the whole sum expended in completing the said Tramway by this Act authorized to be made and its appurtenances with a premium thereon at ten per cent. reserving nevertheless to the said promoters their heirs and assigns the use of the said Tramway or any other Tram or Rail way laid down in place thereof for the transit of coal from the said mine to the harbour at Wollongong on such reasonable conditions as to the Secretary for Works for the time being may seem fit.

" 10. The said promoters shall within six months after the completion of the Tramway authorised by this Act to be made file in the Office of the Colonial Secretary a true and faithful account in detail of all costs and expenses incurred in the making of the said Tramway or connected therewith verified by a declaration of the promoters or one of them and the amount of such costs and expenses so verified shall together with such premium as aforesaid be the amount at which the said Tramway may be purchased under the power in the foregoing clause contained."

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

MOUNT PLEASANT TRAMROAD BILL.

TUESDAY, 14 OCTOBER, 1862.

Present:—

MR. FAUCETT,		MR. DICKSON,
MR. LEARY,	|	MR. ROBERTSON.

PETER FAUCETT, ESQ., IN THE CHAIR.

James Byrnes, Esq., called in and examined:—

1. *By the Chairman:* You and your brother, William Byrnes, are owners of coal mines near Wollongong, known as the Mount Pleasant Coal Mines? Yes. J. Byrnes,
Esq.
2. Have you commenced and made considerable progress in the construction of a tramroad for conveying coal from these mines to the harbour of Wollongong, for shipment there? 14 Oct., 1862. {
We have.
3. In your opinion will the completion of that tramroad be a great public benefit? I think it will.
4. In what respect? In opening up the resources of the district.
5. What resources do you allude to? Particularly to coal mining operations, which cannot be carried on without the construction of a tramroad or railway in the district.
6. Is there a supply of coal in the district for local and general consumption? Yes, a very large supply.
7. Will the tramroad be a public benefit, in promoting the supply for both purposes? It will.
8. Is it your opinion that, in order to complete the tramroad, you should be empowered to carry the line of tramroad through certain lands described in the Bill, in the first section? It is almost absolutely necessary.
9. Can the tramroad be completed unless you are enabled to carry it through these lands? Not according to the way in which it is laid out at present. Another line might have been constructed, which would have been constructed at very great inconvenience.
10. For the completion of the present line of tramroad—a line partly made—is it necessary that you should be able to carry it through these lands? Absolutely necessary.
11. You have brought a plan of the proposed line? Yes. (*Plan produced.*)
12. Will you be good enough to point out to the Committee the line as already made, and the portion you propose to have completed? The line is nearly complete from the Mount Pleasant mine to the point marked A on the plan, where it intersects a road marked down on the Government chart, at the north-east corner of Smith's land.
13. Does that portion of the line run through private or public property? Through private property. We have purchased the whole of the land necessary for making the tramway between this point and the mine—the land over which the tram runs.
14. There was some mention the other day, in conversation, of a road which you have marked yellow on that plan? Yes, the road to Bulli.

15.

J. Byrnes,
Esq.

14 Oct., 1862.

15. Is that a public road? Yes. The trustees of this public road gave me permission to cross that road, so long as I constructed the approaches to the road in a way that would not inconvenience the public.
16. Does the line, as made, in any way affect the convenience of the public in using that road? Not by any means.
17. There is a sheet of water marked there—some creek? Yes, Fairy Creek.
18. Do you know if that is on private property? Yes.
19. I believe the Bill does not propose to interfere in any way with the line from the commencement of the mine to the point A? No.
20. That being entirely private property? That being entirely private property purchased by J. and W. Byrnes.
21. The Bill proposes to commence at the point A, and go to what point? Point B, at the north-east corner of land occupied by M'Arrah.
22. Not further? Not further, except by permission of the Government.
23. What is the distance between these two points A and B? Forty-six chains.
24. What is the description of country between them? Rocky; immediately on the sea coast, under a cliff from forty to fifty feet high.
25. Do you run along the top or along the bottom? Along the bottom, upon the sea coast.
26. In your opinion, will this line in any way interfere with the use of that part of the harbour by the public? No, the public could not use that portion of the coast; it is all rock, and the sea rolls in there at times with great violence.
27. Have you submitted this plan to Mr. Whitton and Mr. Moriarty? I believe Mr. Daintrey, my solicitor, did so.
28. *By Mr. Dickson*: Do I understand you that the Bill has no reference to that portion of the line between point A and the mine? None whatever. We have purchased a sufficient quantity of land there to form the tramway, from private persons.
29. Is the line being formed on the land so purchased? Yes; it is completed as far as the main road, and partially so from the main road to the point A.
30. *By the Chairman*: Are there not extensive deposits of coal in the neighbourhood of your mine on land belonging to other proprietors? There are several extensive coal seams, and a mine is now in operation within a quarter of a mile of ours, known as Robson's mine, from which a tramroad runs down to the harbour, coming in at the point B.
31. In another direction? Yes.
32. *By Mr. Leary*: If you took any other course from your coal mine to the point B, would it pass through private property and intersect the main road? Yes, it would pass through a great deal of private property. The only other direction in which it could be constructed would have brought us through a large portion of private property which we do not touch now. This line is constructed in a position that does less damage to private property than any other line that could be constructed in the neighbourhood; that is admitted by every person throughout Wollongong.
33. Would the other line pass through any public property? No, I think not. It would have been almost fatal to our operations altogether to have crossed in this direction (*pointing to the plan*), because the land here is exceedingly high, and it would have been attended with an expense that would have made the undertaking comparatively worthless.
34. *By the Chairman*: Supposing other coal seams in the neighbourhood of your coal seam were to be worked, and that other lines of railway or tramroad were to be constructed from them, could they be joined on to this public line between A and B? Yes, that I have no doubt will be one of the great objects of persons to the north of our mine.
35. To make a line to about the same point A? Yes.
36. Would it be convenient for those persons to bring their lines, supposing they had the power and wish to do so, into any point between the mouth of your mine and the point A? They might be able to come in on some of the low land near the main road.
37. If they did so they would have to purchase private property to a considerable extent? Yes.
38. Would the point A be as convenient as any other point for lines to join on from these seams? The most convenient point in the district, I have no doubt.
39. *By Mr. Robertson*: I suppose you are aware that from point A to the harbour is the line that will be wanted for bringing in the whole of the coal from the northward and westward? Yes, this is the most convenient point for that purpose.
40. A question would therefore arise for the consideration of the Committee, whether it would be proper to part with that line permanently, or whether the Government, with the view of continuing the railway so as to meet all the other coal lines, should not have a provision inserted in this Bill, as in the Pymont Bridge Bill, to enable them to resume possession of the line on payment of the cost of construction? I shall not object to that for one moment; I do not care three straws to make it a private line; I only want to be enabled to carry out my operations at the mine immediately.
41. Then you have no objection to a provision being put in the Bill, that in the event of the Government desiring to take the line into its own hands and make a general railway along that portion of the coast, they may resume the line on paying you the cost? I shall be most happy, because I believe it would be the proper course for the Government to adopt in a case of this kind.
42. *By the Chairman*: You think this ought to be a public line, in consequence of the number of other lines that will probably join at the point A? Yes, I think the Government ought to have an eye to constructing that permanently as a railway at some future period.

43. But you wish to have the line made at the present time for the purpose of carrying out your operations in connection with your own mine? Yes. I should be quite willing to surrender it at any time. I do not ask for any thing beyond the point B, because the Government, I believe, intend to have a series of trams to carry the coal down to the harbour. I only seek the assistance of Parliament to enable me to carry out my present undertaking, and they may put into the Bill any clause they think proper to enable the Government to resume at any period they may desire.
44. *By Mr. Leary*: I suppose you would be very glad if the Government would make the line now? Yes, very glad indeed.

J. Byrnes,
Esq.

14 Oct., 1862.

John Whitton, Esq., examined:—

45. *By the Chairman*: You are Engineer-in-Chief for Railways? Yes.
46. Has this plan been submitted to you by Mr. Daintrey, Solicitor for the Bill? Yes.
47. Have you considered it in reference to the public interests concerned in the construction of the line? I know nothing of the district of Wollongong in which this line is to be made, and therefore I have simply looked at the plan and Bill to see if there are any provisions that would interfere with the public convenience.
48. Do you see anything objectionable in it? No. I was under the impression, from the plan, that the intention of the promoters was to obtain powers from the Legislature to carry the line from the point A to the wharf at Wollongong, but I find now, from Mr. Byrnes' evidence, that it is only intended to take power to carry it to the point B.
49. Having heard Mr. Byrnes' evidence, do you see, on public grounds, any objection to his carrying out the line in the manner proposed, and subject to the condition that Mr. Robertson spoke about? No, I see no objection to it. It would have been more satisfactory if the gradients of the proposed line had been shown; there are no gradients on the section at all. (*Mr. Byrnes here stated the gradient to be 1 in 50.*) The gauge is a very small one—3 feet 6 inches.
50. Have you any observation to make with respect to that? No, I do not know that this line is at all likely ever to join the Government Railways, and consequently the gauge of 3 feet 6 inches may be used for coal lines; but if there was any prospect of the line ever joining a main line of railway the gauge should be the same as that adopted by the Government.
51. As there seems no prospect of that at the present time, you think the gauge may answer for the purpose for which it is intended? Yes.
52. *By Mr. Leary*: Would the expense be considerably greater if the gauge were made suitable to the locomotives at present in use on the Government lines? There would be considerably more expense in rolling stock, and greater expense in actual construction. This line, I presume, is not intended to be worked by locomotives, but it could be; there is no reason why it should not if the gradients are 1 in 50. It might be worked with an engine of ten tons weight far cheaper than by horses, if there is considerable traffic.
53. *By the Chairman*: I suppose it is entirely a question for the promoters whether they will work the traffic by locomotive engines or by horse power? Entirely.
54. A mere question of expense? Yes.
55. *By Mr. Robertson*: In the event of its being worked by locomotives, will not the line require to be specially protected by fencing? I think there is every thing necessary on that account provided in the Bill; it provides that all public roads are to have gates, and that gatemen are to be kept to close and open them.
56. Ought not this beach to be protected? I think it is intended by the Bill to fence it.

J. Whitton,
Esq.

14 Oct., 1862.

Edward Orpen Moriarty, Esq., examined:—

57. *By the Chairman*: You are Engineer for Harbours and Rivers? Yes.
58. Has this plan been submitted to you? Yes.
59. You are acquainted with the district of Wollongong, and the harbour? Yes.
60. You have heard the evidence of Mr. Byrnes to-day? Yes.
61. Have you read the Bill? Yes.
62. From the evidence you have heard, and your acquaintance with the circumstances of the place, do you see any objection to the line being carried out as proposed by the Bill? No, provided a clause insuring the right of purchase by the Government is introduced.
63. The clause Mr. Robertson has spoken of? Yes.
64. You know the nature of the country through which the proposed line passes on the coast? Yes.
65. It runs along the shore under the cliffs? Yes, it goes along a ledge of rocks, from a point designated a high bluff on the plan, between high water mark and low water mark generally.
66. Do you know the description of country at the back, near where the mines are? Yes.
67. Do you think it would be a convenience and advantage to the proprietors of other mines in that neighbourhood, if this line should be constructed so that it may be used by them afterwards? Yes, clearly.

E.O. Moriarty,
Esq.

14 Oct., 1862.

E.O.Moriarty, Esq. 68. That is the only objection you see to the Bill—that there should be a clause inserted as Mr. Robertson has proposed? It might be advisable that Mr. Byrnes should be called upon to lodge a statement of the exact amount the line costs, with the Government, immediately on the completion of the work, in order that hereafter, if it be resumed, the Government should know the amount they would have to pay. It has been done in the case of the Pymont Bridge Company.

14 Oct., 1862.

69. Is there such a clause in the Pymont Bridge Company's Act? Yes; the Company, on the completion of their works, lodged a statement of the whole cost, and on that statement the purchase money, whenever the work is taken up by the Government, will be adjusted. The Pymont Bridge Company are allowed 10 per cent. on their outlay in addition.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

ALIGNMENT OF STREETS OF MUDGEE.
(CORRESPONDENCE RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 29 July, 1862, That there be laid upon the Table of this House,—

“ A copy of all Correspondence between the Government
“ and the Municipal Council of Mudgee and others, in
“ reference to the Alignment of the Streets of Mudgee.”

(*Mr. Terry.*)

SCHEDULE.

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ALIGNMENT OF STREETS OF MUDGEE.

No. 1.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

Municipality of Mudgee,
10 July, 1860.

SIR,

At a meeting of the Town Council of the above Municipality, held the 9th July instant, it was resolved:—

“That this Council direct the Town Clerk to communicate with the Government, requesting that measures may be taken, as soon as possible, to align the streets within this Municipality.”

In obedience to such directions, I do myself the honor, on behalf of this Council, to request that the necessary instructions may be given for such purpose.

I have, &c.,
HENRY TEBBUTT,
Town Clerk.

No. 2.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

Department of Lands,
Sydney, 9 August, 1860.

SIR,

In reference to your letter of the 10th ultimo, requesting, by direction of the Municipal Council of Mudgee, that the Government would take steps for aligning the streets within the Municipality, I am directed to inform you that there will be no objection, on the part of the Government, to survey and proclaim the alignment of the streets alluded to, on condition that the Council provide the necessary posts.

2. I am at the same time desired to request that the Council will state or show, on the lithographic plan of the town now enclosed, what streets they have aligned at present, and also whether they are prepared to provide the necessary posts, of which, properly speaking, eight, but at least four, will be required at each street intersection.

I have, &c.,
MICHAEL FITZPATRICK.

No. 3.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

Town Hall, Mudgee,
18 September, 1860.

SIR,

I have been directed by the Town Council of the Municipality of Mudgee to acknowledge the receipt of your letter of the 9th ultimo (60-910), and in reply to state, that the Council are willing to provide the necessary posts, upon the understanding that the Government insist upon the same terms with every other Municipality; but if the Government provide posts at their expense for any other Municipality, the Town Council of Mudgee to have the amount expended by them refunded by the Government.

I have, &c.,
HENRY TEBBUTT,
Town Clerk.

No. 4.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

Department of Lands,
Sydney, 29 November, 1860.

SIR,

Referring to your letter of the 18th September last, respecting the cost of procuring posts for the alignment of the streets of Mudgee, I am directed to state, for the information of the Municipal Council of that town, that provision will be made in the Estimates for 1861 for this purpose.

I have, &c.,
MICHAEL FITZPATRICK.

No. 5.

ALIGNMENT OF STREETS OF MUDGEE.

3

No. 5.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

*Town Hall, Mudgee,
13 April, 1861.*

SIR,

I do myself the honor to inform you, that at a meeting of the Town Council of Mudgee, held on Wednesday last, the following resolution was unanimously adopted:—

“ That the Town Clerk be instructed to write to the Government, asking when the alignment of the streets in this Municipality will be commenced, and urging the necessity of promptitude.”

In compliance with such resolution, I respectfully beg to call your attention to the matter.

I have, &c.,
HENRY TEBBUTT,
Town Clerk.

No. 6.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

*Town Hall, Mudgee,
16 August, 1861.*

SIR,

On the 13th of April last I did myself the honor, by order of the Town Council of Mudgee, to address a letter to you, dated as above, No. 26-61, urging the immediate necessity of aligning the streets.

To this letter a reply was received on 17th April last, No. stating that the matter would meet with due attention. Four months having elapsed, and there being nothing done in the matter, I am further directed to call your attention to the subject, and to observe that the improvements to the town are necessarily delayed, waiting this important work.

I have, &c.,
HENRY TEBBUTT,
Town Clerk.

No. 7.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

*Department of Lands,
Sydney, 10 September, 1861.*

SIR,

Referring to your letter of the 16th ultimo, respecting the alignment of streets in the Township of Mudgee, I am directed to inform you, that the practice with regard to the alignment of streets in Sydney has been, for the Corporation to have the necessary surveys made and plans prepared.

2. Should, however, the Municipality of Mudgee be in possession of a survey showing with sufficient accuracy the various streets, with all the erections and improvements fronting them, such a survey might be made use of for the necessary proclamation.

I have, &c.,
MICHAEL FITZPATRICK.

No. 8.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

*Town Hall, Mudgee,
25 September, 1861.*

SIR,

I am directed by the Town Council of Mudgee to acknowledge the receipt of your letter of the 10th instant, No. 61-2689-870, which was duly laid before the Council and considered.

I am further directed to furnish you with the accompanying *plan of the Town of Mudgee.

It will be necessary to state that all the coloured allotments are occupied, and have buildings upon them.

The Council wish all the streets to be proclaimed.

I have, &c.,
HENRY TEBBUTT.

* Plan not furnished for Parliament.

No. 9.

ALIGNMENT OF STREETS OF MUDGEE.

No. 9.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

*Department of Lands,
Sydney, 14 November, 1861.*

SIR,

In reference to your letter of the 25th September last, forwarding a plan of the Town of Mudgee, with a view to the proclamation of the streets, I am directed to state that the plan supplied appears to be merely a Government lithograph of the town, and does not of course, therefore, contain the necessary information for alignment purposes.

2. I am to add, that should the Municipal Council of Mudgee employ Mr. Licensed Surveyor Price, or any other surveyor who may be approved of, to make the necessary survey, the requisite directions will be given by the Surveyor General.

I have, &c.,

MICHAEL FITZPATRICK.

No. 10.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

*Town Hall, Mudgee,
27 November, 1861.*

SIR,

I do myself the honor to inform you, that I have been directed by the Town Council of Mudgee to acknowledge the receipt of your letter of the 14th instant, wherein you state that the plan supplied appears to be merely a Government lithograph of the town, and does not, of course, therefore, contain the required information for alignment purposes.

I am further directed to call your attention to a letter, dated 10th July, 1860, No. 12 of '60, in which the Government was requested to take measures to align the streets within this Municipality.

To this letter a reply was received from your department, No. 60-910 60-2396, stating that the Government would have no objection to survey and proclaim the alignment of the streets alluded to, on condition that the Council provided the necessary posts, and, accompanying this letter, a lithographic plan of the town, with directions to the Council to show on the lithographic plan what streets they desired to have aligned. The Council agreed to provide posts, provided other Municipalities were called upon to make the same provision, and also returned the lithographic plan with the required information.

Your letter in reply is dated 29 November, 1860, 60-4429, stating that provision will be made on the Estimates for 1861 for the supply of posts.

The following letters have since that period been sent by the Council:—April 13, 26-61; August 16, 44-61; September 12, 52-61; the latter containing all the correspondence between your department and the Town Council.

Taking into consideration your letter of the 9th August, 1860, No. 60-910, the Town Council of Mudgee conceive that the survey, &c., should be made by the Government. I am further directed to observe, that a large sum has been expended on forming the streets, but for the want of the necessary proclamation the footpaths are being cut up by carts, &c., the Council not being able to prosecute until the proclamation is made.

I have, &c.,

HENRY TEBBUTT,
Town Clerk.

No. 11.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

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

SIR,

Referring to your letter of the 27th November last, respecting the alignment of the streets of Mudgee, I am directed to state, for the information of the Municipal Council, that the Surveyor General has been authorized to cause the necessary survey to be made.

I have, &c.,

MICHAEL FITZPATRICK.

No. 12.

SURVEYOR GENERAL to SURVEYOR PRICE.

3 March, 1862.

SIR,

I have the honor to inform you that the Government, at the instance of the Municipal Council of Mudgee, has determined on the alignment of the streets of that town, under the Act of Council 2 Vict., No. 2, such alignment to extend to all named streets.

2.

2. You are aware that it is necessary in aligning streets, that plans of those streets, or of each of them, should be laid before the Governor General and Executive Council, and that the plans should show the positions of the proposed kerb and building lines in relation to the various buildings which have been erected or may be in course of erection.

3. The survey should, of course, be made entirely with the theodolite and chain, and should record the precise position of every house, fence, or other erection which may occupy a street frontage; but the alienation of land or the boundaries of properties need not be regarded, as the object sought is to reduce the building lines laid down by measurements made at various times, and with various and often imperfect instruments, to one regular line or lines, the positions of which will be determined with regard to those of the more valuable and permanent buildings in the town.

4. The kerb lines should in no case be on alienated land* (indeed in Mudgee they need never, I should think, be near any), and should be at distances throughout of twelve feet from the proposed building lines—the variation in width of street, where necessary, being invariably thrown into the roadway, which may vary, should there be necessity, to the extent of two or three feet, which will allow for non-interference with buildings which may have inadvertently been erected beyond the building line.

5. Although, for purposes of accurate scale measurement, the plan should be on a scale of two inches to one chain, yet the very inconvenient size which the plans would thus attain renders it desirable that the scale of two chains to one inch (which the regularity with which the town has been laid out renders less objectionable than in the case of a less regular town) should be adopted in lieu.

6. The smallness of the scale, however, renders it essential that the drawing should be executed with the greatest neatness and precision.

7. The buildings, of which the frontage only need be shown, should be outlined entirely in fine black lines, and they should be tinted in various colours—such as red for stone buildings, yellow for brick, and Indian ink for wood; the fences should be shown simply by a fine black line.

8. The proposed kerb line and building line should be shown respectively in blue and orange; and where the former would cut a building of any value, it would be well that you should enclose a separate large-scale diagram, showing the extent to which the building will be thus affected.

9. The precise distances to the proposed kerb lines in each street, as measured from two or more permanent buildings, should be shown in feet, by figures, on the plan, and where the proposed kerb line may vary in direction in the same street, it will of course be necessary to report this. A schedule of the streets, with their widths, and those of carriage and foot ways, should be inserted in the plan.

10. I may mention for your information, that the cutting of a building by the building line will not interfere with the building further than to prevent its renewal or repair otherwise than in accordance with the building line.

11. The provision of posts to mark the alignment shall form the subject of a future communication, and in the meantime your survey need only be recorded on the ground so far as may enable you, on the proclamation of the alignment, to place the posts in the true positions.

I have, &c.,

A. G. M'LEAN.

P.S.—Should you feel doubt as to the best position for the kerb line in any of the streets, you may show them in pencil only in your plan, and reporting fully on the point in doubt, leave to my determination the position in question.

No. 13.

SURVEYOR PRICE to SURVEYOR GENERAL.

Mudgee, 17 May, 1862.

SIR,

I have the honor to transmit a *plan, showing the proposed alignment of Short, Market, Mortimer, Gladstone, and one side of Denison Streets, and their cross streets, in the town of Mudgee, in obedience to instructions conveyed in your letter dated March 3rd, 62-312.

1. The roadways generally are the full width, but the deviations from the straight lines are rather numerous, though many are scarcely worthy of notice; but I will now point them out.

2. Short-street varies a little in direction from the east side of Court-street, but from that point the kerb line is straight to either end of the town.

3. Market-street is seventy-three feet wide at the west boundary, caused by some irregularity in early surveys; the street, however, widens until it reaches the east side of Court-street, where it is the full width; from that point it continues to the west side of Perry-street the full width. At the east side of Perry-street it is six inches narrower, but widens again until it reaches the west side of Lewis-street, at which point it is seventy-five feet, and continues that width to the east boundary.

4.

* Not furnished for Parliament.

4. Mortimer-street is straight, and seventy-five feet wide, to the west side of Douro-street. The building line cuts off a little of the two unimportant buildings of Mr. Croning, near the brewery, at the north-east corner of section twenty. The Roman Catholic cemetery fence encroaches some feet on the street, but the fact has been known some years. No bodies have been interred on any of the ground required to render the street its correct width. I would mention that a priest's body was interred, but afterwards removed in consequence of the encroachment having been pointed out. From the east side of Douro-street to Perry-street, although the street is the regular width, the building line is about one foot more to the north (to some encroachment on the Presbyterian grant, the land belonging to the Bank of New South Wales, and the Wesleyan Church, the fences of the lands having been erected on the line laid down by Mr. Armstrong).* From Perry-street to Church-street, the street is narrowed one foot six inches, to save Mr. Charlton's store and the other permanent brick buildings to the eastward. From Church-street to the end of the town the full width is obtained; the only buildings touched are the two brick ones nearest Lewis-street, in section number twelve. This encroachment, as also in the case of the adjoining fence, having been made, if not wilfully, at least without taking the slightest trouble to ascertain the correct line, I did not make any special alteration in width of street.

5. Gladstone-street is correct throughout, but the building line cuts a small portion off an unimportant building at the south-west corner of section seventeen, and a little of the fencing. Both building and fencing were erected carelessly on the street—in fact, the former wilfully.

6. In Cox-street and Court-street all is correct, except in a slight deviation from the north side of Short-street.

7. Douro-street is quite correct throughout.

8. Perry-street is two feet narrower from Denison-street to Market-street. The whole of the encroachment of the street has, I believe, been made on the east side. I know it to be so at the south end, as the National School fence is correct. It was always reported that the large building at the north-west corner of section ten encroached. From the north side of Market-street the width is correct.

9. Church-street is correct as to width, the only encroachment being one of three inches. An effect is given from the building in section ten. Lewis-street is correct to Market-street. From the north side of Market-street a deviation of a few inches from last line to Short-street.

10. Lawson-street is three feet narrower at Denison-street, in consequence of error in survey of section thirty, explained by me when forwarding allotments to the south of Denison-street; however, the street is again correct at Gladstone-street, and continues so to the end.

11. All the footways are twelve feet wide.

12. At the intersection of kerb lines a six-inch iron spike has been driven.

13. I am in doubt as to the width of Market-lane; the lithograph shows it one and a half chain, but if I remember correctly the approved town map shows it one chain. I did not, therefore, drive down any spikes, but when the posts are erected any width can be given that I may be instructed to use.

14. I enclose separately a schedule of the streets, with their width, which could not have been inserted on the plan for want of room.

15. I ordered a quantity of drawing paper from Sydney, which arrived in a fearful state, from some cause or other; every sheet was more or less wet and much buckled. I had much difficulty in preparing a sheet so that I could use it at all, from the difficulty of transferring.

16. From the smallness of the scale in plotting I found the alignment a complete second survey, having to test the distance of every projecting house and fence, or, I should say, everything apparently projecting.

I have, &c.,

JOHN A. H. PRICE.

P.S.—I should have mentioned that the fencing round section seven was erected without consideration—in fact, was left almost to the fencers. In the case of that portion at Perry-street, to the north of Short-street, no regard was paid to streets at all.

* The fences in question are not of sufficient importance to admit of this deviation from the regularity of the alignment, and the plan and schedule have been corrected accordingly; thus leaving the street between Perry and Church Streets only six inches narrower, instead of one foot six inches.—*25 July.*

No. 14.

MEMO. OF SURVEYOR GENERAL.

PLAN and schedule of those streets in the Town of Mudgee which have been surveyed with the view to their alignment, under the Act 2 Victoria, No. 2, are now forwarded for submission to His Excellency and Executive Council. It will be seen from the above documents that, with one exception, the footpaths are twelve feet, and the roadways seventy-five feet, in width.

HENRY HALLORAN.

(For the Surveyor General.)

B.C., 28th August, 1862.

[Enclosure

ALIGNMENT OF STREETS OF MUDGEE.

7

[Enclosure in No. 14.]

NAME OF STREET.	Width, in feet and inches.		PORTION OF STREET.	Width of Street, in feet and inches.		Width of Pathway, in feet.
	ft.	in.		ft.	in.	
Short-street ..	75	0	From west boundary of Town to east side of Court-street ..	75	0	12
Do. ..	75	0	From east side of Court-street to east side of Perry-street ..	75	0	12
Do. ..	....		From east side of Perry-street, along east side, to River at east end of Town ..	....		12
Market-street ..	73	0	From west boundary of Town to east side of Court-street ..	75	0	12
Do. ..	75	0	From east side of Court-street to east side of Douro-street ..	75	0	12
Do. ..	75	0	From east side of Douro-street to west side of Perry-street ..	75	0	12
Do. ..	74	6	From east side of Perry-street to west side of Lewis-street ..	75	0	12
Do. ..	75	0	From west side of Lewis-street to east boundary of Town ..	75	0	12
Mortimer-street	75	0	From west boundary of Town to west side of Douro-street ..	75	0	12
Do. ..	75	0	From east side of Douro to west side of Perry-street ..	75	0	12
Do. ..	73	6	From east side of Perry-street to west side of Church-street ..	74	6	12
Do. ..	75	0	From east side of Church-street to east boundary of Town ..	75	0	12
Gladstone-street	75	0	From west to east boundary of Town ..	75	0	12
Cox-street ..	75	0	From north side of Denison-street to north side of Short-street ..	75	0	12
Do. ..	75	0	From north-side of Short-street to River ..	75	0	12
Court-street ..	75	0	From north side of Denison-street to north side of Short-street ..	75	0	12
Do. ..	75	0	From north side of Short-street to River ..	75	0	12
Douro-street ..	75	0	From north side of Denison-street to River ..	75	0	12
Perry-street ..	73	0	From north side of Denison-street to south side of Market-street ..	73	0	12
Do. ..	75	0	From north side of Market-street to River ..	75	0	12
Church-street ..	75	0	From north side of Denison-street to south side of Short-street ..	75	0	12
Lewis-street ..	75	0	From north side of Denison to south side of Market-street ..	75	0	12
Do. ..	75	0	From north side of Market-street to south side of Short-street ..	75	0	12
Lawson-street ..	72	0	From north side of Denison-street to south side of Gladstone-street ..	75	0	12
Do. ..	75	0	From north side of Gladstone-street to south side of Short-street ..	75	0	12

JOHN A. H. PRICE,
Licensed Surveyor.

May 17th, 62-21.

Laid before the Executive Council on the 18th August, 1862. Min. 62-27.

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

No. 15.

MINUTE OF EXECUTIVE COUNCIL.

18 August, 1862.

THE Executive Council, after inspection of the plan and *schedule herewith submitted, approve of the same, and advise that, in terms of the 46th clause of the Act 2 Victoria, No. 2, His Excellency should direct the issue of the necessary notice, fixing and declaring the widths of the carriage and footways of the said streets to be those set forth in the said schedule.

CHAS. COWPER, Junior.

* See enclosure to No. 14.

No. 16.

TOWN CLERK, MUDGEE, to SECRETARY FOR LANDS.

Town Hall, Mudgee,
20 August, 1862.

SIR,

I am directed by the Town Council of Mudgee to draw your attention to the urgent necessity there exists for the immediate proclamation of the streets of Mudgee, or those portions already surveyed by Mr. Licensed Surveyor Price.

The

ALIGNMENT OF STREETS OF MUDGEE.

The greater portion of the rates have been expended in forming footpaths, &c., but horsemen, carts, and vehicles of every description are daily cutting them up.

In the absence of the necessary proclamations, the Mudgee Bench is powerless to inflict punishment, and of this the public are aware, so continue their work of destruction with impunity.

I have, &c.,
HENRY TEBBUTT,
Town Clerk.

No. 17.

NOTICE in Government Gazette of Tuesday, 23 September, 1862. No. 167.

Executive Council Office,
Sydney, 19 September, 1862.

NOTICE.—ALIGNMENT OF STREETS—TOWN OF MUDGEE.

HIS Excellency the Governor, with the advice of the Executive Council, directs it to be notified, in conformity with the provisions of the Act of Council 2 Victoria, No. 2, that the breadth of the carriage and footways of the undermentioned streets in the Town of Mudgee, shall be those set forth in the annexed *schedule, and that, consequently, it will not be lawful for any person to erect any building within the said distances so set forth from the curbstone or the exterior edge of the said footways, as delineated on the plan submitted to His Excellency and the Executive Council, in conformity with the said Act, which said plan lies at the Office of the Surveyor General, for the inspection of the public.

By His Excellency's Command,
CHARLES COWPER, JUNIOR,
Clerk of the Council.

* See enclosure to No. 14.

No. 18.

UNDER SECRETARY FOR LANDS to TOWN CLERK, MUDGEE.

Department of Lands,
Sydney, 30 September, 1862.

SIR,

In acknowledging the receipt of your letter of the 20th ultimo, on the subject of the alignment of certain streets in the Town of Mudgee, I am directed to invite your attention to the Notice in the *Government Gazette* of the 19th instant on the subject.

I have, &c.,
MICHL. FITZPATRICK.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CLARENCE RIVER BREAKWATER WORKS.

EVIDENCE

TAKEN AT

THE BAR OF THE ASSEMBLY,

IN

COMMITTEE OF THE WHOLE HOUSE,

ON THE

CLARENCE RIVER BREAKWATER WORKS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
9 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1863.

[*Price*, 4d.]

787—A

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE TAKEN AT THE BAR OF THE
LEGISLATIVE ASSEMBLY.

FRIDAY, 5 DECEMBER, 1862.

Edward Orpen Moriarty, Esq., having been introduced by the Sergeant-at-Arms, was examined:—

1. *By Mr. Arnold:* You are Engineer-in-Chief for Harbours? Yes.
2. Have you with you any plan of the proposed improvements of the Clarence River Harbour? I have.
3. Will you have the goodness to explain in what way the sum of £30,000 is intended to be expended in carrying out the proposed improvements? The £30,000 I ask for is intended for the purpose of constructing part of the northern breakwater at the entrance to the Clarence River.
4. On what portion of the proposed works is the £30,000 now upon the estimates intended to be expended? On the northern breakwater,—towards the construction of the northern breakwater.
5. For what purpose do you propose this expenditure—what are the effects you expect to result from it? The object of the northern breakwater is to give the ebb currents a set-off from the land, to prevent the influx of sand during flood-time.
6. Will the sum which has been already voted for the purpose of carrying out this improvement be expended upon the contracts already taken for the works in connection with the Clarence? The £20,000 already voted will be expended on the southern breakwater; the £30,000 now asked for is for the northern.
7. The whole of the £20,000 now voted will be expended on the southern? Yes.
8. Is it necessary, in order to carry out your plan of improvements, that the northern as well as the southern breakwater should be completed? I think it is.
9. What is the amount of your estimate for the whole of the works proposed? £117,000 some odd hundreds.
10. Do you anticipate any good result from the partial carrying out of these works before the whole of the proposed improvements are completed? Yes; I think from the commencement it will be found to act beneficially.
11. Have you any additional reason to believe now, from what experience you have had of the means of obtaining contracts, that the whole of the works proposed can be completed within your estimate? I believe I have. We are getting the work now done at a rate considerably below my estimate.
12. That affords you an additional reason for believing that the whole of the proposed works can be completed within the estimated amount? I have no doubt they can.
13. Are there any particular difficulties in obtaining material for the completion of the work on the north side of the harbour? No, there are none.
14. Will there be any other mode of making the entrance to this harbour safe, with a less expenditure than that you have proposed? I do not think there would be. The space is so considerable, that to do anything with it our works must be of considerable magnitude.
15. Would not the works be completed much more economically if carried on continuously, than if they were abandoned for a time and then recommenced after the plant of the contractor had been removed? No doubt if the contractor were to remove the whole of his plant and working materials it would involve a considerable expense to renew the contract; besides, he would probably require a considerable sum for the loss of his present contract.
16. I am supposing the present contracts were completed, and that the other proposed works were abandoned for a time;—is there not a probability that the contracts would be much higher than if the contractor could avail himself of the plant at present on the ground? I do not think that would affect the question. I do not think we should be likely to have the northern breakwater constructed by the same contractor as the southern; but I should not like to go on with the southern without the northern breakwater were also carried on.

E.O. Moriarty,
Esq.

5 Dec., 1862.

- E.O. Moriarty, Esq.
5 Dec, 1862.
17. *By Mr. Lucas*: Which do you think the more important—the southern or the northern breakwater? I think they are about equally important; I should not like to carry on one without the other.
18. Do you think the southern breakwater is equally important with the northern? I think so. The object of the southern breakwater is different from that of the northern; the object of the southern breakwater is to give vessels entering the harbour smooth water from the moment they round the southern pier head. At present, vessels have to run a considerable distance broadside to the run of waves across the southern reef, at the risk of having their decks swept; the southern breakwater would intercept that, and give vessels smooth water the moment they round its head.
19. What is the object of the northern breakwater? To cause the current to set off the land.
20. Do you consider that your estimate will cover the cost of constructing both breakwaters? I believe it will.
21. Supposing this £30,000 were voted now, you would expend it all on the northern breakwater? Yes.
22. You have already commenced expending the £20,000 on the southern breakwater? Yes.
23. How much of that amount has already been expended? About £1,500.
24. Then you have still about £18,500 to spend? Yes.
25. Will £20,000 complete the southern? No; my estimate of the southern is £46,500 for the whole.
26. How far have you to bring the stone? A short quarter of a mile; the stone is quarried under the late Flagstaff Hill.
27. Can you get that stone for the northern breakwater? No, I propose to get the stone for that from the North Head.
28. How far is that? About two miles, over a dead level country.
29. You will have to lay a tramway for the conveyance of stone from the North Head? Yes.
30. *By Dr. Lang*: Is there any natural foundation of rocks for the northern breakwater as there is for the southern? I believe there is; I have had a boring made at the head of the northern breakwater. After some difficulty we made a boring there, and got down seven feet, when we could get the boring rods no further. I tried also at the part of the breakwater where it starts from the land, and got down twelve feet, when we could get no further; and I am informed by pilots that in clear weather you can see a ledge of rocks in about twenty feet of water.
31. Do you consider it indispensably necessary to have a breakwater on the northern as well as on the southern side of the harbour? I think it is, otherwise the ebb current, which the northern breakwater will have the effect of setting to seaward, will be dispersed along the beach, and cause the channel to be continually altered, as it is now.
32. *By Mr. Dalgleish*: Have you been engaged on any similar work to this breakwater? I have.
33. On this coast? Yes.
34. Have you been engaged upon any similar work in any other part of the world? I have been engaged on Howthe, and many other works.
35. Is the position of that breakwater similar to the position of the proposed breakwater at the Clarence River Heads? No.
36. What is the difference? The natural features of the country are entirely different. The differences are so many that it would be difficult to describe them.
37. Is the weight of the wave to which the one breakwater is subject equal to the weight of the wave to which the other is exposed? It is not.
38. Which is the greater? The Clarence River.
39. Have you been at the Clarence River yourself? No.
40. You have made no survey of the proposed breakwater? I have had it made.
41. By yourself? I have stated that I have not been there.
42. You are not aware of the natural features of the river from your own knowledge? No, I have not been down there.
43. What is the probable amount to be expended on this breakwater? The northern breakwater?
44. The whole work? £117,000.
45. How did you obtain that estimate? By calculating the quantities, and multiplying them by the prices for which I considered the work could be done.
46. In what way did you obtain the quantities? By making soundings, borings, measuring, and estimating the cross sections.
47. What allowance did you make for waste, in this calculation, by the removal of the deposit you make by the weight of the wave—the surf? I do not quite understand the question.
48. What allowance do you make, in your calculation, for the waste caused by the removal of the deposit by the action of the sea? I make no allowance for waste.
49. Did you form an estimate for forming a pathway or roadway across a branch of Darling Harbour, or the waters of Port Jackson? I did.
50. From Pyrmont to the Glebe side? I did.
51. Did you make a calculation of the quantity necessary for filling up that portion that is filled up in the water? I did, roughly.
52. Were your calculations anything near the amount consumed in filling up? It took considerably more than the amount estimated by the contractor and myself.
53. Did you make your calculations in this instance in the same manner that you made the calculations in the other? I have already sunk some distance under the sand —
- 54.

54. Is any portion of this sand quicksand? It is all fine sea-sand. I do not know whether you call it a quicksand. E.O.Moriarty, Esq.
55. Have you had any report from any one employed on that breakwater, as to the description of stone employed there in the construction of the breakwater—whether it is water-worn stone found on the beach? I think not; they have had a quantity from a quarry about a quarter of a mile from the works, and the whole of the stone, so far as I am aware, has been brought from there. It would be impossible to pick up water-worn stones and hoist them to the height of the breakwater. 5 Dec., 1862.
56. You have had no report of water-worn stones having been used? No, and I do not believe they have.
57. If they had been used would you approve of their use? I would, if they had been large enough.
58. What weight stones do you propose to use? My specification states that the stones shall be from three to ten tons, fully one-half over five tons.
59. Do you know if that is being carried out? I have no reason to doubt it—I believe it is. I may tell you that I have now a letter which I received this day from the gentleman in charge of the works, and he states—“The stone improves each day as we advance into the quarry; it is procured readily in masses of from three to eight tons. I occasionally get blocks of ten tons and upwards.”
60. You say you have had some experience of breakwaters in the old country? Yes.
61. I think you mentioned something about Portland breakwater? Yes.
62. Do you know the original estimate for Portland breakwater? I cannot give the amount.
63. Are you aware whether the amount estimated, which was based upon a calculation made in the same manner that you have made yours, was sufficient, or whether it did not cost more than double? I believe the amount was considerably increased.
64. Have you known any breakwater ever to have been made for the amount of the original estimate? I believe the general rule has been that they have exceeded their estimates; but I think the reason of that has been, that in the old country, breakwaters have been constructed where there has been an enormous depth of water, and this would be likely to cause an immensely increased proportionate expenditure. There many of the breakwaters are in sixty feet water, while here the greatest depth is twenty feet.
65. What portion has been most frequently washed away, that subject to the ground swell or that to the heave of the ocean? That portion exposed to the action of the water between high and low water mark.
66. That is to say, to the ground swell? No.
67. Is the Portland breakwater, or any breakwater in the English Channel, subject to half the weight of wave to which a breakwater would be subject on our coast? I believe it to be greater at Portland than it is here. The reason I make that assertion is this,—the action of the sea is confined principally to the space between high and low water. At the Portland breakwater the rise and fall is about twelve or fifteen feet sometimes, while here the rise and fall of the tide is not generally more than five feet.
68. Has the rise and fall of the tide anything to do with the weight of the wave? Everything, as regards its effects on a breakwater.
69. What I mean by the weight of the wave is, the height of the breakers and the force with which they will be forced on the land or against any object opposed to them? It depends upon the rise and fall of the tide. In England there is a surface of twenty-five feet exposed to this action, while here there is only five feet.
70. Has the breakwater at Kiama been formed to any extent? Not to any considerable extent.
71. Was it not raised to some extent and then again levelled? Yes, repeatedly.
72. After the last storm, when such portion of the Kiama breakwater as had been formed had been washed away, was there any considerable difference in the depth of the water at the place where it had been formed, as compared with what there was before it was commenced? Certainly.
73. What was the difference in the soundings? There was a considerable difference, but we have not had any soundings.
74. How do you know the difference? Because you can see the stones there.
75. I am alluding to that portion of the breakwater which is beneath the surface—that portion which was in course of formation, but which has been washed away;—have you had soundings taken at that place at any time? Before the breakwater was made, but not since; I did not consider it necessary.
76. Did you not consider it necessary to have soundings taken after you found such portions of the breakwater had been removed by the waves? No, for the simple reason that I expected it in carrying out a work of this kind. In forming a breakwater you do not pack the stones, but throw them down and allow the sea to wash them to their proper inclination; that has been done at Wollongong, and that is what has been done at Kiama.
77. Then your calculations are made in one instance to face the breakwater at one and a half to one, and in the other the inclination will be five to one? Yes.
78. Will that be the natural face which the sea will form for this breakwater? I believe at the outside it will be at that slope; we allow the fullest margin. We find at present, as the work settles, it stands at one and a half to one; when we get out farther we shall no doubt have a greater slope.
79. Is so much of the Clarence River as is at present marked protected by a headland? It is to some extent.
80. Is it not completely protected by a headland? Not completely.
81. You have no means of making yourself acquainted with this, except from reports? I can

- E.O.Moriarty,
Esq.
5 Dec., 1862.
- can check off the plan the extent to which the breakwater will go out, and in southerly gales it would completely protect it; in easterly gales it would partially protect it; but from east to north not at all.
82. We have had remarkably few north-easterly gales during this season? The north-east is the prevailing wind on this coast, and it often blows with great violence.
83. What is called a "black north-easter" we have not had for the last twelve months? I think we have had one or two within the last month.
84. You say that, with this portion of the breakwater now built, vessels would be completely unprotected under these circumstances? Yes.
85. Have you had any report since this north-easter prevailed? I have had one to-day.
86. Has any damage been done to the works by that north-easter? No farther than that a portion has settled down. I expect the stones to be washed down till they get to their proper inclination; when you tip stones you cannot expect them to run to five to one—you must wait till they are washed down by the waves to their proper slope, at which they will ultimately stand.
87. Is not one and a half to one a common slope in railway embankments, where you have not a run? It is for earth and sand; sandstone embankments will stand at three-quarters to one.
88. When built will they stand so from the tip? They will.
89. Have you consulted the captains of coasters and steamers—persons who are acquainted with the navigation of the river—with regard to the best entrance to this river? I have had conversations with several of the captains, and I believe they are generally disposed to think the plan I propose will be the best.
90. Do they generally agree? I think so.
91. Is the course of the river now the same as it has been for some years? At what point?
92. On the northern side? At the entrance?
93. Yes? No; since my survey was made originally, a considerable change has taken place; the channel which was then called the North Channel is now closed, and the south is now opened. In order to prevent the occurrence of a continued change of channel I propose the construction of the northern breakwater.
94. Does this change of channel alter your plans? In no degree, for I was aware that similar changes had formerly taken place, and looked for their continuance until they should have been stopped by the permanent fixing of the channel by the northern breakwater.
95. Would not the southern channel be the more practicable if some few rocks were removed? The southern entrance will not be touched by the works I propose. I am very careful not to interfere with the southern entrance. My works go to the outside extreme of a ledge of rocks which extends from the north of Clarence River Head, and terminates there, and does not go into the southern channel.
96. In your report you allude to prison labour,—do you consider the works would be performed more cheaply by the employment of prison labour than in any other way? I should not like to speak confidently—it might or might not; I do not know that I am sufficiently acquainted with prison labour to express a decided opinion upon that subject.
97. You have alluded to Portland breakwater as your authority in that matter? Yes.
98. Do you know whether the employment of prison labour on the Portland breakwater has made the construction of that breakwater cheaper than it would otherwise have been? I should not like to say; I believe it is not a cheap kind of labour generally; but with reference to these works at the Clarence River, I thought they were of a kind that might fairly be spread over a number of years, and that, therefore, it would be a suitable place to employ prison labour if they could not be employed more profitably elsewhere.
99. Is it not generally considered that a work of this kind should be pushed forward in as short a time as possible, in order that advantage may be taken of smooth weather, so that there may be less time for the unconsolidated portion of the works to be exposed to the action of the sea? Taking one year with another you have as much rough weather in one as you have in another, and the stones must wash down to the level at which they will stand.
100. What is the entire length that you intend to extend the southern breakwater? About 2,000 feet.
101. And the length of the northern breakwater? About 1,500 feet.
102. Have you any reason to suppose that your estimate of expenditure—what reason have you to suppose that your estimate of expenditure is a closer approximation to the cost than the estimates of other engineers have been with regard to the cost of others? Because, as I explained, in consequence of the enormous magnitude of the breakwaters of the old country, and the depth of water in which they are constructed, the slightest error in price involves such an enormous error in amount of money that half a million of money would scarcely cover it; whereas the same proportionate increase here would involve a comparatively insignificant sum.
103. Did you not take that into consideration in making out your estimate? I did; I allowed liberally, and the result is that I am getting the work done for considerably less than I estimated.
104. Have the difficulties of the work yet commenced? No, they have not.
105. What has been done is no criterion of what may be expected in the prosecution of the work? Very little.
106. In what way is this work contracted for—is it so much for a certain length of the breakwater when completed, or is it at a rate per ton? Per ton.
107. What means have you adopted to tally off the number of tons deposited? We run the trucks over a weigh-bridge.

108. Is it a self-registering weigh-bridge? No, it is not; the Clerk of Works registers it. E.O.Moriarty, Esq.
109. Who is the person who has charge of the works for the Government there—is he an engineer? Yes, Mr. Barron; he was formerly City Engineer, I believe.
110. What salary has he? I think £600 a year—between £500 and £600. 5 Dec., 1862.
111. Has he an assistant? Yes.
112. Is this assistant postmaster of the district? I think not—not that I am aware of.
113. Does he perform the duties of postmaster? I believe not; if he did I would very soon stop him; but I have no reason to believe he does.
114. Do you consider this mode of constructing a breakwater, at so much per ton, an economical and proper mode? I believe it is the only way by which it could be done.
115. Has not the contractor a direct interest in spending as much money as possible in the formation of the breakwater? He may have an interest in the expenditure of as much money as possible, but he has not the power of increasing the expenditure, because he cannot wash the stones away. Every stone is measured that goes into the work.
116. By collusion with the person stationed to weigh, he can make a charge for any number of tons passed over to the breakwater? Yes, no doubt if the engineer were a rogue the Government might be robbed to a trifling extent.
117. On Government contracts of this description in England are any steps taken to prevent anything of this kind occurring? I do not think any steps are taken beyond trying to get honest men to look after the contractors.
118. Do you not know whether they do not use on breakwaters self-registering weigh-bridges, which not only register the number of tons but the number of trucks which pass over them? They may do so, but we cannot get such things here; we are obliged to take what we can get.
119. Cannot you send for them? It would take too long.
120. How long is it since this work was begun? I think about four months.
121. How long is it since the vote was obtained from this House? In the early part of this year, I believe.
122. Of this year—was it not obtained in 1861? It was obtained last session.
123. Was it not the session before last? Really I would not say—I do not know.
124. If this money was obtained for the breakwater the session before last, could you not by this time have imported a weigh-bridge which would have the effect of keeping a correct tally of every ton of stone passed into the breakwater? I believe that any weigh-bridge we could get could be as easily doctored by a rogue in the shape of a Government officer and a contractor as any we have here.
125. Do you know the construction of these machines? I do; but I do not see anything to prevent the contractor running the loaded trucks backwards and forwards over this weigh-bridge.
126. If he ran them backwards and forwards what would be the effect? If he did so half-a-dozen times he would have half-a-dozen loads registered.
127. Are you aware that the weigh-bridge registers only one way? No, I never heard of such a thing; I do not believe it is possible; it is an absurdity.
128. Although you do not believe it is possible, you do not mean to say that it is not the case? I say I believe it is not possible.
129. Are you aware that a self-registering machine of this kind registers only loaded trucks? That may be, but if you ran a loaded truck half-a-dozen times over the weigh-bridge, backwards and forwards, that would register six loads.
130. Would it not register a loaded truck going and coming? I think it is not possible to register only one way, for the register does not come into action till the truck passes on to the weigh-bridge.
131. If, as a matter of fact, it registers the weight of the loaded truck, and also the weight of the light truck, would it not, if it registered more heavy than light trucks, prove that there had been fraud? It might show different weights by a stone being knocked off the truck.
132. Do you think the English Government would adopt all these means for the prevention of fraud in the formation of these works if they were not desirable? These weigh-bridges to which you allude are probably locked up, and the tallies taken once a week, by a responsible officer, who examines them; but it would be quite impossible for me to go myself for that purpose, and an officer might falsify the return.
133. No doubt if any number of men are determined to falsify returns of this kind it is possible to do so, but is that any reason why there should not be as many checks as possible imposed to prevent it? I think the great object is to get honest men, in whom confidence may be placed.
134. Would not the chief engineer in charge of these works be the proper person to attend to the weigh-bridge and take off the tallies? Yes, I expect him to give a constant eye to these things; he is never off the works. I do not believe there is the smallest chance of any collusion.
135. How much per ton do you pay for the stone deposited in the breakwater? 3s. 4½d.
136. Do you pay anything for stones of less than a certain weight? We pay 2s. 6d. a ton for stones deposited under the weight of three tons, and 3s. 4½d. for stones of from three to eight tons.
137. Would the smaller stones be comparatively of any use in the formation of a breakwater subject to the breaking of the sea? They would be of some use in filling up the interstices of the larger blocks. It is found by experience that a breakwater composed of stones of varying sizes holds together better than one composed entirely of larger or smaller stones.
138. Is there any limit as to the size of stones used in this breakwater? Yes.

- E.O.Moriarty, Esq.
5 Dec., 1862.
139. What is the limit? I do not allow any small stone into the breakwater. The training walls inside the river are being constructed at the rate of 10d. a ton.
140. Is there any limit as to the proportion of small stones above 3 cwt. as compared with the large stones? Yes, there is; the small stones are not allowed into the body of the breakwater at all.
141. I forget whether I asked you whether the sand here is a quicksand? It is a shifting sand.
142. Are your borings for your calculations of quantities taken from the bottom of the sand or from the surface? The term "boring" implies going through the sand; we do not talk of boring through water.
143. Have you allowed for the sand being a quicksand—have you taken the data for your measurements from the rock or from the surface of the sand? I have allowed the breakwater to go to the rock.
144. You have made your calculations in all cases from the rock? Yes, that is on the exposed parts of the work.
145. Is it a quicksand where it is not considered to be exposed? It is a hard sand on the inner parts of the river.
146. Have you anticipated, in the formation of your plans, the price for what may be called solid masonry or building? I have.
147. To what depth do you intend to take this face work? On the southern breakwater I propose that all the head of the breakwater shall be solid masonry; on the northern I propose that sea-pitching shall be carried to about three or four feet below low water mark, as low as can be conveniently got at.
148. What is the depth at the pier head on the South Head? About twelve feet of water.
149. On the North Head? The whole depth is about twenty feet; I do not propose any masonry on the North Head—sea-pitching.
150. Then on the South Head, where the head of the breakwater is to be of solid masonry, what are the conditions of the contract for that head? We have not let the contract for that; the present contract is for the first 1,000 feet, the whole length being 2,000 feet.
151. To what distance would the present vote extend the breakwater that is at present in course of formation at the South Head? It would take it about 1,500 feet.
152. Is that at the present rate at which you have succeeded in obtaining a contract? Yes.
153. Which is of course considerably farther than you could have carried it on your first estimate? Yes; I allowed 4s. a ton for the stone to be put into the breakwater, and I am now getting it for 3s. 4½d.
154. Would the breakwater, if not gone on with after it has been extended to a distance of 1,500 feet, be an advantage to the navigation of the river? I think it would be a very considerable advantage.
155. So that the money would not be lost if no further improvements were to be carried on? The money expended on the southern breakwater would not be lost.
156. It would continue to be an advantage to the navigation of the river? Yes, in one point of view. The object of the southern breakwater is totally different from that of the northern—it is to procure smooth water for vessels, and to that extent it would be an advantage to the navigation, but it would have the effect of sending the ebb of the current along the beach to the north, and would have no tendency to fix the channel, which we now find to be one of the greatest difficulties in the navigation of the river.
157. Would the northern breakwater in any way tend to fix the channel? I believe it will actually have that effect; it will send the ebb current to seaward instead of setting in a line parallel to the beach. We now find the channel varies sometimes two miles from north to south, from the shifting nature of the sand.
158. Is this shifting channel not a very serious impediment to the formation of a breakwater? I do not think it is the least impediment; I do not see how it affects it.
159. Do you think when a vote of this magnitude is concerned, in a work which is certainly one of the most important works that have been put into execution under your department, that you should have entirely left it to a subordinate as to the making out of the entire plans and specifications—that, in fact, you should have entirely derived your knowledge from him, and have taken no steps to make yourself acquainted with the locality? A subordinate has had nothing to do with making out the plans and specifications; I did it myself. He made the survey, took the soundings and borings, and gave them to me, and I then drew out the plans and specifications, and made the estimates.
160. Were any steps taken to determine the current? Yes.
161. What steps? The usual steps, with floats—to drop floats in the water and intersect them.
162. I understand the arrangement. Then you state that you left the entire survey of this river to your subordinate; that you have no knowledge whatever of the river or of the proposed breakwater, and the other conditions attending it, than the experience you have derived from the plans and reports of your subordinate officer? I have never visited the place, for the simple reason that I have never had time to get away. I have intended to do so.
163. You are unable to attend to your duties? I am unable to go to the Clarence; it would take me three weeks, and I could not spare the time now.
164. *By Mr. Stewart:* Do you know any place—any river of a similar character—in any part of the world, where a breakwater has been erected? Yes, many.
165. Name where? Sunderland is one, Dublin is another, Yarmouth is another, Aberdeen is another, Newcastle —

166. I speak of the comparative volume of water to be emptied out of the river;—has either of these rivers the same quantity of water to carry out? I think they have.
167. Dublin you spoke of? I do not allude to Dublin; many of the others, although the rivers have not the same area, have a greater rise and fall of tide.
168. The quantity of back water? That would depend upon the depth of the tide.
169. Are you aware of the force of water out of this river in heavy floods? Yes, it is very considerable.
170. Are you aware that during these floods this river rises higher than those you have mentioned from tidal changes—that it rises from fifteen to twenty feet? At the higher parts it may, but not at the lower; it spreads over large lakes, very extensive lakes inside.
171. Supposing the force of the back water, and a heavy sea setting in with an easterly wind, do you conceive that the breakwater would have the effect of making it safe for a vessel to enter—that it would check the break of the sea, supposing the southern breakwater were completed? Yes, I believe it would entirely.
172. That is assuming there would be no break with an easterly gale between the southern breakwater and the beach? There could be none, because it would be intersected by the breakwater.
173. I presume from looking at that map (*referring to the plan produced by the witness*) that a considerable portion of that channel would have a bearing north of the breakwater? Yes, it would.
174. It could have no effect upon that portion beyond the influence of the breakwater? It would only affect the upper part influenced by the breakwater.
175. Which of these places you have alluded to would, in the extent of country to be drained, bear any comparison with the Clarence? Probably the back drainage of the Clarence would be greater than that of either the rivers I have alluded to—considerably greater.
176. Are either of these exposed to the open ocean—the Atlantic? No, they are not; they are principally in the Channel and the German Ocean.
177. During such storms as that in which the “Dunbar” was wrecked, does not the sea strike the land with as much force on this coast as at any of the places you have mentioned? I dare say it does in very heavy gales.
178. Are either of these so much exposed to the open sea—are not most of them protected by a projecting headland? Many of these are exposed to the whole range of the German Ocean, which is not, of course, of the same magnitude as the Pacific.
179. Are these breakwaters erected in any case upon sand of a similar character to this? Yes.
180. This is a peculiar bank—the surface is sand with rock under it? There is about seven feet of sand over it.
181. Can you name any of the places you have alluded to where a breakwater is erected upon a similar sandy bottom? Yes, I think Sunderland is nearly a case in point. To trace the history of the Sunderland breakwater is most interesting.
182. Is the object of the breakwater at Sunderland to keep the channel open, or to break the sea? To keep the channel open, and to prevent the drift of sand. There was a considerable drift of sand, which washed into the harbour and formed banks; and there was no corresponding power to expel it; hence the harbour became choked up. Now the tide keeps the channel open.
183. Do you know the force of the tide there at any time—its action outwards? It is very considerable. I believe it runs five knots an hour.
184. Can you recollect the greatest force in the discharge of the Clarence? I have been told that the measurements they have got show the tide running at five knots an hour.
185. Then in ordinary tides it runs as fast as at Sunderland? I dare say about the same. The great rise and fall of tide in the English ports makes up for the larger area of the rivers on our coast.
186. The point I want to arrive at is the rapidity of the tide? About five knots at spring tide.
187. You have not had an opportunity, since the survey of the Clarence was taken, to know at what rate the water runs at the time of flood? At the time of land flood?
188. Yes? There were some very heavy floods while the survey was being made, and I found that it was somewhat more, but not much.
189. Are you aware that at times of flood the back water of some of our rivers forces out with more than double the rapidity it does at spring tides? Yes, I know it does.
190. Supposing then the water to run at the rate of ten miles an hour out of this place, then the breakwater would be of no advantage as a means of saving vessels that might attempt to enter at such a time? I do not believe it is possible that such a thing ever occurs as that the tide runs at the rate of ten knots an hour there; but supposing it to be the case, I believe it would be very dangerous for any vessel to attempt to enter, for the chances are that it would sweep her over the reefs instead of out of the deep channel.
191. Would there be room for a vessel of the ordinary capacity of those running to the Clarence to work up, supposing the wind to be from the south-west? Yes, I have been careful not to restrict the width of the channel; there is over 2,000 feet from one pier to another. It is considerably wider than it is inside at what they call the Narrows.
192. Are the breakwaters you have spoken of erected in the same way, by pitching or mason work from the foundation? The practice varies according to the nature of the bottom, or the circumstances with which they have to deal. On a rocky bottom I believe it is cheaper and better to bring it up of masonry, particularly if you have to build a light-house; but on the northern breakwater there is no occasion for a light-house.

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193. Suppose the sand were to move at all under the stone thrown there, would it have the effect of scattering the stone, and of spreading it over a portion of the channel—I would call your attention to the breakwater originally formed at Plymouth; did you ever hear that that had spread at the time of its formation, and that it had become necessary to take it up? They never took it up again.
194. Were not portions of it taken up again? No. Plymouth breakwater was constructed at a time when these works were in their infancy, and they had not then learned that they must trust to the action of the sea to cause the proper incline for the face of the breakwater. It was formed of too light material.
195. You think there is no danger, with the stone you propose to use, of its spreading? No; there is a slope of five to one where it is subject to the action of the sea.
196. Do you know anything of the breakwater at Dover? Yes.
197. The bottom there is sand, something like this? No, the bottom is chalk.
198. That is under the drift—there is drift over that? Yes.
199. Could you say what was the object of erecting that by square masonry—why they did not pitch it? Yes; at Dover they can get no stone, but an endless quantity of chalk, which, when burned, makes good hydraulic mortar, and, with shingles from the beach, forms an excellent concrete. Without resorting to that expedient they could not have made that Dover breakwater.
200. Would it not have been much more advantageous to you, having to construct this work, if you had taken an opportunity of seeing the locality before you entered upon your plans? I do not know that it would, as, after all, you must trust to your plans.
201. Are you aware if there was ever an opening much further north than the present one—much further out from the Clarence? I have been told, and can readily believe it. In order to obviate that I have carried the inside training walls beyond that, in order to prevent the chance of the river during land floods breaking out a fresh entrance.
202. You think if you did not take that precaution, another entrance might be forced further north? It might be so.
203. Have you visited any other bar harbours—the Macleay or the Manning? I have been to the Macleay, not to the Manning.
204. Is the Macleay anything similar to this in character? No, the Macleay is a very difficult subject to deal with.
205. You ground your belief of your safety in making this erection upon the fact that on the southern side you have a break of wind, and a sound bottom under the sand? It affords a considerable chance of safety, because the headland greatly protects the whole of the works from the heaviest gales this coast is subject to, namely, the easterly and south-easterly.
206. What will be gained in point of sea from the southern breakwater being completed—will there be less sea? I believe there will be still water from the moment a vessel rounds the southern pier head.
207. According to this map (*referring to the same*) it appears that this shallow water lies north of your breakwater? There is some shallow water there (*pointing out the position on the map*).
208. Is not that the shallowest part just between your two piers? No, it is the deepest part—it is in fact the channel.
209. *By Mr. Wilson*: Has any unforeseen difficulty in prosecuting these works been discovered since this work has been commenced or the plans and specifications have been made? Not the least.
210. *By Mr. Hoskins*: Was Mr. Barron the gentleman who had the survey of this work? Yes.
211. How long was he engaged in taking these surveys? I think he was there four or five months.
212. I suppose he took, then, very careful and elaborate surveys, to enable you to form an accurate estimate? You will be able to judge of the elaborate nature of his survey by looking at the soundings on the map; it is a mass of soundings from end to end.
213. Has Mr. Barron ever before been engaged upon works of a similar character to this? I cannot say. Mr. Barron is a gentleman who is said to have had considerable experience here as an engineer. I believe he was City Engineer, and I have every confidence in him; I believe he is a very able officer.
214. You have every confidence in Mr. Barron? Yes.
215. You of course drew out plans and sections, and estimates of cost, from his surveys? From his surveys.
216. In the event of Parliament not voting the whole of this £117,000, do you think a permanent and deeper channel could be formed by constructing a breakwater on the northern side of the river? I do not think either so deep or so permanent a channel would be formed by the construction of the northern breakwater alone, as a considerable body of tidal waters passes in and out over the south reef which, on the completion of the southern breakwater, will be discharged through the proper channel.
217. Has it never been represented to you, by the masters of coasting vessels and others, that they consider it would be better to have the ridge of rocks projecting on the southern side blasted away and the breakwater erected on the northern side? I should have said, if that suggestion had been made to me, that it would be quite absurd to attempt to blast a channel to any depth,—perfectly ridiculous; it would cost more money than the breakwater would cost altogether.
218. I believe there are unusual facilities for the formation of a breakwater there, in consequence of the contiguity of the stone? Yes, the southern headland gives us all the stone we require.
219. Do you believe, from the surveys of Mr. Barron, that by the expenditure of £117,000

- a permanent channel will be formed? I have no doubt whatever that a permanently deep channel will be formed. E.O. Moriarty, Esq.
220. Could you give us an estimate of the probable depth? I think we should be able to scour the channel to the rocks, which are from eighteen to twenty feet from low water mark; it deepens too, considerably deeper than that, about a quarter of a mile further out. 5 Dec., 1862.
221. The mouth of the Clarence would be the only place available as a harbour of refuge for vessels to make for in case of bad weather on the coast, if proceeding from Port Macquarie northward to Moreton Bay? At present there is no other place at which a vessel can lie with safety. I have been on two occasions out in bad weather, coming from Moreton Bay: on one we lay for six days at anchor at Trial Bay, and on the other under Cape Byron; and I believe if the gale of wind had come more to the eastward the vessel would have been lost.
222. In the event of this breakwater being constructed, do you consider that there would be a more secure harbour of refuge at the Clarence than there would be at Kiama or Wollongong? Infinitely superior; neither Kiama nor Wollongong is suitable for a harbour of refuge.
223. I believe you said you had never been in the Clarence River? Never. I propose going, but I have not had time.
224. I see in your report you state that you believe if prison labour were employed on these proposed works the estimate of expenditure might be reduced? I thought so then, and I am half inclined to think so now; but I cannot say that I based that opinion on very good grounds.
225. Does it not seem to be a place naturally suited for the employment of prison labour,—would not convicts employed there be isolated from the population in a considerable degree,—are there many persons residing in the neighbourhood? None at all, with the exception of the Government establishment.
226. Then if a hulk were stationed at the mouth of the Clarence, in which the prisoners could be kept, excepting when they were at work, they might be very usefully and profitably employed in the construction of these works at the mouth of the river? Now that I have got free labour I should be disposed to stick to it if I could. It is much more satisfactory to work with free than with prison labour.
227. At all events it would be a much superior place for the employment of prison labour than on the roads of the Colony, would it not?—because the prisoners would not come in contact with free people? In that respect it might be an advantage, as I think they could be kept in restraint there much more easily.
228. *By Mr. Wilson:* Supposing the channel were swept to the depth of eighteen feet—as you hope it will be by the erection of this breakwater—would there not be a probability of a new bar being formed outside? I do not think there would, because there is considerable rapidity in the current—the shore current inside these principal headlands—which I think would help to keep it clear, coupled with the increased action on the bottom by confining the current.
229. When do you expect to have this work finished, provided you are supplied with funds for the purpose? I should say in five or six years.
230. *By Mr. Stewart:* You said just now that you were taken short under Cape Byron and Trial Bay, as you were coming up from Moreton Bay;—do you think if the breakwater had been erected at the time you were at Cape Byron, a vessel could by possibility have made the Clarence? Not when we were at Cape Byron.
231. What wind was it? A southerly gale.
232. Do you think, in a southerly gale, any vessel of the class, so far as your information or knowledge of that matter goes, trading there, running from the southward, would, unless in danger of going on shore, attempt to go in, having to work against the channel? In the first place all steamers would go in, and I believe all sailing vessels would do so, for they do so now with a leading wind.
233. In those cases they have no difficulty in running in here, but if they attempted to work up, and missed stays, they would go on shore? Not on a flood tide. I do not think any vessel ought to enter the Clarence on an ebb tide with a southerly wind, but if a vessel were beating out of the harbour, instead of the current having a set on to the beach, as at present, she would have the ebb current setting her out to sea.
234. In speaking of a port of refuge, it is understood that a vessel would be able to run either in or out in bad weather? With a leading wind a vessel could go in—an easterly or south-east wind.
235. *By Mr. Forster:* I suppose you have formed some theory as to the causes that have formed this bar at the mouth of the Clarence? Yes, I have; I believe it is the result of the joint action of the tides and waves.
236. Does that occur at the mouths of most large rivers? It occurs generally at the mouths of all large rivers that have not rocky headlands.
237. Like the Hawkesbury or Port Jackson? It does not take place there to the same extent as the other.
238. The accumulation depends upon the lowness of the coast? In a great degree upon a sandy beach.
239. You used the word “bar” in your examination—do you mean by that the whole mass of sand that accumulates at the mouth of a river, or simply a spit which a vessel has to cross when it first enters upon a difficult part of the navigation? I mean the ledge that lies off the mouth of the river.
240. The first ledge that it encounters upon entering? Yes; it shoals and deepens on each side.
241. Still there is difficult and intricate navigation from this ledge until the vessel gets into

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- into the part where she anchors? No, not if you follow the soundings; the pencil-line shows the former channel, and if you take the soundings you will find they average from thirteen to eighteen feet.
242. After you enter this (*referring to the plan*) are there no ledges of sand to obstruct a vessel before she gets to her anchorage? No, there is a good depth of water all the way.
243. Did you never hear of a vessel, after getting over the first ledge, or what you call the bar, grounding and being kedged in till she got to her anchorage? If she came in here (*referring to the plan*) at this point to the north of the present channel, she would get into five feet of water.
244. You think if she kept her proper channel she has a good depth of water all the way from the original bar? Yes.
245. Then the object of your breakwater is to get rid of this—what you call a bar—the first obstacle in the way? Yes, that is the principal object of both breakwaters. In addition to that is the other object of the southern breakwater—the producing of smooth water over the reefs.
246. Is there no danger that a bar may form elsewhere, even if swept away from this? I do not think it will form in front of the mouth of the river, because we shall have a much greater amount of current at the completion of these works than there is at present constantly passing over that same ground, that will no doubt act in some degree upon the bar.
247. The formation of this bar depends upon the general causes to which you have referred; is there not a danger that, by obviating the action of these causes on this particular point, we may merely extend the operation of them to some other point where a similar bar may be formed almost more beyond our reach than the present? No, for there is much deeper water out there.
248. Is not this bar caused by a constant accumulation of sand—an accumulation that must be kept up by the causes that have operated from the beginning;—there must be a constant accumulation of sand? It is constantly accumulating and constantly shifting. I believe the law we shall call into operation will tend to prevent the accumulation at that point.
249. If you remove it from one point will not the same general causes operating at another point create a bar elsewhere—may not shallow water extend further out at sea? I do not think it will, for I think, by the construction of these two works, we get the condition that we find to produce deep water in all parts of the world, namely, two rocky headlands.
250. In fact, you propose, by these breakwaters, to produce artificial headlands? Yes.
251. In speaking of the probable results of your work, you say you look “to the probability of this river being used to a very great extent as a harbour of refuge for the colonial coasting trade”;—do you mean by that to say that colonial coasting vessels would be able to enter in any weather? I believe in almost any weather that a vessel will be able to beat into this harbour in flood tide.
252. Cannot vessels beat in now? No, they cannot.
253. Did you never hear of a vessel beating in? No. I do not think any vessel would beat in in a gale of wind.
254. Perhaps you may have heard of a vessel beating in with a westerly wind? In smooth water.
255. Did you never hear of a vessel beating out with a north-easterly wind? I do not think a vessel would attempt it in a gale of wind. I think after these works are completed a vessel might attempt to beat out with perfect safety on an ebb tide, because she would then have a strong tide under her lee setting her out to seaward.
256. You think when these works were completed she would be able to go out with either ebb or flood tide? With a leading wind, and with an adverse wind I think she would beat in or out if the tide were suitable.
257. You do not anticipate any larger tonnage of vessels would be able to go up the river? There is only one obstruction higher up the river, at a place called the Elbow.
258. Is there not a narrow slip about the anchorage before you go up the river? I believe nearly the whole of these sands come in at flood tide, and that they would be interrupted by this northern breakwater.
259. You do not anticipate but that you can construct a breakwater that will stand any amount of storm? I look upon it as one of the natural operations of making a breakwater, that it shall be washed down till it comes to such a slope as the material will ultimately stand at.
260. And that you will have to make it till you get it to stand? Yes, until ultimately, by the working of the stones, they get dove-tailed into each other.
261. Ultimately you expect the work to stand, but you expect the first work may be swept away and require renewal? I know it will be flattened down, for the effect of every gale of wind will be to spread out the base until the work stands at the proper incline.
262. Do you think any breakwater would have any effect in preventing the shifting of the channel? I think it would have every effect.
263. You do not think this shifting will occur again? No, because the tidal action will be confined to that one channel, instead of being dispersed as it has been hitherto.
264. Have you made any calculations as to the probability of a return from tonnage dues? No, I have not; but I believe if the same course were adopted here as in England, of levying a small toll upon all vessels going along the coast which might benefit by the work, a considerable income might be derived.
265. Do you think the return that would be derived would pay the interest of the money? I think it would as the Colony increased, though it might not do so at once.
266. Do you propose to do anything to other parts of the river—to the Elbow? I do not contemplate it at present; ultimately we may dredge it, or remove the ledge of rock.

267. *By Mr. Dalgleish:* Are these lithographs, which are furnished with the report of the proposed improvements, laid upon the table of the House, calculated on the mud with the sinkage as shown —? That is altogether wrong from beginning to end. E.O. Moriarty,
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268. Is it wrong on the base? Yes, that is the main base of the inner part. 5 Dec., 1862.
269. The base is here shown to be sand? Yes.
270. Are the calculations taken intended to be upon sand? The breakwater is shown as sinking a considerable distance to the bottom.
271. But it is not calculated to the rock? It is calculated to the rock.
272. Are we to suppose that this lithograph is altogether wrong? It is essentially wrong.
273. You will observe at the outer edge of the south-east pier the foundation is given as rock, and on the other sand—can you explain that? The only explanation I can give is, that I suppose, as they could only bore to the depth of seven feet, they assumed that there was some bottom, either of rock or something that would carry the work.
274. When you discovered that the bottom was not sand, why did you not cause these lithographs, which were laid before the House, to be corrected? I do not know that that is any part of my business.
275. Is this a report which has emanated from your office, and is it of no consequence to you whether it is a correct or a false report? I do not consider myself in any way responsible for the correctness of that lithograph; it is manifestly incorrect.
276. The error has reference only to the middle section, the other two are apparently right—is that so? Yes.
277. The foundation is there said to be sand—is that so? Yes.
278. As this is a quicksand, have you formed any conclusion as to how much the foundation will sink? Yes; the training walls inside the river, I believe, will stand, as shown in section No. 3; the section No. 2 is shown as sinking about seven feet into the bottom, the depth to which we are enabled to bore.
279. It is wrong, then, to place this sand as being the foundation, as you would have no difficulty whatever in boring through sand? It might be hard gravel, and, as you will understand, it is a difficult place to bore among rollers.
280. Do you know whether these soundings were taken by Mr. Barron or by other persons? I believe by Mr. Barron and his assistant.
281. Were they not taken by the pilot? I believe not; the pilot might have assisted Mr. Barron—he might heave the lines; but I believe every sounding was registered by Mr. Barron.
282. Do you think Mr. Barron could, with one assistant, have made soundings of this magnitude in five months? I never said he had but one assistant.
283. How many had he? Four or five.
284. What assistants were they? Young engineers.
285. What do I understand by the term “a young engineer”? A young gentleman who is learning the business of an engineer—Mr. Barron’s assistants were of that class.
286. In what stage of learning were they—how long had they been in the business? Some three or four, others five or six years. I may explain to you that the way in which these soundings are taken is this:—Mr. Barron goes out in a whaleboat with a boat’s crew, and takes soundings; at every five minutes or so he exhibits a red flag, and when he does so two assistants with two theodolites intersect his position; he then takes another series of soundings between two lines, two poles having been put on shore to steer by. His position is intersected at every five minutes, whenever he exhibits a red flag, and these positions are subsequently put down on the plan.
287. If these soundings are taken on sand—and you are not certain whether it is sand or gravel—suppose this bottom sinks three feet deeper than what you have calculated, what would be the gross difference in the estimate—would it not proportionately extend the base? No it would not.
288. Would not the entire height of the bank be altered by three feet? Yes.
289. If the slopes were one, or say one and a half to five, would not the base be extended? No, it would not; stone will not stand at the same slope on land that it will in water.
290. In quicksand will it stand at that? I believe it will.
291. From your engineering experience will you say that it will stand at the same slope as in a hard bank? I will give an instance. I sent one of my assistants to Moruya to make some borings in the inside of the bank there; he got his boring rod down fifteen feet, close to the edge of the dyke, showing that it had not spread out in the sand.
292. Is the Moruya bank a quicksand? The Moruya bank is of precisely the same character as the Clarence.
293. Is not the north-east the wind from which it is most necessary to obtain shelter on the coast? I do not think so.
294. What is the prevailing wind from which vessels require shelter? I should say a south-easterly gale.
295. Would a vessel be able to make this harbour with a south-east gale when the breakwater was completed? If she were to the southward I think she would.
296. Do you know she would? I believe she would, taking a common sense view of the matter.
297. Has any evidence been taken from nautical men on the subject? No.
298. Before spending a quarter of a million of money, is it not usual to take evidence as to what will be the probable value of the contemplated works when completed? I have not thought it necessary to inquire what was the opinion of masters of coasters.
299. I think you have already, in answer to questions by Mr. Forster, said you think another bar will not be formed outside the present mouth of the river? I do not think it will.

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300. Can you give any scientific reason why such a bar will not be formed? Yes, I think I can, a very simple one, namely, that by producing a considerably greater scour than at present exists the sand will be removed.
301. Is not the bar formed by the water washing up the sand from the sea which has been brought down by the river? Yes.
302. Will not the effect of a north-east wind be to form a bank across the channel of the breakwater itself? I do not think there is the slightest danger.
303. But, taking your own theory, that at the point where two opposing currents meet, sand being held in suspension, the currents become neutralized and a bank is formed—will not the effect be, under these circumstances, to form a bank? That is the very condition of things these two walls will intercept. There are two currents now which neutralize each other—the one along the beach and the other coming in; by the formation of these walls there will be a straight current both out and in, and the effect of that current will be, I believe, to scour the bar.
304. With a north-east wind will not the effect be, that the sea will break directly into the mouth of the breakwater, and consequently will not the current from the mouth of the river meeting the sea current form a bar right across the channel? I do not believe there is any current forced in by the wind.
305. Not when the set of the sea is in that direction? No; the current is not caused by the wind, but by the flow and reflow of the tide.
306. You still consider that it would be advisable to trust to the honesty of one man, and that man no doubt — what wages do you pay the man who has charge of the weighing machine? £150 a year.
307. Do you consider it advisable to trust to the honesty of a man who is receiving £150 a year, and who is responsible, no doubt, for the entire expenditure of this money, seeing that he is to be accountable for the weights passing over this bridge? As far as my experience goes the quantity of a man's wages is not a guarantee for the quality of a man's honesty, and I have no doubt Mr. James will act honestly.
308. Is Mr. James an engineer? He says he is, and I have no reason to doubt him.
309. A civil engineer at £150 a year—is he a young engineer? He is quite a young man.
310. Would he not be peculiarly liable to the temptation of bribery, seeing that his wages are so very small, and that he has the power of making the profits of the contractor anything that he may think proper almost;—is it desirable that he should be open to this temptation? If you like to give him £600 a year I shall be very glad.
311. Is it desirable that any one man should be subject to such temptation? I can conceive of no condition of things in which you must not trust to the honesty of somebody.
312. Do you think it desirable to throw a man into a position of temptation? I do not consider it throwing him into temptation to place him as a check upon the contractor.
313. Must you not consider the contractor as honest as your officer? I have no reason to doubt the honesty of the contractor.
314. Might not a contractor, if he were losing upon his contract, pay £200 a year to a man in the receipt of only £150, in order that he might forget how many tons of stuff were deposited in the breakwater? I am not going to say that contractors are rogues, and I have no reason to doubt the honesty of Mr. James.
315. People who have been in this Colony some years have had some reason to be careful with respect to the honesty of contractors? Yes, I think they have.
316. The Circular Quay and some other great works, for instance? Yes.
317. Do you think it desirable, under these circumstances, to place any one individual under such peculiar temptation as he would be subject to from a dishonest contractor? Mr. James has not sole control; Mr. Barron is also constantly on the spot; and I do not think, with the constant supervision Mr. Barron gives, any organized system of roguery could exist.
318. Did you get the weigh-bridge in Sydney? Yes.
319. Was it advertised for? Yes.
320. What weight can the weigh-bridge weigh at once? It is capable of weighing twelve tons.
321. Was it ordered a sufficient time before the order was executed to have enabled you to obtain it from England? I do not think it was; but we are restricted from ordering from England now.
322. You were not at the time this vote was passed? At the time we commenced the works.
323. Did you not think it advisable, when the contractor undertook the work at so much per ton, that there should be some mechanical means, where it could be applied, of testing the quantity supplied to the works? I quite hold with these mechanical tests where they can be obtained; but I am satisfied that no mechanical means would prevent collusion if the parties were so disposed. Every engineer knows how easy it is to doctor these machines, and I believe a sharp engineer could doctor a weigh-bridge.
324. You said it was necessary that the register should be sent down to you for correction—not for correction, for summing up? No, it would be no hindrance at all, further than that I should have to send up an officer; and I believe a self-acting machine would be as easily falsified as another.
325. You are aware that these mechanical means are employed upon the Government works in England? I am aware they are.
326. Do you think they would use them there if they were of no value? I do not say they would, and I do not say but that perhaps a self-acting weigh-bridge might be of some benefit, but I do not believe there is any absolute occasion for it.

327. Have the captains of different steamers employed in the Clarence River trade objected to the proposed arrangement? Not that I am aware of. I have spoken to most of them, I think, and discussed the subject with them, because I always like to take the opinion of nautical men upon nautical matters, and I believe generally they are in favour of the plan. I know at one time it was suggested by one man that a channel should be cut through the ledge of rocks on the south side, but that is so utterly futile that I have never since thought of the matter.

E.O. Moriarty,
Esq.
5 Dec., 1862.

328. Have you not often heard the opinion expressed by those parties who may be considered most interested in the matter, that the whole scheme is equal to throwing the money into the sea? I never heard it.

329. *By Mr. Moriarty*: If any statement had been made, would you attach any importance to it? I never saw any work of importance yet undertaken that there was not some little growl at, and I believe if an engineer were to pay attention to every opinion he received he would never do anything.

330. *By Mr. Hart*: Can you say the work will not exceed the estimate you have formed? I believe confidently it will not, on the ground that I am now getting work done for a sum considerably less than my estimate. My estimate was 4s. a ton for stone, for which we are now paying 3s. 4½d.

331. Do you believe that the trade will be greatly increased? I believe it will. Looking ahead, when the trade becomes of importance, I think tonnage dues should be imposed on vessels entering the port.

332. *By Mr. Dalgleish*: Can you state to the Committee how much the cost exceeded the estimate of the work at that portion of the Darling Harbour before referred to? I can tell you that the cost did not exceed by one penny my estimate for —

[*The witness, in answer to some questions by Mr. Lucas, referred to the plan produced by him, but the conversation was carried on in so low a tone of voice, as not to be heard distinctly by the shorthand writer.*]

333. *By Mr. Lucas*: There has been nothing done on the north side? No.

334. And only about £1,500 expended on the south? Yes, the contract is taken for £14,000.

335. Only £1,500? Yes, in stone; of course the contractor has sent down stock.

336. Is there a clause in that contract by which the Government have the power to rescind that contract? No, but to alter—decrease or increase.

337. The tramway is from this quarry (*referring to the plan*) to the southern breakwater? Yes.

338. If the contract were closed the contractor would require compensation for this line that he has laid down? Yes.

339. Have you a copy of the contract? Yes.

340. Will you read the clause in the contract? (*The witness read the same.*)

341. Do you know anything of the tonnage that goes in and out of this river? There are three large steamers running there.

342. How often do they make their trips? I think there are two steamers a week.

343. Are there many coasting craft? I cannot say.

344. *By Mr. Laycock*: Has it not been acknowledged by nautical men that the northern breakwater is essentially necessary, leaving the southern entirely out of the question? I cannot say that.

345. You have never heard a person speak against the northern? Never. I have heard a suggestion that it would be better to cut a channel through the ledge of rocks than to form it; but I never heard an objection to the northern.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

LAKE MACQUARIE.
(RETURN RELATIVE TO ENTRANCE INTO.)

Ordered by the Legislative Assembly to be Printed, 9 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 October, 1861, That there be laid upon the Table of this House,—

“ The Report of the Engineer for Harbours, on the state of
“ the Entrance into Lake Macquarie.”

(*Mr. Lewis.*)

LAKE MACQUARIE.

ENGINEER-IN-CHIEF FOR HARBOURS AND RIVER NAVIGATION to UNDER SECRETARY
FOR PUBLIC WORKS.

*Department of Public Works,
Harbour and River Branch,
Sydney, 19 November, 1862.*

SIR,

I have been delayed much longer than I anticipated in reporting on the entrance to Lake Macquarie, in consequence of the difficulties experienced in taking the requisite borings to enable me to form an estimate of the probable depth of water we might expect to secure on the bar, as well as the cost of the works which might be necessary to ensure it.

The first attempt which was made to reach the entrance to the lake by sea failed, in consequence of the heavy surf which was found to be breaking on the bar; and on returning to Newcastle the boat was swamped and lost, with all our boring apparatus. Fortunately no further loss was sustained, as the men had previously been taken on board the steamer which had them in tow.

The second attempt proved more successful; and I am now in possession of a series of borings, showing the depth at which rock occurs beneath the sand on the bar and on the adjoining banks.

I regret to say the borings show very unfavourable results, there being but from five to seven feet to the surface of the rock on the bar at low tide.

This, I may observe, was very much what I had anticipated, for on no other supposition than the existence of some such obstruction was it possible to account for the phenomenon of such an enormous tidal area as that of Lake Macquarie having so insignificant an outlet; and the existence of such an obstruction precludes the prospect of ever making the entrance to Lake Macquarie safe for vessels of any but a small class of coasters, unless the costly and difficult operation is entered upon of cutting a channel through the rocky ledges which underlie the sand on the bar—a work, the cost of which, from the exposure of the place and the constant and tedious interruption to which it would be liable in bad weather, it is difficult even approximately to estimate.

I believe that by the works I have sketched out, namely, two piers—one on the south side, which would have the effect of regulating and confining the tidal scour; the other on the north, which should also confine the tidal action on that side, and serve to intercept the in-run of sand from the adjoining beach during flood tide—we might look forward confidently in time to scouring away, by means of the tidal action alone, the sand now overlying the rock; but this, as I have stated, would only give a depth of five to seven feet at low water, which is, in my opinion, quite insufficient for the purpose of navigation.

I believe (as far as my present information enables me to judge) that the principal if not the whole difficulty in opening a deep and wide channel into the lake, lies in the existence of this reef which I have mentioned as choking its outlet. Were this removed, I have no doubt whatever but that the lake would soon make for itself an outlet as wide and deep as that of Port Jackson.

For could we, by the removal of the reef and the regulation of the inner channel, get the tidal influence to extend into the lake, so as to cause its waters to ebb and flow, we should immediately call into existence a mighty power which now lies dormant; but the rocky nature of these obstructions quite precludes all hope of its removal by natural means.

I have not gone very carefully into the question of the removal of the reef, or rather the excavation of a channel through it by manual labour, because before determining on such a work it would be necessary to continue the line of borings up to the lake, so as to ascertain that there exist no other ledges of rocks which would require removal in order to carry the full depth of whatever channel might be determined upon from the sea into the lake, but presuming the absence of such obstruction, and that it be determined to cut a channel, say 9 feet deep by 300 feet in width, through the rocky ledge, the probable cost could not be safely estimated at less than from £40,000 to £60,000.

And on the supposition that the reef is not interfered with, the utmost that we can expect would be to deepen the water on the bar from three feet, the present depth to the sand, to seven feet, the depth to the rock from low water mark. This would give, say nine feet water at half-tide, from which would have to be deducted the rise and fall due to the swell at the bar, which in ordinary fine weather cannot be safely placed at less than two or three feet; this would reduce the actual available draught of water for navigation to from six to seven feet. In rough weather the surf that must break across the entrance would render it quite impracticable at any stage of the tide.

That I have not understated the depth of water, say seven feet, as only available for navigation, supposing the sand to be removed and the rock laid bare, will I think be admitted by every nautical man.

No

No captain would like to run his vessel into a rocky channel in a sea-way with less than from two to three feet between his keel and the rocks; in most cases it would be quite insufficient, but looking at it in the most favourable point of view, a depth of two feet under the keel is quite little enough clearance on such a bottom.

The works which I have sketched for the inner portion of the channel are merely training walls of stone ballast, for regulating and straightening the currents.

I have included them in the estimate, but they might possibly be executed for a less price than I have named, if ballast were to become plentiful in consequence of a great development of the coal trade from the lake; but we should not be able to calculate on any considerable reduction in the amount, inasmuch as the vessels entering in ballast would require to retain most of it for the lake navigation.

This portion of the work, however, might be allowed to extend over a series of years, as there is now throughout its entire length nearly as great a depth of water in this inner channel, as there would be on the bar after its partial deepening in the manner I have proposed.

Indeed it would seem that the possible depth of water on the bar, and that which I have no doubt is frequently the actual depth (for it must at times happen, after heavy easterly gales, that the sandy covering is washed off the reef),—it would seem, I say, that this depth regulates that of the inner channel; and to whatever degree we could deepen the water on the bar, to the same depth the increased scour, when once called into operation, would deepen the remainder of the channel.

But to call it into operation it is more than probable a considerable amount of dredging would be required, to cut through the numerous bars and banks of clay, shells, and other material which the sluggish current would be unable to act upon.

The cost of dredging I have approximately estimated at £10,000; the estimate is merely an approximate, because we find when dredging in sand, that when quite pure and unmingled with mud and shells, it runs in almost like water from a distance of several feet all round.

The whole probable cost of the works I estimate as follows:—

Dyke AB, formed of large stones, 42,910 tons, at 3s. 6d.	£7,509
Dyke BC, formed of smaller stones in ballast from vessels, 40,457 tons, at 1s. 6d.	3,034
Dyke ED, 8,486 tons, at 1s. 6d.	636
Dyke FG, 11,314 tons, at 3s. 6d.	1,980
Dyke GH, 12,170 tons, at 3s. 6d.	2,130
Dyke IK, 15,400 tons, at 3s.	2,310
Breakwater KL, 34,334 tons, at 5s.	8,584
Breakwater pitch paving head	3,000
A wharf for landing stone to breakwater KL	300
An embankment from wharf to breakwater, 2,800 tons, at 3s. 6d.	490
Dredging channel	10,000
	<u>£39,973</u>

I have, &c.,

E. O. MORIARTY,
Engineer-in-Chief.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PORT OF NEWCASTLE—STATISTICS.
(RETURN RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 21 August, 1862.

*RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated the 1 July, 1862, That there be laid upon the Table of this House,—

- “ (1.) The Names of all Vessels which have entered the Port of Newcastle from 1 January, 1861, to 30 April, 1862, inclusive.
- “ (2.) The Date of Entrance, the respective Tonnage, and the Amount of Tonnage Dues and Pilotage Fees, and other charges paid by such vessels, distinguishing, in each case, those which have cleared for and loaded at Newcastle from those which have cleared for and loaded at all other places above the Port of Newcastle.”

(Mr. Hannell.)

TOTAL REGISTERED TONNAGE and AMOUNT of DUES paid by all Vessels that entered the Port of Newcastle, from 1 January, 1861, to 30 April, 1862, inclusive.

	TONNAGE.	TONNAGE DUES.	PILOTAGE.	HARBOUR DUES.	TOTAL.
		£ s. d.	£ s. d.	£ s.	£ s. d.
Total loaded at Newcastle	271,759	3,278 13 6	3,582 8 4	427 15	7,288 16 10
Do. at Morpeth	135,230	248 8 6	49 18 0	....	298 6 6
Do. at Hexham	36,918	226 11 6	103 2 8	2 0	331 14 2
TOTAL.. ..	443,907	3,753 13 6	3,735 9 0	429 15	7,918 17 6

Custom House, Newcastle,
4 August, 1862.

C. BOLTON,
Sub-Collector.

* NOTE.—Only a portion of this Return ordered to be printed, viz.,—Abstract of “ Total Registered Tonnage and Amount of Dues paid by all Vessels that entered the Port of Newcastle, from 1 January, 1861, to 30 April, 1862, inclusive.”

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

BRIDGE OVER TENTERFIELD CREEK.

(CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20 June, 1862, That there be laid upon the Table of this House,—

- “ (1.) Copies of all Correspondence that has passed between
 “ the Government and Messrs. Readitt and Simpson, Sur-
 “ veyors, with reference to the proper site for the construc-
 “ tion of a Bridge over the Tenterfield Creek.
- “ (2.) Copies of all Petitions from the Inhabitants of
 “ Tenterfield, on the same subject.
- “ (3.) Copies of all Correspondence that has subsequently
 “ passed between the Government and the Surveyor General,
 “ with reference to the site which has been at last deter-
 “ mined on.”

(Mr. Gordon.)

SCHEDULE.

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2. Same to same, reminder, same subject. 18 May, 1861	3
3. Joseph James to Minister for Works, respecting choice of site for bridge. 1 July, 1861	3
4. Chairman and Committee of a Public Meeting of Inhabitants to Surveyor General, same subject. 16 July, 1861	4
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6. Joseph James to Secretary for Lands. 26 October, 1861	5
7. Report of Surveyor General (Mr. Surveyor Simpson's Report enclosed). 8 November, 1861	5
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9. Telegram from Surveyor General to Under Secretary for Lands. 21 May, 1862.. .. .	6
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20. Under Secretary for Lands to Mr. James. 17 November, 1862	9
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BRIDGE OVER TENTERFIELD CREEK.

No. 1.

SURVEYOR GENERAL to SURVEYOR SIMPSON.

*Surveyor General's Office,
Sydney, 5 April, 1861.*

SIR,

With reference to certain correspondence which has passed between Mr. R. Meston and the Honorable the Secretary for Lands, relative to the erection of a bridge over Tenterfield Creek, to connect East and West Tenterfield, I have to request that you will select the best site for that purpose, and make a plan and section thereof (the latter showing the ordinary height of water and height of usual and extraordinary floods), and furnish a report as to the character of the approaches, the supply of timber in the vicinity suitable for the construction of a bridge, and every other information likely to be useful in determining the probable cost of a bridge.

I am, &c.,
A. G. McLEAN.

No. 2.

SURVEYOR GENERAL to SURVEYOR SIMPSON.

*Surveyor General's Office,
Sydney, 18 May, 1861.*

SIR,

In reference to my letter to you of the 5th April last, to furnish a plan and section of the proposed site for a bridge over Tenterfield Creek, and to furnish a report as to the timber existing in the vicinity, I have now to request that you will be so good as to supply the information required with as little delay as possible, the matter being of an urgent nature.

I am, &c.,
A. G. McLEAN.

No. 3.

MR. JOSEPH JAMES to SECRETARY FOR WORKS.

*Tenterfield,
1 July, 1861.*

SIR,

I hear, on good authority, the bridge to be made over the Tenterfield Creek will be in Molesworth-street; but I beg to state, a bridge in Manners-street, for convenience and central position for the township, surpasses any other place below, and could be erected with half the expense. It is only fifty-two feet span, and no danger of being flooded; on the eastern side, already formed by nature, a solid foundation of rock, and plenty of stone, of large dimensions, to build it; and the western side a regular grade for the Great Northern Road, without any cutting or filling up; Government reserve ground on each side of creek for public works;—while in Molesworth-street (130 feet span, beside a low swampy ground), unless built very high, would be swept by the next flood, and cost as much to fill up each side of the bridge and finish the road as would build a good stone bridge in Manners-street.

Dear sir, public works of this kind ought to be built of stone, which is durable and lasting, and creditable to the Government.

Believe me, &c.,
JOSEPH JAMES.

No. 4.

CHAIRMAN AND COMMITTEE OF A PUBLIC MEETING to SURVEYOR GENERAL.

Tenterfield, 16 July, 1861.

SIR,

We, the undersigned, have the honor to inform you that in consequence of a report to the effect that Mr. Readitt had recommended two sites for a bridge over the Tenterfield Creek—the one at the intersection of Manners-street, and the other at Molesworth-street—and that his report is most favourable to the former of the two sites, a public meeting was convened, for the purpose of taking the matter into consideration; at which the following resolutions were all but unanimously adopted:—

1st Resolution.—Believing that a bridge is about to be erected over the Tenterfield Creek, and two sites having been proposed by the Government surveyors, this meeting is of opinion that the one particularly recommended by the surveyors, as being in the centre of the township as it appears in the map, is not the one best adapted for the present requirements of this community.

2nd Resolution.—That this meeting is of opinion that a bridge erected over the creek at the intersection of Molesworth-street would be the most conducive to the convenience of the inhabitants generally, and that the erection of a bridge in that locality would be a considerable saving to the Government.

3rd Resolution.—That a Memorial be drawn up and sent to the Government, embodying the foregoing resolutions.

4th Resolution.—That Messrs. Wilson, Kemble, Ritchie, Heydon, Lethbridge, and Sullivan be requested to communicate with the Surveyor General on the subject, on behalf of the meeting.

We, therefore, on behalf of the meeting, respectfully request that you will take this matter into favourable consideration.

Although Manners-street may be the most central position as the town appears on the map, it is not at all central as the town actually is; and as it is very questionable whether the town will spread in the direction of Manners-street for many years, if at all, we would hope that in the building of a public work of this kind the immediate present wants of the community to be benefited thereby may be taken into consideration.

We have, &c.,

GEORGE WILSON, Chairman.

BYRON THOMAS KEMBLE,

P. RITCHIE,

JAMES LETHBRIDGE,

G. T. HEYDON,

PHILLIP SULLIVAN,

} Committee.

No. 5.

PETITION OF INHABITANTS.

To His Excellency Sir John Young, Knt. Commander of the Most Honorable Order of the Bath, Commander-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same, &c.

The Petition of the resident Landholders and Householdors of the township of Tenterfield and its environs,—

HUMBLY SHEWETH:—

That a Petition from residents of this township has been forwarded to the Surveyor General, with a view to alter the site of a bridge, fixed upon by the Government surveyors in this township, to Molesworth-street. Your Petitioners humbly beg your Excellency to withhold your sanction to such alteration, on the grounds that Manners-street, the site fixed upon by the surveyor, is in the centre of the township, and is better adapted in every way with equal advantage to all parties; and that a bridge can be erected there at one-half less expense, and with much less danger of being swept away by floods. That Molesworth-street is two and one half sections from the centre of the township, and only two sections from the suburban allotments, and it is only through self-interested motives that such alteration is sought.

Humbly hoping your Excellency will take the matter into your favourable consideration, and have a bridge erected in a situation where it may be of equal advantage to all parties.

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

(Here follow 86 Signatures.)

BRIDGE OVER TENTERFIELD CREEK.

5

No. 6.

MR. JOSEPH JAMES to SECRETARY FOR LANDS.

Tenterfield, 26 October, 1861.

SIR,

Some time has elapsed since the people of Tenterfield were first promised a bridge to cross the creek. I hope, dear sir, you will make the necessary arrangements as early as possible, for it is an eye-sore to cross the creek on business, or to carry the corpse to the grave by travelling up or down the creek, to cross on a plank. The public feel themselves aggrieved to think their wants have not been properly attended to. Meston has sent here his resignation; it is accepted and carried unanimously this evening, at Mr. Baker's, Royal Hotel. Mr. Kemble's appointment has given general satisfaction, both as Coroner and Magistrate; he is fully competent to discharge the duties assigned to him.

I am, &c.,
JOSEPH JAMES.

No. 7.

REPORT OF SURVEYOR GENERAL.

The enclosed Report, with plan and rough section, are forwarded for approval.

It will be seen that Mr. Licensed Surveyor Simpson has examined both the proposed sites in Molesworth and in Manners-street, and has recommended the latter.

One numerous signed petition and one letter are enclosed, in favour of the latter, and one paper, stated to be the opinions or resolution of a public meeting, in favour of the former.

This latter paper tacitly admits, however, that Manners-street will prospectively be the more central position, and there appears to me to be no room for questioning its adoption.

A. G. McLEAN.

B.C.—*Surveyor General's Office,*
Sydney, 8 November, 1861.

[Enclosure in No. 7.]

Warraldra, 20 September, 1861.

Sir,

In compliance with your letter of instructions, dated the 5th April last, No. 61-488, I have now the honor to transmit a plan and section of a proposed site for bridge to connect East and West Tenterfield, and I have the honor to report that the character of the approaches is good, the soil on both sides of the creek being of a good sound description, possessing a moderate fall sufficient to prevent water lodging in wet weather.

Timber suitable for the construction of a bridge, such as blue gum and stringy-bark, can be obtained within fifteen miles of the proposed site. Iron-bark is scarce, but I have been informed that sufficient for the purpose may be procured about Glenlyon, say within twenty miles from Tenterfield.

Stone similar to that used for building in the township can be obtained on the reserve in section 23, adjoining the proposed site, and I would suggest its being made available in the construction of the proposed bridge, for abutments, &c.

I would also suggest that if the bridge be built of timber, that a clerk of works be stationed on the spot to inspect the construction, in order that no inferior timber be used, as has been the case in buildings put up in Tenterfield by contract.

Several other sites for the proposed bridge have been pointed out to me, and particularly one in Molesworth-street; but after giving that site most careful consideration, I am unable to recommend it as a suitable place—the approaches thereto being particularly objectionable, as the land on the east side of the creek at that spot is subject to inundation from back water, and to make good approaches would involve considerable additional expense. Neither are the banks of the creek as favourable as the site in Manners-street, and the creek is broader than the site I have now the honor to recommend. Although probably Molesworth-street is more central at present, still, looking at the direction in which the town must extend, the site proposed by me will in a very few years be the more central, and in all other respects—in my opinion—more suitable than any other.

I may also add, that the erection of a bridge in Manners-street would give increased value to the unsold allotments in the neighbourhood.

I have, &c.,
J. M. SIMPSON, L. S.

The Acting Surveyor General,
Sydney.

No. 8.

UNDER SECRETARY FOR LANDS to MR. JOSEPH JAMES.

Department of Lands,
Sydney, 23 November, 1861.

SIR,

With reference to the inquiry contained in your letter of the 26th ultimo, relative to the proposed new bridge at Tenterfield, I am directed to inform you that a report having been obtained from the local surveyor, in which Manners-street is recommended as the most suitable site, the Secretary for Lands has approved of the sum of £500 being placed on the additional Estimates for 1862, for the construction of a bridge in the locality referred to.

I have, &c.,
MICHL. FITZPATRICK.

No. 9.

No. 9.

TELEGRAM from SURVEYOR GENERAL to UNDER SECRETARY FOR LANDS.

Tenterfield, 21 May, 1862.

MR. KEELE has instructions from you to call for tenders for Tenterfield Creek Bridge. E. O. Moriarty is, I believe, preparing plan and specification. I have directed Mr. Keele not to proceed until he hears further. I have examined sites with Mr. Keele, and will report on my return to Sydney next week, till when it would be well to defer plan.

A. G. M'LEAN.

No. 10.

MR. T. B. DOWLING to SECRETARY FOR LANDS.

Tenterfield, 24 May, 1862.

SIR,

Since the Surveyor General's official visit here of the 21st ultimo, I have been particularly requested to write you on the subject of this long talked of and much needed bridge for Tenterfield. I do not know if I am doing wrong now in addressing you on public matters; if so, the importance of the subject, for the present and future public convenience, may in some measure palliate my error.

I am aware that you have received many conflicting applications concerning the site of this bridge; some advocating Manners-street, some High-street, others Molesworth-street, and as I fear party influence has or may be brought to bear to serve their particular interest, I have ventured once more to draw your attention to the party whose interest would be best served by having the bridge in Molesworth-street, even at the risk of ignoring the convenience of the present and future population of Tenterfield.

I do not hesitate to state, that it is Mr. M. H. Marsh's property here that would derive the most benefit from it, having an inn in Molesworth-street undergoing extensive improvements; in close proximity he has wholesale and retail stores, consequently it would materially benefit him, in the event of the bridge being there.

I may here state, on that side of the creek crossing Molesworth-street is nothing but suburban allotments; this side of the creek north there are but very few town and suburban allotments ere we come to Mr. Donaldson's purchased land; the town cannot extend any further that way. To Queensland we are near enough already. High-street is, I imagine, out of the question—the very great span caused by the different course the creek has taken when flooded, with other disadvantages, would cause an immense outlay to the Government to place a bridge there.

I now come to the site selected with most judgment and care by the surveyor, Mr. Readett, in Manners-street. It is the most conveniently situated to the Grafton road; its position is the most commanding, and will not only benefit the townspeople, but all the farmers in and about Groombridge's Swamp, Stony Creek, &c., &c.; and last, though not perhaps the least important, is the natural advantages Manners-street has, viz., the span is much less, the embankment much superior, being of solid rock—consequently the cost would be infinitely less than any other site in the town. With these natural advantages before you, and the benefit that will be conferred on the greatest number of its inhabitants now and hereafter, may possibly assist you, as the guardian of the public interest, to determine on that site best calculated to confer the greatest benefit on the greatest number.

I have, &c.,

T. B. DOWLING.

No. 11.

REPORT OF SURVEYOR GENERAL.

AFTER a personal inspection of the various possible sites for this bridge, with Mr. Keele, Superintendent of Northern Subordinate Roads, I have arrived at the conclusion that Molesworth-street would prove the site most convenient to the majority of the inhabitants of Tenterfield, and otherwise most desirable, the approaches being good on either side, and the Court House and probable sites for other public buildings being in Molesworth-street.

The creek at Molesworth-street is wider than at the other site proposed in Manners-street, but the banks, although alluvial, are high and sound, the course of the creek above and below, for some short distance, is direct, and there does not appear to be any probability of a bridge being injured by floods. At Molesworth-street a span of 120 feet, with a height of twelve feet from the bed of the creek, which is of alluvium and suitable for pile-driving, will place the bridge above the reach of all floods. Mr. Keele, who has had considerable experience in the erection, under contract, of such minor bridges, believes that a bridge of sawn timber would be contracted for within the £500 voted, and I would, therefore, suggest that a plan be prepared and tenders invited for the erection of a bridge at Molesworth-street.

A. G. M.

Surveyor General's Office, Sydney,
B.C.—5 June, 1862.
No. 755.

No. 12.

No. 12.

SURVEYOR GENERAL to SURVEYOR SIMPSON.

*Surveyor General's Office,
Sydney, 6 August, 1862.*

SIR,

It having been determined that the proposed bridge over Tenterfield Creek shall be erected at Molesworth-street, I have to request that you will be good enough to furnish a plan and section of the site and borings of the creek, in order that the plan and specification for the bridge may be prepared.

I am, &c.,
A. G. McLEAN.

No. 13.

PETITION OF INHABITANTS.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Inhabitants of Tenterfield,—

RESPECTFULLY SHEWETH:—

That we, your Petitioners, do humbly beg to submit to your most Honorable House that the site for the bridge over the Tenterfield Creek be placed in Manners-street; being the most central, eligible, and economical site in the creek aforesaid. The same was selected by the local surveyor, and approved of by the Governor-in-Chief and the Executive Council.

The proposed site lies in proximity of the Roman Catholic Chapel, School of Arts, Church Reserve, Recreation Ground, and a direct line of road to the Cemetery. A few influential persons in Tenterfield resolved to remove it to Molesworth-street, to the great injury of the people generally.

May it please your Honorable House to take the subject under consideration, and do justice to all parties concerned.

And your Petitioners will ever pray.

[Here follow 157 Signatures.]

No. 14.

MR. JOSEPH JAMES to SECRETARY FOR LANDS.

Tenterfield, 23 August, 1862.

SIR,

As you stated in the House of Assembly, on the 4th June, that the bridge over the Tenterfield Creek is to be built in Molesworth-street, I enclose in this letter a copy of Mr. Fitzpatrick's letter, contradicting your statement in the Assembly, which was read by our Member, Mr. Gordon, about the 10th June, and you were not present.

Dear sir, I hope you will inform me why you altered the original site, which was selected by Mr. Readett, also approved of by Mr. Simpson, and backed by the majority of landholders and householders in this township and vicinity.

When Mr. McLean, the Surveyor General, was in Tenterfield, about three months ago, he informed Mr. Patrick Curry that Manners-street is the most suitable and economical site for a bridge in the creek, and a good permanent bridge built of stone could be built for £600, and why build a mere temporary wooden bridge to please the minority? Now, sir, if you change the original site without a just cause, I will publish Mr. Fitzpatrick's letter in the *Herald* and the *Empire* on the first news of tender for the construction of the bridge. And if this Government is based on democratic principles, that is, the majority rules, why is the Ministry so equivocating as to be led astray? They, as a body, have no right to alter it.

Believe me, &c.,
JOSEPH JAMES.

No. 15.

SURVEYOR SIMPSON to SURVEYOR GENERAL.

14 September, 1862.

SIR,

With reference to your letter of the 6th ultimo, No. 62-1948, to furnish plan and section for proposed site of bridge at Tenterfield, I have the honor to inform you that I hope to be able to transmit the same in the course of about three weeks.

I have, &c.,
J. M. SIMPSON,
L.S.

No. 16.

BRIDGE OVER TENTERFIELD CREEK.

No. 16.

SURVEYOR SIMPSON to SURVEYOR GENERAL.

Wairialda, 4 October, 1862.

SIR,

I have the honor, in compliance with your instructions 62-621 of the 6th August last, to transmit a plan and section of proposed site for bridge at Molesworth-street to connect East and West Tenterfield.

I have, &c.,

J. M. SIMPSON,
L.S. & C.C.L.

No. 17.

MR. GORDON, M.L.A., to SECRETARY FOR LANDS.

Sydney, 7 October, 1862.

DEAR SIR,

Mr. Hoskins has handed me his letter for perusal, respecting the site for the construction of a bridge over the Tenterfield Creek. I quite concur in his view of the case, and although I cannot give an opinion from my own personal knowledge, I may however state that I have taken some considerable trouble to ascertain the most eligible and the least expensive site; and I have no hesitation in saying that I believe that if the bridge is constructed in Manners-street it will be most in accordance with the wishes of a large number of the residents of the township of Tenterfield.

Yours, &c.,

HUGH GORDON.

No. 18.

MR. HOSKINS, M.L.A., to SECRETARY FOR LANDS.

7 October, 1862.

DEAR SIR,

On Saturday when I was at your office in company with Mr. Gordon, the Member for Tenterfield, you requested me to address a letter to you about the proposed site for the Tenterfield Bridge, which I promised to do, and which promise I now hasten to fulfil.

When last in Tenterfield it was pointed out to me, that if the bridge was erected over the creek at Molesworth-street, in consequence of the banks of the creek at that site being precipitous and rocky, there being large granite boulders at that place, the cost of constructing it would exceed the amount of money appropriated by the Legislative Assembly for the purpose—£500; and that there was a smaller number of persons residing upon both sides of the creek near that place than in almost any other part of the township. On the other hand, if the bridge was erected at Manners-street the physical difficulties would be less, the banks of the creek being lower, and without any granite boulders; consequently it was the general impression that a bridge would be constructed for the amount appropriated for the purpose, while the expense which would be entailed in making the approaches to it on both sides of the creek, would be much less than at Molesworth-street, and there would be this additional advantage, that it would benefit a much larger number of the residents, being in the centre of the township.

Apologizing for trespassing on your valuable time,—

I am, &c.,

JAMES HOSKINS.

No. 19.

MR. JOSEPH JAMES to SECRETARY FOR LANDS.

Tenterfield, 26 October, 1862.

SIR,

Ever since June 4, from an assertion made by you in the Legislative Assembly, I formed an opinion that, for mere political motives, you upheld the minority of this community, to the annoyance of the majority of landholders, respecting the proposed site for the bridge over the Tenterfield Creek; and the most conspicuous of the minority alluded to are Messrs. Wilson, Sweetland, Ritchie, and Cowper, P.M. Is it for the three last-named favoured individuals, that do not own a particle of land in the township, the Ministry want to change the site for? I hope it is not for individual interest the bridge will be built, like most of the buildings in the township, but for the benefit of the whole community. Messrs. Donaldson and Riley have property in the township of some extent, without any improvements whatsoever on them. Mr. Fagg, innkeeper, made more fuss with one allotment, by taking a trip to Sydney to bring the bridge on his back to Tenterfield, than Messrs.

O'Connell,

O'Connell, Irby, and Baker, who own more property in Molesworth-street than all the former combined, and yet they favour the site in Manners-street for being the most central, eligible convenience to the inhabitants, and for economical expenditure. I want to know, why do you deny the ninety-three adult male landholders their privileged rights, when there is about only 133 male adult landholders in the township? Have they not paid dear for their land—do they not pay their taxes—are they entitled to some consideration or respect—are the majority to be put aside for more favoured individuals, whom the Ministry respect on account of their "separation" notoriety? I have avoided agitation, to some extent giving evasive answers, except on business, depending upon justice from a liberal Government. I did not expect the Ministry dilly-dally their time away until the Session closes. Where there is a justifiable grievance, why not grant them their just demands of an injured people? After confirming the site in Manners-street, why change elsewhere without a just reason? Such conduct on the part of the Ministry, unless they are misled, is dishonourable in the extreme. In several instances I took their part, but now I have no excuse.

Believe me, &c.,

JOSEPH JAMES.

No. 20.

UNDER SECRETARY FOR LANDS to MR. JOSEPH JAMES.

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

SIR,

In reference to your letter of the 24th ultimo, respecting the site of the intended bridge over Tenterfield Creek, I am directed by the Minister for Lands to inform you that if you desire him to notice your communications, you must use less offensive style in conveying your wishes.

I have, &c.,

MICHL. FITZPATRICK.

No. 21.

MR. JOSEPH JAMES to SECRETARY FOR LANDS.

*Tenterfield,
30 November, 1862.*

SIR,

I have the honor to acknowledge the receipt of a letter of the 17th instant from Mr. Fitzpatrick, respecting the site of the intended bridge over the Tenterfield Creek, complaining of the offensive style I conveyed my wishes to you, so I make an apology so far—through ignorance of facts I did it. I was duly informed by respectable parties that Mr. Wilson and his party should receive every attention from you, both direct and indirect, and especial advice to what manner they should act to carry their purpose, and declaring the signatures were spurious, through Mr. Cowper, P. M., "and if we would not accede to their wishes we shall have no bridge in Tenterfield," being the very same language repeated by Mr. Wilson and his hired servants to me six months ago; also, as you directed Mr. Fitzpatrick to inform me by letter dated 23rd November, 1861, the site for a bridge in Manners-street being particularly recommended by the local surveyor, and £500 being placed on the Additional Estimates for 1862, and then to countermand it by declaring the proposed site for a bridge was not especially to be in Manners-street but Molesworth-street, without showing me why you altered it; also, retarding the production of papers, correspondence, &c., since June 20th (what our Hon. Member, Mr. Gordon, asked for). It annoyed me to a degree that "I suited action to the word" by writing you that letter; but still further, Mr. Wilson, when in Sydney, called on you, and you showed him the petition sent down from Tenterfield, and he pointed out several false signatures, of which I heard him say to three men in the room of Mr. Baker's Royal Hotel—he saw their names attached to the "Manners-street petition." They then said it was done by their especial permission; and I will defy him or any person to say that any person's name is attached to it without their consent, and we four persons are responsible for them. I should say, send them both to Tenterfield to investigate, and leave it to arbitration; and since I am creditably informed that you advised parties in Molesworth-street, "to avoid disputes, if they raise by subscription a certain amount of money, the Government will aid them to build it," I should say, why not offer the like terms to Manners-street, and I am sure we shall have two bridges instead of one,—add double the amount that can be collected, and the people will be satisfied.

I have, &c.,

JOSEPH JAMES.

[Enclosure in No. 21.]

NAMES of all the Landholders owning property in Molesworth-street, shewing the extent of each, and which site they are in favour of.

Names of all Owners of Land fronting Molesworth-street.	Persons in favour of having the Bridge in Manners-street.	Persons in favour of having the Bridge in Molesworth-street.	Persons opinion not ascertained.
Eugene O'Connell	9 chains.		
Richard Baker	8 do.		
Edward Irby	2 do.		
Frederick Bracker	1 do.		
A. H. M'Arthur	2 do.		
John Woods .. .. .	.. .. .	5 chains.	
Philip Sullivan .. .. .	.. .. .	3 do.	
William Smith .. .. .	.. .. .	2 do.	
M. H. Marsh .. .. .	.. .. .	2 do.	
Assignee of Canning Estate ..	.. .. .	.. .. .	5 chains.
S. A. Donaldson .. .. .	.. .. .	.. .. .	7 do.
Sum total each	22 chains.	12 chains.	12 chains.

The remainder of the frontage is Government reserve, Court House, &c.

There is forty-six chains frontage in Molesworth-street, while persons owning twenty-two frontage are in favour of Manners-street, and all them that own property in Manners-street in favour of Manners-street.

In haste, &c.,
JOSEPH JAMES.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BRIDGE AT BOMBALA.

(CORRESPONDENCE RELATIVE TO ERECTION OF.)

Ordered by the Legislative Assembly to be Printed, 23 October, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 6 September, 1861, That there be laid upon the Table of this House,—

“ A Copy of all Memorials, Reports, or other documents
“ received by the Government, and all Correspondence
“ relative to the erection of a Bridge over the Bombala
“ River, at the Township of Bombala.”

(*Mr. T. Garrett.*)

SCHEDULE.

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BRIDGE AT BOMBALA.

No. 1.

C. M. BADDELEY, ESQ., to D. EGAN, ESQ., M.P.

Bombala, 10 April, 1858.

MY DEAR SIR,

Enclosed I beg leave to forward you a Petition to the Executive Council, praying for the erection of a Bridge over the River that divides this town. You will find there are somewhere about 120 signatures, comprising the whole of the inhabitants of the town and vicinity, excepting Kisterton and Flavelle. Will you be so good as to forward it to the proper quarter, and further oblige us by supporting, to the utmost of your ability, the prayer of the said Petition?

I have, &c.,

C. M. BADDELEY.

[Enclosure in No. 1.]

Bombala, 10 April, 1858.

To the Honorable the Executive Council, &c., &c., of New South Wales, &c., &c., &c.

The Petition of the undersigned residents in the Township of Bombala and its vicinity,—
Humbly Sheweth:—

That the said Township of Bombala is (as your Petitioners are of opinion) injudiciously measured out on the two sides of a river which intersects the said township, dividing one side thereof from the other.

That no bridge being erected across the said river, all communication on the part of the inhabitants residing on the one side with that resident on the other is at times totally suspended, and during the winter time more especially for a continuous period, when, after heavy rains, the river is utterly impassable for either man or beast.

The Church of England place of worship and the Roman Catholic place of worship are erected on opposite sides of the river, and during the prevalence of floods, those of the inhabitants residing on the opposite side of the river to that on which their respective places of worship are erected, are deprived of the blessing of joining their fellow beings in public worship.

There is but one medical practitioner residing in the township, who, in such cases and at such periods as those alluded to, would be unable to give the necessary relief and assistance in cases of sickness, however urgent, should it unfortunately happen that the suffering person requiring such aid were on the opposite side of the river to that on which the said practitioner was living at the time being, and death might in any case ensue ere the flooded river were sufficiently fallen to be passable by the practitioner in question.

That there is one school only in the township, and in many cases the children of your Petitioners resident on the opposite side to that on which this school is held are, during a great portion of the winter, prevented from sending their children to said school.

That in cases of crime or outrage, the Police Station being on the one side, the assistance of the constabulary could not in any such cases be obtained in sufficient time to insure the speedy apprehension of the offending parties, thus in a manner almost encouraging others to commit offences; and more generally, your Petitioners feel justified in asserting that an efficient system of police protection cannot, for such reasons and at such times, be carried out, as the police could not cross and recross the river without great risk of life. That the administration of public justice is frequently interrupted through the inability of the witnesses and others, when resident on the opposite side, to cross to the side of the river on which the Court House stands.

That similar inconvenience is experienced in reference to the Post Office, many of your Petitioners having been for days together without their letters, not being able to communicate with such Post Office, for want of some suitable means of crossing the river; and that generally, your Petitioners most positively affirm, that from past experience they know it to be the case, that the want of a Bridge across the Bombala River, and the consequent suspension alluded to of intercourse between the one portion of the inhabitants of the township with the other is, and has been for some time past, in the highest degree detrimental to the commercial interest, moral advancement, and general comfort of such inhabitants.

And, under such circumstances, your Petitioners hope that you will, without loss of time, instruct Mr. James Henry Thomas, now stationed at Eden, to draw out such plans, estimates, and suggestions as may be necessary for the guidance of the Government in reference to the erection of a suitable Bridge across the Bombala River; and that, in accordance with that gentleman's estimate, you forthwith cause a sufficient sum of money to be placed on the Estimates, shortly to be brought before the Legislative Assembly, to be expended in the erection of a Bridge, the absence whereof is and has been so much felt by your Petitioners and their respective families.

In conclusion, we beg leave most respectfully to remind your Honorable Council that the Town of Bombala in the year 1857 contributed no less a sum than £1,911 14s. 3d. to the general revenue of the Colony; we therefore trust that, in considering the matter of this Petition, the above-mentioned fact will be borne in mind, and induce your Honorable Council to grant the prayer thereof.

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

[Here follow 6 Signatures.]

No. 2.

MEMORANDUM OF SECRETARY FOR LANDS AND PUBLIC WORKS.

Mr. Thomas may perhaps be asked to report, but without pledging the Government to the construction of the proposed bridge.

It does not appear from this Petition why the communication cannot be kept up, as in places of much greater importance, by means of a punt or ferry boat.

JOHN R.

20 April, 1858.

Captain Martindale may be requested to instruct Mr. Thomas to report accordingly.

Blank Cover,
23 April, 1858.

M.A.

No. 3.

BRIDGE AT BOMBALA.

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No. 3.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to D. EGAN, ESQ., M.P.

*Department of Lands and Public Works,
Sydney, 23 April, 1858.*

SIR,

With reference to the Petition presented by you on the 16th instant, from certain of the residents in the township of Bombala and its vicinity, representing the necessity for the erection of a bridge over the river in that township, I am directed by the Secretary for Lands and Public Works to inform you, that in accordance with the suggestion of the petitioners, Mr. Thomas, who is at present superintending the repair of the road from Eden to Bombala, will be instructed to report on the proposed bridge.

I have, &c.,

MICHL. FITZPATRICK.

No. 4.

SECRETARY TO RAILWAY DEPARTMENT to MR. THOMAS, C.E.

*Railway Department,
Sydney, 10 May, 1858.*

SIR,

I am directed by the Chief Commissioner to enclose herewith, for your report, a Petition from the Inhabitants of Bombala, respecting the erection of a bridge across the river, with the minute, blank cover, of the Honorable the Secretary for Lands and Works thereon, and I am at the same time to inquire why a communication cannot be kept up across the river without a bridge.

I have, &c.,

JOHN RAE,
Secretary.

No. 5.

COMMISSIONER FOR RAILWAYS to SECRETARY FOR LANDS AND PUBLIC WORKS.

*Railway Department,
Sydney, 30 June, 1858.*

SIR,

In reference to your minute, blank cover, of 23rd April last (herewith returned), directing me to instruct Mr. Thomas to report on a Petition from the inhabitants of Bombala, respecting the erection of a bridge across the river at that place, I have the honor to enclose, for your information, a copy of Mr. Thomas' letter of the 31st ultimo, and a plan of the Town of Bombala.

I have, &c.,

B. H. MARTINDALE.

[Enclosure in No. 5.]

*Eden, Twofold Bay,
31 May, 1858.*

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 10th instant, No. 58/782, enclosing, for my report, a Petition from the inhabitants of Bombala, respecting the erection of a bridge, and inquiring why a communication cannot be kept up across the river by means of a ferry boat.

2nd. There is nothing to prevent the employing of a punt as a means of communication, as far as the river itself is concerned, as the floods do not cause a great rush of water, but merely a gradual rising of the river.

3rd. It will be seen by the enclosed plan of Bombala² that it differs somewhat from other places ^{*Vide Appendix.} where a punt is employed, as in this case, the river divides the town into two portions; and as about an equal number of the inhabitants are located on either side, a much greater inconvenience is caused than would be the case if the river merely intersected a road outside the town, and which would only have to be crossed occasionally.

4th. A bridge for foot passengers and horses could be erected for the sum of £400; and one capable of accommodating drays and carts would not cost less than £1,000. I return herewith the Petition referred to.

I have, &c.,

JAS. H. THOMAS.

The Chief Commissioner,
Railway Department,
Sydney.

No. 6.

BRIDGE AT BOMBALA.

No. 6.

UNDER SECRETARY FOR LANDS AND PUBLIC WORKS to D. EGAN, ESQ., M.P.

*Department of Lands and Public Works,
Sydney, 19 July, 1858.*

SIR,

With reference to my letter of the 23rd April last, respecting the Petition presented by you from certain residents of Bombala and its vicinity, praying for the erection of a bridge over the river which divides that township, I am directed by the Honorable the Secretary for Lands and Public Works to inform you, that the Government are not at present prepared to incur the expense, viz., (£1,000) One thousand pounds, which would be involved in the erection of a bridge at that place.

I have, &c.,

MICHL. FITZPATRICK.

No. 7.

MEMORIAL.

*Bombala, Maneroo,
November, 1859.*

To the Honorable the Minister for Lands and Public Works, &c., &c.

The Memorial of the undersigned Inhabitants of the District and Township of Bombala,—
HUMBLY SHEWETH:—

That the prayer of your Memorialists, dated March [April?], 1858, applying that a sum of money might be placed upon the Estimates, to be expended in the erection of a Bridge across the Bombala River, may be again taken into consideration by Her Majesty's Government, in framing the Estimates for the ensuing year. Your Memorialists feel that any recapitulation of the cause upon which such application is grounded to be unnecessary, and would simply refer you to such said Memorial.

Your Memorialists are humbly of opinion, and have reason to believe, from information received, that the requirements were in a great measure understood by the Government, inasmuch as their application was for a sufficient sum of money to erect a bridge across the said river, which would facilitate the passage of man and horse across the same, leaving the construction of a bridge of larger dimensions, suitable for dray traffic, as a matter of future consideration.

Your Memorialists feel that they have a right to assume that their requirement could, if rightly understood, be complied with at a comparatively small outlay on the part of the Government, and therefore pray that the whole matter of their Petition may again be taken into consideration. And your Memorialists, as in duty bound, will ever pray.

[Here follow 202 Signatures.]

No. 8.

MEMO. OF SECRETARY FOR LANDS.

SEEING that a bridge estimated to cost £1,000 is what the memorialists want, and that the Government never contemplated an expenditure of more than £400, I presume nothing farther need be done in the matter at present.

J. B.

3 March, 1860.

No. 9.

S. H. SOLOMON, ESQ., to A. HAMILTON, ESQ., M.P.

Bombala, 29 February, 1860.

DEAR SIR,

Your kind favour of the 17th February came duly to hand; and, in reply, we beg to inform you, that during the recent floods here two more lives have been lost by drowning in the Bombala River; one of whom was the Twofold Bay postman, and the other person only lately come to reside in the district; lost their lives in endeavouring to cross the river. So you will see at a glance the immediate necessity of erecting a bridge, without loss of time, over our river; more particularly as the winter is approaching, when floods will most probably be very frequent. We would also beg to call your attention to the very weak state of the Police Force here, only three ordinary constables to assist the Chief Constable, which we suggest should be increased by two more constables at least, in consequence of the great rush of people passing daily through the district on their route to the Snowy River, or Gibson's Plains Gold Fields, and there is no doubt but depredations will be of frequent occurrence

BRIDGE AT BOMBALA.

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occurrence by disappointed diggers returning back penniless and starving; so that to preserve the peace of the district, we think the Police Force ought to be strengthened forthwith; for what use would three or four men be in an outbreak with so many hundreds of desperate characters?

Hoping to have the pleasure of soon hearing from you, with kind regards to Mrs. Hamilton and self,—

S. H. SOLOMON.

No. 10.

MINUTES OF SECRETARY FOR LANDS.

*Bombala River,
Maneroo District.*

MR. Hamilton, M.P., states that this river runs through the town of Bombala, and that a bridge is much wanted, to preserve life. Ascertain from Acting Surveyor General the nature of the claims of this place,

JOHN R.
12 March, 1860.

INFORM that the bridge would cost one thousand pounds, and that the present state of the Revenue does not warrant the Government in placing the amount on the Estimates at the present time.

JOHN R.
28 March, 1860.

No. 11.

UNDER SECRETARY FOR LANDS to A. HAMILTON, ESQ., M.P.

*Department of Lands,
Sydney, 30 May, 1860.*

SIR,

With reference to the Petition of certain inhabitants of the Maneroo District for the erection of a bridge over the Bombala River, and the representation made by you as to the necessity of the same, I am directed to inform you that, as the cost of the proposed bridge has been estimated at £1,000, the Secretary for Lands does not consider that the present state of the Revenue would warrant the Government in placing the amount on the Estimates for that purpose.

I have, &c.,

MICHL. FITZPATRICK.

No. 12.

MEMORIAL.

To the Honorable the Minister for Works, &c., &c., Sydney.

The Memorial of the undersigned Inhabitants of the Town and District of Bombala,—
HUMBLY SHEWETH:—

That the Township of Bombala is intersected by a river known as the Bombala River, which divides the one portion of the said township from the other.

That the absence of any permanent bridge across the said river, which at seasons is totally impassable, has retarded the advancement, hindered the prosperity, and prejudiced the welfare and comfort of your Memorialists as inhabitants of the said township.

Your Memorialists respectfully draw your attention to the fact, that while there is one principal school on the one side of the said river, many of your Memorialists' families live upon the other side. The same argument applies to the Church of England, known as St. Matthias' Church.

In the matter of postal arrangement, many of your Memorialists (the river being impassable and unbridged) have been delayed, for days, the delivery of their letters. Deaths have occurred through the absence of some safe secure bridge, by persons attempting to cross at night.

Your Memorialists feeling that the erection of a structure such as that applied for would entail but a trifling expense on the Government, and feeling moreover conscious that the result of recent scientific research justifies the anticipation that this important district is rich in hitherto undeveloped mineral resources, and destined to occupy a most prominent position in the annals of the Colony,—humbly, briefly, but most earnestly pray that Her Majesty's Government will cause such steps to be taken as will comply with the prayer of their petition, in causing the very urgently needed structure to be erected with the least possible delay.

[Here follow 39 Signatures.]

Forwarded under B.C. to Minister for Lands.—W. M. A.—25 Jan., 1861.

Referred to the Acting Surveyor General, to ascertain the amount of traffic over the river generally.—B.C., 11 Feb., 1861.—JOHN R.

No. 13.

BRIDGE AT BOMBALA.

No. 13.

SURVEYOR GENERAL to MR. SURVEYOR GORDON.

Sydney, 27 February, 1861.

SIR,

I have the honor to enclose, for your perusal, the copy of a Memorial which has been received from certain inhabitants of Bombala, requesting that a bridge may be erected across the Bombala River at that place; and I request that, in reporting thereon generally, you will favour me with your opinion as to the necessity of a bridge, and the probable cost.

I have, &c.,
A. G. M'LEAN.

No. 14.

UNDER SECRETARY FOR WORKS to UNDER SECRETARY FOR LANDS.

*Department of Public Works,
Sydney, 7 May, 1861.*

SIR,

In reference to my B. C. of the 25th January, forwarding a Memorial from the inhabitants of Bombala, praying for a bridge over the river at that place, I am now directed to enclose herewith an extract from a letter received from Mr. Thomas Garrett, bearing on this subject.

I have, &c.,
JOHN RAE.

[Enclosure in No. 14.]

Extract alluded to.

"Would you also kindly inform me, whether anything further has been done in your department relative to the erection of a bridge over the Bombala River at the Township of Bombala, in reference to which I presented a Petition or Memorial to you in February last, and which Memorial was, I think, referred to the Lands Department, to have action taken on it by the Survey Office?"

No. 15.

ACTING SURVEYOR GENERAL to MR. SURVEYOR GORDON.

22 May, 1861.

SIR,

I have to call your attention to my letter of the 27th February last, requesting your report and opinion as to the necessity for a bridge across the Bombala River, and to say that I shall be glad to receive your report at your very earliest convenience.

I have, &c.,
A. G. M'LEAN,
A.S.G.

No. 16.

REPORT OF MR. SURVEYOR GORDON.

Bombala, 19 June, 1861.

SIR,

In attention to your letters of the 27th February last and 22nd May last, requiring my report as to the necessity for a bridge in this town, and the probable cost thereof, I have the honor to report that, having made minute inspection of the surrounding locality, I find there are four contiguous fords in connection with the town, access to and approach over which are by nature good, and waters shallow, and presenting slight inclines or slopes in regard to steepness, and, except in periods of excessive floods, readily accessible and fordable; on such occasions, however, the fall of the water recedes very rapidly. One of these falls has, within the last few months, been much improved, at considerable public pecuniary outlay, and thus rendered more effectually desirable and available, and both are now in good condition, while that at the termination of Mahratta and Young streets proves a very superior one, shallow, and equivalent for all ordinary usage. I, of consequence, deem such sufficient and adequate for existing public requirements of teamsters and travellers, and public community generally.

The

The object sought for by Petitioners appears rather, however, for one of an exclusively local benefit to the town interests, than for special welfare to accrue from it to the public—a thoroughfare by means of a foot bridge for pedestrians being the desiderata sought for, to secure certain and uninterrupted intercourse and communication during highest river rises—one numerous share of the inhabitants residing on either side, and the Court House, Post Office, &c., &c., being situate as well on opposite shores during ordinary river height. The existing causeway at sect. 19, erected by means of subscription, effectually serves all purposes of such desired convenience; it is however but of a frail temporary nature, built of slender material, and, but for its submergement in common floods, it could not for any time withstand the force of the strong current thereabouts; on such occasions of rise, entire stoppage of intercourse of necessity occurs; notwithstanding I consider it but reasonable, should such a structure be entertained as desirable, and as urgently required, that the greater moiety of expense should be shared by the town residents, as representing the body most interested and concerned, and who would mainly derive benefit therefrom.

In respect to position, the north termination of Forbes-street appears to be the best adapted, by reason of central position, as a favourable and eligible site, which, at a distance of but a few yards from the river edge, proves of such favourable elevation as had never known to have been flooded; the sub-strata appears also hard and desirable for foundation purposes; the ground on the north bank is somewhat lower, of a more loose and sandy character of soil, and approach from Atkinson and Mahratta streets would require a few feet of raising of earthwork to bring such to corresponding level. No other spots up or down the river course within the town appear to present such advantages or facilities, the banks of which hereabouts remain firm, solid, and unencroached upon from flood effects, while in several other adjacent spots considerable encroachments have and do continually occur, thus liable to endanger frequent damage to and imperil the destruction of any bridge structure. In rough estimates, I deem that a suitable timber bridge for wheels, &c., might be erected at a cost from £1,500 to £1,800; that for a suitable substantial structure for pedestrians alone, for £400 to £500; at the spot indicated as eligible the river width is about 60 yards, and depth of water about 18 to 20 feet; the length of structure with span for lofty elevation from each of its extremes, and extending across from each embankment beyond reach of highest flood, would average about 125 yards, inclusive of the required raising, and the requisite height from present water level would prove about 25 feet.

I beg to add, that on occurrences of known floods during average of past seven years, I ascertain by reliable information, that no more than three successive days have ever elapsed, as that total interception or cessation of intercourse between both sides has been thereby caused or discommoded, and to observe that, viewing all circumstances, I do not entertain opinion that the wants of the public community generally are in need of the bridge communication herein sought for, now that the importance of existing thoroughfare or passing internal traffic (now but insignificant) through the town of Bombala are adequate to the demand for, or as would reasonably justify or either warrant an outlay of public funds on the object sought for, particularly because the advantages to be accrued would result in all probability to the town people alone, or otherwise prove of but little or no avail to the public in general.

I have, &c.,

LEWIS GORDON.

No. 17.

REPORT OF ACTING SURVEYOR GENERAL.

THE main features of Mr. District Surveyor Gordon's report are: 1, That there are several excellent crossing places over the Bombala River, within the town; 2, That there is no larger traffic through the town; and 3, That the erection of a bridge must be looked on as a matter of convenience to the townspeople, and of little importance to the general public; and this is indeed implied by the Petition, that in the last seven years the interruption to traffic, which is unfrequent, has never lasted for more than three consecutive days; 4, That a permanent bridge for vehicles would probably cost from £1,500 to £1,800, while a bridge for foot passengers only might be erected above the reach of all floods, for £400 to £500. Mr. Gordon considers that a foot bridge would meet the requirements of the inhabitants of Bombala, and considers that they should bear a larger proportion of the cost, as being the only section of the community interested. In Cooma and other places, local requirements have been met by the provisions by Government of an equal sum to that subscribed, and I would recommend, that on the Bombala residents subscribing a moiety of what may be shown to be sufficient to erect a foot bridge beyond the reach of floods, an equal amount should be placed on the Estimates.

A. G. M.

6 July, 1861.

No. 18.

UNDER SECRETARY FOR LANDS to T. GARRETT, Esq., M.P.

*Department of Lands,
Sydney, 31 July, 1861.*

SIR,

Referring to the Petition presented by you in January last, from certain inhabitants of Bombala, praying for the erection of a bridge over the Bombala River at that place, I am directed to inform you, that after due inquiry on the subject, it appears to the Secretary for Lands that there is no large traffic over the river at Bombala, and that within the last seven years the interruption to the traffic has never lasted more than three consecutive days. Moreover, that a bridge for vehicles would probably cost from £1,500 to £1,800, while a bridge for foot passengers, which would, it is considered, meet the requirements of the inhabitants, might be erected above the reach of all floods for £400 or £500.

Under the circumstances, I have to state, that Mr. Secretary Robertson, upon the inhabitants of Bombala—the only section of the community interested—subscribing a moiety of what may be shown to be sufficient to erect a foot bridge beyond the reach of floods, will be prepared to place an equal sum upon the Estimates for the purpose.

I have, &c.,
MICHL. FITZPATRICK.

PLAN
OF THE
TOWN AND PART OF THE PARISH
OF
BOMBALA
COUNTY OF WELLESLEY
MONARO

1857.



1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED BRIDGE OVER THE NAMOI RIVER.
(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 12 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Residents of the Namoi River,—

HUMBLY SHEWETH:—

That your Petitioners having heard with regret that it is the intention of the Government to place the proposed Bridge over the Namoi River at Terriara, instead of Broadwater, as originally intended, they would most respectfully bring the following under your notice, that if the Bridge is built at Terriara, at the time it should be most useful (*viz.*, flood time) it would be useless, from the flooded state of the approaches; and to make such approaches available at such times would cost nearly as much as the erection of the Bridge, whereas at Broadwater it would be accessible at all times.

Your Petitioners therefore pray that your Honorable House will take the matter into your consideration, and urge on the Government the necessity of instituting inquiries into the subject, when they humbly hope they may be induced to comply with prayer of this Petition.

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

[*Here follow 98 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED BRIDGE OVER THE RIVER PATERSON,
AT DUNMORE.
(DISTRICT OF PATERSON AND ALLYN RIVERS.)

*Received by the Legislative Assembly, 15 October, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Landowners and others interested in the District
of Paterson and Allyn Rivers,—

HUMBLY SHEWETH:—

That your Petitioners have heard with surprise that it is the intention of the
Government to propose to your Honorable House, during the present Session of Parliament,
an estimate for the erection of a bridge over the River Paterson, at or near Dunmore.

That having regard to the claims of other and more important localities than the one
in question, it would be an inequitable appropriation of the Public Revenue the sanction of
the said estimate.

That a Bridge at Dunmore would be of service only to parties residing or having
property adjacent thereto.

That the traffic at that place is inconsiderable.

That there is no Town on the eastern side of the River, to the inhabitants of which
such Bridge or structure would be of much utility.

That the River is navigable by vessels of forty tons burthen to the Town of Paterson,
some twelve or fourteen miles further than Dunmore from the sea, which navigation your
Petitioners apprehend would be much impeded by any Bridge so constructed.

That your Petitioners are unanimous in their opinion, that the quantity of timber
and other *debris* floating down the River would collect and form an obstruction to the
navigation.

Your Petitioners for the above reasons, therefore, most humbly pray your Honorable
House to refuse its assent to the said estimate.

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

[Here follow 275 Signatures.]

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

PROPOSED BRIDGE OVER THE RIVER PATERSON,
 AT DUNMORE.

(DISTRICT OF PATERSON AND ALLYN RIVERS.)

*Received by the Legislative Assembly, 7 November, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Landowners and others interested in the District
 of Paterson and Allyn Rivers,—

HUMBLY SHEWETH :—

That your Petitioners have heard, with surprise, that it is the intention of Government to propose to your Honorable House, during the present Session of Parliament, an estimate for the erection of a Bridge over the River Paterson, at or near Dunmore.

That having regard to the claims of other and more important localities than the one in question, it would be an inequitable appropriation of the public revenue, the sanction of the said estimate.

That a Bridge at Dunmore would be of service only to parties residing or having property adjacent thereto.

That the traffic at that place is inconsiderable.

That there is no town on the eastern side of the River, to the inhabitants of which such Bridge or structure would be of much utility.

That the River is navigable by vessels of forty tons burthen to the town of Paterson, some twelve or fourteen miles further than Dunmore from the sea, which navigation, your Petitioners apprehend, would be much impeded by any Bridge so constructed.

That your Petitioners are unanimous in their opinion, that the quantity of timber and other debris floating down the River would be sure to collect and form an obstruction to the navigation.

Your Petitioners, for the above reasons, therefore must humbly pray your Honorable House to refuse its assent to the said estimate.

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

[Here follow 134 Signatures.]

Paterson, September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED BRIDGE OVER THE RIVER PATERSON
AT DUNMORE.
(DUNGOG.)

*Received by the Legislative Assembly, 28 November, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Members of the Legislative Assembly, in Parliament assembled.

The Petition of the undersigned Residents of Dungog and the adjacent District,—

HUMBLY SHEWETH :—

That a regard for the interests of the community at large, and a keen perception of the wants of this District in particular, impel your Petitioners earnestly to beg of your Honorable House to cancel a recent vote of £6,000 towards the erection of a bridge over the Paterson, at Dunmore.

That your Petitioners, although alive to the duty incumbent upon the Government to carry out public works conducive to the material interests of the community, are nevertheless convinced that the expenditure of such a sum, for such a purpose, would be a misappropriation of the public money, even if the public revenue were in excess of the public requirements.

That in the opinion of your Petitioners, such an expenditure under actual circumstances would be tantamount to reckless extravagance.

That the proposed bridge would subserve the interests of scarcely any save the few inhabitants in the immediate locality of Dunmore.

That a bridge in that locality is about the very last structure that could have been conceived of as a desideratum, by the inhabitants of this or any of the Districts to the eastward and northward of the Paterson.

That your Petitioners, as the best judges of their own interests, feel justified in making the assurance, that nought but unprincipled selfishness, or the well-meaning ignorance of strangers to the District, would attempt to persuade your Honorable House that the outlay of thousands of pounds upon a bridge at Dunmore, would either minister to their wants, or accord with their notions of justice.

That your Petitioners, therefore, humbly pray that your Honorable House will not sanction the erection of the said bridge. And your Petitioners, as in duty bound, will ever pray.

[Here follow 128 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPOSED BRIDGE OVER THE RIVER PATERSON
AT DUNMORE.

(DISTRICTS OF THE PATERSON, THE WILLIAMS, &c.)

*Received by the Legislative Assembly, 5 December, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the undersigned Landowners and others interested in the Electoral
Districts of the Paterson, the Williams, the Hunter, &c., &c., &c.,—

SHEWETH:—

1st. That your Petitioners have observed with much pleasure that a sum of £6,000 has been passed by your Honorable House, during the present Session of Parliament, for the erection of a bridge over the Paterson River at Dunmore, in the vicinity of the mill, which your Petitioners regard as a most suitable and convenient spot.

2nd. That your Petitioners feel grateful that the claims of the several important localities which will be connected by such a certain means of communication, have obtained consideration from your Honorable House, and that a sum has been passed to promote so general a benefit to the inhabitants of the surrounding districts.

3rd. That the traffic at present is far from inconsiderable, although the difficult approaches to the punt render it a most inconvenient means of crossing the river, but that great accommodation will be afforded by the erection of a bridge, and consequent increase of traffic follow.

4th. That the erection of such a structure, as a means of communication, would not only be of great service to the inhabitants of the districts of Paterson, Maitland, Morpeth, Dunmore, &c., but also to the towns on the eastern side of the river, viz. :—Seaham, Clarence Town, Brookfield, Dungog, Stroud, Gloucester, Manning River, Port Macquarie, Hastings River, Macleay River, and, in fact, connect the port of Newcastle with the New England line of road.

5th. That your Petitioners learn with satisfaction that the proposed bridge will not interfere with the navigation of the river, as they gather from the report of the Engineer-in-Chief that it will be of such a construction as to admit of vessels passing up or down at any time.

6th. That your Petitioners humbly express the opinion that no more suitable expenditure of public money can be made than on works which have the effect of opening up means of certain communication between producing and manufacturing districts separated by natural obstacles, and therefore pray that your Honorable House will take the premises into your favourable consideration.

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

[Here follow 1,150 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PUBLIC FERRY AT MORPETH.

(PETITION FROM INHABITANTS, PHOENIX PARK.)

Received by the Legislative Assembly, 2 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Inhabitants of the District of Phoenix
Park, near Morpeth, and its District, in the Colony of New South Wales,—

MOST RESPECTFULLY SHEWETH:—

That in the District of Phoenix Park your Petitioners have not the benefit of
a National School, and there is none nearer than Morpeth, to which your Petitioners have
no other access than by means of the public ferry at Morpeth.

That the toll your Petitioners have to pay exceeds the amount charged for school fees,
and is a heavy tax on your Petitioners, and precludes some of them from giving their
children the means of education, although so near at hand.

Your Petitioners, therefore, humbly pray that your Honorable House will take the
premises into your consideration, and to grant to your Petitioners such relief as to your
Honorable House may seem meet.

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

[Here follow 84 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROPOSED GOVERNMENT STEAM FERRY BETWEEN
SYDNEY AND THE NORTH SHORE.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 9 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Merchants and others, residents of the City of Sydney, and also of the undersigned Farmers, Market Gardeners, and others, residents of St. Leonard's, Lane Cove, Pennant Hills, and South and North Colah, on the northern shore of the Harbour of Port Jackson, within the Colony of New South Wales,—

RESPECTFULLY SHEWETH :—

That there are resident within the country localities above set forth upwards of four thousand individuals, the greater portion of whom are engaged in agricultural or other rural pursuits, and that the inhabitants of Sydney generally are deeply interested, and strongly impressed with the urgent necessity existing, that certain and regular means of access should be afforded to these persons for the transit of the produce of their labours (on which they mainly depend) from their stations to the Sydney Markets, or other portions of the city, for the disposal of the same.

That at the present time there are two steamboats plying between the North Shore and this city, by means of which alone the residents of the country districts above set forth can have their goods conveyed to the city.

That in consequence of the said steamboats being the properties of private individuals, they are frequently, and for days together, taken from the Ferry and employed elsewhere in the harbour, as tugs or otherwise, the consequence of which is that the market gardeners and others, residents of the North Shore, are for considerable periods deprived of the means of conveying to the city the produce or other goods which they have brought to the wharfs, greatly to the detriment of their produce, as well as subjecting this industrious class of persons to most serious loss of time and heavy expenses, caused by the (otherwise) unnecessary detention of themselves, their horses and carriages—and this detention also tending greatly to the injury of dealers and other citizens dependent upon such produce for the supplies of the citizens generally.

That Petitioners respectfully submit to your Honorable House, that if a regular Steam Ferry were established, regulated by stringent Government rules, and giving your Petitioners, as well as the general public, means of certain access to either shore of the harbour at all reasonable times, it would not only greatly benefit your Petitioners, residents of the North Shore, and the citizens generally, but would greatly enhance the value of Government and other lands in the localities hereinbefore enumerated.

That your Petitioners would finally submit, that were such a regular Ferry established, and subject to the control of Government, it would not only be a great boon to Petitioners, who are now deeply aggrieved by the want of the same, but would, by the leasing of such establishments, tend considerably to increase the public revenue.

Under the above circumstances, your Petitioners now most earnestly pray that your Honorable House will be pleased to take the serious grievance under which they labour into your most favourable consideration, and that you will afford them (your Petitioners) such speedy relief as to your Honorable House may seem meet.

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

[Here follow 503 Signatures.]

Sydney, 27 November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WHARFAGE AND CARTAGE OF GOVERNMENT GOODS.

(RETURN, SHEWING TOTAL COST OF.)

Ordered by the Legislative Assembly to be Printed, 11 July, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 1 July, 1862, That there be laid upon the Table of this House,—

“ A Return, shewing the Total Cost of the Wharfage and
 “ Cartage of Government Goods from the City Wharfs to the
 “ Railway Station, from the 1st June, 1861, to 1st June,
 “ 1862.”

(Mr. Dalgleish.)

RETURN of Cost of Wharfage and Cartage of Government Goods from the City Wharfs to the Railway Station, from the 1st June, 1861, to 1st June, 1862.

WHARFAGE.			CARTAGE.			TOTAL.		
£	s.	d.	£	s.	d.	£	s.	d.
246	4	0	753	15	3	996	19	3

Railway Office,
10 July, 1862.

R. C. WALKER,
Accountant.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STEAM CRANE AT NEWCASTLE.

(CORRESPONDENCE, &c., RESPECTING.)

Ordered by the Legislative Assembly to be Printed, 27 May, 1862.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 3 December, 1861, That there be laid upon the Table of this House,—

“ (1.) Copy of Specifications and Conditions issued by Government for the erection of a Steam Crane at Newcastle.

“ (2.) Copies of all Correspondence, Plans, and other Documents between the Government or the Engineer-in-Chief for Harbours and the successful Tenderer, from the acceptance of the Tender to the date of the Return.

“ (3.) A detailed statement of the defects in the design or construction of the Crane; the time during which it was at work; the length of time it has been under repair; and the expenses of such repairs with which the Government is chargeable.”

(Mr. Allen.)

SCHEDULE.

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STEAM CRANE AT NEWCASTLE.

No. 1.

SPECIFICATION of a Steam Crane for Shipping Coal at Newcastle.

THE work to be executed under this Contract will consist in supplying, erecting, and putting to work, on the Wharf at Newcastle, a good, substantial, and powerful Steam Crane, with boiler, and all proper appliances and fittings, suitable for the loading of coals on board ship.

The accompanying drawing and this specification describe, generally, the dimensions and kind of Crane required. The ordinary weight which the Crane will have to lift, will be about eight (8) tons; but the Crane will be required to be constructed of strength sufficient to be capable of lifting, with safety, a weight of not less than twelve (12) tons; and in order to prove that the Crane is competent to do the work required of it, and above described, the contractor will be held responsible for its safe working for a period of two months after it shall have been opened for *bonâ fide* use by the public.

A five horse-power high-pressure boiler, of approved construction, fitted with proper feed apparatus, and all the usual cocks and pipes, steam and others; blow-off pipes and cocks; steam and water gauges; and, in fact, all fittings and mountings usually required in such cases, shall be supplied and erected by the contractor, on some convenient part of the wharf adjoining the Crane.

The drawing exhibits the size and general arrangements of the Crane, as much in detail as it is considered necessary to shew them.

Minute details or particulars are not given, it being presumed that an intelligent contractor will understand all that will be required, and will estimate accordingly; it being distinctly understood that the work will be required, in all its parts, to be turned out in first-class style, and finished in every respect, both as regards material and workmanship, to the satisfaction of the Engineer-in-Chief for Harbours and Rivers, or whomsoever he may appoint to superintend the same.

The boiler is to be capable of being worked up to a pressure of fifty pounds to the square inch.

All bearings to be of brass or gun-metal, with proper lubricating apparatus.

Any slight modification which may be suggested by the contractor, the effect of which would be either to improve the work or diminish the cost, such as slightly altering dimensions to suit patterns, will, if approved of by the before-named Engineer, be allowed.

The amount stated in the contractor's tender will be considered as the full price of the Crane, complete, and set to work to the satisfaction of the Engineer; and no allowances whatever will be made for any alleged extras.

The contractor is to state in his tender the time within which he will be prepared to complete the Crane and put it to work, under a penalty of £3 3s. per day, for every day that the work remains unfinished after the time so specified.

Payments will be made in three instalments, on the certificate of the Engineer as to the value of the work performed; the first instalment to be paid when the castings are all made; the second instalment to become due when the Crane and its appliances have been erected on the Wharf at Newcastle; and the third and final instalment to be paid when delivery shall have been taken by the Government at the end of the period of maintenance by the contractor—two months, as before specified.

The cast iron centre frame of the Crane is shewn as fittings on a pile; this pile will be supplied, driven, fixed, and braced into the Wharf, and roughly trimmed up by the contractor for the Wharf; the cost, therefore, of this pile should not be included in the estimate of the contractor of the Crane; but, with the exception of this pile, all other matters or things connected with the Steam Crane, such as holding-down bolts, chains, slings, and all other things required to set the Crane to work, shall be furnished by the contractor for the Crane, and are to be considered as included in the amount specified in his tender.

E. O. MORIARTY.

No. 2.

NAPIER & Co. to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS.

Waterview Bay,
24 June, 1861.

MY DEAR SIR,

I was sorry that I missed you last week, but did not think you would be at Newcastle on Saturday. We lifted the empty truck and swung it round, then weighted it, so as to make about ten tons, and lifted it. On swinging it, however, the keys came out of the worm, loosened, no doubt, by the strain brought on it by the great speed of the swinging motion so suddenly stopped, as the weight kept surging from side to side for some time after. This will be prevented in future by two pins, which I have put in, but more especially when the speed is reduced, which it will be absolutely necessary to do before using the Crane much. Instead of reducing the speed of the wheel from equality to $\frac{1}{2}$, I am convinced that $\frac{1}{3}$ is quite fast enough, that being still further than the other Cranes. The pinion being thus reduced

reduced to about $6\frac{1}{2}$ inches diameter, would be better made of wrought iron or brass. At the same time it would be a great improvement to have a conical friction clutch to throw the pinion in and out of gear; it would be so much easier to accomplish the operation, and the engine not requiring to be altered in speed. Perhaps the frictional grooved gearing might be adopted, when no clutch would be required; it would only require the worm shaft to have a slight sliding motion in one bearing. I would also strongly recommend a small fly-wheel on the crank shaft, to enable the engines to go more regularly and avoid surging the weight, and also to enable the engines to go slower when throwing on the clutches. There was considerably more spring in the column than I anticipated, but I think that arose from the iron-bark post springing below the deck, which could be avoided by putting brackets as represented; this would entirely prevent any spring in the post below the deck, or on the platform itself, and reduce the deflection at the top of the column to one-half, therefore giving twice as much of the stiffness of the wood to the column. No doubt the shrinking of the wood, and compression from the strain, augmented the deflection, as we took a whole turn of the nuts of the holding-down bolts after the strain was off.

I did not think of it till after leaving, that measurements can easily be taken when the weight is on, to shew where and how much the spring is. And if the steam is not up—the steam can be put on in a few minutes by making fast the chain and heaving on the barrel-wheel with a block and tackle—half a ton on the circumference will put twelve tons on the end of the jib.

As I cannot conveniently get to-night to Newcastle, I have asked my brother to go, who will do equally well.

I am, &c.,
FRANCIS NAPIER.

No. 3.

ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to NAPIER & Co.

*Department of Public Works,
Harbour and River Branch,
Sydney, 3 July, 1861.*

DEAR SIR,

Will you oblige me by stating what will be the cost of the additional work proposed to be executed on the Steam Crane, namely—

Holding-down bolts and cramps,
Fly-wheel on crank shaft,
3 to 1 wheel and pinion on slewing gear.

Truly yours,
E. O. MORIARTY.

No. 4.

NAPIER & Co. to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS.

Balmain, 4 July, 1861.

DEAR SIR,

In reply to your communication of yesterday's date, I beg to state that the cost of the holding-down bolts and cramps will be twenty-one pounds ten shillings (£21 10s.); the fly-wheel on crank shaft six pounds ten shillings (£6 10s.); the 3 to 1 wheel and pinion twenty-four pounds.

Yours truly,
FRANCIS NAPIER.

No. 5.

ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to NAPIER AND Co.

*Department of Public Works,
Harbour and River Branch,
Sydney, 5 July, 1861.*

DEAR SIR,

I am directed by Mr. Moriarty to inform you that he accepts your offer for the supply of the holding-down bolts for the sum of £21 10s.; for the fly-wheel on crank shaft, £6 10s.; and for the 3 to 1 wheel and pinion, £24.

I remain, &c.,
EDW. BERTHON.

No. 6.

ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS to NAPIER AND CO.

*Department of Public Works,
Harbour and River Branch,
Sydney, 6 September, 1861.*

SIR,

I have received a letter from Mr. J. McKeachie, Clerk of Works at Newcastle, complaining of the dilatory manner in which you are proceeding with the erection of the Steam Crane, I have therefore to request that you will be so good as to use more expedition in this matter, by employing, if necessary, more men to execute the work.

I have, &c.,
For E. O. MORIARTY,
Engineer-in-Chief for Harbours and Rivers,
EDW. BERTHON.

No. 7.

ROUNTREE & CO. to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS.

*Morr's Dry Dock,
18 December, 1861.*

SIR,

I have the honor to inform you that the Steam Crane erected at Newcastle for the Government, is now ready for service. On Friday last it was tested by lifting a Wallsend wagon and coals, which worked successfully, and ten tons was suspended from the end of jib the whole of the following day, and reported on Monday as satisfactory.—Beg to hand over the Crane to Government as complete.

We are, &c.,
ROUNTREE & CO.

No. 8.

NAPIER & CO. to ENGINEER-IN-CHIEF FOR HARBOURS AND RIVERS.

Sydney, 4 January, 1862.

SIR,

We have the honor to inform you that the Steam Crane, which we have erected at Newcastle, was this day proved to its proof strain of twelve tons, that weight having been lifted and swung half round and lowered several times, everything working satisfactorily.

We have, &c.,
FRANCIS NAPIER & CO.

No. 9.

NAPIER & CO. to SECRETARY FOR PUBLIC WORKS.

Balmain, 2 April, 1862.

SIR,

Mr. Moriarty informs us, that in the case of the Crane erected by us at Newcastle, it is your intention to inflict the full penalty of £3 8s. per day for the time elapsed from the 19th April, the day on which the Crane was to have been completed, till the 11th June, when it was tried.

As this decision would bear exceedingly hard upon us, the delay having taken place from circumstances over which we had no control, we beg that you will reconsider the matter, and would direct your attention to the following facts:—According to specification the centre pile was to have been driven and foundation prepared by the Government all ready to receive the Crane; but instead of this, when we sent up the Crane to Newcastle with men to erect it, the foundation was not ready for them for more than a week afterwards, our men having had to wait all that time idle, to our great loss. By the time the piles and foundation were ready for us, wet and boisterous weather set in, rendering it impossible to work at fixing the foundation of the iron-work, thereby causing another considerable delay and loss of money.

It is not usual to enforce penalties unless in flagrant breaches of contract; but when the cause of delay was unavoidable on our part, it would be very hard that we should be the sufferers, especially when it is known that we have lost very considerably from the alterations required in the original design, in order to enable the Crane to work satisfactorily. Under these circumstances we again beg that you would mitigate the penalties, and

Have, &c.,
FRANCIS NAPIER & CO.

No. 10.

No. 10.

UNDER SECRETARY FOR PUBLIC WORKS to NAPIER & Co.

*Department of Public Works,
Sydney, 12 May, 1862.*

GENTLEMEN,

With reference to your letter of the 2nd ultimo, requesting that the penalties incurred by you for non-completion, within the contract time, of the Government Steam Crane at Newcastle—viz., £3 3s. a day from the 19th April to the 11th June last—may be mitigated, I am directed to inform you, that the Secretary for Public Works, after consultation with the Engineer-in-Chief for Harbours and Rivers, finds that you could, in the absence of unforeseen hindrances, have completed the Crane in question in ten or twelve days after its arrival at Newcastle, which was on or about the day named in the contract for its completion. Under these circumstances, and considering the difficulties alluded to in your communication, which you had to contend against in carrying out the work, Mr. Secretary Arnold is of opinion that the penalty may be reduced from £163 16s. to £31 10s., and Mr. Moriarty has been instructed to pay you the balance.

I have, &c.,
JOHN RAE.

No. 11.

DETAILED Statement of defects in Design and Construction of Steam Crane.

*Department of Public Works,
Harbour and River Branch,
Sydney, 18 January, 1862.*

SOME alterations were made in the Crane during its construction, such as altering the speed of slewing gear, introducing strengthening brackets with extra holding-down bolts, and the addition of a small fly-wheel to equalize the motion of the pistons, and in order to diminish the spring of the centre core or column the pile was sheathed with boiler plate.

The cost of repairs rests not with the Government, but with the contractor, who is bound to erect the Crane to the satisfaction of the Engineer for Harbours and Rivers; and although the above enumerated additions have been made to the original design, as their effect was to improve the permanent working of the Crane, I did not consider that the contractor was fairly bound to execute them at his own cost.

By the terms of the contract, the Crane was to have been completed by the 23rd April, 1861; it was not handed over to the Government until the 4th January, 1862.

[Price, 2d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

INCORPORATION OF MUNICIPALITIES.
(DISTRICT OF KIAMA.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of certain Landholders, Landed Proprietors, Householders, and others, residents of the District of Kiama, County of Camden, in the Colony of New South Wales,—

SHEWETH :—

1st. That the Rural Districts of Jamberoo, Gerringong, Broughton Creek, and others, having been proclaimed a part of the Kiama Municipality, since which time (a period of about three years) the said Municipality have been acting as a corporate body, levying taxes and expending the same.

2nd. That the great bulk of the taxes have been raised in the Rural Districts, and expended in the Town, to the manifest disadvantage of the rate-payers in the Rural Districts.

3rd. That from the amount of the population of the Town, and their influence, we find that the Rural Districts have not been fairly represented in the Kiama Council.

4th. That your Petitioners, taking all the above matters into consideration, humbly pray that your Honorable House may not pass any Bill into law binding or compelling the incorporation of a Rural District with a Town or other Corporation ; and that the first clause of the Municipalities Act of 1858 (as interpreted by the Supreme Court) be left in its integrity.

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

[Here follow 170 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PUBLIC VEHICLES.
(PETITION OF MUNICIPAL COUNCIL OF PADDINGTON.)

Received by the Legislative Assembly, 8 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Municipal Council of Paddington,—

RESPECTFULLY SHEWETH :—

1. That the Municipality of Paddington was established under the Municipalities Act of 1858, by Proclamation dated the seventeenth day of April, one thousand eight hundred and sixty.
2. That by clause 72 of the said Act, your Petitioners are empowered to make By-laws, *inter alia*, for the "regulation and licensing of porters, public carriers, carters, water-drawers, and public vehicles."
3. That under the Hackney Carriage Act of 1847 (11 Vict., No. 21) the Corporate Authorities of the City of Sydney are authorized "to make and publish such By-laws as to them shall seem meet for licensing and regulating hackney carriages plying for hire "within the said City, and the owners and drivers thereof, and within the distance of eight "miles from the corporate limits of the said City."
4. That by reason of the Municipality of Paddington being within the said distance of eight miles from such Corporate limits, the authority of your Petitioners is wholly inoperative in respect to the control of public vehicles, the regulation thereof being confined to the Municipal Council of Sydney, by virtue of the said Hackney Carriage Act.
5. That in this and similar matters, your Petitioners are of opinion that the several Municipal Institutions should have exclusive jurisdiction within their own boundaries, and therefore pray that, in any Bill for consolidating the Laws relating to the City of Sydney, or for amending the Municipalities Act, your Honorable House may see fit to repeal all powers vested in the City of Sydney, in so far as the corresponding powers of Suburban Municipalities are thereby prejudiced.

Adopted by the Municipal Council of Paddington, this 29th day of July, one thousand eight hundred and sixty-two.

(L.S.) By order of the Council,
THOMAS ALSTON,
Chairman.

HY. GALE,
Council Clerk, &c.

1862.

NEW SOUTH WALES.

SEWERAGE AND WATER SUPPLY.

(FIFTH YEARLY REPORT OF MUNICIPAL COUNCIL.)

Presented to both Houses of Parliament by Command.

Town Clerk's Office,
Sydney, 19 March, 1862.

SIR,

I have the honor, by direction of the Right Worshipful the Mayor, to transmit herewith the Fifth Yearly Report of the Municipal Council of Sydney, of their Proceedings under the Sewerage and Water Acts, and beg that the same may be submitted to the Houses of Parliament in due course.

His Worship desires me to express his regret that so long a delay has occurred in forwarding this document, but a great pressure of other important business has prevented its preparation at an earlier date.

I have, &c.,
CHAS. H. WOOLCOTT,
Town Clerk.

THE UNDER SECRETARY,
Colonial Secretary's Department.

FIFTH YEARLY REPORT of the Municipal Council of the City of Sydney, of their Proceedings under the Sewerage and Water Acts.

THE Municipal Council of the City of Sydney have the honor to submit, in terms of the provisions of the 75th section of the Sydney Corporation Act of 1857, for the information of the Parliament of New South Wales, the following Report of their Proceedings and Statements of the Receipts and Expenditure under the Sewerage Act, 17 Victoria, No. 34, and Water Act, 17 Victoria, No. 35, to the 31st December, 1861.

SEWERAGE.

There have not been any works executed during the past year in the extension of the City Sewerage. The number of subsidiary drains at present connected with the sewers is 862.

The whole of the new sewers are in perfect order, and have been found in every respect to answer the purpose for which they are intended.

WATER.

It affords the Municipal Council much gratification to be enabled to state that the engines, mains, and all the machinery connected with the Sydney Water Works, have continued in successful operation for ten months by day, and for the last two months of the year by day and by night (Sundays excepted), beyond the starting of two leaden joints in the 30-inch main, which was discovered in the month of January, 1861, and rectified without obstruction to the supply of the City.

During the year 1861 the single engine made 862,205 revolutions, and the coupled engines each 922,730, as indicated by the counters attached to each engine. The total quantity of water sent into Sydney from Botany during the year 1861, by the engines, was 384,000,000 gallons.

By the contract entered into by Mr. P. N. Russell, on the 17th April, 1860, he was to deliver to the Municipal Council, before the month of April, 1861, cast-iron pipes to the value of £10,000, and before the 1st January, 1862, a further quantity of £10,000.

The value of the pipes delivered by Mr. Russell to the 1st April, 1861, was £7,154 4s. 11d., and the value of pipes delivered by him to the 1st January, 1862, was £14,423 18s. 6d.

The contracts entered into by Messrs. P. N. Russell and Co. for the supply of water locks, by Mr. R. Dawson for general castings, and by Mr. Thomas Hale for the supply of coals to the Botany Works, during the year 1861, have been very satisfactorily completed.

The contract entered into by Mr. A. A. Marshall for street water posts and drinking fountains, for 1861, has been properly carried out; and an additional number of these great public conveniences have been erected in the following localities, namely:—

- 2, west side of George-street Markets;
- 1, Charlotte-place and Prince-street;
- 1, Argyle and Kent streets;
- 1, William-street and Darlinghurst-road;
- 1, Erskine-street, near York-street.

Hydrants for street-watering purposes have been laid down in George and Patramatta streets, throughout the whole length, to the number of ninety-six. These hydrants, although not intended originally for extinguishing fires, have been found very useful for that purpose upon the only occasion which has occurred to test them; a fire which took place on the Brickfield Hill, and which threatened destruction to large property, having been extinguished by a hose from one of these hydrants before the engines arrived at the spot.

Appendix A. Appended hereto is a return of the new water mains laid down in the City during the past year.

The tunnel from Lachlan Swamp (which in a former Report was referred to as having fallen in) has not yet been repaired, but the water has again found its way through the obstructions, and a supply therefrom has been afforded, for a considerable portion of the year, to the District of Woolloomooloo and the southern portion of the City.

The supply of water at the Botany Reserve has continued abundant throughout the year, notwithstanding the prolonged drought to which the City and its neighbourhood have been subject. The escape of water at the weir has been considerably larger than the quantity consumed in the City, and the Council have every reason to believe that the opinion which has been before expressed as to the capabilities of the present works for affording an unfailling supply, will be found to be a correct one.

FINANCIAL.

Appendix B. Statements of the Receipts and Expenditure on account of the Sewerage and Water Works, for the year 1861, are appended hereto.

JAMES OATLEY,
Mayor.

Adopted by the Municipal Council of the City of Sydney, on the 18th day of March, 1862.

CHAS. H. WOOLCOTT,
Town Clerk.

SEWERAGE AND WATER SUPPLY.

APPENDIX A.

RETURN of all new Water Mains laid down in the year 1861, with their sizes and localities.

	PIPES.	YARDS.
12-INCH PIPES.		
From Reservoir to Harris-street	489	1,467
9-INCH PIPES.		
Druitt-street	45	135
Clarence-street	166	498
Bourke-street	140	420
Harris-street	463	1,389
	814	2,442
6-INCH PIPES.		
Liverpool-street from George-street to Darling Harbour	128	384
Kent-street	452	1,356
Botany-street	140	420
Burton-street	59	177
Victoria-street	207	621
Bourke-street	85	255
Crown-street	421	1,263
Foveaux-street	56	168
Devonshire-street	172	516
Union-street	147	441
Harris-street	130	390
	1,997	5,991
4-INCH PIPES.		
Palmer-street	57	171
Brougham-street	95	285
Riley-street	129	387
Fitzroy-street	156	468
Denham-street, North and South	74	222
Goulburn-street	34	102
Gipps-street	41	123
Short-street	22	66
Hutchinson-street	67	201
Hill-street	37	111
Victoria-street	59	177
Lanes off Crown-street	30	90
Burton-street, off Palmer-street	64	192
Lane off Palmer-street	30	90
Botany-street	33	99
Surrey-street	97	291
Upper William-street South	157	471
Duke-street	165	495
Lane off Riley-street to Edward-street	51	153
Maiden-lane	73	219
Campbell-street	70	210
Pymont-street	105	315
John-street	71	213
Foveaux-street	39	117
Lansdowne-street	52	156
Wilton-street	84	252
Crown-street	53	159
Buckingham-street	114	342
Bedford-street	27	81
Sarah Ann-street	48	144
Holt-street	52	156
Cooper-street	75	225
Ultimo Road	147	441
Upper Fort-street	124	372
College-street	1	3
Barrack-street	50	150
Total, 4-inch Pipes	2,533	7,599
3-INCH PIPES.		
Riley-street, and lanes off	86	258
Liverpool-street East	57	171
Brougham-street	32	96
Wellington-place	18	54
Burton-street, off Forbes-street	22	66
Lane off Upper Forbes-street	35	105
Lane towards Thompson-street	9	27
Lane off Crown to Burton-street	26	78
Palmer-street	27	81
Lane off Palmer-street	25	75
Lane off Palmer-street	25	75
Taylor's lane	63	189
Lane off Taylor's-lane	14	42
Upper William-street East	108	324
Carried over	547	1641

SEWERAGE AND WATER SUPPLY.

3-INCH PIPES—continued.		PIPES.	YARDS.
Brought over		547	1641
Harnett-street		15	45
Lanes off Hill-street		90	270
Little Bourke-street		60	180
Bloomfield-street		31	93
Little Bloomfield-street		34	102
Lane off Denham-street		26	78
Lane off Crown-street		70	210
Lane off Crown-street		37	111
Lanes off Edward-street		77	231
Brisbane-street		64	192
Lane off Hutchinson-street		10	30
Lower Campbell-street		56	168
Lane off Gipps-street		33	99
Ann-street		21	63
Samuel-street		41	123
Smith-street		41	123
Murray-street		44	132
Mount-street		63	189
Norton-street		38	114
Norton-lane		38	114
Little Norton-street		32	96
Union-street		68	204
Marlborough-street		47	141
Miles-street		24	72
Riley-street South		21	63
Belvoir-street		51	153
Macquarie-lane		20	60
Wilton-lane		24	72
Waterloo-street		36	108
Little Elizabeth-street		33	99
Botany Road, Redfern		110	330
Malcolm's-lane		27	81
Victoria-street		46	138
Valentines-lane		5	15
Brown Bear-lane		25	75
Cambridge-street		62	186
Harrington-street		24	72
Union-lane, off Kent-street		32	96
Barker-street		37	111
Dixon-street		37	111
Wilmott-street		40	120
York-lane		32	96
York-street		14	42
Barrack-lane		26	78
Total, 3-inch Pipes		2,409	7,227

APPENDIX B.

STATEMENT of the Receipts and Expenditure of the Municipal Council on account of the Water Fund, from the 1st January to the 30th June, 1861.

RECEIPTS.		EXPENDITURE.	
	£ s. d.	£ s. d.	
From Water Works	6,541 19 0		For the General Works
„ Botany Works	9 12 0		„ Botany Works
„ Repayment of Interest	583 6 6		„ Compensation for Land
„ Miscellaneous Receipts	10 10 0	7,145 7 6	„ Salaries of Officers
			„ Interest Expenses
			„ Discount and Charges
Liabilities on 30 June, 1861—			Liabilities on 1 January, 1861—
The Colonial Government	213,337 19 3		The Colonial Government
Joint Stock Bank	26,845 11 5		Joint Stock Bank
Debentures	16,500 0 0		Debentures
Guarantee Deposits	2,000 0 0	253,683 10 8	Guarantee Deposits
		£ 265,828 18 2	
			£ 247,553 12 1
			£ 265,828 18 2

I certify that I have audited and examined in detail the accounts of which the above statement is a condensed abstract, and have found the whole correct.

RICHARD CREAGH, City Auditor.

STATEMENT

SEWERAGE AND WATER SUPPLY.

5

STATEMENT of the Receipts and Expenditure of the Municipal Council on account of the Sewerage Fund, from the 1st January to the 30th June, 1861.

RECEIPTS.			EXPENDITURE.		
	£	s. d.	£	s. d.	
For Sewerage connections			13	5	6
Balance due—					
The Colonial Government	200,000	0 0			
Joint Stock Bank..	5,269	1 6			
			205,269	1	6
			£ 205,282	7	0
Interest on over-drawn account..					248 5 0
Balance due—					
The Colonial Government	200,000	0 0			
Joint Stock Bank	5,034	2 0			
					205,034 2 0
			£ 205,282	7	0

I certify that I have audited and examined in detail the accounts of which the above statement is a condensed abstract, and have found the whole correct.

RICHARD CREAGH, City Auditor.

STATEMENT of the Receipts and Expenditure of the Municipal Council on account of the Water Fund, from the 1st July to the 31st December, 1861.

RECEIPTS.			DISBURSEMENTS.		
	£	s. d.	£	s. d.	
From—					
Water Works	8,472	10 1			
Botany Works ...	11	4 0			
Repayment of Interest	226	9 11			
Miscellaneous Receipts	138	11 8			
			8,848	15	8
Liabilities, the 31 December, 1861—					
The Colonial Government	213,337	19 3			
Joint Stock Bank..	13,911	16 0			
Debentures	33,000	0 0			
Guarantee Deposits	2,000	0 0			
			262,249	15	3
			£ 271,098	10	11
For—					
General Works ..	6,916	9 6			
Botany Works ...	1,531	10 9			
Salaries of Officers	1,200	5 7			
Interest Expenses	2,129	2 5			
Discount and Charges	637	12 0			
					12,415 0 8
Liabilities, the 30 June, 1861—					
The Colonial Government ..	213,337	19 3			
Joint Stock Bank	26,845	11 5			
Debentures	16,500	0 0			
Guarantee Deposits	2,000	0 0			
					258,683 10 8
			£ 271,098	10	11

We certify that we have audited and examined in detail the accounts of which the above statement is a condensed abstract, and have found the whole correct.

JAMES SIMPSON,
RICHARD CREAGH, } City Auditors.

STATEMENT of the Receipts and Expenditure of the Municipal Council on account of the Sewerage Fund, from the 1st July to the 31st December, 1861.

RECEIPTS.			EXPENDITURE.		
	£	s. d.	£	s. d.	
For—					
Sewerage connections	44	16 0			
Repayment of Interest	66	1 7			
			110	17	7
Balance due—					
The Colonial Government	200,000	0 0			
Debentures outstanding	6,000	0 0			
			206,000	0	0
			£ 206,110	17	7
Discount & charges	209	2 0			
Interest	279	12 1			
Incidental Expenses	1	11 6			
					490 5 7
Balance due—					
The Colonial Government	200,000	0 0			
Joint Stock Bank	5,269	1 6			
					205,269 1 6
Balance due by Joint Stock Bank, 31 December, 1861					351 10 6
			£ 206,110	17	7

We certify that we have audited and examined in detail the accounts of which the above statement is a condensed abstract, and have found the whole correct.

JAMES SIMPSON,
RICHARD CREAGH, } City Auditors.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TOWN HALL SITE EXCHANGE BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
15 *October*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 2*d.*]

627—

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 73. TUESDAY, 30 SEPTEMBER, 1862.

9. Town Hall Site Exchange Bill :—
- (1.) It having been discovered that the 63rd Standing Order, which requires the introduction of a private Bill within thirty days from the receipt of the Petition, had been inadvertently infringed in this case,—Mr. Cowper, *with the concurrence of the House*, moved (without notice), That the Standing Order referred to be considered as having been suspended, with regard to the introduction of the said Bill on the 25th September, upon the Petition for leave received on the 20th August.
Question put and passed.
- (2.) Mr. Cowper then moved, pursuant to notice,—
- (1.) That the Town Hall Site Exchange Bill be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Alexander Mr. Caldwell, Mr. Dalgleish, Mr. Dickson, Dr. Lang, Mr. Lucas, Mr. Smart, Mr. Windeyer, and the Mover.
- And Mr. Hoskins demanding that the said Committee be appointed by Ballot,—
Question,—That the Town Hall Site Exchange Bill be referred to a Select Committee for consideration and report.—put and passed.
- Whereupon, the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed :—Mr. Cowper, Mr. Dickson Mr. Caldwell, Mr. Dalgleish, Mr. Piddington, Mr. Smart, Dr. Lang, Mr. Alexander, and Mr. Lucas.

VOTES, No. 82. WEDNESDAY, 15 OCTOBER, 1862.

10. Town Hall Site Exchange Bill :—Mr. Cowper, 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 30th September last.
Ordered to be printed.
- * * * * *

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1862.

TOWN HALL SITE EXCHANGE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 30th ultimo, the "*Town Hall Site Exchange Bill*," beg leave to report to your Honorable House,—

That they have examined the Engineer and Surveyor to the Municipal Council of Sydney, *(whose evidence will be found appended •Mr. E. Bell, C.E. hereto), and that the Preamble having been satisfactorily proved by the evidence of that gentleman, they proceeded to consider the several clauses and schedules of the Bill, in which it was not found necessary to make any amendment.

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

CHARLES COWPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 15 October, 1862.*

PROCEEDINGS OF THE COMMITTEE.

TUESDAY, 7 OCTOBER, 1862.

MEMBER PRESENT :—

Mr. Cowper.

In the absence of a quorum, there was no meeting of the Committee held this day.
[To be called on Friday next, at *Eleven o'clock.*]

FRIDAY, 10 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Cowper,	Dr. Lang,
Mr. Alexander,	Mr. Piddington,
Mr. Dickson,	Mr. Caldwell,
Mr. Dalgleish.	

Mr. Cowper called to the Chair.

Printed copies of Bill referred—on the Table.

Petition for leave to introduce the Bill, by direction of the Chairman, read by the Clerk.

Mr. E. Bell, *City Engineer*, called in and examined.

Deed of Grant, to the Corporation, of land for the site of a Town Hall, *produced* by witness.

At the request of the Committee, witness withdrew in order to procure certain plans and sections of the proposed new Town Hall and Police Offices,—

And being returned—the same laid before the Committee.

Room cleared.

Preamble read and considered.

Motion made (*Chairman*) and *Question*—That this Preamble stand part of the Bill—*agreed to.*

Witness recalled and further examined.

Clause 1 read, blanks filled in, and agreed to without amendment.

Clause 2 read and considered.

Motion made (*Mr. Alexander*) and *Question* put—That this Clause be postponed.

Committee divided.

Aye, 1.	Noes, 6.
Mr. Alexander,	The Chairman, Mr. Dickson, Dr. Lang, Mr. Piddington, Mr. Caldwell, Mr. Dalgleish.

Clause, as read, *agreed to* without amendment.

Clauses 3, 4, and 5, read and agreed to without amendment.

Schedules 1, 2, and 3, read and agreed to without amendment.

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

WITNESS.

Bell, Edward, Esq., C.E.	PAGE.
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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TOWN HALL SITE EXCHANGE BILL.

FRIDAY, 10 OCTOBER, 1862.

Present:—

MR. COWPER,	MR. PIDDINGTON,
MR. ALEXANDER,	DR. LANG,
MR. DICKSON,	MR. CALDWELL,
MR. DALGLEISH.	

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

Edward Bell, Esq., C.E., City Engineer and Surveyor, called in and examined:—

1. *By the Chairman*: Have the lands, as stated in the Schedule of the Bill, and referred to in the Preamble, been granted as a site for a Town Hall for the City of Sydney? They have, by Governor Fitz Roy, on the 30th September, 1851. Edward Bell,
Esq., C.E.
2. You hold in your hand the deed of grant? Yes. 10 Oct., 1862.
3. Do you consider that land so situated as to afford a suitable site for the purposes of municipal buildings and the erection of a Town Hall, with reference to the convenience of the inhabitants of the City? No, it is not well suited to the convenience of the inhabitants of the City, in consequence of its being at the extreme end of the City, instead of in a more central position.
4. The Corporation entertain objections to erecting a Town Hall there on that account? Solely on that account. That is the objection of the citizens generally.
5. Are you aware of any negotiation having taken place with the Government in reference to a site in a more central position? I was present at an interview which the Mayor had with yourself and the Minister for Lands, in reference to the site of the present Police Office.
6. The arrangement then proposed was that the Corporation should erect buildings for a Police Office as well as a Town Hall and Municipal Offices on the Crown Land there? Yes.
7. The Corporation therefore desire to obtain authority to sell the present site, in order to carry out that arrangement? They do.
8. Will you state shortly the particulars of that arrangement? The arrangement I understood they were anxious to propose was that they should have power to sell the present site; and on the site of the present Police Office in George-street, in the first place, build suitable Police Offices for the Government in lieu of those which at present stand there, and in the next place, appropriate the residue of the money derived from the sale of this Town Hall site to building a Town Hall and offices for the Corporation, on the remainder of the land now occupied by the Police Office.
9. *By Mr. Alexander*: Where is the site granted for the Town Hall? It lies between Phillip and Elizabeth streets and between Bent and Bridge streets, having Bridge-street on the north, Phillip-street on the east, Elizabeth-street on the west, and Bent-street on the south.
10. Are you aware that certain lands have been sold by the Government in that locality, upon a plan which set forth that the site for the Town Hall was fixed upon there? I have no knowledge how the lands in the immediate neighbourhood of this were sold.

Edward Bell, Esq., C.E. I have heard that some allotments were sold, but I never knew that any on the opposite side were sold until the other day, when complaints were made to us about breaking stone there.

11. When was this grant made? In September, 1851.
- 10 Oct., 1862. 12. Then of course all the allotments that were sold were sold with the expectation that the Town Hall was intended to be built on this particular site? I cannot say so; I do not know when they were sold.
13. If they were sold after the grant, they were certainly sold with that expectation? It is possible it might be the case.
14. *By the Chairman:* Do you think it would affect the value of the buildings in that neighbourhood very much whether the Town Hall was or was not erected there;—would it depreciate the allotments to which Mr. Alexander alludes? I do not think it would.
15. Supposing the land to be occupied by private residences, would it not be equally valuable for that purpose, although the Town Hall might be erected elsewhere? Yes, I should think so.
16. *By Dr. Lang:* Do you not think it would be more valuable for private residences if the Town Hall were not there? I should think it would.
17. *By Mr. Alexander:* Do you think that land is fit for private residences? Yes, I think it a fine site for private residences.
18. Why is the site not fit for a Town Hall if it is fit for the Colonial Secretary's Office, the Treasury, and other Government Offices? Because the Corporation Offices, to which the citizens have to come for various purposes from all parts of the town, should be as central as possible; but if the Town Hall were erected on this site, those at the southern end of the City would have to traverse its entire length. I may mention that the City Council went to some expense to prepare plans, and in fact we commenced getting out the foundations for a Town Hall on this site; but the outcry from the citizens commenced, and the Aldermen refused to vote the money, solely on account of the representations made to them by the citizens. They seriously went to work, and spent £300 in preparing plans, and I think £150 in getting out the foundations, as you may see now on the ground itself.
19. You say you think the land in this locality is suitable for private residences? Yes, the upper part of it. The streets between Bridge-street and the quay are probably better adapted for stores and warehouses, but the frontages to Bridge-street would undoubtedly be suitable for private residences, I think.
20. You are not of opinion that by altering the site of the Town Hall, these properties will be injured? I think not. Very possibly some persons might give more for the land in that neighbourhood, thinking the Town Hall being there might enhance its value for some purposes; but as far as my opinion goes, if I had a private residence there, I would rather not have it in the neighbourhood of the Town Hall.
21. *By Dr. Lang:* Is it not the custom in the Mother Country, and on the Continent of Europe, to have the Town Hall buildings as nearly as possible in the centre of the City in each case? I have been in a great many Cities, and never saw it anywhere else but in the most central parts.
22. Do you think the site given by the Government in Bridge-street is a central position for the City of Sydney? Certainly not.
23. Do you not think that the objections of a portion of the citizens to that site were very reasonable? I think so.
24. *By Mr. Alexander:* Who applied for this site—how came it to be granted to the Corporation? I am not aware; I was not in the Colony at the time, and I do not remember ever to have heard how it was. It was before the present Corporation came into existence.
25. If the City authorities of that day applied for that site, they must have thought it sufficiently central? Very possibly they applied for a site, and took what was given them. I know when the Commissioners were in office, they were in favour of having their offices among the Government Offices, because to a great extent they were Government officers themselves; but now any alderman who would advocate the expenditure of the public money in erecting a Town Hall there, would be exceedingly unpopular with the citizens at the southern end of the City.
26. *By Mr. Dickson:* What is the estimated value of this land in Phillip-street? I estimate it now at about £25 a foot frontage to Bridge-street and Bent-street, and £15 to Phillip and Elizabeth streets.
27. What would be the gross amount? Something like £24,000 or £25,000.
28. Have plans for the proposed new buildings in George-street been made out? Yes.
29. What is the estimated cost of erecting those buildings altogether, for Police Office and Town Hall? It is possible they may cost £7,000 or £8,000 over and above the £25,000 to be raised by the sale of this land. It is first intended to build the Police Office on land over which the Corporation are to have no control, and the residue of the money is to be spent in erecting a Town Hall and offices, so far as it will go, and the Corporation will have to raise the remainder, probably £7,000 or £8,000 pounds.
30. *By Mr. Alexander:* What is the extent of the land on the present site of the Police Office? It is very much smaller than this; a little over half an acre, and this is one acre three roods and thirty-nine perches.
31. Have you not heard it said that the present site is a great deal too small for the present Police Court? No, I never heard that.
32. *By Mr. Piddington:* Is this Bill supported or approved by the present Corporation of the City? I do not think there is a single objection to it.
33. Do you know whether it is the intention or wish of the Corporation to lay out the proceeds of the sale of the new site in erecting certain municipal and police buildings upon the portion of land that is occupied now by the Central Police Office?

Certainly,

Certainly, that is distinctly their wish and intention—not to build offices for Captain M'Levie's department—the police of the Colony—but to build two large Police Courts, with the necessary offices, watch-house, and lock-ups underneath, all which have been planned according to the wish of the Police Magistrate, Captain M'Levie, and the Colonial Architect; and then a Town Hall, and all the offices for a Town Hall. *(The witness here withdrew for a time, in order to procure the plans of the intended buildings, and, having returned, produced the same. Witness again withdrew. Preamble ordered to stand part of the Bill. Witness recalled, and further examined.)*

Edward Bell,
Esq., C.E.
10 Oct., 1862.

34. *By the Chairman:* There is a blank in the first clause;—can you suggest what, in your opinion, would be reasonable dimensions, as a minimum size, for the allotments? I gave in a plan for the allotments on the Town Hall site to the Minister for Works. I think the frontages were about 30 feet on Bent-street, 32 feet on Bridge-street, and about 26 feet on the other two streets, as near as my memory serves me.

35. What was the depth? They varied in depth. The allotments to Phillip and Elizabeth streets were 86 feet in depth.

36. Were there any of less depth than 86 feet? No, I am sure they were not less. To Bridge-street they were about 90 or 100 feet.

37. Then we may put this not less than 26 feet in width, and 86 feet in depth? Yes.

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1858.

(MUNICIPAL COUNCIL, PADDINGTON.)

Received by the Legislative Assembly, 14 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the Municipal Council of Paddington,—

RESPECTFULLY SHEWETH :—

1. That the Municipalities Act of 1858, although an admirable law, and one which has worked much practical good, is, in many of its details, very defective, and especially so in those provisions which relate to the levying and enforcement of Rates.

2. That these defects not only render the carrying out of the law very difficult, but are in some respects even productive of absolute injustice, inasmuch as many escape the payment of Municipal taxation who are great gainers by the expenditure of money thus raised.

3. That Bills for the amendment of the said Act in several particulars have been, from time to time, before Parliament during the past two years, and that the fifth of such Bills is now before your Honorable House.

4. That the amendment of the law respecting Municipal Institutions is a necessity affecting all parts of the Country where such institutions exist, and all persons who reside or hold property within their jurisdiction; and that further delay will increase and materially complicate the already existing difficulties before referred to.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your consideration, and will at once be pleased to pass such an Act as will remedy the defects complained of, or such other Act as will shortly validate assessments formerly made *bonâ fide* for the calendar year, and legalize the continued use of this period, for the purpose of levying Municipal Rates.

By order of the Council.

THOMAS ALSTON,
Chairman.

Adopted by the Municipal Council of
 Paddington, this eleventh day of
 November, one thousand eight
 hundred and sixty-two.

HY. GALE,
Council Clerk.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1858.
(MUNICIPAL COUNCIL, WATERLOO.)

Received by the Legislative Assembly, 21 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Municipal Council of Waterloo,—

RESPECTFULLY SHEWETH :—

That the Municipalities Act of 1858, although an admirable law, and one which has worked much practical good, is, in many of its details, very defective, and especially so in those provisions which relate to the levying and enforcement of Municipal Rates.

That these defects not only render the carrying out of this law very difficult, but are in some respects even productive of absolute injustice, inasmuch as many escape the payment of Municipal taxation who are great gainers by the expenditure of the money thus raised.

That the attention of Parliament has been repeatedly, by Petition, most respectfully called to the existence of these defects, and to the absolute necessity of some amendment.

That Bills for that purpose have been, for the past two years, before Parliament, and that one such Bill is now before your Honorable House.

That the amendment of the law as to Municipal Institutions is a necessity affecting all parts of the Country where such Institutions exist, and all persons who live under their rule; and that further delay will increase and materially complicate the already existing difficulties.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your consideration, and will at once pass such an Act as will remedy the defects complained of.

JOHN GEDDES,
Chairman.

F. M. SLATTERY,
Council Clerk.

November 19th, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES ACT OF 1858.
(MUNICIPAL COUNCIL, GLEBE.)

Received by the Legislative Assembly, 16 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Municipal Council of the Glebe,—

RESPECTFULLY SHEWETH :—

That the Municipalities Act of 1858, although an admirable law, and one which has worked much practical good, is in many of its details very defective, and especially so in those provisions which relate to the levying and enforcement of municipal rates.

That these defects not only render the carrying out of this law very difficult, but are in some respects even productive of absolute injustice, inasmuch as many escape the payment of municipal taxes who are great gainers by the expenditure of the money thus raised.

That the attention of Parliament has been, by Petition, most respectfully called to the existence of these defects, and to the absolute necessity for some amendment.

That Bills for that purpose have been for the past two years before Parliament, and that one such Bill is now before your Honorable House.

That the amendment of the law as to municipal institutions is a necessity affecting all parts of the country where such institutions exist, and all persons who live under their rule, and that further delay will increase and materially complicate the already existing difficulties before referred to.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your consideration, and will at once pass such an Act as will remedy the evil complained of.

G. WIGRAM ALLEN,
Chairman.

HENRY COLLEY,
Council Clerk.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.
(HOUSEHOLDERS AND LANDED PROPRIETORS, SHOALHAVEN.)

Received by the Legislative Assembly, 20 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Householders and Landed Proprietors within the Municipality of Shoalhaven,—

MOST RESPECTFULLY SHEWETH:—

That statements have been publicly made, to the effect that the Petition under the Municipalities Act of 1858, for incorporating the Municipality of Shoalhaven, and presented to the Executive Government for that purpose, was signed by us with a fraudulent intention, and has been carried fraudulently into effect.

That the undersigned did severally affix their names to the aforesaid Petition deliberately, and under the full conviction and belief that the incorporation then prayed for would prove of material service to the interests of the entire District, and amount to a great public benefit, which view Petitioners do still very respectfully maintain.

Petitioners, therefore, pray your Honorable House to permit them to state distinctly, that no fraud whatever was either intended or committed in the original design and subsequent formation of the Shoalhaven Municipality, or in respect of the signatures affixed to the Petition aforesaid.

Petitioners have full faith in the efficiency of Municipal Institutions, and hereby further pray that you will be pleased to perpetuate and extend their operation, by passing the amended Municipalities Act now before your Honorable House. And your Petitioners will ever pray.

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

[Here follow 65 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.
(DISTRICT OF KIAMA.)

Received by the Legislative Assembly, 30 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of certain Landholders, Landed Proprietors, Householders, and others, residents of the District of Kiama, County of Camden, in New South Wales,—

SH EWETH :—

1st. That the Rural Districts of Jamberoo, Gerringong, Broughton Creek, and others, having been proclaimed a part of the Kiama Municipality, have been acting illegally as a corporate body, levying taxes, and expending the same.

2nd. That the great bulk of the taxes have been raised in the Rural Districts and expended in the town, to the manifest disadvantage of the ratepayers in the Rural Districts, in some of which not one penny has been expended by the Council; and further, that from the following balance-sheet it is clear that Municipalities are not suited to country districts, from the fact that the management cost £190, while only £99 was expended on the roads during the last six months.

MUNICIPALITY OF KIAMA.

DETAILED Account of Revenue and Expenditure of the Municipality of Kiama, for Half-year ended 30th June, 1862.

RECEIPTS.			
KIAMA WARD.	£ s. d.	RATES.	TOTAL.
		£ s. d.	£ s. d.
To share of Endowment, to 31st December, 1861	203 2 9		
Rates for half-year		62 5 9½	265 8 6½
GERRINGONG WARD.			
Share of Endowment to 31st December, 1861	167 4 6		
Rates for half-year		52 18 0½	220 2 6½
JAMBEROO WARD.			
Share of Endowment to 31st December, 1861	194 17 7		
Rates for half-year		31 18 3½	226 15 10½
			712 6 11½
Cash in hand, 31st December, 1861			17 4 3½
Balance due Commercial Bank			1,358 11 0
			2,068 2 3

DISBURSEMENTS.

2 MUNICIPALITIES LAW AMENDMENT BILL.—PETITION.

DETAILED Account, &c.—continued.

DISBURSEMENTS.			
KIAMA WARD.	WORKS.	EXPENSES.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
By balance due Commercial Bank.....			1,678 4 4
Paid fencing General Cemetery	46 0 0	.....
Making approaches to Mr. King's residence	7 10 0		
Paid repairing roads	32 15 0		
One-third joint expenses.....	.....	63 10 9	86 5 0
			63 10 9
GERRINGONG WARD.			
Paid repair of roads.....	27 7 8	.....	27 7 8
* One-third joint expenses .....	.....	63 10 9	63 10 9
JAMBEROO WARD.			
Paid repair of roads.....	39 3 6	.....	39 3 6
* One-third joint expenses .....	.....	63 10 9	63 10 9
Roads	99 6 2	.....	2,084 1 11
Petty cash .....	.....	.....	4 0 4
			2,088 2 3

* Joint expenses, of which one-third is charged to each Ward.

	£ s. d.
Salaries	90 12 4
Stationery and postages	2 1 8
Advertising	12 19 3
Rent	10 0 0
Assessors	44 0 0
Surveyor's charges	12 0 0
Law expenses	18 19 0
Working expenses, six months	190 12 3

I certify the foregoing Account to be correct.

W. D. MEARES,
Mayor.

We certify that all the Books of Account and Vouchers or other documents in support thereof, in the possession of the Municipal Council of Kiama have been exhibited to us, and that the foregoing Account corresponds with the aforesaid Books of Account and Vouchers or other documents.

DAVID L. WAUGH, } Auditors.
WILLIAM BUDD, }

3rd. That from the amount of the population of the town and their influence, we find that the Rural Districts have not been fairly represented in the Kiama Council.

4th. That your Petitioners, taking all the above matters into consideration, humbly pray that your Honorable House may not pass Mr. Cowper's Bill, now before your Honorable House, styled the Municipal Institutions Act of 1862, or any other Bill binding or compelling the incorporation of a Rural District with a town or other corporation.

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

[Here follow 297 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.

(MAYOR AND ALDERMEN, KIAMA.)

Received by the Legislative Assembly, 2 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned, the Mayor and Aldermen of the Municipality of Kiama,—

RESPECTFULLY SHEWETH:—

That under an Act of Legislature, entitled the "Municipalities Act of 1858," a defined portion of the Police District of Kiama was, upon petition, and without opposition, proclaimed a Municipality, by the name of the Municipality of Kiama. That in virtue of such proclamation, the rate-payers have from time to time duly elected the required officers to serve in the Corporation so formed. That at an early period after its incorporation, it was deemed expedient to undertake the removal of a serious natural obstruction to the traffic of a large proportion of rate-payers as well as to all travellers visiting Kiama from the North or Western Districts. That the passing of a resolution to remove the said obstruction involved a prospective outlay, which rendered it necessary to apply, under the 87th clause of the Act, for power to borrow a sum of money equal to three years' revenue of the Corporation, which power His Excellency Sir William Thomas Denison, then Governor, was pleased, with the advice of the Executive Council, to grant. That thereupon, two-thirds of the Corporation became jointly and severally, in their private estates, responsible for a cash credit of (£1,800) one thousand eight hundred pounds. That the Corporation was effecting substantial improvements calculated to promote facilities for traffic, and having a tendency to enhance the value of property, when its usefulness was interrupted by the decision given in the Supreme Court in a cause, Berry v. Graham and others (Municipality of Shoalhaven), the said decision having suggested points of identity in the constitution of this and other Municipalities with that of Shoalhaven to the minds of some parties, who thereupon refusing voluntarily to pay rates, threw upon the Corporation the responsibility of becoming involved in vexatious lawsuits, by enforcing payment, or of suspending its operations, in the hope that the Legislature would, immediately upon assembling, have anticipated the difficulties in which your Petitioners are placed, by amending the Act. That encouraged by the assurance received from the Honorable the Colonial Secretary, that a Bill would be brought in to remedy the defects of the present Act, your Petitioners deemed it prudent to adopt the latter course; it was, therefore, matter of special gratification to those of your Petitioners who had signed the cash credit, to know that a Bill was in due course introduced, which, if it pass into law, will relieve them from the fear of being sued for payment of a corporate debt honorably incurred, and expended for the benefit of posterity. Your Petitioners further, being in their corporate capacity the representatives of nearly one thousand rate-payers, have ascertained with the greatest satisfaction that the Bill to amend the Municipalities Act of 1858, now before the Legislature, while it proposes to adjust all difficulties and errors consequent upon a misconstruction of the Act by existing Corporations, affords ample opportunity for re-constructing existing Municipalities wherever a majority may deem it right to do so, and do therefore pray your Honorable House that the said Bill may be allowed to pass into law, as soon as the importance of its necessity requires.

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

[Here follow 9 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.

(MUNICIPAL COUNCIL, WAVERLEY.)

Received by the Legislative Assembly, 6 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Municipal Council of Waverley,—

RESPECTFULLY SHEWETH :—

That the Municipalities Act of 1858, although an admirable law, and one which has worked much practical good, is, in many of its details, very defective, and especially so in those provisions which relate to the levying and enforcement of Municipal Rates.

That these defects not only render the carrying out of this law very difficult, but are in some respects even productive of absolute injustice, inasmuch as many escape the payment of Municipal taxation who are great gainers by the expenditure of the money thus raised.

That the attention of Parliament has been repeatedly, by Petition, most respectfully called to the existence of these defects, and to the absolute necessity for some amendment.

That Bills for that purpose have been for the past two years before Parliament, and that one such Bill is now before your Honorable House.

That the amendment of the law as to Municipal Institutions is a necessity affecting all parts of the country where such Institutions exist, and all persons who live under their rule; and that further delay will increase and materially complicate the already existing difficulties before referred to.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into your consideration, and will at once pass such an Act as will remedy the defects complained of.

CHA. BROWNE,
Chairman.

J. F. MORTIMER,
Council Clerk.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.

(MAYOR AND ALDERMEN, WOLLONGONG.)

Received by the Legislative Assembly, 18 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Mayor and Aldermen of the Municipality of Wollongong,—

RESPECTFULLY SHEWETH:—

That after the passing of the Municipalities Act of 1858, the inhabitants of Wollongong were amongst the earliest to avail themselves of the advantages which they believed the measure held out to them.

That although willing to tax themselves for the purpose of carrying out the improvements of the Town, they were of opinion that, for works of permanent utility, posterity should bear a portion of the burden.

That entertaining this view, they looked upon the borrowing powers contained in the 87th section of the Municipalities Act as enabling them to carry out this principle to a fair and reasonable extent.

That on making application to the banking and other monetary institutions, they were unable to negotiate a loan, owing to the security they had to offer not coming within the limits of ordinary monetary transactions.

That consequently the 87th section has become inoperative, and the beneficial working of the Municipal Council considerably impaired.

That the recent decision in the case of *Berry v. Graham* has raised doubts as to the legality of many existing Municipalities, and has consequently created considerable reluctance to distrain for overdue rates, and otherwise to enforce the provisions of the Act.

That these doubts, whilst tending strongly against the well working of existing Municipalities, have also the effect of preventing similar institutions being formed, whereby the public good is considerably damaged.

That your Memorialists are informed that a Bill is now before your Honorable House by which the present Municipalities Act will be amended, and many of its existing defects remedied.

Your Memorialists, therefore, humbly pray that, with a view of increasing the benefits of Municipal Institutions, and of establishing the legality of existing ones, your Honorable House will not allow the present Session of Parliament to terminate without passing the Municipalities Amendment Act.

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

[Here follow 9 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.
(JOHN DAWSON.)

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

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

The Municipal Council of Randwick beg respectfully to inform your Honorable House, that to carry out the principles of the Municipality Act of 1858 has become a matter of impossibility, and in consequence thereof, great loss and inconvenience have been the result. The Council, therefore, humbly pray that your Honorable House will remove the present difficulty by passing, as early as possible, the Bill now submitted by the Government.

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

*Randwick Municipal Council,
21st November, 1862.*

JOHN DAWSON,
Chairman.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.

(MUNICIPAL COUNCIL, PARRAMATTA.)

Received by the Legislative Assembly, 3 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Mayor and Aldermen of the Municipality of Parramatta,—

SHEWETH :—

That in many particulars, in working out the municipal affairs of the Town of Parramatta, your Petitioners find the present Municipal Act imperfect.

That your Petitioners, being most desirous of making the institution as efficient and useful as possible in all its operations, observe with pleasure that an amended Municipal Bill is now under the consideration of your Honorable House.

Your Petitioners humbly pray that your Honorable House will take the matter into your favourable consideration, and pass the measure with as little delay as possible.

And your Petitioners will ever pray.

(For the Council,)

JAMES BYRNES,
Mayor.

Parramatta, 27 November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES LAW AMENDMENT BILL.

(CHAIRMAN AND COUNCILLORS OF MUNICIPALITY OF SHELL HARBOUR.)

Received by the Legislative Assembly, 5 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned, the Chairman and Councillors of the Municipality of Shell Harbour,—

RESPECTFULLY SHEWETH :—

That under an Act of Legislature, entitled "The Municipalities Act of 1858," a defined portion of the Police District of Kiama was, upon Petition, and without opposition, proclaimed a Municipality, by the name of the Municipality of Shell Harbour; that, in virtue of such proclamation, the rate-payers have, from time to time, duly elected the required officers to serve in the Municipality so formed.

That the Corporation has effected many substantial improvements, calculated to promote facilities for traffic, and having a tendency to enhance the value of property, to increase the prosperity of the district, and greatly to benefit the public.

That the current annual revenue not having been found adequate for the payment for the various improvements effected, your Petitioners have become jointly and severally responsible, in their private capacities, for a debt incurred in accomplishing the said improvements. This debt, however, could easily be discharged if the rates due to this Corporation were paid; but in consequence of the decision given in the Supreme Court, in a case *Berry v. Graham* and others (Municipality of Shoalhaven), many consider that the said decision suggests points of identity to this and other Municipalities with that of Shoalhaven, and therefore withhold the voluntary payment of rates, and thus throw upon this Corporation either the responsibility of becoming involved in vexatious lawsuits, by enforcing payment, or of suspending its operations, or otherwise to increase the debt for which, in their private estates, the Councillors of this Municipality are liable.

That it is a matter deeply to be regretted, that this and other Municipal Corporations have been compelled to discontinue many works of great local importance and public benefit, and that the acknowledged usefulness of Municipal Institutions should be thus brought to a stand-still, in consequence of the dubious nature of the power given them for the recovery of Municipal rates.

That it is a matter of much gratification to your Petitioners that a Bill to amend the Municipalities Act of 1858 is now before the Legislature. Your Petitioners are of opinion that the said Bill, if carried into law, will remove the difficulties under which your Petitioners, in common with other Corporations, are labouring; that it will relieve your Petitioners from the personal liability to be sued for the payment of a debt honorably incurred in their corporate capacity, and judiciously expended for the benefit of posterity; that it will remedy the various defects in the said Act, and adjust all errors consequent upon the misconstruction of the said Act by Municipal Corporations.

Your Petitioners, therefore, pray that your Honorable House will allow the proposed Bill for amending the Municipalities Act of 1858 to pass into law, with that speed which the necessitous condition of this and other Corporations, and the importance of the required amendment, demands.

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

[Here follow 9 Signatures.]

1862.

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, 1861.TO HIS EXCELLENCY THE GOVERNOR-IN-CHIEF,
&c., &c., &c.

1. The Trustees of the Australian Museum have the honor to submit to your Excellency this their Eighth Annual Report.
2. The Museum has been open to the public daily (Sundays excepted), during the past year, and has been visited by 19,905 persons.
3. The system of exchanging specimens of natural history with the principal Foreign Museums is still fostered by the Trustees, who have received the following valuable collections during the past year :—
 - From the Museum of Natural History at Hamburg :—6 species of mammals ; 30 species of birds, and a collection of coleopterous insects, comprising 315 specimens and 156 species.
 - From the National Museum of the Netherlands, at Leyden :—2 species of mammals ; 81 species of birds ; 4 birds' nests and 9 eggs.
 - From the Museum of Natural History at Brunswick :—33 specimens, including 23 species of birds, and a collection of coleopterous insects, comprising 202 species.
4. Numerous donations have been received during the year, a list of which, with the names of the donors, is appended. (*Appendix No. 2.*)
5. Many valuable works, purchased out of the Endowment Fund, have been added to the Museum Library, a list of which is appended. (*Appendix No. 3.*)
6. It is with deep regret that the Trustees have to report the loss which the Museum has sustained this year, through the death, in August last, of their talented Curator and Secretary, Mr. S. R. Pittard. In connection with this melancholy event, the Trustees have much satisfaction in acknowledging the liberality of the Government in permitting the unexpended portion of the vote for the Curator's salary to be applied towards the provision of a passage to England for Mrs. Pittard and her children.
7. The Trustees have entered into a correspondence with the Government, with a view of securing the services of an able successor to the late Mr. Pittard. Pending the arrangements necessary for this purpose, they have appointed Mr. Gerard Krefft, Acting Curator and Secretary.
8. Two experienced taxidermists have been occupied during the year in preparing and mounting specimens, and in cleaning and preserving from decay the collections already displayed for public inspection.

AUSTRALIAN MUSEUM.

9. The Trustees have to record the retirement of Sir William Macarthur, and the election of William Macleay, Esq., M.P., to fill the place on the Board vacated by His Excellency Sir W. T. Denison, K.C.B.

10. The liberality of the Legislature has enabled the Trustees to purchase, for the sum of £200, a highly instructive mineralogical and geological collection, for the display of which arrangements are now being made. It is the intention of the Trustees shortly to publish a Catalogue of these collections, which will enable students to compare our native minerals and formations with those which occur in other parts of the Globe.

11. The valuable series of casts of fossils, presented by the British Museum some years ago, has been unpacked, and is now in part exhibited to the public.

12. The Trustees, thinking it desirable to enlarge the collections in the Museum as much as possible, have purchased a number of specimens during the year, of which those not hitherto exhibited have been added to the collection; and such specimens as could be spared have been forwarded to other Museums, for the purpose of exchange.

13. The Trustees have the satisfaction of reporting that the additions to the Museum, for which the Legislature voted the sum of £10,000, are now in progress. The plan and general arrangements having been designed by the Colonial Architect, after consultation with the Trustees, were approved by the Government. Tenders were then invited for the construction of the building as high as the first story, and one for £9,300 accepted. It is this portion of the building that is now in course of erection. For the completing of the upper part and the roof, together with the internal fittings, a further sum of £10,000 will be necessary. As this additional expenditure is essential towards completing the portion of the building now in hand, the Trustees take leave to urge on the Government the necessity of obtaining from the Legislature, a vote for the further sum required.

14. 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, 1861.

15. Appendix No. 2 contains a list of the various donations during the same year, with the names of the donors.

16. Appendix No. 3 contains a list of books purchased for the Museum Library.

17. The Trustees have the honor to submit this their Report for the year one thousand eight hundred and sixty-one, and in testimony thereof, have caused their corporate Seal to be hereunto affixed, this twenty-third day of May, one thousand eight hundred and sixty-two.

(L.S.)

GEORGE E. TURNER,

Chairman.

By order of the Trustees,

GERARD KREFFT,

Acting Curator and Secretary.

APPENDIX No. 1.

CURRENT EXPENDITURE of the Trustees of the Australian Museum, during the year 1861.

1861.		£	s.	d.	1861.		£	s.	d.	
Jan. 1	To Balance	29	0	1		By Salaries during the year	1,117	0	4	
Jan. 3	" Cash from Colonial Treasury	600	0	0		" Requisites for Taxidermist's Department ..	119	12	5	
Jan. 8	" Do. do.	250	0	0		" Purchase of Specimens	114	6	3	
April 18	" Do. do.	250	0	0		" Contingent expenses, carriage, freight, etc., postage	74	1	6	
July 13	" Do. do.	250	0	0		" Ironmongery	34	6	3	
Sept. 21	" Do. do.	269	7	2		" Stationery and printing	41	13	0	
Oct. 4	" Do. do.	250	0	0		" Books and periodicals	219	2	6	
Nov. 8	" Do. do.	387	10	0		" Carpenters' work	33	8	7	
Nov. 18	" Do. do.	247	6	2		" Keeping grounds in order	25	0	0	
						" Wood and coal	31	19	6	
						" Mrs. Pittard	252	13	10	
						" Balance	469	19	3	
1862.		£	2,533	3	5		£	2,533	3	5
Jan. 1	To Balance	469	19	3						

APPENDIX

APPENDIX No. 2.

DONATIONS TO THE AUSTRALIAN MUSEUM, DURING THE YEAR 1861.

MAMMALIA.	PRESENTED BY
Horns of Capra Ibez	Sir Charles Nicholson, Bart.
A Black Wallaby (<i>Halmaturus ulabatus</i>)	Mr. James Buchanan.
A Beaver Rat (<i>Hydromys leucogaster</i>)	Mr. John Waller.
A Porpoise	Mr. John Billing.
A Bandicoot (<i>Perameles obesula</i>)	Edward Hill, Esq.
A Malformed Tooth	Miss Ellen Larkin.
A Koala (<i>Phascolarctos cinereus</i>)	Charles Moore, Esq.
A Large-eared Bat (<i>Nyctophilus Geoffroyi</i>)	Mr. Cook.
A Bettongia	Mr. Hugh Paterson.
A Bat	George Macleay, Esq.
A Phalangista <i>Vulpina</i>	Mr. Wentzel.
A Malformed Kitten	Mr. James Walsh.
A Large-eared Bat (<i>Nyctophilus Geoffroyi</i>)	Mr. James French.
<i>Dasyurus viverrinus</i> , 2 specimens	} Edward Hill, Esq.
<i>Pteropus poliocephalus</i> , 5 specimens	
A Vulpine Opossum (<i>Phalangista vulpina</i>)	Mr. Wentzel.
A Spiny Echidna (<i>Echidna hystrix</i>)	Mr. Henry Mayo.
A Flying Fox (<i>Pteropus poliocephalus</i>)	Ed. Hill, Esq.
A Native Cat (<i>Dasyurus viverrinus</i>)	} Mr. Archibald Boyd.
Three Specimens of the Flying Fox (<i>Pteropus poliocephalus</i>)	
Two Guinea Pigs	Mrs. Douglas.
A Ring-tailed Opossum (<i>Phalangista viverrina</i>)	Mr. Wentzel.
A Pencil-tailed Phascogale (<i>Phascogale penicillata</i>)	Mr. Henry Dodds.
A Koala (<i>Phascolarctos cinereus</i>)	Mr. W. Buchanan.
Skeleton of (<i>Belidæus flaviventer</i>)	Mr. Henry Schrader.
A Beaver Rat (<i>Hydromys leucogaster</i>)	Mr. Alfred Butt.
A Rufus-necked Wallaby (<i>Halmaturus ruficollis</i>)	Mr. John Roach.
A Large-eared Bat (<i>Nyctophilus Geoffroyi</i>)	Master Chas. Brady.
Malformed Head of a Bullock	Mr. John Nott.
A Koala (<i>Phascolarctos cinereus</i>)	} George Bennett, Esq., M.D., F.Z.S.
A Malformed Fœtus of a Cow	
A Long-nosed Bandicoot (<i>Perameles nasuta</i>)	Mr. David Warden.
A Spiny Echidna (<i>Echidna hystrix</i>)	Edward Hill, Esq.
A Building Rat (<i>Hapalotis conditor</i>)	B. C. Rodd, Esq.
A White-tipped Hapalotis (<i>Hapalotis apicalis</i>)	} Mr. Gerard Krefft.
Two specimens of Mitchell's Hapalotis (<i>Hapalotis Mitchellii</i>)	
A Bettongia (<i>Bettongia campestris</i>)	} Mr. William Riley.
A Pencil-tailed Bettongia (<i>Bettongia penicillata</i>)	
A Beaver Rat (<i>Hydromys leucogaster</i>)	Mr. William Davies.
A Ram's Head with four horns	George Bennett, Esq., M.D.
An anatomical preparation of <i>Ornithorhynchus paradoxus</i>	
AVES.	
A Black-throated Grebe (<i>Podiceps gularis</i>)	Mr. R. Bransby.
Nest of a Flycatcher	Sir Charles Nicholson, Bart.
Nest and Eggs of the Grey-backed Zosterops (<i>Zosterops dorsalis</i>)	Mr. H. Norton.
A Podargus (<i>Podargus humeralis</i>)	Mr. Moses Bishop.
A monstrous Duckling	Mr. Andrew Mathieson.
A Parrot (<i>Psittacus</i>)	Mr. W. Beaumont.
A crested Pigeon (<i>Ocyphaps lophotes</i>)	} Chas. Moore, Esq.
A Peaceful Dove (<i>Geopelia tranquilla</i>)	
A Podargus (<i>Podargus humeralis</i>)	Mr. W. Beaumont.
A Pheasant	Mr. Arthur.
A Parrot (<i>Psittacus</i>)	} Chas. Moore, Esq.
A Little Bittern (<i>Ardetta stagnatilis</i>)	
A Black Swan (<i>Cygnus atratus</i>)	
A Wandering Albatross (<i>Diomedea exulans</i>)	
Two malformed Eggs of a Domestic Fowl	Mrs. Knight.
A Nankeen Night Heron (<i>Nycticorax Calcedonicus</i>)	Mr. W. Sherdine.
A New Holland Quail (<i>Synoicus Australis</i>)	Mr. William Butt.
A Brown Hawk	Mr. W. Henry.
A New Holland Quail (<i>Synoicus Australis</i>)	Mr. Carron.
A Pink-headed Dove (<i>Ptilonopus Ewingi</i>)	Mr. James Wallace, junr.
A Parrot (<i>Psittacus</i>)	Charles Moore, Esq.
A Semi-palmated Goose (<i>Anseras melanoleuca</i>)	George Bennett, Esq., M.D.
A Great Brown Kingfisher (<i>Dacelo gigantea</i>)	Mr. William Henry.
A Wedge-tailed Eagle (<i>Aquila fucosa</i>)	Mr. W. Beaumont.
An Emeu (<i>Dromaius Novæ Hollandiæ</i>)	Mr. W. Beaumont.
A Kagu (<i>Rhinocœtus</i>)	Charles Moore, Esq.
A Podargus (<i>Podargus humeralis</i>)	Mr. F. V. Broughton.
A White Hawk (<i>Astur Novæ Hollandiæ</i>)	Thomas A. Hilder, Esq.
A Flinder's Cuckoo (<i>Eudynamis Flindersii</i>)	Horatio T. N. Tozer, Esq.
A Black-fronted Dottrel (<i>Hiaticula nigrifrons</i>)	Mr. George Sirkitt.
A Musk Duck (<i>Biziura lobata</i>)	Mr. William Clarke.
An Owllet Nightjar (<i>Egotheles Novæ Hollandiæ</i>)	Mr. William Lesby.
A Spur-winged Plover (<i>Lobivanellus lobatus</i>)	Mr. William Clarke.
A Parrot (<i>Psittacus</i>)	P. J. Elliott, Esq.
A Boobook Owl (<i>Athene Boobook</i>)	Mr. Henry J. Greville.
A White-breasted Sea Eagle (<i>Haliastur leucosternus</i>)	Mr. William Clarke.
A Satin Bower-bird (<i>Ptilonorhynchus holosericeus</i>)	Charles Moore, Esq.
A Fire-tailed Finch (<i>Astrilda bella</i>)	Mr. Thomas Galvin.
A Boobook Owl (<i>Athene Boobook</i>)	Ed. Hill, Esq.
An Owllet Nightjar (<i>Egotheles Novæ Hollandiæ</i>)	Mr. Rogers.
An Australian Pelican (<i>Pelecanus conspicillatus</i>)	Mr. William Clarke.
A Fruit Pigeon (<i>Carpophaga magnifica</i>)	
A Cat Bird (<i>Ptilonorhynchus Smithii</i>)	} Ed. Hill, Esq.
A Satin Bower Bird (<i>Ptilonorhynchus holosericeus</i>)	
Two Bitterns (<i>Ardetta stagnatilis</i>)	

AVES—continued.

PRESENTED BY

An Albino of the common New Holland Honey-eater (<i>Meliphaga Novæ Hollandiæ</i>), and a young Cuckoo Cuculus.....	Mr. Palmer.
Two specimens of the Brown-capped Pomatorhinus (<i>Pomatorhinus ruficeps</i>).....	Mr. Gerard Krefft.
An Emu (<i>Dromaius Novæ Hollandiæ</i>).....	Mr. John Tait.
Four specimens of British Birds.....	J. F. Josephson, jun., Esq.
A Pectoral Rail (<i>Rallus pectoralis</i>).....	B. C. Rodd, Esq.
An Emu Wren (<i>Stipiturus malachurus</i>).....	Miss Fanny Boyd.
Two Porphyrios (<i>Porphyrio bellus</i>).....	Robt. McIntosh, Esq.
Two Yellow-spotted Plovers (<i>Charadrius zanthocheilus</i>).....	Horatio T. N. Tozer, Esq.
A Coach-whip Bird (<i>Psophodes crepitans</i>).....	Mr. J. Blaxland.
A Plain-coloured Finch (<i>Amadina modesta</i>).....	Miss Fanny Boyd.
A Fruit Pigeon (<i>Carpophaga magnifica</i>).....	Mr. John Dunlop.
A Blue Crane (<i>Ardea Novæ Hollandiæ</i>).....	Mr. A. Butt.
A Black Swan (<i>Cygnus atratus</i>).....	Miss Morgan.
An Australian Pelican (<i>Pelecanus conspicillatus</i>).....	Mr. Wm. Beaumont.
An Australian Crane (<i>Grus Novæ Hollandiæ</i>).....	T. Dangar, Esq., M.P.
Two Eggs of <i>Grus Australasianus</i>	Mr. George Frost.
A Pied Cormorant (<i>Phalacrocorax melanoleucus</i>).....	
A Snipe, a Partridge, Quails, Silver Pheasant, and Pigeons. Two Cape Barren Geese (<i>Cercopsis Novæ Hollandiæ</i>).....	Charles Moore, Esq.
An Australian Crane (<i>Grus Australasianus</i>).....	
A Dagger-breasted Dove, and a Java Sparrow.....	
A Cape Pigeon (<i>Doctyon Capensis</i>).....	J. F. Josephson, jun., Esq.
A Talassidroma, and a Collection of Eggs of British Birds.....	Mr. A. Wilson.
Two specimens of the Great Brown Kingfisher (<i>Dacelo gigantea</i>).....	Mr. A. Brown.
Two specimens of the broad-billed Prion (<i>Prion vittatus</i>).....	

REPTILIA.

A Green Tree Snake (<i>Dendrophis punctulata</i>).....	Edward Hill, Esq.
A Black Snake (<i>Pseudechis porphyriacus</i>).....	Mr. Henry.
A Diamond Snake (<i>Morelia spilotes</i>).....	Mr. Charles Lewis.
A Gecko (<i>Phyllurus mermis</i>).....	A. Mackellar, Esq.
A Diamond Snake (<i>Morelia spilotes</i>) and eggs of a Pygopus (<i>Pygopus lepidopodus</i>).....	Mr. Archibald Boyd.
A Diamond Snake (<i>Morelia spilotes</i>).....	Mr. Mayhew.
A Lialis.....	Mr. L. O. Bullford.
Two Black Snakes (<i>Pseudechis porphyriacus</i>).....	Mr. Gerard Krefft.
A Lizard (<i>Phyllurus platurus</i>).....	Captain McLean.
A Lizard (<i>Hinulia tæniolata</i>).....	Mr. R. S. Hall.
A Diamond Snake (<i>Morelia spilotes</i>).....	Mr. T. Savage.
A large Python from Ceylon.....	R. Ponsonby, Esq.
A large Tortoise.....	Mrs. Ritchie.
A Brown Banded Snake (<i>Hoplocephalus Curtus</i>).....	Mr. Edwin McIntosh.
A Brown Banded Snake (<i>Hoplocephalus Curtus</i>).....	Master Hourigan.
A Diamond Snake (<i>Morelia spilotes</i>).....	Master Thomas Neall.
A Gecko (<i>Phyllurus platurus</i>).....	Mr. George Sirkett.
A Frog and Two Geckos from Egypt.....	George Macleay, Esq.
A Sea Snake (<i>Polamis</i>).....	Christopher Maxwell, Esq.
A Death Adder (<i>Acanthophis antarctica</i>).....	Mr. W. Bagnell.
A Death Adder (<i>Acanthophis antarctica</i>).....	Mr. Ernest Gordon.
A Brown Banded Snake (<i>Hoplocephalus Curtus</i>).....	Mr. Archibald Boyd.
A Lialis.....	Rev. Stanley Mitchell.
A Diamond Snake (<i>Morelia spilotes</i>).....	Ed. Hill, Esq.
A Giant Cyclodus (<i>Cyclodus gigas</i>).....	
Two Green Tree Snakes (<i>Dendrophis punctulata</i>).....	Horatio T. N. Tozer, Esq.
A Black and White Banded Snake (<i>Vermicella occipitalis</i>).....	
A Diamond Snake (<i>Morelia spilotes</i>).....	Mr. William May.
A Gecko (<i>Phyllurus platurus</i>).....	Master Blaxland.
A Green Tree Snake (<i>Dendrophis punctulata</i>).....	Chs. Moore, Esq.
A Gecko (<i>Phyllurus Milinisi</i>).....	Mr. Fredk. Blackman.
Four Frogs (<i>Limnodynastis Bibroni</i>).....	Mr. Chs. Ed. Howson.
A Snake (<i>Brachysoma diadema</i>).....	Ed. Hill, Esq.
A Brown Snake (<i>Pseudonaja nuchalis</i>).....	Mr. George Byrne.
A Black and White Banded Snake (<i>Vermicella occipitalis</i>).....	Mr. John Ewings.
A Brown Snake (<i>Pseudonaja nuchalis</i>).....	Mr. Henry Meads.
A Bearded Grammatophora (<i>Grammatophora barbata</i>).....	Mr. John Lelor.
A Lizard (<i>Grammatophora muricata</i>).....	Mr. Henry Lee.
A Giant Cyclodus (<i>Cyclodus gigas</i>).....	Mr. George Buchanan.
A Whip Snake (<i>Diemansia reticulata</i>).....	Mr. Nathaniel Paten, junior.
A Death Adder (<i>Acanthophis antarctica</i>).....	Master John Carroll.
A Lialis (<i>Lialis Burtoni</i>).....	Horatio T. N. Tozer, Esq.
A Diamond Snake (<i>Morelia spilotes</i>).....	
A Black Snake (<i>Pseudechis porphyriacus</i>).....	Mr. Archibald Boyd.
A Brown Banded Snake (<i>Hoplocephalus Curtus</i>), and a Pygopus (<i>Pygopus lepidopodus</i>).....	
Five specimens of Bibrons Emygrus (<i>Emygrus Bibroni</i>).....	
Four specimens of the Canded Sea Snake (<i>Lapemis Curtus</i>).....	
Two specimens of the Banded Chlorosaurus (<i>Chlorosaurus fasciatus</i>).....	
One specimen of the Oceanic Gehyra (<i>Gehyra oceanica</i>).....	William Macleay, Esq., M.P.
One specimen of <i>Plantimantis Vitianus</i>	
And numerous Saurian Reptiles from the Fiji and Friendly Islands, most of which are new to science.....	

PISCES.

Twenty-five specimens of Fish from Port Jackson.....	Mr. Edward Ireland, jun.
A Fish (<i>Platax</i>).....	A. Roberts, Esq.
A Fish of the genus <i>Eques</i>	Mr. John Dunlop.
A Jew Fish (<i>Elacate pondiceriana</i>).....	Mr. Thomas Bagnell.
A Diodon.....	B. C. Rodd, Esq.
A Shark (<i>Carcarias</i>).....	Master C. Fitzhardinge.
An Eel (<i>Muraena</i>).....	Mr. James M. Cafferey.

PISCES—continued.

	PRESENTED BY
Fifteen specimens of Fish.....	Mr. Archibald Boyd.
A Fish of the Genus <i>Platax</i>	William Macleay, Esq., M.P.
A Fish (<i>Eques</i>).....	Mr. Pockley.
An Eel (<i>Murana</i>).....	Mr. C. G. Agent.
A Fish of the Genus <i>Platax</i>	Mr. Sydney Chisholm.
A Fish (<i>Zeus</i>).....	Master Thomas Sumners.
A Fish (<i>Trigla</i>).....	Mr. Thomas Hopkins.
A Fish (<i>Echinus</i>).....	Captain Sullivan.
A Fish (<i>Trichiurus</i>).....	Mr. Samuel Bagnell.
An Ostracion.....	Mr. John Walter Smart.
Five specimens of Fish from Port Jackson.....	Mr. Ed. Ireland, jun.
Two young Sharks.....	Mr. John Linker.
Five specimens of Fish from Port Jackson.....	Mr. J. Buchanan.
A Collection of Fish from the Fiji and Friendly Islands.....	William Macleay, Esq., M.P.
An Eel (<i>Murana</i>).....	R. T. Hall, Esq.

MOLLUSCA.

A Collection of Shells.....	} His Excellency Sir W. T. Denison, K.C.B.
A Collection of Shells.....	
Shells from the Red Sea.....	Mr. J. Stokes.
Three species of <i>Cypræa</i>	Master J. Riley.
A Patella covered with <i>Serpula</i>	Mr. William Henry.
Two specimens of <i>Bulimus automatus</i>	Mr. William Butt.
Specimens of <i>Amphibola</i>	Mr. Thomas Illidge.
A collection of Chitons from Newcastle.....	Capt. J. G. R. Wynyard.
Specimens of Shells from Botany, Melbourne, and Norfolk Island.....	Robert Scott, Esq.
A rare species of <i>Helix</i> , from the Clarence River.....	Mr. John Brazier.
A Shell (<i>Cypræa</i>).....	Charles Moore, Esq.
A <i>Helix</i>	Mr. A. Butt.
Two Shells from New Caledonia.....	Mr. Forster.
Fresh-water Shells (<i>Unio</i>).....	Master Bennett.
Two specimens of <i>Mytilus</i> , from New Zealand.....	Mr. G. Weedon Birch.
Three specimens of the Desert <i>Helix</i> , from Egypt.....	Mr. George S. Hand.
	{ George Bennett, Esq., M.D., F.Z.S.

CRUSTACEA, &c.

A <i>Neptunus Pelagicus</i>	Miss Fanny Hall.
A fresh water Lobster (<i>Potamobius serratus</i>).....	W. H. Aldis, Esq.
A <i>Neptunus Pelagicus</i>	Mr. G. Whitfield.
A <i>Gonodactylus</i>	Mr. John Whittell.
A <i>Neptunus Pelagicus</i>	Mr. J. W. Regan.
A Crab.....	Mr. Th. Batty.
Three specimens of fresh water Lobster (<i>Potamobius</i>).....	His Honor Sir Alfred Stephen
A <i>Neptunus pelagicus</i>	Mr. John Brazier.
A Crustacean of the genus <i>Ibacus</i>	Miss Elizabeth Coleson.
A collection of Crustacea from the Fiji and Friendly Islands.....	William Macleay, Esq., M.P.

INSECTA.

A Moth (<i>Saturnia</i>).....	Mr. Henry M'Kinley.
Two specimens of Orthopterous Insects.....	Mr. Melbourne Smyth.
A collection of Coleopterous Insects.....	Master Alfred M'Intosh.
A Caterpillar of a Lepidopterous Insect.....	Miss Buchanan.
Specimens of Coleopterous, Lepidopterous, and Orthopterous Insects.....	Miss Noble.
A Coleopterous Insect (<i>Lamia</i>).....	Mr. M. D. Grady.
Coleopterous and Lepidopterous Insects.....	Mr. Wm. Henry.
Fifteen Coleopterous Insects of the family <i>Buprestida</i>	Mr. Herbert Norton.
A <i>Pasma</i>	Mr. Waller.
A <i>Pasma</i>	Mr. H. Peak.
A beautiful collection of Australian Lepidopterous Insects.....	The Misses Scott.
A <i>Saturnia</i>	Mr. T. Lawry.
A <i>Pasma</i>	Mr. John M'Donell.
A Chrysalis of <i>Colepteryx Collesi</i>	Mr. Archibald Boyd.
A Collection of Coleopterous Insects.....	Mr. F. M'Intosh.
A <i>Pasma</i> (<i>Pasma Titans</i>).....	Mr. George G. T. Stuart.
A <i>Carabus</i>	Mr. Archibald Boyd.
A <i>Dytiscus</i>	Mr. Fitzhardinge.
A <i>Scarites Schroetterii</i>	Mr. Ed. M'Intosh.
A <i>Pasma</i>	Mr. N. L. Kentish.
A Moth (<i>Colepteryx Collesi</i>).....	Mr. Sydney Chisholm.
The Larva of a <i>Cossus</i>	Alfred Roberts, Esq.
Two Harlequin Beetles (<i>Prianus longimanus</i>).....	Mr. Jackson.
A Collection of European <i>Coleoptera</i>	J. F. Josephson, jun., Esq.
A Mantis.....	Mr. Wm. Bretnall.
A <i>Pasma</i>	Dr. Milford.
A Coleopterous Insect (<i>Lamprima</i>).....	Miss Louisa Lyne.
A Coleopterous Insect (<i>Lamia</i>).....	Mr. T. Small, jun.

MYRIAPODA.

A Centipede.....	Mr. Thomas Batty.
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RADIATA.

A Star-fish.....	Miss Mary Harman.
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GEOLOGY AND MINERALOGY.

Specimens of Copper Ore from Cornwall, Bangor Slate, a Fossil Echinus, Clypeaster Altus from Egypt, and Fossil Wood from Egypt.....	} George Bennett, Esq., M.D.
Ores and Minerals from South Australia.....	
Copper and Chrome Ore from New Zealand; Coal from Massacre Bay; Fossil Wood from Torres Straits.....	} Mr. George S. Hand.
Specimens of Quartz.....	
Sample of Black Sand from New Zealand.....	Robert M'Intosh, Esq.
A collection of Fossils from Scotland.....	Mr. M. W. Newman.
	Mr. M'Diarmid.

GEOLOGY AND MINERALOGY— <i>continued.</i>		PRESENTED BY
Volcanic Combs, Lava and Ash from Victoria		Rev. Dr. Mackay.
A piece of Meerschaum		Mr. John Ryan Bird.
A fossil fragment of the Lower Jaw of Diprotodon		Mr. Joseph Pearce.
Fossil Shells from New Zealand, and Copper Ore from South Australia..		Mr. John Brazier.
Fossil Shells from the Great Northern Railway excavations, and Coal from Ready Creek		Alfred Roberts, Esq.
BOTANICAL SPECIMENS.		
A large piece of Kauri Gum		Capt. G. J. R. Wynyard.
Two specimens of Colonial Wood		Robert M'Intosh, Esq.
Specimens of Fungi		William Macleay, Esq., M.P.
ETHNOGRAPHICAL SPECIMENS.		
A War Club from Ovalau, Fiji Islands		Master Bray.
A Fish Hook made of wood		Mr. John Wharton.
Model of Cingalese Boat, with outrigger		Wyvill Hughes, Esq.
A pair of Combs from Fiji		Mrs. William M'Gregor.
A Carved Figure from New Caledonia		Mrs. Myers.
A Native Implement manufactured of stone		Horatio T. N. Tozer, Esq.
COINS.		
Two old English Halfpennies, A.D. 1700 and 1701		Mr. John Brazier.
Copper Coins from Brazils, Sardinia, the United States, France, and Austria		
Two Coins		Mr. T. Isaak.
A Silver Coin		Mr. M'Call.
BOOKS.		
Official Catalogue of the Great Exhibition of 1851		Alfred Roberts, Esq.
MISCELLANEOUS.		
A piece of Iron Gas Pipe struck by lightning		James Barlow, Esq.
A Russian Carbine		Mr. Bedell.
A Japanese Drawing		Wyvill Hughes, Esq.
Specimens of ancient Needlework		Mrs. Barlow.
A piece of hardwood destroyed by the larva of a Coleopterous Insect ..		Mr. Hugh Paterson.
A hair ball from the stomach of a Goat		Miss Salmon.
The tanned pouch of a Pelican's bill		Horatio T. N. Tozer, Esq.
<i>Australian Museum,</i>	GERARD KREFFT,	
<i>May 23, 1862.</i>	Acting Curator and Secretary.	

APPENDIX No. 3.

LIST OF BOOKS purchased for the Library of the Australian Museum.

	VOLS.
Blainville Osteographic de	4 4to.
Freycinet Voyage de autour du Monde, Zoology	2 folio.
Atlas	1 4to.
Deshayes, Description des Animaux sans vertèbres découverts dans le bassin de Paris...	1 folio.
Atlas	1 4to.
Traité élémentaire de Conchyliologie	1 4to.
Atlas	2 8vo.
Description des Coquilles Fossiles des environs de Paris	1 8vo.
Atlas	2 4to.
Hitchcock, Edward, Final Report on the Geology of Massachusetts	1 4to.
Cooper and Suckley, the Natural History of the Washington Territory	1 4to.
Chauveaux, A., Traité d'Anatomie Comparée des Animaux Domestiques	1 8vo.
Colin, Traité de Physiologie Comparée des Animaux Domestiques	2 8vo.
Natural History of New York, Zoology—Mammalia	1 4to.
Ornithology	1 4to.
Reptiles and Fishes	1 4to.
Mollusca and Crustacea	1 4to.
Botany	2 4to.
Agriculture	4 4to.
Mineralogy	1 4to.
Geology	4 4to.
Pictet, Traité de Paléontologie	4 8vo.
Atlas	1 4to.
Temminck, Monographies de Mammalogie	2 4to.
Histoire Naturelle d'Oiseaux	5 4to.
Text	1 4to.
Binney, Conchology of the United States	1 8vo.
<i>Australian Museum,</i>	GERARD KREFFT,
<i>23 May, 1862.</i>	Acting Curator and Secretary.

1862.

NEW SOUTH WALES.

CURATOR OF AUSTRALIAN MUSEUM.

(CORRESPONDENCE RESPECTING APPOINTMENT OF.)

Presented to both Houses of Parliament, by Command.

SCHEDULE.

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CURATOR OF AUSTRALIAN MUSEUM.

No. 1.

THE UNDER SECRETARY to TRUSTEES OF THE AUSTRALIAN MUSEUM.

*Colonial Secretary's Office,
Sydney, 31 October, 1861.*

GENTLEMEN,

With reference to the report of the decease of Dr. Pittard, Curator of the Australian Museum, I am directed by the Colonial Secretary to request that you will have the goodness to state whether the manner in which the vacancy may be advantageously filled, has engaged your attention; and if so, to beg that you will communicate to him, for the consideration of the Government, what your views are upon the question.

I have, &c.,
W. ELYARD.

No. 2.

ACTING CURATOR to COLONIAL SECRETARY.

*Australian Museum,
Sydney, 8 November, 1861.*

SIR,

I am directed by the Trustees of the Australian Museum to acknowledge the receipt of your letter, dated October 31, and to inform you that the Trustees have had under their consideration the adoption of immediate steps for the appointment of a successor to the late Mr. Pittard, as Curator of the Museum.

I have, &c.,
GERARD KREFFT,
Acting Curator.

No. 3.

THE UNDER SECRETARY to TRUSTEES OF THE AUSTRALIAN MUSEUM.

*Colonial Secretary's Office,
Sydney, 19 November, 1861.*

GENTLEMEN,

I am directed to acknowledge the receipt of a letter, dated 8th instant, in which, by your direction, the Acting Curator of the Australian Museum apprised the Colonial Secretary, that you had under your consideration the adoption of immediate steps for the appointment of a successor to the late Mr. Pittard, as Curator of the Museum.

2. Mr. Cowper desires me to state, in reply, that he will be glad to be favoured with your views, as early as possible, in order that he may be prepared to give every information to Parliament, when the Estimates are under consideration.

3. I am also to observe that you will, the Colonial Secretary hopes, understand that any arrangement proposed will be subject to the approval of the Government.

I have, &c.,
W. ELYARD.

No. 4.

ACTING CURATOR to COLONIAL SECRETARY.

*Australian Museum,
Sydney, 5 December, 1861.*

SIR,

I have the honor to acknowledge the receipt of your letter, dated 19th November, in which you request to be favoured, as early as possible, with the views of the Trustees, with respect to the appointment of a successor to the late Mr. Pittard, as Curator of the Museum, in order that you may be prepared to give every information to the Parliament, when the Estimates are under consideration.

In reply, I am directed to inform you that the Trustees propose, in the first place, to invite by general advertisement, gentlemen who may be possessed of the necessary qualifications to apply for the vacant post, and then (should this course fail to obtain a competent person) to avail themselves of the kind offer of one of their number, Sir Charles Nicholson, Bart., who intends to proceed to Europe in the early part of the ensuing year, and who will select, in conjunction with Professor Owen or Professor Huxley, some competent gentleman to fill the office, on the terms on which Mr. Pittard was first appointed.

These

These terms are,—an allowance of £100 to defray the expense of a passage to Sydney, and a salary not exceeding £700 per annum, to commence from the day of his arrival in Sydney.

With respect to the third paragraph of your letter, in which you express a hope that the Trustees will understand that any arrangement proposed will be subject to the approval of the Government, I am directed to inform you, that the Trustees presume that this remark has reference only to the salary of the Curator, as the 7th Clause of the 17th Victoria, No. 2, incorporating the Museum, throws the entire responsibility of the appointment of their officers on the Trustees.

I have, &c.,
GERARD KREFFT,
Acting Curator.

No. 5.

THE UNDER SECRETARY to TRUSTEES OF THE AUSTRALIAN MUSEUM.

*Colonial Secretary's Office,
Sydney, 11 December, 1861.*

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of a letter dated the 5th instant, from Mr. Krefft, stating by your desire, the steps proposed to be taken for providing a successor to the late Mr. Pittard, as Curator of the Museum, and observing, with reference to the remark made in my communication of the 19th ultimo, that any arrangement for the purpose would be subject to the approval of the Government, that the entire responsibility of the appointment of their officers is placed by the 7th clause of the 17th Victoria, No. 2, on the Trustees of the Institution.

2. In reply, I am instructed to point out, that the situations to which the Trustees of the Museum are authorized to appoint under the 7th clause of the Act of Incorporation, are those for which salaries are provided out of the endowment granted by the 3rd section of the same Act. But the office of Curator having been created subsequently to the passing of that law, and the stipend appropriated by a special vote of the Legislature, must be considered as coming under the 37th clause of the Constitution Act, which vests all appointments in the Governor and Executive Council.

3. The Government is not therefore prepared to concede to the Trustees the right which they now claim, to appoint a Curator to the Museum, or to make arrangements for the selection of an individual to fill that office.

4. I am further desired to state, that on the first occasion of the selection of a gentleman for this appointment, the arrangements were made by the Governor General, through the Right Honorable the Secretary of State for the Colonies.

I have, &c.,
W. ELYARD.

No. 6.

ACTING CURATOR to COLONIAL SECRETARY.

*Australian Museum,
Sydney, 3 January, 1862.*

SIR,

I am directed by the Trustees of the Australian Museum to acknowledge the receipt of a letter dated December 11, 1861, from Mr. Elyard, stating that the situations to which the Trustees of the Museum are authorized to appoint under the 7th clause of the Act of Incorporation are those for which salaries are provided out of the endowment granted by the 3rd section of the same Act. But the office of Curator having been created subsequently to the passing of that law, and the stipend appropriated by a special vote of the Legislature, might be considered as coming under the 37th clause of the Constitution Act, which vests all appointments in the Governor and Executive Council, and that the Government is not therefore prepared to concede to the Trustees the right which they now claim, to appoint a Curator to the Museum, or to make arrangements for the selection of an individual to fill that office. Mr. Elyard further states, by your desire, that on the first occasion of the selection of a gentleman for this appointment, the arrangements were made by the Governor General, through the Right Honorable the Secretary of State for the Colonies.

2. In reply, I am directed by the Trustees to inform you, that they adhere to the opinion expressed in their letter of December 5th, 1861, namely, that by the Act of Incorporation, the entire responsibility of the management of the Museum, and the appointment of all its officers, rests with the Trustees.

3. That the fact of an additional amount having been granted by the Legislature for the salary of the Curator does not in any way absolve the Trustees from the performance of any of the duties cast upon them by the Act.

4.

4. That the appointment of the late Curator was made by Professor Owen and George Macleay, Esq., under the authority of the Trustees, and receiving their instructions from the Board, through His Excellency Sir William Denison (himself an elective Trustee), who, in this as in all other matters connected with the appointment of the late Curator, acted on behalf and at the request of the Trustees.

5. The Trustees beg to call the attention of the Government to the absolute necessity that exists of filling up the vacancy with as little delay as possible, as the increasing amount of their collections require the careful supervision of, and arrangement by a competent Curator, not only for exhibition to the public, but for their preservation from damage and destruction. Finally, the Trustees again desire to submit the arrangement proposed in their letter of December 5th, 1861, to the Government, for their approval.

I have, &c.,
GERARD KREFFT,
Acting Curator.

No. 7.

THE UNDER SECRETARY to TRUSTEES OF AUSTRALIAN MUSEUM.

*Colonial Secretary's Office,
Sydney, 27 March, 1862.*

GENTLEMEN,

I am directed by the Colonial Secretary to acknowledge the receipt of a letter dated 3rd of January last, from the Acting Curator of the Australian Museum, respecting the appointment of a Curator in succession to the late Dr. Pittard, and to state that the delay which has occurred in replying to Mr. Krefft's letter, has arisen from Mr. Cowper's desire to look fully into the subject before coming to a final decision in the matter.

2. With reference to what is urged by the Trustees in this letter, and by the deputation from that body in the interview which he had with them in support of the principle contended for, the Colonial Secretary feels obliged to state that the further he has searched the more he has become confirmed in the opinions expressed in the former communications made to you.

3. Mr. Cowper must, in the first place, point out that the Trustees are in error in assuming that the appointment of the late Curator was made by Professor Owen and George Macleay, Esquire, under the authority of the Trustees, whose instructions were conveyed through His Excellency Sir William Denison, acting as one of the Trustees on behalf of, and at the request of the whole body. The real state of the facts is this:—Sir William Denison as Governor General, on behalf of the Government of New South Wales, addressed a despatch to the Secretary of State upon the subject of the appointment of a Curator in the following words, viz.:—

*"Government House,
Sydney, 6 May, 1859.*

"Sir,

"The Legislature of the Colony having placed at the disposal of the Government a sum of £700 per annum, as the salary of the Curator of the Museum at Sydney, I have requested Mr. George Macleay, who has lately gone to England, to put himself in communication with Mr. Owen, for the purpose of selecting a person thoroughly competent to take charge of an establishment which is likely to prove a most valuable assistance in developing the resources of the Colony.

* * * * *

"I have, &c.,
"W. DENISON."

4. A copy of the despatch of the Secretary of State, dated 30th August, 1859 received in reply, was forwarded to the Trustees, and the Government was entirely ignorant of any proceedings having been undertaken by that body, such as those stated in the Acting Curator's letter. Sir William Denison's communication to Mr. George Macleay was, in his capacity as Governor, with the concurrence of the Executive Council.

5. The Colonial Secretary has referred to the Act of the Imperial Parliament 26 Geo. 2, c. 22, and the evidence given before the Select Committee of the House of Commons, appointed to inquire into the condition and management of the British Museum in the year 1835. From these it appears that the Trustees of that Museum, as a body, have nothing to do with appointments to offices. The Archbishop of Canterbury, the Lord Chancellor, and the Speaker of the House of Commons are appointed as Official Trustees to deal with the patronage. The Principal Librarian is, upon their nomination, appointed by the Crown, under the Royal Sign Manual; and all other appointments are made by the three Trustees named.

6. The principle for which the Trustees of the Sydney Museum contend, does not therefore appear to be recognized in the Mother Country, and Mr. Cowper is persuaded that the view taken by him of the Act, and of the course which it is proper should be adopted in regard to such appointments as that of the Curator of the Museum, as previously explained, is correct.

I have, &c.,
W. ELYARD.

No. 8.

No. 8:

ACTING CURATOR to COLONIAL SECRETARY.

*Australian Museum,
Sydney, 8 May, 1862.*

SIR;

I am directed by the Trustees of the Australian Museum to acknowledge the receipt of your letter dated March 27, in reply to which the Trustees have desired me to enclose a copy of a series of resolutions passed at a special meeting of the Board held this day.

I have, &c.,
GERARD KREFFT,
Acting Curator.

[Enclosure in No. 8.]

*COPY of Resolutions passed at a Special Meeting of the Trustees of the Australian Museum,
held May 8th, 1862.*

THE Colonial Secretary's letter of the 27th March, 1862, having been read, the Trustees resolve as follows:—

1st. That by the Act of Incorporation the appointment of all the officers of the Institution is by law vested in them only.

2nd. That the Trustees are of opinion that the Legislature having voted an amount for the salary of Curator whilst this law existed, must be taken to have granted it with the knowledge that the appointment would rest with the Trustees, and therefore that they are entitled to the disposition for that purpose of the amount so voted.

3rd. That independently of the question as to the right of appointment of the Curator, which, of course, confers also the right of dismissal, the Trustees are of opinion that they would not have that control over an officer not appointed by them which would be essential to the due management of the Museum.

4th. That the Curator is not an officer of the Government, but an officer of an Institution endowed by the Parliament in the same manner as the University, the Benevolent Asylum, the Sydney Infirmary, and similar Institutions.

5th. That the Government has already recognized the right of the Trustees to appoint the Curator. In the case of Mr. Pittard, this appointment was made by them through the instrumentality of His Excellency Sir W. T. Denison, acting as one of the elected Members of the Board, and not as Governor General, as communicated by their Secretary's letter to you, from which the following is an extract:—
"I am directed by the Trustees to inform you, that having entrusted the selection of a competent gentleman to fill the office of Curator, to Professor Owen and Mr. George Macleay, they have, after much trouble and inquiry, chosen Mr. S. R. Pittard, a Member of the Royal College of Surgeons of London, and Demonstrator of Anatomy at the Grosvenor-place School, as the most eligible of the candidates who presented themselves for the appointment, &c."

The Colonial Secretary's reply of the 24th February, 1860, acknowledges the receipt of the above letter, and in his second paragraph states as follows:—

"In reply I am directed by the Colonial Secretary to state that no payment can be allowed, except of sums actually agreed to or paid by the gentleman who undertook to make the engagement, &c."

The Trustees consider that it is clear from this correspondence that the right of the Trustees was not disputed by the Government.

6th. That with respect to the despatch addressed by His Excellency Sir W. T. Denison, to the Secretary of State, and the reply to that despatch, it is sufficient to state, that neither the Board nor any of its members were aware of either of them, and that no copy of that reply, stated to have been forwarded to them, has ever been received by the Trustees.

7th. That the Trustees regret the determination which the Colonial Secretary has arrived at, as the non-appointment of a Curator at a time when his services are particularly required, must materially injure, not only the institution but the public, by depriving them of the lectures which the Curator would give.

8th. The Trustees cannot, for the reasons herein before given, consent to incur the responsibility of managing an institution with an officer who would, in fact, be independent of their control, and they therefore cannot admit the right of the Government to the appointment, nor indeed the policy of vesting it in any other body but the Trustees.

9th. Under these circumstances the Trustees must endeavour, to the best of their ability, to carry on the Institution with the present acting Curator, who also fills the office of Secretary, and whose joint occupations will necessarily prevent him from devoting all that care, as Curator, which the Museum imperatively demands. The blame, should the Institution not prosper as the Trustees would desire, will not rest with them.

10th. The Trustees are under the impression that the Government only refuse to them the right of appointment of the Curator, from a belief that the Constitution Act of the Colony renders it imperative on the Government to nominate such an officer,—an interpretation of the law in which this Board cannot concur. They would suggest, however, to the Colonial Secretary, that, in order to solve the difficulty, the Government should place the amount of the salary of the Curator on the ensuing Estimates, as an addition to the Endowment Fund, indispensable to the proper management of the Institution.

11th. The Trustees are extremely anxious to procure the services of a thoroughly qualified Curator, and, if the salary be granted, propose to request two or more of the most distinguished naturalists in England to select such a person for the appointment. At present they have heard of no person qualified for the office.

12th. That a copy of these Resolutions be forwarded to the Colonial Secretary, in reply to the letter from his office of the 27th March, 1862.

I certify this to be a correct copy.

GERARD KREFFT,
Acting Curator.

No. 9.

DESPATCH from the Secretary of State, of the 30th August, 1859, referred to in the Under Secretary's letter (No. 7), and of which it is recorded that a copy was sent to the Secretary to the Trustees (Mr. Angas) on the 9th December, 1859.

(No. 17.)

*Downing-street,
30 August, 1859.*

SIR,

2700 I have received your Despatch, No. 41, of the 6th of May last, informing me, with reference to your previous Despatch of the 31st of January, No. 9, on the importance of developing the mineral resources of New South Wales, that the Legislature of the Colony have placed the sum of seven hundred pounds per annum at the disposal of the local Government, as the salary of the Curator of the Museum at Sydney, and that Mr. George Macleay, who is now in this country, has been requested to consult with Professor Owen, with a view to securing the services of a person well qualified to fill the situation in question.

You also express a wish that the Curator, when selected, may be authorized to place himself in communication with the Head of the Museum of Economic Geology, for the purpose of obtaining such duplicate specimens of minerals and fossils as can be spared by that department, and on this subject I have to refer you to my predecessor's Despatch, No. 42, of the 16th of May last (in reply to yours above referred to), enclosing a copy of a letter from Sir R. Murchison, in which he states the difficulty of affording the desired assistance, but points out the mode in which he considers that such collections might best be formed. If Mr. Macleay, or the new Curator, should apply to this department, he will be placed in communication with Sir R. Murchison, who will no doubt afford any advice or assistance in his power.

I have, &c.,
NEWCASTLE.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUSEUM OF COLONIAL PRODUCTS.

(LETTER FROM EDWARD HAMILTON, ESQ., RELATIVE TO THE ESTABLISHMENT IN LONDON OF A.)

Ordered by the Legislative Assembly to be Printed, 11 September, 1862.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

5, Cannon-street, London,
26 July, 1862.

SIR,

I have the honor to inform you that a meeting has been held, for the purpose of considering the feasibility of establishing in London a Museum of the products, raw and industrial, of the Colonial Empire of Great Britain. It was attended by many of the Colonial Exhibition Commissioners, and by other gentlemen interested in the Colonies; and a number of resolutions were passed, approving the object, and determining on a certain course of action pending communication with the various Colonial Governments.

It is, I fear, more than probable that the application for temporary accommodation and support may not be entertained by Her Majesty's Government; but, on the other hand, the scheme is so generally approved, that it is not impossible that other arrangements will be made, with a view to prevent the dispersion of the whole of the Colonial collections on the close of the Exhibition. I therefore feel that the subject ought to be brought under your notice without delay.

If the collection is temporarily kept together, the ultimate fate of the project will depend on the amount of support promised by the Colonies. If the Colonies will provide for the annual charges incident to such an establishment, every difficulty will be removed; and I believe that, in the course of a few years, the Museum will adequately represent the boundless and at present unknown resources of the Colonial Empire of this country.

No definite information has as yet been given as to the amount of the annual charges, but it is not at all probable that it will exceed £1,500. If each Colony contributes according to its revenue, the contribution of New South Wales would be about £140—£150; and I hope to receive from you authority to promise co-operation to that extent.

Another question, involving a heavier expenditure, will ultimately arise, though it may be postponed for some years, that is the erection of a suitable building. I trust, however, that the prospect of such a charge will not influence you in considering the very limited proposal now submitted to you. My belief is, that the value of a Colonial Museum in London will be fully acknowledged as soon as it is opened, and that it will then receive support from various quarters from which at present it gets but little encouragement.

Applications have been received by all the Colonial Commissioners from the different Museums in this country—all are interested in getting portions of the Colonial collections; and if the project now under consideration fails, such an appropriation of these collections would, I feel sure, be fully approved by the Colonial Government; but the distinctive value of them would then be lost; the main object being to show the natural and industrial resources of each portion of the Colonial Empire, its progressive development, and its eligibility for settlement.

I have, &c.,
EDWD. HAMILTON.

[Enclosure.]

At a Meeting of Commissioners representing the British Colonies at the International Exhibition, and other gentlemen connected with the Colonies, held in the Board Room of the Royal Horticultural Society, South Kensington, on Friday, July 18, 1862;—

Present :—Sir R. G. MacDonnell, C.B., (South Australia); Sir H. E. Young, Joseph Milligan, M.D., and J. A. Youl, Esqs. (Tasmania); Sir Daniel Cooper, Sir William Macarthur, Edward Hamilton, Esq., and S. S. Cowper, Esq. (New South Wales); Sir Redmond Barry, and C. E. Bright, Esq. (Victoria); M. H. Marsh, Esq., M.P. (Queensland); Sir Charles Clifford (New Zealand); B. Chamberlin, Esq., and Dr. Hurlbert (Canada); Hon. A. J. Langley (Vancouver Island); T. Daniel, Esq. (New Brunswick); H. Haszard, Esq. (Prince Edward's Island); Hon. F. V. Inglott (Malta); James Morris, Esq. (Mauritius); S. Harris, Esq. (Bahamas); Dr. Stacpoole (St. Vincent); P. L. Simmonds, Esq. (Dominica); Dr. J. Forbes Watson, Reporter on Indian Products, Professor J. Wilson, &c.;—

Sir Daniel Cooper was voted to the Chair.

Mr. P. L. Simmonds, Deputy Superintendent of the Colonies at the International Exhibition, acting as Honorary Secretary, read letters of excuse from the following gentlemen, regretting their unavoidable absence, but expressing their hearty concurrence in the projected movement for the establishment of a Colonial Museum, and their desire to co-operate in every way possible :—A. M. Uniacke, Esq., Commissioner for Nova Scotia; E. B. Power, Esq., Commissioner for Ceylon; Professor Miles, Hon. Commissioner for Canada; Alexander Andrews, Esq., Commissioner for Western Australia; N. Solomon, Esq., Commissioner for St. Helena; Robert Hunt, Esq., F.R.S., and others.

The following Resolutions were unanimously passed :—

Proposed by Edward Hamilton, Esq.; seconded by B. Chamberlin, Esq. :—

1. That it is desirable to establish in London a Museum for the exhibition of the products of the British Colonies.

Proposed by Sir William Macarthur; seconded by James Morris, Esq. :—

2. That the present time, when complete collections of these products exist in the International Exhibition, is an eligible opportunity for commencing this important project.

Proposed by the Hon. F. V. Inglott; seconded by M. H. Marsh, Esq., M.P. :—

3. That the Commissioners acting for the various Colonies at the International Exhibition be requested to present to the Museum such portions of the collections in their charge as are at their disposal.

Proposed by Sir R. G. MacDonnell, C.B.; seconded by J. A. Youl, Esq. :—

4. That Her Majesty's Government be requested to provide a building for the temporary accommodation, and a small sum of money for the temporary superintendence of such contributions.

Proposed by M. H. Marsh, Esq., M.P.; seconded by T. Daniel, Esq. :—

5. That the Commissioners of the various Colonies be requested to bring this project under the notice of the Colonial Governments which they respectively represent, and to urge upon them the importance of providing funds, each according to its revenue, for the foundation and maintenance of the Museum.

Proposed by Dr. Joseph Milligan; seconded by C. E. Bright, Esq. :—

6. That the Museum shall be under the direction of a body of Trustees, and that each contributing Colony shall have the right to name its own Trustee.

Proposed by Sir Charles Clifford; seconded by the Hon. A. J. Langley :—

7. That a scientific Curator of competent ability shall, subject to the direction of the Trustees, have charge of the Museum.

Proposed by Edward Hamilton, Esq.; seconded by J. A. Youl, Esq. :—

8. That the Commissioners of the various Colonies wait upon His Grace the Duke of Newcastle, to request him to support the project and use his influence in Parliament to obtain the temporary assistance required. That Mr. Simmonds, the Honorary Secretary, communicate, on behalf of this Meeting, with His Grace the Duke of Newcastle, to ascertain when His Grace will be willing to receive the Colonial Commissioners on the subject embodied in the foregoing Resolutions.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

AUSTRALIAN LIBRARY.
(CORRESPONDENCE BETWEEN GOVERNMENT AND TRUSTEES OF.)

Ordered by the Legislative Assembly to be Printed, 17 June, 1862.

COPIES of all Correspondence between the Government and the Trustees of the Australian Library, in reference to the proposed purchase of the Library and Buildings.

SCHEDULE.

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3. Honorary Secretary of Library, Committee to Under Secretary, in reply, offering to take £8,000. 30 April, 1862	2
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9. Under Secretary to Secretary of Library, nominating valuator on behalf of the Government. 16 June, 1862	4

AUSTRALIAN LIBRARY.

No. 1.

UNDER SECRETARY FOR WORKS to SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 22 April, 1862.*

SIR,

I am directed to request that you will have the goodness to inform me whether the Committee are prepared to accept an offer (£6,000) for the building in Bent and Macquarie streets known as the Australian Subscription Library; as, if so, Mr. Secretary Arnold will recommend the purchase of the building in question by the Government, to be used as Public Offices.

I have, &c.,
JOHN RAE.

P.S.—The favour of an early answer is requested, as other parties who have offered premises for the purpose of Offices are pressing the Minister for a decision.

No. 2.

UNDER SECRETARY FOR WORKS to SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 29 April, 1862.*

SIR,

I am directed by the Secretary for Public Works to invite your attention to my letter of the 22nd instant, relative to the proposal of the Government to purchase the building known as the Australian Library, and to request the favour of your early reply.

I have, &c.,
JOHN RAE.

No. 3.

HONORARY SECRETARY TO AUSTRALIAN LIBRARY to UNDER SECRETARY FOR WORKS.

*Australian Library,
30 April, 1862.*

SIR,

I have the honor to acknowledge the receipt of the letter of the Under Secretary, of date the 22nd instant, requesting to be informed whether the Committee are prepared to accept £6,000 for the building described as the Australian Subscription Library; and having this day laid that letter before the Committee, as well as another of yesterday's date, requesting an early reply, have been directed to state that the Committee do not feel that they can entertain the above offer, but that if the Government were to offer £8,000 for the property, the Committee (who have not the power themselves to conclude a sale) would recommend the shareholders to accept that price.

I have, &c.,
R. A. A. MOREHEAD,
Honorary Secretary.

No. 4.

UNDER SECRETARY FOR WORKS to SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 2 May, 1862.*

SIR,

In acknowledging the receipt of your letter of the 30th instant, stating that if the Government were to offer to purchase the Australian Subscription Library Building for £8,000, the Committee would recommend the shareholders to accept the same, I am directed to inform you, that the Estimate which the Secretary for Public Works has obtained puts down the value of the building in question at £6,000, and he could not therefore recommend that an offer of £8,000 should be made for it; but if, I am to add, the Committee or the shareholders would consent to have the value decided by arbitration, the Secretary for Public Works would recommend that the amount estimated by the arbitrators as the value of the building should be provided for on the next Estimates, for the purchase of the same.

I have, &c.,
JOHN RAE.

No. 5.

No. 5.

ASSISTANT SECRETARY TO AUSTRALIAN LIBRARY to UNDER SECRETARY FOR WORKS.

*Australian Library, Bent-street,
10 May, 1862.*

SIR,

I am directed by the Committee of the Australian Library to inform you, in reply to your letter of the 2nd instant, proposing that the value of the Library Buildings should be decided by arbitration, that the Committee decided, at a Meeting held this day, "that a Special General Meeting of the proprietors and shareholders be called for Wednesday the 28th instant, for the purpose of deciding upon the proposal submitted by the letter of the Secretary for Works."

The Committee regret that they cannot shorten the time for the holding the Meeting, the Library Act requiring such notice to be given.

I have, &c.,
P. J. ELLIOTT,
Librarian, &c.

No. 6.

UNDER SECRETARY FOR WORKS to SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 16 May, 1862.*

SIR,

I am directed by the Secretary for Public Works to acknowledge the receipt of your letter of the 10th instant, stating that a Special General Meeting of the proprietors and shareholders of the Australian Library will be called for Wednesday the 28th instant, for the purpose of deciding upon the proposal of the Government to purchase the Library Buildings in Bent-street for Public Offices.

I have, &c.,
JOHN RAE.

No. 7.

ASSISTANT SECRETARY TO AUSTRALIAN LIBRARY to UNDER SECRETARY FOR WORKS.

*Australian Library,
Sydney, 5 June, 1862.*

SIR,

Referring to your letter of the 2nd ultimo, I am directed to inform you that the Committee are now prepared to accede to the proposal of the Honorable the Secretary for Works, viz.,—that the value of the building shall be decided by arbitration, provided that the arbitrators determine the value without reference to the previous negotiations between the Works Department and the Committee.

The Committee cannot bind the shareholders to accept the price put on the building by the arbitrators, but they undertake to recommend them to do so; and, on the other hand, they understand that the payment of the price by the Government will be conditional on Parliament voting the money, the Honorable the Secretary for Works undertaking to place the amount on the Estimates of the present year.

I have further to intimate that the Committee have decided on requesting Mr. T. W. Smart, M.P., to act as arbitrator for the Library.

I have, &c.,
P. J. ELLIOTT,
Assistant Secretary.

No. 8.

UNDER SECRETARY FOR WORKS to ASSISTANT SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 9 June, 1862.*

SIR,

In acknowledging the receipt of your letter of the 5th instant, stating that the Committee of the Australian Library are now prepared to accede to the proposal that the value of the Library Building, which the Government desire to purchase for Public Offices, should be decided by arbitration, provided that the arbitrators determine the value without reference to the negotiations that have already taken place between the Committee and this department, on the subject,—I am directed by the Secretary for Public Works to inform you that this provision is satisfactory, as are also the other proposals contained in your letter, relative to the steps to be taken on the decision of the arbitrators being known.

2. With reference to the arbitrators, I am to inform you that the nomination by you of T. W. Smart, Esq., M.P., as arbitrator for the Library, is quite unobjectionable, it being of course presumed that that gentleman has no interest in the question; and I am to promise that the arbitrator on behalf of the Government shall be nominated in a day or two.

I have, &c.,
JOHN RAE.

No. 9.

No. 9.

UNDER SECRETARY FOR WORKS to ASSISTANT SECRETARY TO AUSTRALIAN LIBRARY.

*Department of Public Works,
Sydney, 16 June, 1862.*

SIR,

With reference to my letter of the 9th instant, I am now directed by the Secretary for Public Works to propose Mr. Thomas Cowlshaw, of the Railway Branch of this Department, as arbitrator on behalf of the Government, for determining the value of the Australian Subscription Library Building.

I have, &c.,
JOHN RAE.

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

AUSTRALIAN LIBRARY.

(FURTHER CORRESPONDENCE RESPECTING PURCHASE OF.)

Ordered by the Legislative Assembly to be Printed, 19 September, 1862.

HONORARY SECRETARY, AUSTRALIAN LIBRARY, to COLONIAL SECRETARY.

*Australian Library and Literary Institution,
Sydney, 15 September, 1862.*

SIR,

Referring to the communications that have recently taken place between the Government and the Committee of Management of this Institution, on the subject of the proposed purchase by the former of the Library Building, I have now the honor to intimate that the Proprietors and Shareholders have decided not to sell the Building at the price that has been put upon it by arbitration.

Understanding, however, that the Government is desirous of commencing a Free Public Library in temporary premises, as soon as practicable, and being of opinion that the possession of the present Library Building and collection of Books would enable the Government to make such a commencement in a very advantageous manner, the Proprietors and Shareholders, at a meeting held on the 25th ultimo, empowered the Committee to offer the Building and Books to the Government for such sum as they (the Committee) might judge sufficient, subject to the approval of a Special General Meeting.

In virtue of this authority, the Committee now offer the property above indicated for the sum of £10,000 (ten thousand pounds); and I am desired to add that the Committee will feel obliged if the Government will, with as little delay as is convenient, definitely accept or decline the above offer, as the Committee do not feel they will be warranted in entertaining a proposition for a sale at any lower price.

There is no catalogue of the Books belonging to the Institution which the Committee can guarantee as absolutely correct; the Librarian, however, has been instructed to make up as accurate a catalogue as he can, and I now transmit the result of these instructions, which consists of three volumes, two in print, and one in manuscript.

The Committee believe the contents of the Library to be no less than is represented in this catalogue, but they wish it to be distinctly understood that they give no further assurance on this head, and desire that the Government may satisfy itself as to the character and value of the property now placed conditionally under offer.

The Librarian has further made out an abstract of the contents of the Library classified according to subject, and this I have the honor to append, with the above qualified statement as to its accuracy.

This shows a smaller total than has been recently represented to the Committee, but the books that may be considered fairly suitable for the Institution contemplated by the Government, are, I believe, more numerous than either the Government or the Committee had anticipated; the number of volumes, after deducting works of fiction, amounting in round numbers to ten thousand, and constituting, the Committee are confident, on the whole, a very valuable collection of books.

I have, &c.,

R. A. A. MOREHEAD,

Honorary Secretary.

ABSTRACT of the Classification and Number of the Volumes in the Australian Library.

Agriculture, Horticulture, &c.	128
Antiquities	159
Biography and History	2,850
Classics	320
Geography, Voyages, and Travels	1,545
Jurisprudence	287
Mathematics, Astronomy, &c.	80
Mechanical Arts	60
Medicine, Anatomy, and Surgery	47
Miscellaneous	1,400
Moral Philosophy	150
Natural Philosophy and Chemistry	170
Natural History	273
Periodicals (including bound volumes of newspapers)	1,000
Philology, &c.	500
Poetry and Drama	465
Political Economy	154
Theology	404
Works of Fiction	3,200
Total	13,183

LIST of some of the Periodicals and bound Vols. of Colonial Newspapers in the Australian Library.

The Gentleman's Magazine, from the commencement in 1731 to 1868.
 Annual Register, from vol. 1 in 1758 to 1862.
 Edinburgh Review, from vol. 1 in 1802 to 1862.
 Quarterly Review, from vol. 1 in 1809 to 1862.
 Westminster Review, vol. 1 to 24, and from vol. 34 to 1862.
 North British Review, from vol. 1, 1844 to 1862.
 Christian Observer, from 1831 to 1856.
 New Monthly, from vol. 1814 to 1847.
 Fraser, from 1832 to 1862.
 Bentley, from 1841 to 1862.
 U. S. Journal, from 1852 to 1862.
 Athenæum, from 1839 to 1862.
 Literary Gazette, from 1839 to 1862.
 Philosophical Magazine, from vol. 1, 1832 to 1862.
 Lancet, from 1844 to 1858.
 Statistical Journal, from vol. 1, 1838 to 1862.
 Report of the British Association, from vol. 1, 1835 to 1862.
 Blackwood's Magazine, from vol. 1, 1817 to 1862.
 Mirror of Parliament, from 1829, and continued by Hansard to 1862.
 Companion to the Almanac, from 1828 to 1862.
 Herald Newspaper, from 1833 to 1862.
 Empire, from commencement to 1862.
 Sydney Gazette, from 1802.
 Monitor.
 New South Wales Government Gazette, from commencement in 1832 to 1862.
 Australasian Chronicle.
 Australian, from 1834.
 The Free Press (all that is published).
 Observer, ditto.
 Colonist, ditto.
 Atlas, ditto.
 Annual Report of Registrar General of Births, Deaths, &c., from 1839 to 1862.
 Journal of the Geographical Society, from 1832 to 1862.
 Journal of the Geological Society, from 1839 to 1862.
 Punch, from vol. 1 to 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE.

ON THE

LIVERPOOL AND LONDON FIRE AND LIFE
INSURANCE COMPANY'S BILL ;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

27 June, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS
OF THE LEGISLATIVE ASSEMBLY.

VOTES No. 16. FRIDAY, 20 JUNE, 1862.

11. Liverpool and London Fire and Life Insurance Company's Bill :—Mr. Cowper moved, pursuant to notice,—
- (1.) That the Liverpool and London Fire and Life Insurance Company's Bill be referred for the consideration and report of a Select Committee.
- (2.) That such Committee consist of Mr. Alexander, Mr. Caldwell, Mr. Garrett, Mr. Gordon, Mr. Holt, Mr. Smart, Mr. Hart, and the Mover.
- Question put and passed.

VOTES No. 20. FRIDAY, 27 JUNE, 1862.

7. Liverpool and London Fire and Life Insurance Company's Bill :—Mr. Cowper, 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 20th instant.
- Ordered to be printed.

* * * * *

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1862.

LIVERPOOL AND LONDON FIRE AND LIFE INSURANCE
COMPANY'S BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 20th instant, the "*Liverpool and London Fire and Life Insurance Company's Bill*," beg leave to report to your Honorable House,—

That they have examined the Solicitor for the Bill,* whose *Mr. W. Barker evidence is appended hereto, and that the Preamble, as *formally* amended,† having been proved to the satisfaction of your Committee, + Vide Schedule of Amendment, p. 4. they proceeded to consider the several clauses of the Bill, in which it was not deemed expedient to make any amendment.

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

CHARLES COWPER,

Chairman.

Legislative Assembly Chamber,

Sydney, 26 June, 1862.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 26 JUNE, 1862.

MEMBERS PRESENT:—

Mr. Cowper,	|	Mr. Garrett,
Mr. Gordon,	|	Mr. Alexander.

Mr. Cowper called to the Chair.

Printed copies of the "Liverpool and London Fire and Life Insurance Company's Bill" on the Table.

Present for the Promoters:—Mr. W. Barker, *Solicitor for Bill*.

Mr. W. Barker, *Solicitor*, examined.

Room cleared.

Committee proceeded to consider 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*.

Solicitor for Bill called in and informed.

The several clauses of the Bill then read and agreed to without amendment.

Draft Report submitted by *Chairman*, read, and agreed to.

To report.

WITNESS.

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Barker, Mr. William	5

SCHEDULE OF AMENDMENTS.

- Page 1, Preamble, line 14. Omit "the Governor of New South Wales"; insert "the Queen's Most Excellent Majesty by and"
- Page 1, Preamble, line 15. Omit "thereof"; insert "and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same"

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

LIVERPOOL AND LONDON FIRE AND LIFE
INSURANCE COMPANY'S BILL.

THURSDAY, 26 JUNE, 1862.

Present:—

MR. ALEXANDER,
MR. COWPER,MR. GARRETT,
MR. GORDON.

THE HONORABLE CHARLES COWPER, ESQ., IN THE CHAIR.

William Barker, Esq., appeared as Solicitor on behalf of the Promoters of the Bill.

William Barker, Esq., examined:—

1. *By the Chairman:* You are the Solicitor for this Bill? I am. As the evidence I have to produce in support of the allegations of the preamble is documentary, I have not thought it necessary to request the attendance of witnesses, but am prepared to give the Committee a history of the Company, if they wish it.
2. Will you proceed? The Company was originally established by a Deed of Settlement, dated 21st May, 1836, under the name of the "Liverpool Fire and Life Insurance Company," for the purpose of carrying on the business of insurance in all its branches. An Act of the Imperial Parliament was afterwards passed, 6 and 7 William IV., chapter 119, for the purpose of enabling the Company to sue and be sued in the name of the Chairman or of any of the Directors. Subsequently, another Act was passed, the 11th Victoria, for the purpose of changing the name of the Company from the "Liverpool Fire and Life Insurance Company" to the "Liverpool and London Fire and Life Insurance Company." In the month of February, 1851, a supplemental Deed of Settlement was executed, for the purpose of authorizing the Company to appoint Local Boards in the various cities in the United Kingdom, and also in the various Colonies and Possessions abroad. A Local Board has, under the authority of that deed, been for some time established in Sydney, and it has been found expedient, for the more conveniently enabling persons who may have claims against the Company to sue them, to apply to the Legislature for the Act now before the Committee. It is an Act to enable the Company to sue and be sued in the name of the Company, but without incorporating it or limiting their liability in any way. The Company have not, since they have been carrying on business in the Colony, found it necessary to sue for any purpose; but they have been sued on three or four occasions in the very manner they seek to have the power legally given to be sued by this Act. It has been found convenient, on the part of the Company, to allow themselves hitherto to be sued in this way, although the Company might have raised an objection; but in order that parties may have no inconvenience or risk whatever, we now ask for this Act, to enable the Company to sue and be sued in the name of the Company.
3. What is the capital of the Company? Two millions, of which one hundred and eighty-nine thousand has been paid up.
4. How do the Local Directors hold their appointments? They are appointed by the Board of Directors in England.

William
Barker, Esq.
26 June, 1862.

5.

William
Barker, Esq.
26 June, 1862.

5. How long has the Company been in operation in Sydney? It has been in operation in Sydney for several years—since September, 1853.
6. Can you state to what extent they have carried on transactions in this Colony? They have carried on business in this Colony to a very large amount, and they have a very large amount of capital invested at the present time in the Colony. I believe there is at the present time upwards of £156,000 invested in the Colony.
7. Do you mean lent? Lent on mortgage security in the Colony, and deposited with the bankers.
8. How is it you have got on so long without an Act? The Company have never found any inconvenience, because they have never had occasion to sue; and in the actions that have been commenced against the Company, they have been irregularly and improperly brought against the Company, in the name of the Company, as though they were incorporated, and they might have objected, being unincorporated, and the actions must then have failed. The object of this Bill is to remove this difficulty.
9. It is generally to facilitate your transactions with the public? It is to facilitate the public in prosecuting claims against the Company. Inconvenience was felt in a prosecution conducted by the Government at Maitland, in March last year, in shewing in whom the property was vested.
10. Then of course the Company are indirectly interested in this Bill, inasmuch as parties may now go to other Companies where they may have an easier remedy than they now have against you? No doubt; I believe there is a general impression that the Company is incorporated, and so long as the questions were to be fairly tried the Company did not care how they were sued.
11. *By Mr. Garrett:* Is not the Company incorporated by the British Parliament? No, on the contrary, there is a clause declaring that the Act shall not be deemed to incorporate the Company. I am not aware that the British Parliament has ever incorporated an Insurance Company so as to limit the liability of the shareholders.
12. *By the Chairman:* There is an unlimited liability on the part of the shareholders? There is.
13. Are these the whole of the members of the Local Board of Directors—J. S. Willis, Benjamin Buchanan, and Edward Knox? No, there are other Directors who are Members of the Legislature, and they felt that it would not be proper for them to sign the petition—the Honorable E. Deas Thomson, and the Honorable Mr. Watt are also Directors.
14. “Whereas a Joint Stock Company has been for some time established in England by the name of ‘The Liverpool and London Fire and Life Insurance Company’ with power to appoint Local Boards of Directors in any District City Town or place in any Colony or Possession of the United Kingdom”: Your evidence goes to that effect? It does.
15. “And whereas a Local Board of the said Company has been duly appointed in the City of Sydney in this Colony for carrying on and managing in this Colony for and on behalf of the said Company the business of Fire and Life Assurance and all matters connected therewith and for other purposes in connection with the affairs and business of the said Company”: That you also prove? Yes.
16. “And whereas it is expedient that provision should be made for enabling the said Company to sue and be sued in this Colony in the name of the said Company but without incorporating the same”: That also you have proved? Yes.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

PACIFIC FIRE AND MARINE INSURANCE COMPANY'S
INCORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
24 October, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 2d.]

654—A

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 85. TUESDAY, 21 OCTOBER, 1862.

9. Pacific Fire and Marine Insurance Company's Incorporation Bill :—Mr. Samuel moved, pursuant to *amended* notice,—
- (1.) That the Bill to Incorporate the Pacific Fire and Marine Insurance Company be referred to a Select Committee.
- (2.) That such Committee consist of the following Members, viz. :—Mr. Morris, Mr. Hoskins, Mr. Macleay, Mr. Mate, Mr. Gordon, Mr. Leary, Mr. Stewart, Mr. Hart, Mr. Sadleir, and the Mover.
- Question put and passed.

VOTES No. 88. FRIDAY, 24 OCTOBER, 1862.

1. * * * * *
- Pacific Fire and Marine Insurance Company's Incorporation Bill :—Mr. Samuel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on 21st October.
- Ordered to be printed.
- * * * * *

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1862.

PACIFIC FIRE AND MARINE INSURANCE COMPANY'S
INCORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, to whom was referred, on the 21st instant, the "*Bill to incorporate the Pacific Fire and Marine Insurance Company,*" beg leave to report to your Honorable House,—

That they have examined the Solicitor for the Bill,* and the Chairman† and Manager‡ of the Company, (whose respective evidence will be found appended hereto), and that the Preamble having been satisfactorily proved by the evidence of those gentlemen, they proceeded to consider the enacting part of the Bill, in which they deemed it expedient to make certain amendments.§

*Mr. G. P. Slade.

†Mr. J. L. Montefiore.

‡Mr. C. M. Smith.

§Vide Schedule of Amendments.

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

SAUL SAMUEL,
Chairman.

*Legislative Assembly Chamber,
Sydney, 23 October, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 23 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Samuel, Mr. Hart, Mr. Hoskins,	|	Mr. Gordon, Mr. Mate, Mr. Stewart,
Mr. Leary.		

Mr. Samuel called to the Chair.

Printed copies of the "Pacific Fire and Marine Insurance Company's Incorporation Bill,"—together with the original petition for leave to introduce the same,—before the Committee.

Present for the Promoters,—Mr. G. P. Slade, *Solicitor for the Bill*.

Mr. G. P. Slade, *Solicitor*, examined.

Original Deed of Settlement referred to in the Preamble, *produced*.

Mr. J. L. Montefiore, *Chairman of the Company*, called in and examined.

Witness withdrew.

Mr. C. M. Smith, *Manager to the Company*, examined.

Room cleared.

Preamble read, and considered.

Motion made (*Chairman*) and *Question*,—That this Preamble stand part of the Bill,—*agreed to*.

Parties called in and informed that the *Question* on the Preamble has been resolved in the affirmative.

Clause 1 read and considered.

Motion made (*Mr. Hart*) and *Question*,—That the Clause be amended in page 1 by the omission of all the words from line 37 to 42,—*agreed to*.

Words omitted.

Motion made (*Mr. Hart*) and *Question*,—That the Clause be further amended in page 2 by the omission of all the words in line 8,—*agreed to*.

Words omitted.

Clause, as amended, *agreed to*.

Clauses 2 to 18 read, considered, and *agreed to*, without amendment.

Clause 19 read, and considered.

Motion made (*Mr. Hart*) and *Question*,—That the Clause be amended in line 29 by inserting after the word "entitled" the following words:—"or who shall from time to time hereafter become entitled."—*agreed to*.

Words inserted.

Clause, as amended, *agreed to*.

Clauses 20 to 25 read, considered, and *agreed to* without amendment.

Clause 26 read and (on motion of *Mr. Hart*) *negatived*.

Clause struck out.

Chairman requested to report the Bill as amended to the House.

SCHEDULE OF AMENDMENTS.

	Page 1, clause 1, lines 37 to 42. <i>Omit</i> :—	" Words importing the singular number only shall include the plural number and " words importing the plural number only shall include the singular number.
Number.		
Gender.		" Words importing the masculine gender only shall include females.
"Lands."		" The word 'lands' shall extend to messuages, lands, tenements and hereditaments " of any tenure."
"Persons."	Page 2, clause 1, line 8. <i>Omit</i> " The word 'person' shall be held to apply to a corporation."	
	Page 5, clause 19, line 29. <i>After</i> "entitled" <i>insert</i> "or who shall from time to time " hereafter become entitled."	
	Page 7, clause 26, line 29. <i>Omit</i> clause, viz. :—	
Act to be a public Act.	" 26. This Act shall be deemed and taken to be a public Act and shall be " judicially taken notice of as such in every Court of Civil and Criminal Jurisdiction in the Colony of New South Wales without being specially pleaded."	

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PACIFIC FIRE AND MARINE INSURANCE COMPANY'S
INCORPORATION BILL.

THURSDAY, 23 OCTOBER, 1862.

Present :—

MR. GORDON,	|	MR. MATE,
MR. HART,	|	MR. SAMUEL,
MR. HOSKINS,	|	MR. SMART.

SAUL SAMUEL, ESQ., IN THE CHAIR.

George P. Slade, Esq., appeared as Solicitor on behalf of the promoters of the Bill, and was examined :—

1. *By the Chairman*: Do you desire to give evidence yourself? I desire to give evidence myself, in the first instance, as to some preliminary points. I am one of the solicitors to the promoters of this Bill. The Company are desirous of obtaining an Act of Incorporation, with the usual view of facilitating proceedings either by or against the Company. The Act is framed in all respects upon precedent. We desire no unusual powers, and particularly no power to limit the liability. The deed is signed by 157 of the shareholders; the preamble of the Bill is true, and the facts therein stated are correct. G. P. Slade,
Esq.
23 Oct., 1862.
2. *By Mr. Hart*: Do you produce the deed of settlement? I do. (*The witness produced the same.*)

Jacob Levi Montefiore, Esq., called in and examined :—

3. *By Mr. Slade*: Are you the Chairman of the Pacific Fire and Marine Insurance Company? I am. J. L. Montefiore, Esq.
23 Oct., 1862.
4. What was the object of the formation of this Company? The effecting fire and marine insurances in Sydney.
5. Limited to Sydney? In Sydney, and elsewhere.
6. Was it, prior to the promotion of this Company, considered desirable that such an institution should be incorporated? It was.
7. In addition to such institutions of a similar nature as may exist here? At the present moment the larger proportion of the fire insurances of the Colony are transacted by English offices. I think there are thirteen foreign offices, and it was considered desirable that a new Company should be formed, in order that the larger proportion of the profits arising from that business should be secured by the capital of the Colony.
8. Apart from that object, was there not need for such a Company with the view of acceptance of increased risks? There was; for even with the extended number of foreign offices, a large number of risks are still insured in England.

- J. L. Montefiore, Esq.
23 Oct., 1862.
9. Do you happen to know whether the shareholders paid up their calls readily and willingly? Yes.
10. From what time did the Company commence business? From the 14th August.
11. This Bill is required simply for the usual purpose of facilitating proceedings by and against the Company? That is all.
12. You have read the preamble of the Bill? I have.
13. Are the facts as stated there? They are.
14. *By Mr. Hart*: What is the amount of capital of the Company? Do you mean the nominal capital, or the amount of actual paid-up capital?
15. Nominal capital? £500,000.
16. What amount of capital has been subscribed? The amount that was paid up by shareholders, on signing the deed of settlement, was £20,000. The deed of settlement in one of the clauses gives authority to the directors, should they consider it necessary so to do, to call a further sum of £20,000.
17. What amount of deposit has been paid? £2 per share.
18. Do you think it would be advantageous to the mercantile and shipping interests to have a Company of this nature? I entertain no doubt of it.

Colin McKay Smith, Esq., called in and examined:—

- Colin McKay Smith, Esq.
23 Oct., 1862.
19. *By Mr. Slade*: You are the Manager of the Pacific Fire and Marine Insurance Company? I am.
20. What is the capital of the Company? The nominal capital is £500,000—the paid-up capital £20,000.
21. The latter is actually paid-up? Yes.
22. Have the persons representing that capital all signed the deed? They have all signed, with the exception of one individual representing ten shares.
23. The call was readily paid, I believe? Yes.
24. When did the Company commence business? On the 14th August.
25. You have had considerable experience, have you not, in the fire and marine insurance business, in Sydney and elsewhere? Yes.
26. Previous to the erection of this Company were you aware of the necessity or occasion of the erection of a new Company for either of those purposes? Yes.
27. In the words of the preamble, you think it will be advantageous “to the mercantile and shipping interests” of this Colony, that this Company should be erected and incorporated? Yes, I do.
28. *By Mr. Stewart*: Is this the original deed (*referring to the Deed of Settlement produced by Mr. Slade*)? Yes.
29. Are these the signatures of the proprietors? Yes.
30. *By the Chairman*: Some of the proprietors have changed since the execution of that deed? There are a few additional proprietors; some of the original proprietors have sold out.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

UNITED FIRE AND LIFE INSURANCE COMPANY'S
INCORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 November, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 2d.]

677—

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 88. FRIDAY, 24 OCTOBER, 1862.

10. United Fire and Life Insurance Company's Incorporation Bill:—Mr. Cowper moved, pursuant to *amended* notice,—
- (1.) That the Bill to Incorporate the United Fire and Life Insurance Company of Sydney, be referred to a Select Committee for consideration and report.
- (2.) That such Committee consist of Mr. Caldwell, Mr. Dalley, Mr. Gray, Mr. Piddington, Mr. Samuel, Mr. Morris, and the Mover.
- Question put and passed.

* * * * *

VOTES No. 93. TUESDAY, 4 NOVEMBER, 1862.

7. United Fire and Life Insurance Company's Incorporation Bill:—Mr. Cowper, 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 October last.
- Ordered to be printed.

* * * * *

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1862.

UNITED FIRE AND LIFE INSURANCE COMPANY'S
INCORPORATION BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 24th October last, the "*Bill to Incorporate the United Fire and Life Insurance Company,*" beg leave to report to your Honorable House,—

That they have examined the witness named in the margin* * Mr. W. Rae. (whose evidence will be found appended hereto), and that the preamble, as *formally* amended, having been satisfactorily proved by the evidence of that gentleman, they proceeded with the several clauses of the Bill, in the consideration whereof they deemed it † Vide Schedule of Amendments. necessary to make an Amendment.†

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

CHARLES COWPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 4 November, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 31 OCTOBER, 1862.

MEMBER PRESENT:—

Mr. Caldwell.

In the absence of a quorum of Members, there was no meeting of the Committee held this day.

[To be called for Tuesday next, at half-past *Twelve* o'clock.]

TUESDAY, 4 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Cowper,
Mr. Samuel,

Mr. Morris,
Mr. Piddington.

Mr. Cowper called to the Chair.

Printed copies of the United Fire and Life Insurance Company's Incorporation Bill, together with the original Petition for leave to introduce the same—before the Committee.

Present for the Promoters:—Mr. Teale, *Solicitor for Bill*.

Mr. W. Rae, *Secretary to the Company*.

Mr. William Rae, *Secretary to the Company*, examined.

Original Deed of Settlement referred to in the Preamble, *produced* by witness.

Preamble read and *formally* amended.

Motion made (*Chairman*) and *Question*,—That this Preamble, as amended, stand part of the Bill,—*agreed to*.

Clauses 1 to 25 read *seriatim*, and agreed to without amendment.

Clause 26 read.

Motion made (*Mr. Morris*) and *Question*,—That the clause be amended by adding, at the end thereof, the following words—“on their policies or on such other real or leasehold security or investment as may by the directors be deemed expedient with power to alter and vary such securities from time time for others of a like nature”—*agreed to*.

Clause, as amended, agreed to.

Clauses 27 to 31 severally read and agreed to without amendment.

Chairman to report the Bill, as amended, to the House.

SCHEDULE OF AMENDMENTS.

Page 2, Preamble, line 14 (at the end thereof) *omit* “of”

Page 2, Preamble, line 15 (at the commencement) *omit* “the”

Page 2, Preamble, line 15. *Omit* “of the Colony”

Page 10, Clause 26, line 42. At the end of the Clause *add* “on their policies or on such other real or leasehold security or investment as may by the directors be deemed expedient with power to alter and vary such securities from time to time for others of a like nature.”

WITNESS.

Rae, William, Esq.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

UNITED FIRE & LIFE INSURANCE COMPANY.

TUESDAY, 4 NOVEMBER, 1862.

Present :—

MR. COWPER,
MR. SAMUEL,

MR. PIDDINGTON,
MR. MORRIS.

THE HON. CHARLES COWPER, ESQ., IN THE CHAIR.

Mr. Teale, solicitor, appeared on behalf of the Promoters.

Mr. William Rae called in and examined :—

1. *By Mr. Teale*: You are the Secretary of the United Fire and Life Insurance Company of Sydney? I am. Mr. W. Rae.
2. You produce the deed of settlement? I do. 4 Nov., 1862.
3. What is the date of it? The first day of September, 1862.
4. Can you tell us what are the objects of the Company, as stated in the deed? It is a Fire and Life Insurance Company, for the purpose of effecting and granting insurances on all kinds of movable and immovable property against the risk of damage or destruction by fire; and assurances or insurances on lives and survivorships, or against any contingency involving the duration of human life; the purchasing, granting, or sale of annuities, certain or on lives present, deferred, or reversionary; the purchasing and granting of endowments; and of carrying on the business of a Fire and Life Insurance Company in the Colony of New South Wales, and in any other place or places within the Australian Colonies, including New Zealand.
5. *By the Chairman*: How many signatures have you to the deed of settlement? About 230.
6. What is the amount of capital? £500,000.
7. In how many shares? In 25,000 shares.
8. How much of the capital is paid up? £1 per share.
9. All subscribed for? Yes.
10. And the directors are appointed? They are.
11. *By Mr. Teale*: It is expedient that the Company should be incorporated? Yes, to enable them to commence and carry on business.
12. *By Mr. Samuel*: Have you power in the deed to create a marine branch? Yes; it is similar to clause 3 in the Bill.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COAL FIELDS REGULATION BILL.

(CERTAIN COAL MINERS, HUNTER RIVER DISTRICT.)

Received by the Legislative Assembly, 10 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Members of the Legislative Assembly for the Colony of New South Wales.

The humble Petition of the undersigned Coal Miners, in the Hunter River District,—

SHEWETH:—

That your Petitioners, being Coal Miners employed in the Coal Mines of the Colony of New South Wales, are desirous of submitting for your favorable consideration the necessity and expediency of legal provision being made for the proper inspection, ventilation, and better regulation of Mines in the said Colony of New South Wales.

And insomuch as the Coal-mining interest of the Colony is rapidly extending, and in proportion as this extension has taken place, the risk and liability to danger has increased also.

That considering the hazardous nature of this employment at all times, and its pernicious effects upon the health, when followed under unfavourable circumstances, such as a lack of effective ventilation, and an absence of a general and scientific supervision and control over the management and method of working these Mines, your Petitioners have arrived at the conclusion that a system of general inspection should be introduced, for the preservation of health, the prevention of accidents, and the protection of life; and that further neglect of such regulations will be prejudicial not only to the interests of your Petitioners, but to the welfare of society generally.

We, your humble Petitioners, are aware that a Bill for the better regulating of Coal Mines is now before the Honorable the House of Assembly, and we beg leave to draw your attention to the necessity of inserting in the said Bill the following measures, which recent experience has suggested.

That from the frequent number of terrific disasters amongst Miners, produced by one shaft only being sunk at one time, as instanced in the late fearful catastrophe at Hartly Pit, England, your Petitioners are convinced that there is no safety for themselves or security for their families from destitution, while your Petitioners are exposed to the dangerous conditions of single-shafted Mines.

Your Petitioners humbly pray that two distinct shafts be sunk to any seam of coal previous to its being worked, and that an underground communication be at once made between them in the coal to be first worked.

That your Petitioners humbly submit that the practice of employing boys in the Mine under fourteen years of age, more than eight hours per day, does not afford sufficient opportunity for obtaining an adequate amount of education, and is the principal cause of the low social condition of the mining classes.

Your Petitioners therefore humbly pray that some provision may be made and introduced in the Bill now before the Honorable House of Assembly for the education of those employed in the Mine under fourteen years of age.

Your Petitioners also humbly pray that a clause may be inserted in the Bill for the better regulating of Coal Mines, providing for a fair system of weighing the Miners' coals on the pit bank, thereby putting a stop to the constant disputes arising from the absence of such an enactment.

And your Petitioners, if required, will be ready to tender such evidence as experience may have taught in behalf of this their humble Petition. And they, as in duty bound, will ever pray, &c., &c., &c.

[Here follow 636 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

AUSTRALIAN COAL.

(CORRESPONDENCE RELATIVE TO USE OF, ON BOARD H. M. SHIPS.)

Ordered by the Legislative Assembly to be Printed, 11 September, 1862.

*EXTRACT of a letter from Edward Hamilton, Esq., dated 5, Cannon-street, London,
26 July, 1862.*

I regret having omitted to forward by the June mail a copy (now enclosed) of a letter from the Storekeeper of H. M. Navy, informing me that orders had been sent out to the Officers commanding on the Pacific and Australian Stations to use New South Wales coal on board H. M. ships.

Department of the Storekeeper General
of the Navy.

*Admiralty, W. C.,
14 June, 1862.*

Sir,

Referring to your letter of the 5th ultimo, I have to acquaint you, in pursuance of the directions of the Lords Commissioners of the Admiralty, that the Commander-in-Chief in the Pacific, and the Commodore on the Australian Station, have respectively been supplied with a copy of the report of the 1st ultimo of the trial of the Australian Coals at Woolwich Yard, and informed that they may give such directions as they may deem proper for obtaining supplies of those coals, on reasonable terms, as they may be required for the use of H. M. ships and vessels under their respective commands.

I am, &c.,

R. DUNDAS,
Storekeeper General of the Navy.

E. Hamilton, Esq.,
32, Upper Brook-street, W.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

WARATAH COAL COMPANY'S INCORPORATION BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
11 *December*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 6d.]

747—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 109. TUESDAY, 2 DECEMBER, 1862.

16. Waratah Coal Company's Incorporation Bill :—Mr. Samuel moved, pursuant to *amended* notice,—
- (1.) That the Bill to establish and incorporate a company to be called the " Waratah Coal Company," and to authorize the making of a Railway for the purposes of the said Company, be referred to a Select Committee.
- (2.) That such Committee consist of the following Members :—Mr. Arnold, Mr. Dickson, Mr. Garrett, Mr. Hannell, Mr. Hoskins, Mr. Lucas, Mr. Sadleir, Mr. Piddington, Mr. Stewart, and the Mover.
- Question put and passed.

VOTES, No. 115. THURSDAY, 11 DECEMBER, 1862.

2. Waratah Coal Company's Incorporation Bill :—
- (1.) Mr. Samuel, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee to whom this Bill was referred on 2nd December, 1862.
- Ordered to be printed.

* * * * *

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1862.

WARATAH COAL COMPANY'S INCORPORATION BILL.

 REPORT.

THE SELECT COMMITTEE of the Legislative Assembly to whom was referred, on the 2nd instant, the "*Bill to establish and incorporate a Company to be called the 'Waratah Coal Company,' and to authorize the making of a Railway for the purposes of the said Company,*" beg leave to Report to your Honorable House,—

That they have examined the several witnesses named in the margin* (whose evidence will be found appended hereto), and that the Preamble, as *formally* amended, having been satisfactorily proved by the evidence of those gentlemen, your Committee proceeded to consider the several clauses of the Bill, when it was deemed expedient to make certain Amendments† and to introduce several new Clauses † and a Schedule †.

* C. Smith, Esq.
J. Whitton, Esq.
C.E.
W. Weaver, Esq.,
C.E.
† Vide Schedule of Amendments.

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

SAUL SAMUEL,
Chairman.

*Legislative Assembly Chamber,
Sydney, 10 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 5 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Samuel,	|	Mr. Arnold,
Mr. Garrett,	|	Mr. Hoskins,
Mr. Sadleir,	|	Mr. Lucas.

Mr. Samuel called to the Chair.

Votes, No. 109, containing Order of the House appointing the Committee, together with printed copies of the "Waratah Coal Company's Incorporation Bill"—on the Table.

Present for the Promoters :—Mr. W. Barker, *Solicitor for Bill*.

Petition, asking leave to introduce the Bill, by direction of the Chairman, read by the Clerk.

Mr. Charles Smith examined.

Mr. J. Whitton, C.E., *Engineer-in-Chief for Railways*, examined.Mr. W. Weaver, C.E., *Engineer to the Company*, examined.

Strangers requested to withdraw.

Committee deliberated.

Motion made (*Mr. Lucas*) and *Question*,—That the Committee do now adjourn to Wednesday next, at 10 o'clock,—*agreed to*.

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

WEDNESDAY, 10 DECEMBER, 1862.

MEMBERS PRESENT :—

Mr. Samuel in the Chair.		
Mr. Lucas,	|	Mr. Sadleir,
Mr. Garrett,	|	Mr. Hannell.

Preamble of the Bill considered, and (on motion of Mr. Lucas) *formally* amended. (*Vide Schedule of Amendments*.)

Motion made (*Chairman*) and *Question*,—That this Preamble, as amended, stand part of the Bill,—*agreed to*.

Parties called in and informed that the *Question* on the Preamble has passed in the affirmative.

Clauses 1 to 28, read and agreed to without Amendment.

Clause 29 read and considered.

Motion made (*Mr. Lucas*) and *Question*,—That all the words after the word "for," at the commencement of line 46, be omitted, with the view to insert in their place the following words, "twenty-five shares, two votes; fifty shares, three votes; one hundred shares, four votes; and one vote for every additional hundred shares, providing no shareholder shall be entitled to more than fifteen votes."

Question,—That the words proposed to be omitted stand part of the Clause,—*put*.
Committee divided.

Ayes, 3.	|	No, 1.
Mr. Garrett,	|	Mr. Lucas.
Mr. Sadleir,	|	
Mr. Hannell.	|	

Motion made (*Mr. Garrett*) and *Question proposed*,—That there be added to the clause the following words, viz :—"Provided always that no shareholder shall be entitled "to more than 'twenty' votes altogether."

Amendment proposed (*Mr. Lucas*),—That the word "twenty" be omitted, with a view to insert in its place the word "fifteen."

Question,—That the word proposed to be omitted stand part of the *Question*.
Committee divided.

Ayes, 3.	|	No, 1.
Mr. Sadleir,	|	Mr. Lucas.
Mr. Garrett,	|	
Mr. Hannell.	|	

Original Question,—That there be added to the clause the following words, viz :—"Provided always that no shareholder shall be entitled to more than twenty votes "altogether,"—*put*.

Committee divided.

Ayes, 3.	|	No, 1.
Mr. Sadleir,	|	Mr. Lucas.
Mr. Garrett,	|	
Mr. Hannell.	|	

Question

Question then,—That the clause as amended stand part of the Bill.
Committee divided.

Ayes, 3.		No, 1.
Mr. Sadleir, Mr. Garrett, Mr. Hannell.	|	Mr. Lucas.

Clauses 30, 31, and 32 read and agreed to without amendment.
Clause 33 read.

Motion made (*Mr. Lucas*) and *Question proposed*,—That the words “shall be immediately re-eligible” in the 41st and 42nd lines, be omitted, with the view to the insertion of the words “shall not be eligible for re-election for twelve months.”

Question put,—That the words proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 3.		No, 1.
Mr. Garrett, Mr. Sadleir, Mr. Hannell.	|	Mr. Lucas.

Clause, as read, then agreed to.
Clause 34 read and agreed to without amendment.
Clause 35 read.

Motion made (*Mr. Lucas*) and *Question proposed*,—That the words “one hundred” in line 4 be omitted, with the view to the insertion in their place of the word “fifty.”

Question put,—That the words proposed to be omitted stand part of the clause.
Committed divided.

Ayes, 3.		Noes, 2.
Mr. Samuel, Mr. Garrett, Mr. Hannell.	|	Mr. Lucas, Mr. Sadleir.

Clause, as read, then agreed to.
Clauses 36 to 80 read and agreed to without amendment.
Clause 81 read and negatived.
Clause 82 read.

Motion made (*Mr. Garrett*) and *Question*,—That the first word “for” in line 1 be omitted, with the view to insert in its place the words “All such land as shall be taken under the provisions of this Act for,”—*agreed to*.

Motion made (*Mr. Garrett*) and *Question*,—That the words “and subject to the provisions of this Act the land delineated and described on the said plan as aforesaid” be struck out—*agreed to*.

Words struck out accordingly.
Clause, as amended, agreed to.
Clauses 83 to 86 read and agreed to without amendment.
Clauses 87 and 88 read and negatived.
Clauses 89 and 90 read and agreed to.
Clauses 91, 92, 93, and 94 read and negatived.
Clauses 95 to 114 read and agreed to without amendment.
Schedules A, B, C, and D read and severally agreed to without amendment.

The Solicitor for the Bill here brought up a new clause, to stand clause 81 of the Bill, with a new schedule, E, in substitution of the plan annexed.

Mr. W. Weaver, *Engineer to the Company*, further examined.
New clause read, viz. :—

“ 81. It shall be lawful for the said Company to make construct and maintain a
“ Railway with all proper works and conveniences connected therewith upon
“ across and over the lands and in the direction delineated and described in
“ the Schedule E hereunto annexed commencing at a point on a parcel of
“ three hundred and twenty acres of land situated at or near Waratah in the
“ Parish of Newcastle in the County of Northumberland in the said Colony
“ selected by Thomas Grove and continuing to and terminating at or upon
“ the southern boundary of a parcel of one hundred and eighty-four acres of
“ land selected by Thomas Sutcliffe Mort near to the waters of the Hunter
“ River and it shall be lawful for the said Company to effect a junction
“ between the said line of Railway and the Great Northern Railway at or
“ near the point where the said line crosses such Great Northern Railway in
“ accordance with Section ninety-nine of the Government Railway Act of one
“ thousand eight hundred and fifty-eight And for the more conveniently
“ effecting such junction it shall be lawful for the said Company with the
“ consent of Robert Archibald Alison Morehead and Matthew Young to divert
“ and alter the course of the Railway now being constructed by them so far
“ only as may be necessary for the said Company to form a junction with the
“ said Great Northern Railway by a curve of approach of twenty chains radius
“ provided that in such alteration the curve of approach of the Railway so
“ diverted or altered shall be of no less radius and the altered line shall be
“ vested in the said Robert Archibald Allison Morehead and Matthew Young
“ and they shall have the same rights and powers in respect thereto as if the
“ land had been taken and the Railway made under the authority of the Act
“ passed to enable them to make their said Railway Provided also that such
“ Railway

Power to Com-
pany to make a
Railway.

" Railway shall be constructed and brought into use within the term of five years from the passing of this Act and that the said Company in constructing the same and in forming the junction with and crossing over the Great Northern Railway as aforesaid shall do so in a proper and workmanlike manner to the satisfaction of the Engineer in Chief for Railways and shall repair all damages caused by so doing."

Motion made and Question,—That the Clause as read stand Clause 81 of the Bill,—*put.*

Committee divided.

Ayes, 3.
Mr. Samuel,
Mr. Sadleir,
Mr. Hannell.

Noes, 2.
Mr. Lucas,
Mr. Garrett.

Two new Clauses proposed by Mr. Garrett, to stand as Clauses 92 and 93 respectively, of the Bill.

The same read, viz. :—

Railway open to the public.

" 92. The railway hereby authorized to be made and the locomotives shall be open to public use upon payment of a toll to the Company of three-pence per ton per mile for such carriage the party seeking transit supplying and loading his own trucks or waggons and all trucks when emptied shall be conveyed on their return free of cost.

Branch railways

" 93. And be it enacted that it shall be lawful for the owners or occupiers of the land traversed by the said railway to lay down upon their own lands any collateral branches of railway to communicate with the said railway for the purpose of bringing carriages to or from or upon the said railway and the Company shall if required at the expense of such owners or occupiers make openings in the rails and such additional lines of railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said railway and without inconvenience to the traffic thereupon and the promoters shall not take any rate or toll or other moneys for the passing of any passengers goods or other things along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions (that is to say)—No such railway shall run parallel to the said railway the promoters shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any inclined plane exceeding one in fifty or bridge nor in any tunnel the persons making or using such branch railways shall be subject to all by-laws and regulations of the promoters from time to time made with respect to passing upon or crossing the railway and otherwise and the persons making or using such branch railways shall be bound to construct and from time to time as need may require to renew the off-set plates and switches according to the most approved plan adopted by the Company under the direction of their Engineer."

Question,—That the Clauses as read stand Clauses 92 and 93, respectively, of the Bill.—*agreed to.*

Another new Clause proposed by Mr. Garrett, to stand Clause 109 of the Bill.

The same read, viz. :—

Not to affect Government Railways Act of 1858.

" 109. Nothing herein contained shall alter annul or anywise affect any of the provisions of the Government Railways Act of 1858 excepting as provided in Clause 81 of this Act and the Schedule E therein referred to."

Question,—That the Clause as read stand Clause 109 of the Bill,—*agreed to.*

Schedule E read, viz. :—

SCHEDULE E.

" Commencing at a point on land comprising three hundred and twenty acres situated at or near Waratah in the Parish of Newcastle in the County of Northumberland in the Colony of New South Wales selected by Thomas Grove and running in a south-easterly direction to the southern boundary thereof thence continuing across three hundred and twenty acres of land selected by G. R. Dibbs to a point about ten chains east from the north-east corner of one hundred and sixty acres of land leased or selected by Messrs. Morehead and Young and continuing by a curved line through two hundred and eighty acres of land leased or selected by Messrs. J. and A. Brown to the western boundary of forty-two acres selected by Thomas Ware Smart thence continuing the curve through the last-mentioned selection and a line bearing north-easterly to its northern boundary across thirty-eight acres also selected by the said Thomas Ware Smart to or near the north-east corner thereof and across the south-east corner of Joseph Moate's thirty-nine acres thence continuing north-easterly across a reserved road and two parcels of land known as Henry Dangar's thirty-nine acres and Henry Dangar's thirty-three acres two roods and sixteen perches to a point on the Great Northern Railway about three miles from the City of Newcastle and across the said railway to the eastern boundary of the said thirty-three acres two roods sixteen perches thence continuing north-easterly

“ easterly through the north-west corner of the Australian Agricultural
 “ Company’s two thousand acres to the Maitland Road and across said road
 “ thence through a parcel of three hundred and twenty acres selected by
 “ Charles Smith to a reserved road on the eastern boundary thereof and
 “ across said road to Tully’s or R. R. S. Bowker’s twenty-two acres crossing
 “ the north-west corner thereof and proceeding north-easterly across Living-
 “ stone’s twenty-four acres to the northern boundary being also the southern
 “ boundary of one hundred and eighty-four acres selected by the said Thomas
 “ Sutcliffe Mort near to the water of the River Hunter the width of the said
 “ railway to be about seventy-five links on each side of its centre line and the
 “ total length thereof about three miles.”

Question,—That the Schedule, as read, stand Schedule E of the Bill,—*agreed to*.
 Chairman submitted Draft Report.
 The same read and agreed to.
 Chairman to report.

SCHEDULE OF AMENDMENTS.

Page 1, Preamble, line 33. *After* “ assembled” *insert* “ and by the authority of the same.”

Page 7, clause 29, line 51. *After* “ shares” at the end of clause, *add* “ Provided always
 “ that no shareholder shall be entitled to more than twenty votes altogether.”

Page 17, clause 81, line 23. *Omit* said clause, viz. :—

“ 81. It shall be lawful for the said Company to make construct and maintain
 “ a railway with all proper works and conveniences connected therewith upon Power to Com-
 “ across and over the lands delineated and described in the plan hereunto annexed pany to make a
 “ commencing at a point on a parcel of three hundred and twenty acres of land railway.
 “ situated at or near Waratah in the parish of Newcastle in the county of
 “ Northumberland in the said Colony selected by Thomas Grove and proceeding
 “ to the southern boundary of the said parcel of land thence across another parcel
 “ of three hundred and twenty acres of land selected by George Richard Dibbs to
 “ the southern boundary thereof at a point distant ten chains easterly from the
 “ north-eastern corner of Messrs. Morehead and Young’s two hundred and eight
 “ acres and thence continuing by a curved line through lands leased or supposed
 “ to be leased by Messrs. J. and A. Brown to the western boundary of another
 “ parcel of one hundred and twenty-three acres of land selected by Thomas Ware
 “ Smart thence bearing north-easterly and passing through the properties of
 “ Joseph Moate and of the representatives of the late Henry Dangar to a point on
 “ the Great Northern Railway about three miles from the City of Newcastle and
 “ thence across the Great Northern Railway to and through the lands of the
 “ Australian Agricultural Company to the Maitland road and crossing the said
 “ road continuing through a parcel of three hundred and twenty acres of land selected
 “ by Charles Smith and the lands of R. R. Bowker and A. Livingstone and thence
 “ across another parcel of one hundred and eighty four acres of land selected by
 “ Thomas Sutcliffe Mort to the waters of the Hunter River as delineated and described Railway to be
 “ on the said plan And it shall be lawful for the said Company to effect a junction constructed
 “ between the said line and the Great Northern Railway at or near the point where within five
 “ the said line crosses such Railway as aforesaid as shewn by the said plan and in years.
 “ accordance with section ninety-nine of the Government Railway Act of one
 “ thousand eight hundred and fifty-eight Provided that such railway shall be
 “ constructed and brought into use within the term of five years from the passing
 “ of this Act and that the said Company in constructing the same and in forming
 “ the junction with and crossing over the Great Northern Railway as aforesaid
 “ shall do so in a proper and workmanlike manner to the satisfaction of the
 “ Engineer in Chief for Railways and shall repair all damages caused by so doing.”

Insert—

“ 81. It shall be lawful for the said Company to make construct and maintain Power to
 “ a Railway with all proper works and conveniences connected therewith upon Company to
 “ across and over the lands and in the direction delineated and described in the make a Railway.
 “ Schedule E hereunto annexed commencing at a point on a parcel of three
 “ hundred and twenty acres of land situated at or near Waratah in the Parish of
 “ Newcastle in the County of Northumberland in the said Colony selected by
 “ Thomas Grove and continuing to and terminating at or upon the southern
 “ boundary of a parcel of one hundred and eighty-four acres of land selected by
 “ Thomas Sutcliffe Mort near to the waters of the Hunter River and it shall be
 “ lawful for the said Company to effect a junction between the said line of Railway
 “ and the Great Northern Railway at or near the point where the said line crosses
 “ such Great Northern Railway in accordance with Section ninety-nine of the
 “ Government Railway Act of one thousand eight hundred and fifty-eight And
 “ for the more conveniently effecting such junction it shall be lawful for the said
 “ Company with the consent of Robert Archibald Alison Morehead and Matthew
 “ Young to divert and alter the course of the Railway now being constructed by
 “ them so far only as may be necessary for the said Company to form a junction
 “ with the said Great Northern Railway by a curve of approach of twenty chains
 “ radius provided that in such alteration the curve of approach of the Railway so
 “ diverted

“diverted or altered shall be of no less radius and the altered line shall be vested in the said Robert Archibald Allison Morehead and Matthew Young and they shall have the same rights and powers in respect thereto as if the land had been taken and the railway made under the authority of the Act passed to enable them to make their said railway. Provided also that such railway shall be constructed and brought into use within the term of five years from the passing of this Act and that the said Company in constructing the same and in forming the junction with and crossing over the Great Northern Railway as aforesaid shall do so in a proper and workmanlike manner to the satisfaction of the Engineer in Chief for Railways and shall repair all damages caused by so doing.”

Page 18, clause 82, line 1. *Omit* “for”; *insert* “All such land as shall be taken under the provisions of this Act for”

” ” lines 1, 2, and 3. *Omit* “And subject to the provisions of this Act the land delineated and described on the said plan as aforesaid”

Page 19, clause 87, line 39. *Omit* said clause, viz. :—

“87. If the line of the railway cross any public highway then either such road shall be carried over the railway or the railway shall be carried over such road by means of a bridge of the height and width and with the ascent or descent by this Act in that behalf hereinafter provided and such bridge with the immediate approaches and all other necessary works connected therewith shall be executed and at all times thereafter maintained at the expense of the Company. Provided always that with the consent of the Secretary for Public Works it shall be lawful for the Company to carry the railway across any highway on the level.”

Bridges to be constructed where railway crosses highway.

Page 19, clause 88, line 48. *Omit* said clause, viz. :—

“88. Until the said Company shall have made the bridge or other proper communications which they shall under the provisions herein contained have been required to make between lands intersected by the railway and no longer the owners and occupiers of such lands and any other persons whose right of way shall be affected by the want of such communications and their respective servants may at all times freely pass and repass with carriages horses and other animals directly but not otherwise across any part of the railway made in or through their respective lands solely for the purpose of occupying the same lands or for the exercise of such right of way and so as not to obstruct the passage along the railway or to damage the same nevertheless if the owner or occupier of any such lands have in his arrangements with the Company received or agreed to receive compensation for or on account of any such communications instead of the same being formed such owner or occupier or those claiming under him shall not be entitled so to cross the railway.”

Owners crossing.

Page 20, clause 91, line 43. *Omit* said clause, viz. :—

“91. Every bridge to be erected for the purpose of carrying the railway over any road shall be built in conformity with the following regulations (that is to say) :—

Construction of bridge over roads.

“The width of the arch shall be such as to leave thereunder a clear space of not less than thirty feet if the arch be over a public highway and of twenty feet if over a parish road and of twelve feet if over a private road.

“The clear height of the arch from the surface of the road shall not be less than sixteen feet for the space of twelve feet if the arch be over a turnpike road and fifteen feet for the space of ten feet if over a public carriage road and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet the clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private road.

“The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a public highway one foot in twenty feet if over a parish road and one foot in sixteen feet if over a private road not being a tramroad or railroad or if the same be a tramroad or railroad the descent shall not be greater than the ruling gradient of such tramroad or railroad.”

Page 21, clauses 92, 93, 94. *Omit* said clauses, viz. :—

Construction of bridges over railroad.

“92. Every bridge erected for carrying any road over the railway shall be built in conformity with the following regulations (that is to say) :—

“There shall be a good and sufficient fence on each side of the bridge of not less height than four feet and on each side of the immediate approaches of such bridge of not less than three feet.

“The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a public highway and twenty-five feet if a parish road and twelve feet if a private road.

“The ascent shall not be more than one foot in thirty feet if the road be a public highway one foot in twenty feet if a parish road and one foot in sixteen feet if a private road not being a tramroad or railroad or if the same be a tramroad or railroad the ascent shall not be greater than the ruling gradient of such tramroad or railroad.

" 93. Provided always that in all cases where the average available width for the passing of carriages on any existing road within fifty yards of the points of crossing the same is less than the width hereinbefore prescribed for bridges over or under the railway the width of such bridges need not be greater than such average available width of such roads but so nevertheless that such bridges be not of less width in case of a public highway or parish road than twenty feet. Provided also that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof the said Company shall be bound at their own expense to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road not exceeding the width of such road as so widened or the maximum width herein prescribed for a bridge in the like case over or under the railway.

The width of the bridges need not exceed the width of the road in certain cases.

" 94. Provided also that if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same or the inclination of such portion of any road as may be required to be altered or for which another road shall be substituted shall be steeper than the inclination hereinbefore required to be preserved by the said Company then the said Company may carry any such road over or under the railway or may construct such altered or substituted road at an inclination not steeper than the mesne inclination of the road so to be crossed or of the road so being to be altered or for which another road shall be substituted."

Existing inclination of roads crossed or diverted need not be improved.

Page 22, clause 97 (now 91), at the end thereof. *Insert* the following new clauses, viz. :—

" 92. The railway hereby authorized to be made and the locomotives shall be open to public use upon payment of a toll to the Company of three-pence per ton per mile for such carriage the party seeking transit supplying and loading his own trucks or waggons and all trucks when emptied shall be conveyed on their return free of cost.

Railway open to the public.

" 93. And be it enacted that it shall be lawful for the owners or occupiers of the land traversed by the said railway to lay down upon their own lands any collateral branches of railway to communicate with the said railway for the purpose of bringing carriages to or from or upon the said railway and the Company shall if required at the expense of such owners or occupiers make openings in the rails and such additional lines of railway as may be necessary for effecting such communication in places where the communication can be made with safety to the public and without injury to the said railway and without inconvenience to the traffic thereupon and the promoters shall not take any rate or toll or other moneys for the passing of any passengers goods or other things along any branch so to be made by any such owner or occupier or other person but this enactment shall be subject to the following restrictions and conditions (that is to say)—No such railway shall run parallel to the said railway the promoters shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere nor upon any inclined plane exceeding one in fifty or bridge nor in any tunnel the persons making or using such branch railways shall be subject to all by-laws and regulations of the promoters from time to time made with respect to passing upon or crossing the railway and otherwise and the persons making or using such branch railways shall be bound to construct and from time to time as need may require to renew the off-set plates and switches according to the most approved plan adopted by the Company under the direction of their Engineer."

Branch railways.

Page 25, clause 112 (now 108), at the end thereof,—*Insert* the following new clause, viz. :—

" 109. Nothing herein contained shall alter annul or anywise affect any of the provisions of the Government Railways Act of 1858 excepting as provided in clause 81 of this Act and the Schedule B therein referred to."

Not to affect Government Railways Act of 1858.

Page 26. *After* Schedule D *insert* the following new Schedule, viz. :—

SCHEDULE E.

" Commencing at a point on land comprising three hundred and twenty acres situated at or near Waratah in the Parish of Newcastle in the County of Northumberland in the Colony of New South Wales selected by Thomas Grove and running in a south-easterly direction to the southern boundary thereof thence continuing across three hundred and twenty acres of land selected by G. R. Dibbs to a point about ten chains east from the north-east corner of one hundred and sixty acres of land leased or selected by Messrs. Morehead and Young and continuing by a curved line through two hundred and eighty acres of land leased or selected by Messrs. J. and A. Brown to the western boundary of forty-two acres selected by Thomas Ware Smart thence continuing the curve through the last mentioned selection and a line bearing north-easterly to its northern boundary across thirty-eight acres also selected by the said Thomas Ware Smart to or near the north-east corner thereof and across the south-east corner of Joseph Moate's thirty-nine acres thence continuing north-easterly across a reserved road and two parcels of land known as Henry Dangar's thirty-nine acres and Henry Dangar's thirty-three acres

“ acres two roods and sixteen perches to a point on the Great Northern Railway
 “ about three miles from the City of Newcastle and across the said railway to
 “ the eastern boundary of the said thirty-three acres two roods sixteen perches
 “ thence continuing north-easterly through the north-west corner of the Australian
 “ Agricultural Company’s two thousand acres to the Maitland road and across said
 “ road thence through a parcel of three hundred and twenty acres selected by
 “ Charles Smith to a reserved road on the eastern boundary thereof and across
 “ said road to Tully’s or R. R. S. Bowker’s twenty-two acres crossing the north-
 “ west corner thereof and proceeding north-easterly across Livingstone’s twenty-four
 “ acres to the northern boundary being also the southern boundary of one hundred
 “ and eighty-four acres selected by the said Thomas Sutcliffe Mort near to the
 “ water of the River Hunter the width of the said railway to be about seventy-
 “ five links on each side of its centre line and the total length thereof about three
 “ miles.”

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

WARATAH COAL COMPANY'S RAILWAY BILL.

FRIDAY, 5 DECEMBER, 1862.

Present:—

MR. ARNOLD,
MR. GARRETT,
MR. HOSKINS,

MR. LUCAS,
MR. SADDLEIR,
MR. SAMUEL.

SAUL SAMUEL, Esq., IN THE CHAIR.

W. Barker, Esq., appeared as Solicitor for the promoters of the Bill.

Charles Smith, Esq., called in and examined:—

1. *By Mr. Barker*: You are one of the petitioners for the Waratah Coal Company's Bill? C. Smith, Esq.
Yes.
2. Are you aware whether the several parties named in the first clause of the Bill are possessed of any coal fields in the parish of Newcastle, in the county of Northumberland? 5 Dec., 1862.
Yes.
3. Can you state what land they are possessed of? Thomas Grove 320 acres, G. A. Dibbs 320 acres, T. W. Smart 200 and 123, and myself 320 acres, and Mr. T. S. Mort 184 acres.
4. Are these the several portions of land shown upon the map annexed to the Bill, with the names of these several persons upon them? Yes.
5. Are you aware whether these persons have at any time formed themselves into a company for working this coal field? They have.
6. Have they taken any steps with the view of working any coal field—have they spent any money? They have spent a large sum of money, £16,000 or £18,000.
7. In making preparation for efficiently working the coal field? Yes.
8. And generally for advantageously disposing of the coal? Yes.
9. Are you aware whether these persons have agreed among themselves to extend their operation, and to form a joint stock company, with more extended capital? Yes.
10. Under the name of the Waratah Coal Company? Yes.
11. With a capital of £60,000? To increase it to £60,000, in 10,000 shares of £6 each.
12. For the purpose of working this land, and any other they may become possessed of? Or any other they may become possessed of.
13. Has it been agreed that these lands of which they are now possessed shall be transferred to the company to be established under this Act? Yes; an application has gone in to Government for that purpose, and is in course of preparation now.
14. To transfer the whole of them to the company? To transfer the whole of them to the company.
15. Is there any stipulation made—any reserve with regard to shares? There is a stipulation that the portion that went to the public should receive a dividend of five per cent. assured to it before the original proprietors received any dividend.

- C. Smith, Esq. 16. The original proprietors, however, reserve 5,000 shares? Yes.
17. As a consideration for transferring their lands to the new company? Yes.
- 5 Dec., 1862. 18. And the rolling stock and other property possessed by the company is also to be transferred, at the price the original proprietors have paid or have contracted to pay for it? Yes.
19. Is it the desire of the company that they should be established and incorporated under an Act of Parliament? Yes.
20. The company, by this Bill, seek power to make a railway, commencing at their mines on Grove's 320 acres, and extending as far as Mort's 184 acres, near to the waters of the river Hunter? Yes.
21. Will you state to the Committee for what purpose this railway is required—how it is intended to be used;—is it intended that the company should become carriers, or that they should merely carry their own coal to their own property for the purpose of shipping? It is intended that they shall merely carry their own coal, provided the Legislature will allow us to do it; that is all we desire to do. The facilities for the shipment of coal at Newcastle at present are far too small for the requirements of the port, and without this outlet we will not be able to ship the quantity of coal we expect to be able to obtain.
22. The railway you propose to construct would terminate on the private property of the company? Yes.
23. It is not their intention to become public carriers? Certainly not. The Waratah Coal Company's Railway goes into a portion of the 184 acres near the waters of the River Hunter, selected by Mr. T. S. Mort, at the south channel.
24. *By the Chairman*: Is that selected for lease or purchase? For lease, under the Crown Lands Occupation Act, for mining purposes.
25. *By Mr. Barker*: So that this railway is to terminate at this land of Mr. Mort's? Yes.
26. There is no intention, unless you are compelled by Parliament, to use it for any other purpose than for the purposes of your own trade? Certainly not.
27. Could you have equal facilities for the shipping of coal if, instead of crossing this line, you were to have a junction, and to proceed from thence to Newcastle, from the Great Northern Railway? We intend to have a junction, but the facility will not be so great as having a shipping place of our own—a place entirely away from the Hunter, about a mile out of the course of the Hunter.
28. You intend to have a junction with the Great Northern Railway, but it is because you believe there is not sufficient facility for shipping purposes at Newcastle that you intend to carry your line across the Great Northern Railway to the south channel of the river Hunter, and to construct a wharf at your own expense for your own purposes? Decidedly.
29. I presume it is because the company cannot otherwise obtain sufficient convenience for shipping their coal, that they would incur the expense of making this wharf? Certainly; if we could get the same facilities at the harbour of Newcastle, we should be glad to avail ourselves of it, so as to avoid the expense of going to the south channel.
30. Are you able to say whether the company will incur any very considerable expense in constructing this wharf? I should think they will; if they have to go to so high a level as it is proposed, it will cost from £20,000 to £25,000 to carry it out.
31. Then the object is not to divert the traffic from the Great Northern Railway, but simply to find sufficient convenience for your own purposes? Yes, certainly.
32. And to use the Great Northern Railway as far as you can conveniently do it? As far as it is practicable to do so.
33. It is proposed by this Bill to divert to a certain extent Messrs. Morehead and Young's railway, for the purpose of enabling the company more conveniently to effect a junction;—can you state whether there has been any communication with Messrs. Morehead and Young upon that subject? I have had several conversations with Mr. Morehead upon the subject, and he has agreed, in consideration of our buying the land from the A. A. Company, and giving them a larger curve, to allow us to remain on a fifteen chain curve. We extend their line to a twenty chain curve, and ours is to follow theirs as nearly as possible.
34. That power is sought to be exercised only with the consent of Messrs. Morehead and Young? Certainly.
35. *By Mr. Arnold*: I see in the preamble this statement,—“Whereas the said several persons are desirous of extending their operations and have agreed to form a joint stock company under the name of the Waratah Coal Company having a capital of £60,000 in 10,000 shares of £6 each”;—now I understand you to say that 5,000 of those 10,000 shares, which are supposed to be of the value of £6 each, are reserved to the original proprietors? Yes.
36. Is there anything paid on those shares? Those shares are paid up.
37. They are considered to be paid up? They are considered to be paid up.
38. But in point of fact they are not paid up? In point of fact they have been paid up, to a certain extent, by a consideration.
39. The consideration being the assumed value of the land? Yes.
40. Supposing that all the shares were now paid up, what would be your actual capital? The actual capital would be £60,000.
41. That is supposing the property to be worth £30,000? But the company have been at considerable expenses.
42. Have not those expenses to be paid out of the £30,000? Some part of them; there are a great many expenses that are not chargeable to the company.
43. Do you know what actual expenditure has taken place is represented by those 5,000 shares? I could not say exactly what the expenditure has been.

44. Anything approaching to £30,000? No, not so much as £30,000; taking into calculation what has been given in proportion to the land, it would be over £30,000. C. Smith, Esq.
45. I suppose the books of the company will show what has been spent—what actual outlay has taken place? No doubt. 5 Dec., 1862.
46. Could you say to £1,000 what has been spent—what expenditure is represented by these 5,000 paid-up shares? The expenditure I can scarcely state how much it has been.
47. Not within £1,000? Not within £1,000.
48. Could you give us some idea? The expenditure altogether of the company has been somewhat about £20,000.
49. Which is represented by these 5,000 shares? It is not all represented by them; the plant will have to come out of that; then there have been portions of that land bought from certain parties, and large sums have been given for them. This is part of that £30,000 which is actually not seen by the new company at all.
50. I am speaking of the actual expenditure, independently of the estimated value of the land—the premiums upon these selections—the actual outlay on the land? The actual outlay, what has been spent in money upon the land, towards the actual working. There has been somewhere about £5,000 spent now, with plant and labour and one thing or other, upon the land.
51. No part of which has to be paid back to the original proprietors? Part of which has to be paid back; the plant has to be paid back.
52. What are the items of expenditure beyond the plant? Labour in putting tunnels in, erecting huts, making surveys, and clearing the line.
53. No part of that has to be paid back;—I am speaking solely with reference to the portion represented by these 5,000 paid-up shares? We have expended money up to a certain time that will not be charged to the company; what that sum is I am not prepared to say. The plant will have to be paid for by the company.
54. The amount that will not have to be paid back, will that amount to £5,000? It would not amount to £5,000, what has actually been spent on the land.
55. Would it amount to £1,000? It would amount to more than £1,000; it would amount to between £4,000 and £5,000, I believe.
56. That portion which has actually been expended on the land, not taking into consideration the increased value of the land itself? Not taking into account the increased value of the land, but what has been spent on it for surveys and for one purpose or another.
57. That money has been actually expended? Yes.
58. Then when you say you have a capital of £60,000, you mean £30,000 in money and the other £30,000 in the supposed value of the land? Yes, and what improvements had been made upon it up to that time.
59. Then I understand your proposal with regard to the line to be this: You propose to effect a junction with the Great Northern line, and also to cross the Great Northern line to a wharf opposite Bullock Island? Yes, to the south channel opposite Mosquito Island.
60. Then I suppose you would take all the coal you could to your own wharf? We would take all our own coal to our own wharf, provided we could not get better facilities for the shipment of coal at the Port of Newcastle. There would be this objection to our wharf, that we could not take a deep vessel up to it, and we should have to employ lighters.
61. Then I understand you, that if it could be shown that there were sufficient facilities at Newcastle for shipping your coal, you would not care to extend your line beyond the junction of the Great Northern Railway? Certainly not, if we were satisfied that there were facilities. I may mention here, that in going to where we are in the south channel we are not going near the navigation at all—the principal branch of the river, on which the Tomago and Brown's shoots are. We do not go near that at all; we go to the south branch, clear of the navigation of the river.
62. *By Mr. Hoskins:* I did not clearly understand the answer you gave to Mr. Arnold—am I to understand you to say that the original projectors of the scheme expended somewhere about £5,000? Somewhere about that on the land; but they expended more than that.
63. You propose to increase the number of shares to 10,000 at £6 each, and the original projectors having expended about £5,000, you propose to allot to them about £30,000 worth of stock? They have expended more, but they have not expended it upon the land.
64. Then all this land was previously acquired by the original shareholders? It was selected by parties who considered that they had a good thing, and they required a good sum for the land they had so selected.
65. Then the land through which you propose to take the railway was not all purchased by the original shareholders? It was all selected by the original shareholders.
66. But not paid for? Yes, it was paid for to the end of next year by the original proprietors.
67. *By Mr. Arnold:* Almost the only item in this £30,000 is the premium on the original selection? Yes.
68. *By Mr. Hoskins:* In fact, the original projectors have expended a trifle of £5,000, for which they will get £30,000 of stock? No, some of the original selectors spent a great deal more in buying the selection of other parties, so as to get shares.
69. In this £5,000 the expense of plant is included? No, I think there has been from £14,000 to £15,000 sent Home for plant.
70. *By Mr. Arnold:* I suppose this estimate of the value of these selections generally is in some degree a fanciful value? No doubt.
71. It would have been as easy to have said £60,000 as £30,000? Yes.
72. In point of fact, you would have been justified in saying you had a capital of £60,000 if you had not had a penny? Yes, just so, if the public chose to come in.

- C. Smith, Esq. 73. *By the Chairman*: Have the public taken the whole of the shares? Five times the number of shares open to the public were applied for; and the best proof of the estimation in which the property is held by the public is, that shares are now at a premium of from 12s. 6d. to 15s.
- 5 Dec., 1862. 74. The public, who have purchased the shares, quite understand the terms on which they take them? Yes.
75. *By Mr. Hoskins*: The original shareholders have not expended £30,000? No.
76. *By Mr. Barker*: The public have thought the provision contained in the 63rd clause was a sufficient manifestation of the *bonâ fides* of the original proprietors, and was a sufficient guarantee to them that they were getting value for their money? No doubt of it.
77. *By the Chairman*: You get payment in shares? Yes, in shares.
78. *By Mr. Arnold*: Are there any provisions in your Bill for compelling the Government railway to take on your coal from the junction to Newcastle? No, none; not for compelling the Government, certainly.
79. Then it would be optional with the Government whether they would take your coal or not? I imagine so.
80. *By Mr. Garrett*: Is there any provision in this Bill for allowing parties through whose land the proposed line will pass, to join on to the line? No, there is no power.
81. *By Mr. Saddleir*: It is reserved entirely for the company's coal? Yes.
82. *By Mr. Garrett*: Have the company any objection to that right being given to other parties to join on to the line, on fixed terms? I do not know that there is any serious objection to it; they would rather have a private line if it can be got.
83. Can you state whether the directors of the proposed company have objected to that power being given to other persons to join on to the line, at certain fixed terms? They would rather get it private without giving any party that power.
84. *By Mr. Arnold*: I suppose you intend to purchase under the Act? Yes.
85. You intend to make this terminus freehold? Yes, just so; it will be done as soon as the necessary expenditure has been made.
86. I forget whether the lease gives you all the surface right? Yes, we have the surface right of all that has not already been alienated. There is some where the surface right has already been alienated, and that we cannot get; part of the land is freehold—the Common. Of the land selected by Mr. Mort we have now the surface right.
87. *By Mr. Hoskins*: Is it leased from the Crown? It is leased from the Crown.
88. Under the Crown Lands Occupation Act, for mining purposes? Yes.
89. Have you got the lease? Yes.
90. Do you produce it? No, I have not it here. We have no surface rights where the land has been alienated before—there we have only mineral rights; but where the land has not already been alienated we have both mineral and surface rights.
91. Do you mean to say that of the land taken under the Crown Lands Occupation Act for mineral purposes, you have, by the terms of the lease, acquired surface rights? Certainly.

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

- J. Whitton, Esq. 92. *By Mr. Barker*: You are Chief Engineer for Railways in this Colony? Yes.
- 5 Dec., 1862. 93. Has your attention been called to the proposed line of railway to be made by the Waratah Coal Company? Yes, it has.
94. You observe that it is proposed to cross the Great Northern Railway at a certain point, and also to effect a junction with the Great Northern? Yes.
95. Will you be so good as to inform the Committee whether it would be less objectionable to the Government, and more advantageous to the parties concerned in this railway, if the radius of the curve, at the junction with that of Morehead and Young's Railway line, were increased from what it is shown on the plan annexed to the Bill? I think it would be an advantage to increase the radius of the curve. The radius is not marked on the plan, but I have understood from Mr. Weaver that one curve is to be ten chains radius. There can be no doubt that a larger radius would be better.
96. Do you think it would be expedient to make the alteration, and to increase the radius of the curve? It depends entirely upon what engines it is intended to work this sharp curve of ten chains radius with; it would be large enough for the small engines which it is intended by the company to work upon this line, but it would not be large enough for the engines worked by the Government upon the Northern line.
97. You see no objection to the increase of the radius of the curve? I see no objection to the increase of the radius.
98. Is it your opinion that it would be preferable? No doubt it would; the larger the curve the better; and I do not know of any injurious effect it could have upon any other portion of the line.
99. Will you be so good as to state whether you see any engineering difficulty or objection to the Waratah Coal Company's line crossing the Great Northern at the point shown in the plan? I see no engineering difficulty, but I think there is an objection. The principal objection is, that I believe it is the intention of Government to make arrangements at Newcastle to provide for the shipping of coal there upon a large scale, and if they do that, I think it would be objectionable that a private company should take away the traffic which would otherwise go there.
100. Even for the purposes of their own trade? I think so, on the assumption that the Government can give sufficient facilities for the shipment of coal at Newcastle.

101. Are you able to say whether, at present, there are sufficient facilities there to enable the company to carry on satisfactorily an extensive coal trade? I scarcely think that, at present, there are sufficient facilities. J. Whitton, Esq.
102. In the absence of that, have you any objection beyond the mere fact that the Great Northern Railway might not have this profitable carriage of the coal of this company? The objection I see is this—that if the Government intend to make large accommodation for the shipment of coal, the traffic should be kept on the Government railway, and should not be for the purposes of a private company. 5 Dec., 1862.
103. Your objection applies equally to a company forming a line merely for the purposes of its own trade? I see no reason, if this Bill were granted to the Waratah Company, why other companies should not join that line, and so divert the whole of the trade to their own wharf from the Government wharf.
104. Then, in your opinion, the Great Northern Railway ought to have a monopoly of the carrying trade in that part of the country? I do not think it should have a monopoly of the whole of the carrying trade; but I think as it is intended to provide at the public expense greater facilities at Newcastle for the traffic, that traffic should not be diverted from it for the benefit of private parties.
105. At present you believe that there is not sufficient accommodation at Newcastle? There is not sufficient accommodation, I believe, at present, but it could be greatly enlarged in a short time.
106. Is it not very uncertain whether there will be sufficient accommodation there for several companies carrying on an extensive trade;—are there not already several companies which carry on a large trade? Yes, the Wallsend and Minmi carry on an extensive trade, and there is also Morehead and Young's. Still, it is simply a question of money; and if the Government intend to make all these facilities, I think it objectionable for private companies to take all the traffic off the line.
107. Supposing there are sufficient facilities at Newcastle at present, do you not consider that it would be better for them to make a wharf for their own purposes than to depend upon the other? I think it would be better for them to do so.
108. Do you see any objection, in the meantime, to their having this line, seeing there are not at present, and that it is uncertain whether there ever will be, sufficient facilities for the trade at Newcastle? The objection I have previously stated. If this line were granted, there is nothing in the Bill to compel other companies to give up the use of this line and to work upon the Government line of railway.
109. But, apart from the objection you have just stated, do you see any engineering objection? It is objectionable to cross the main line; but it is not of such importance that the Government should oppose it on that ground.
110. At the particular point where it is proposed to cross the line, can the crossing be effected without risk? Yes, without more than the ordinary risk, for there is always risk in crossing on a level.
111. That risk you would not consider in itself a sufficient objection, if there were not the other you have stated? No, I would not.
112. *By Mr. Arnold:* Would the crossing on the main line involve any expense or inconvenience? It would involve expense; but all that is provided for in the Government Railway Act.
113. Any expense would be paid by the company? Any expense would be paid by the company.
114. Then the disadvantage, do I understand you to say, that this would be to the Government would be, that this line running down to a wharf at deep water, where products might be shipped, might divert the whole traffic from the whole line? I think it would.
115. It is so much nearer? I do not know that it is nearer, but the terms might be fixed lower than those of the public railway, and it would lead to competition between the Government and this line; for application might be made, and no doubt would be made, for a junction with this line and the proposed line to the Hunter; and if so, the whole of the traffic might be taken over this line instead of by the Government railway.
116. Then your objection to this proposed railway refers only to that part of it which extends the new line beyond the point of junction with the Northern line? Yes.
117. *By Mr. Garrett:* What is the distance by the Northern line to Newcastle from the point where it is proposed that this line shall cross it? About three miles.
118. What is the distance from the Northern line to the shipping wharf? About two miles.
119. Then any person going on to this line would save a mile's carriage to deep water? Yes, no doubt.
120. In preference to going to Newcastle? Yes.
121. Would your objection be removed by giving the power to Government to purchase this portion of the land between the Northern line and deep water? No, I think not. My impression is, that as the Northern line has been made at the expense of the public, all the traffic should be protected over that line, provided there were proper facilities for shipping at Newcastle—separate wharves and shipping arrangements.
122. Do you know whether any progress has been made in this proposed line of railway? I do not know that any progress has been made; I should assume that there has not been.
123. Do you know whether any plan has been commenced for the extension of the means of shipping coal at Newcastle? I know that plans were partly prepared some time ago for arrangements at Newcastle, very large arrangements.
124. Have not Parliament voted a large amount for that purpose? I am not aware whether the amount has been voted; I understood a large sum was placed on the Estimates for that purpose.

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125. You allude to the wharf accommodation at Newcastle? Yes, to the general arrangement, which I believe the Government have in contemplation at Newcastle, for increasing very considerably the accommodation there.
126. Do you think it is likely the extension will be carried out in sufficient time for this company to take advantage of it? I do not know; the money, I think, has not yet been voted by Parliament. The accommodation might be increased by putting additional sidings at Newcastle; we have funds for that purpose.
127. That would afford the additional accommodation required? I cannot say what accommodation might be required for all these companies, but very considerably increased accommodation might be given there.
128. *By Mr. Sadleir*: Do you think the same accommodation could be given for shipping at Newcastle as here? I think much better accommodation—much greater facilities could be given for shipping at Newcastle than here.
129. *By the Chairman*: Than at this particular place? Yes, as they have more convenience there.
130. *By Mr. Sadleir*: Do you know what is the distance from this wharf by the river to Newcastle? I am not aware of the distance, as it is not shown on the plan, but it is not very much; I think it is not more than a mile and a half or two miles from Newcastle.
131. *By Mr. Hoskins*: Are not colliers at present loaded at Newcastle by the use of steam cranes? Yes.
132. If this railway company were permitted to make their railway to cross the Great Northern at the junction they propose, would not the elevation at Bullock Island be greater than it would at the Northern Railway at Newcastle? I do not know that there would be much difference between the elevation at Bullock Island and at Newcastle.
133. Do you know whether the altitude of this railway would be greater than that of the Great Northern would be? I do not know at all what height they intend to make their railway.
134. Would not vessels be much more expeditiously loaded if the trucks could be discharged into shoots over the hatches of vessels? No doubt.
135. If this company could make any arrangement by which this mode of loading could be adopted, would not their wharf afford superior facilities to any that are given at Newcastle? I believe that in the proposed facilities at Newcastle the Government intend to carry out an arrangement with regard to shoots.
136. When do they propose to carry out the arrangement with regard to shoots? I do not know when it will come into operation.
137. Of course, I presume, you expect that the coal trade at Newcastle and in the Hunter River district will be greatly increased in consequence of the lines of railway projected? No doubt.
138. If the present system of loading vessels by steam cranes at Newcastle were continued, it would be impossible greatly to increase the facilities of loading vessels there under the present system? It might be considerably increased by extending the wharves and by increasing the number of cranes.
139. Is there sufficient room to extend the wharves and increase the number of cranes? Yes, as far as Nobby's.
140. Still, if the coal traffic in that district greatly increased, as we may assume it will, by the number of railways which will be formed, do you think the system of loading vessels by steam cranes will be so expeditious as that of loading them by means of shoots? I think the system of loading vessels by shoots is far the best, but I do not see why the Government should not provide shoots; it will be simply a question of money, whether sufficient accommodation can be made to provide for the whole district.
141. Would it not entail great expense to provide greatly increased accommodation, and, at the same time, to provide the means of loading vessels from shoots? Yes, no doubt; but the only question is, whether Government intend to make that arrangement, or allow each company to make their own private arrangements. My impression is, that Government having expended a considerable sum of money in making the Northern Railway, all the traffic that can be brought by it should be.
142. May I ask you when you were furnished with a copy of the Bill? I was furnished with a copy of the Bill, I dare say, a month ago, but I have never read it.
143. You have not had an opportunity of reading it? I have not perused it.
144. You cannot say whether there is any material difference between this Bill and private railway Bills in general? No, I think it is much the same. I read over a few of the clauses relating to engineering matters, and I think it is much the same as the Bills that have previously passed the House.
145. *By the Chairman*: Your principal objection to the making of this line is, that it would interfere with the traffic on the Great Northern line? I think so.
146. Do you not think the public would benefit by the competition, although the Government might be a competitor? I think if the accommodation can be given by the Government, after all the money that has been expended upon the Great Northern Railway, it should be the wish of the Government to make it pay, and to draw all the traffic they can to their own railway; but if the Government grant facilities to private companies to divert that traffic, all the money that has been spent will be simply so much money thrown away.
147. *By Mr. Barker*: Are you aware how many steam cranes there are at present at Newcastle? I think four or five.
148. I am told there are only three working? I am not aware of that.
149. Are you aware whether the Wallsend Company do not require the full working of the three steam cranes at present working? That I do not know.

150. You believe that at present the accommodation is insufficient? For a large increase of traffic.

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151. *By Mr. Hoskins*: How long do you think it would take to carry out the alterations which, you say, the Government contemplate in order to give increased facility for shipping coal by shoots? That I cannot say; the arrangements will not be under my direction.

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152. *By Mr. Arnold*: When you say the shipping accommodation at Newcastle is insufficient, I understand you to mean, or do you mean, that it is insufficient for the present traffic, or that it will be insufficient for the future traffic, supposing this new railway to bring as much traffic as existing ones? I think I explained in my last answer that it will be insufficient if largely increased traffic were brought to Newcastle.

153. Do you know the shoots at present used by the Coal and Copper Company? Yes, I do.

154. Are you aware that these shoots are the property of the Government? I believe it is a question between the Coal and Copper Company and the Government, but I have always understood the land was the property of the Government.

155. Supposing that land to be the property of the Government, and it were to be placed in the hands of the railway for the purpose of affording shipping accommodation, what time would it be necessary should elapse before those shoots could be converted to the use of this new company? I should think it could be done in from six to nine months.

156. Do you think that that site would afford sufficient accommodation for all these contemplated new companies? There are only two new companies that I am aware of, and I should think the shoots of the Coal and Copper Company would be sufficient—that is, assuming the land to be improved. I would wish to suggest a clause in the Bill to this effect, “that nothing herein contained shall alter repeal annul or in any way affect any of the provisions of the Government Railway Act of 1858.”

157. *By Mr. Hoskins*: In looking through this Bill, have you remarked whether there is any provision in this Bill that this railway should be open to the public? I have seen no such provision.

158. Do you not think it desirable that such a clause should be inserted, that the public should be at liberty to use this line of railway on paying a certain stipulated toll? In the case of Morehead and Young's Railway I said I did not consider it necessary, unless good reason could be shown that there would be some public advantage in making it. I believe that was altered in the House.

159. Have you since altered your opinion, or are you of opinion that these lines of railway should be open to the public? I think not; I do not see any advantage to the public that could accrue; they are very short lines, intended merely for the private purposes of the parties, and I do not see that any advantage could arise to the public from opening them.

160. I suppose you observe that this railway passes through land belonging to a number of people? I think most of them are promoters of the line of railway. I think Mr. Brown and Mr. Dangar are the only parties whose land it passes through, excepting the promoters of the railway.

161. *By Mr. Barker*: Do you know whether it is usual in England, or do you know a single case in England, where the promoters of a Bill for making a railway, intended for their particular and private trade, have ever been compelled to open that line for the public—I do not mean railways for private carriers, but railways merely for the trade of the promoters? I do not know an instance.

162. Assuming the power is given to the Waratah Coal Company to make the line now asked for, to terminate on their own land, do you see that it would be an advantage to anybody to have the power to come upon it, seeing it leads nowhere but to the private property of the company? If, as I assume, it was made to join on to the public railway, other parties would have facilities for running over the line and shipping their coal at the wharf of the company.

163. That assumes the using the present construction at the cost of the private company? I do assume that. I have previously stated that on these short lines the tolls are so small that it is not worth having them.

164. It is merely for carriage? Yes.

165. In your opinion, would it not be unreasonable to have the use of a wharf, constructed at private expense for a private trade? Yes, I think so, except on a private arrangement.

166. *By Mr. Garrett*: Does this Bill provide for the construction of a wharf? I think the preamble does.

167. I think you are in error? I have already stated that I have not carefully looked through the Bill.

168. *By Mr. Barker*: The plan attached to the Bill shows that it is intended to make a wharf, and I assume that the company would be bound by that;—have you seen the schedule it is proposed to attach to the Bill? No. (*A paper was handed to the witness.*)

169. That schedule does not say anything about a wharf? No.

170. Then would you infer, from the absence of all mention of a wharf, that persons would have the power of using this wharf without any extra payment—supposing the power were given in the Bill for parties to use this line, would they have the power of using the wharf also without extra payment? I do not know how that might be, but if you do not give them the power, persons who have a compulsory right to run over a line would be able so to annoy a company that they could compel them to make any arrangement they liked.

William Weaver, Esq., called in and examined:—

- W. Weaver, Esq.
5 Dec., 1862.
171. *By Mr. Barker:* You are an engineer? I am.
172. You have been employed by the Waratah Coal Company in respect to a railway proposed to be made by them? Yes.
173. Are you acquainted with the proposed line of railway? Yes.
174. Do you know how this line of railway is situated with respect to the railway now in course of being made by Messrs. Morehead and Young? Yes, it runs alongside for some distance, as shown in this plan. (*Producing a working section of the railway.*) In fact, the lines are parallel to each other for nearly three-quarters of a mile to the junction.
175. To the junction with the Great Northern? To the junction with the Great Northern.
176. I believe it has been recommended by you, that there should be a more extended curve, both for Morehead and Young's line and the Waratah, where the line forms a junction with the Great Northern? Yes.
177. Will you have the goodness to state to the Committee whether you are of opinion that it will be for the interest of all parties that there should be an extension of the curve? I think so.
178. You are also engineer for Morehead and Young's line? I am also consulting engineer for that line. I have advised that the curve should be altered from fifteen chains, as at present set out, to twenty chains; and the only objection to that being done in the first instance was, that we did not think it worth while, for the sake of getting that curve, to go on to the Australian Agricultural Company's land, which we should have had to do; but as the Waratah Coal Company have made arrangements with the Australian Agricultural Company to go on to their land, there is no longer any objection; and I think it desirable, on the part of both parties, that this alteration should be made—that Morehead and Young's should be altered from fifteen to twenty chains—which would give the Waratah Coal Company room to alter their curve, which is laid out here at ten chains, to fifteen chains; fifteen chains being the minimum curve that the present engines working upon the Northern can work. Of course, other engines could work upon the original curve; but having regard to the rolling stock of Government, fifteen chains is the smallest on which we could work advantageously.
179. As an engineer, you believe that this extended radius would be safer and more convenient for all parties? Yes, for both parties.
180. Are you aware whether there has been any communication between Messrs. Morehead and Young and the Waratah Coal Company upon the subject? Yes, I am aware that several conversations have passed between Captain Smith and Mr. Morehead in my presence.
181. It is the desire of both parties that this shall be effected, if it can be done conveniently? Yes; I understood Mr. Morehead to say, that if the Waratah Coal Company could make an arrangement with the Australian Agricultural Company for the land, he would have no objection.
182. It is proposed, besides having a junction with the Great Northern Railway at the point shown on the plan, to carry the line of railway towards Bullock Island? Yes.
183. Will you state why it is considered desirable to carry the railway across the Great Northern line to the waters of the Hunter? In order to give the Company facilities for the shipment of coal at their own wharf.
184. That is their only object? Yes; there is not sufficient accommodation in Newcastle for the increased trade about to be brought there, and I do not know what the Government are going to do; without some definite understanding with the Government as to the nature of the facilities to be provided at Newcastle, it is necessary that the Company should provide accommodation for the shipment of their coal.
185. You know a good deal of the shipping trade of Newcastle? Yes, I was there yesterday.
186. Can you inform the Committee whether the shipping accommodation is sufficient or insufficient for the present trade? The present accommodation, I should say, is not sufficient for the present trade. Perhaps I may be permitted to explain what is the nature of the present accommodation. There are now four steam cranes at Newcastle; one of them is broken and not fit for use; the other three cranes are available for the public, and are all in use by the Wallsend Company, and I am informed by the manager of that company that they constantly require the three cranes. Then, supposing Mr. Brown, of Minmi, thought proper to send his coal to Newcastle by the Northern Railway, which he can do if he pleases, there would be at the present moment not sufficient accommodation for the shipping of coal.
187. Then, when Morehead and Young and the Waratah Coal Company have their lines and mines in full operation, the accommodation will be very insufficient? It would be just now; but it is proper to explain, that of course the crane which is now broken will be put in order speedily, and there are one or two cranes now imported from England, which are lying on the wharf; at all events there is one more, so that these will afford increased facilities.
188. Supposing these companies were in full operation, would there then be anything like full accommodation? Certainly not. I should say that, with the cranes now there, the broken crane repaired, and the cranes imported from England erected, there would then be only full accommodation for the present trade, leaving out the trade of Morehead and Young, and of the proposed company—the Waratah.
189. Then, apart from the objection that the Great Northern Railway might lose the carriage of some of the coal of the Waratah Company, do you know any objection to crossing the Great Northern and carrying the line as now proposed to the waters of the Hunter? No.

190. Do you know of any engineering difficulty or objection—of anything involving expense or risk? Only the expense of keeping a man at the crossing-place.
191. Which would fall on the Waratah Company? Yes.
192. The expense of crossing would also fall on the Waratah Company? Yes, all the expense.
193. The greater part of the line goes through the property of promoters of the Bill? Nearly the whole of it.
194. There are only two or three persons affected? Mr. Moate, whose land is just touched, Mr. Dangar, Mr. Livingstone; Mr. Tully's or Mr. Bowker's land is just touched.
195. Have you looked through the clauses of this Bill? Yes.
196. Do you observe anything in these clauses different from those of other Railway Bills? No, I think they are similar to other private Bills already passed.
197. I shall be obliged if you will inform the Committee whether it is necessary to have any bridges on any part of this line? The roads all cross on the level.
198. Therefore there will be no bridges on the line? There will be bridges over swamps or creeks.
199. But there will be no bridges over public roads, navigable rivers, or under or over any other railway? Not any.
200. *By Mr. Garrett:* Do you propose to take the power to construct a wharf? No.
201. *By Mr. Lucas:* You say there is scarcely sufficient accommodation to meet the traffic upon the wharves at Newcastle? At the present moment, for instance, an accident having happened to the fourth crane there, the Wallsend Company are using all the accommodation there is there at present; therefore if Mr. Brown were to send his coal from Minmi, which he can do, instead of shipping it at Hexham, there would not be accommodation.
202. Is it a question of the number of railways, or a question of the consumption of coal, whether the accommodation for shipment is or is not sufficient at Newcastle? Of course it is a question of the consumption of coal; it depends upon the quantity of coal shipped, and would make no difference in that respect whether it were spread over a dozen railroads or were confined to one.
203. Is it not the fact that the supply is equal to the demand at present? I am not prepared to say that it is. I think the supply has heretofore been so irregular that the demand has been influenced by it, and that there will be a greater demand when people at distant parts know that by sending to Newcastle they can have coal.
204. Do you know whether there is not at present a stock of coal on hand? I believe the Australian Agricultural Company has a small quantity, but they are not allowed to keep much.
205. Does not that show that the supply is equal to the demand? No, I think it is a very small quantity.
206. However, the whole consumption is fully met now by the supply—there are now no vessels coming into Newcastle that are compelled to leave without a cargo? I believe not.
207. So that if half a dozen more companies were formed, that would not interfere with the matter? I imagine they are looking forward to an increase in the demand.
208. I am looking forward six or nine months;—you heard the answer Mr. Whitton gave to the question as to when further accommodation could be given, and that he stated it might be provided in six or nine months—do you suppose that the creation of new companies will open up a larger demand? It will very much increase the means of supply; the question of demand is rather a speculative matter. No doubt it will increase the supply, and I think there will be a greater demand when there is a regular supply.
209. You hardly think there will be a much greater demand in less than six or nine months? I cannot say.
210. *By Mr. Sadleir:* Do you not think it likely that the demand will be increased by steam navigation along the coast and with England? No doubt there will be a great increase.
211. If the Government refused to you the use of the line to convey your coal to your own wharf, would it not in effect be a monopoly by them of the coal traffic? That would be the effect.
212. If the traffic were too much for the Government to manage, what would be the effect upon your company? I presume if the Government refused to allow us to make our own arrangements they would provide accommodation for us.
213. Suppose they did not—that would depend upon the votes of the House here? Yes.
214. Then, in case of any accidents along this line, from flood or other causes, what would be the consequence to you? There is no likelihood of accident.
215. I am speaking of the Government line? Of course any interference with the carriage on the line would be an interference with our trade.
216. With regard to the wharfage accommodation, do you think the Government could give you the wharfage accommodation you could have at your own wharf, considering the number of vessels there are already trading to Newcastle? As the Waratah Company proposes to ship from a high level, I do not think any arrangement the Government could make would be so convenient as the one the company could make for themselves.
217. Have the Government the power to purchase this railway if it should interfere too much with the public traffic? No.
218. *By Mr. Hoskins:* I believe this company propose to raise coal from land selected by T. Grove? Yes, and by Mr. Dibbs and Mr. Smart.
219. They do not propose to raise coal between the junction and that portion at Bullock Island? I cannot say; I do not think they have any immediate intention of doing so.
220. If the Government give increased facilities for the shipment of coal at Newcastle, do

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- do you know whether this company would make that portion of their railway from the junction with the Great Northern Railway and Bullock Island? It is all a question of money, and depends upon the changes made by Government. Provided it can be done at a reasonable cost, it would be more to the advantage of the company to provide its own accommodation than to depend upon the accommodation that Government might provide.
221. From what you have heard, you believe that this company only intend at present to raise coal upon this land selected by Mr. Groves? Yes.
222. Therefore this line of railway would be made to convey coal from the pit sunk upon that property to the sea-board? That is all.
223. If Government gave every facility for conveying coal from Groves' selection to Newcastle, would there be any necessity for making a railway from the junction at the Great Northern to Bullock Island? There would be no necessity, but I think it would be an advantage, as it would save a mile and a half of distance to the river, and would be a saving of expense at the present rates on the railway and for shipping at the Government wharf at Newcastle. Taking the relative facilities into account, I think it would be much to the advantage of the company to do what they propose; among other reasons, and chiefly, because, as I have stated in a previous answer, they propose to ship from a high level. I do not approve of shipping by steam cranes.
224. Did you not hear from the evidence of Mr. Whitton that the Government propose to erect shoots? That might not be for some years. This expensive arrangement is not likely to be carried out for the next three or four years.
225. Do you think a private company could make arrangements for the shipment of coal, providing the distance were equal, cheaper than Government can at present at Newcastle? Yes, it does amount to that; I say, so long as present rates were maintained, the company would save money by making a line direct to the river.
226. You do not think the present rates charged by the Government for the shipment of coal at Newcastle are excessive? No, I do not think they are.
227. Do you think a private company could do it cheaper? I think they would if they carried out these proposed works.
228. By having an improved system—by having shoots? Yes, I do not think it would cost the company so much by shipping it at the jetty as by shipping it at Newcastle.
229. Because you include in your estimate the cost of conveying it the increased distance? Yes, of course.
230. I say supposing every other consideration were equal, do you not think the Government could ship coal on board vessels at Newcastle as cheaply as a private company? Supposing other circumstances were equal, but the circumstances are not equal.
231. In consequence of the increased distance? Yes, and the employment of steam cranes.
232. Do you see any difficulty in carrying out improved means of loading vessels at Newcastle by shoots? I do not suppose it would be impossible.
233. Do you think it would entail very great expense upon Government? I think it would, taking into consideration the levels of the Great Northern Railway.
234. I apprehend that there will be a great increase in the quantity of coal that will be taken to Newcastle for shipment, in consequence of the numerous lines of railway about to be opened? No doubt there will be.
235. If the production of coal increases, do you not think the Government will be justified in going to a large expense in providing increased accommodation for the shipment of coal? No doubt; I think there will be a very large increase in the traffic there.
236. Therefore, it might be to the interest of the Government to go to the expense of constructing shoots? Yes.
237. And they might then be able to come into competition with private companies who have the same appliances? Yes.
238. Does this railway traverse any part of the Newcastle Pasturage Reserve? Yes.
239. Do you happen to know whether the selectors of land under mineral leases have any surface rights—whether the lease gives them any surface rights? I believe so.
240. Have you ever seen a lease? I have not, but I have always understood that it gives surface rights.
241. There are no leases issued—I suppose you know that? No, I do not.
242. Do you know whether there is any provision in this Act securing the right of uninterrupted communication between the different portions of the Newcastle Pasturage Reserve intersected by this railway? There is no provision in the Act.
243. For cattle to cross either over or under that railway? It is a parallel case to that of Morehead and Young's Railway; there was no provision in the Act, but there is an opening in the embankment on their line over which a bridge is thrown, and the same provision will be made in this case.
244. I understood you to say that there will be no bridges required on the line—will not a bridge be required in this case? Not across a road.
245. Would it not be over the railway? It would be *under* the railway.
246. Would you not require a bridge in that case? It would not be necessary that there should be a clause in the Bill for that purpose, as the bridge would not be over a public road, or navigable river, but what is called an occupation bridge.
247. Do you know whether Thomas Grove is a shareholder in this Company? Yes; he is one of the directors.
248. Is Mr. Dibbs a shareholder? I am not aware.
249. I see a portion of the line intersects a portion of land leased by A. J. Brown? It comes through it, that is the Pasturage Reserve.
250. Do you know whether there is any clause in this Bill providing that the railway shall be open for the use of the public? I believe there is not.

251. If this line were made a private line, and the public were excluded from the use of it, would it not present increased difficulty to Messrs. Brown conveying any coal from the land through which this railway passes? No; because the line of Messrs. Morehead and Young passes through the centre of the leased land referred to, and is already open to the public.
252. Supposing Messrs. Brown were desirous of sinking a pit here at the northern corner of that land, would it not, if you were empowered to make a railway on the northern corner of their land, and were also empowered to prevent the public using your line, prevent Messrs. Brown from conveying the coal from their pit, at the northern portion of their allotment, to the shipping port? No, they would merely have to cross our line.
253. Would they not have to cross your line and that of Morehead and Young? No; I imagine they would have to cross the Waratah line, but there would be no difficulty in that; but I may state that it is very unlikely Messrs. Brown will open a pit there.
254. Would it not occasion inconvenience to Mr. Brown if he had to cross your line? I think not; but I may state as a positive fact, that Messrs. Brown have put down a pit at the south-eastern corner of the land.
255. Are not Messrs. Brown extensive coal owners? Not as regards this particular block.
256. Have they not others besides this in the Hunter District? No doubt, but the Minmi Colliery is far away.
257. Is it not very probable that Messrs. Brown, who are extensive coal owners, may be disposed to work a piece of land which they have leased from the Government? Not that at the northern corner I think.
258. Would not the making this line be an impediment to Messrs. Brown working that portion of their selection if they thought proper? No.
259. Does not your railway intersect the whole northern boundary of their allotment? It leaves only a small piece to the north; it does not leave more than a tenth or a twelfth portion of the land leased to them.
260. *By Mr. Barker:* Would not Messrs. Brown be in precisely the same position with reference to crossing the Waratah Company's Railway as the Waratah Company is at present with reference to the Great Northern, namely, that it would simply have to cross it at a level? Yes.
261. And by pursuing the same course that you have done with reference to Messrs. Morehead and Young, they would be in the same position that you are, and would have the same advantages in all respects? Yes.
262. They would have the use of a line that had been constructed by some one else? Yes.
263. And would be saved that expense? It could only prevent their opening the land at a very small portion of their selection.
264. *By the Chairman:* Are you aware whether Messrs. Brown have made any objection? I have not heard of any objection on the part of Messrs. Brown to this line.
265. *By Mr. Hoskins:* Has the line been surveyed through their land? Yes, it was staked out some months before notice was given at all.
266. *By Mr. Barker:* You were asked something about the supply of coal,—are you not aware that there is already a considerable export of coal? Yes.
267. Is not competition likely to increase that trade? I think so.
268. You said just now that you were not aware that the company were likely to work any but the land of Grove's;—have you any doubt that the company intend to work the whole of the coal field? I referred to the immediate intention of the Company; this is the portion of the land in which the seam of coal is already opened, and I imagine that for the present they would work this upper seam.
269. You do not intend to convey to the Committee that it is the intention of the company to work only that? Certainly not.
270. It is the intention of the company to work the whole of their fields? It may be; but they have commenced on this seam, and it does not exist on the lower ground.
271. *By Mr. Sadleir:* As to the supply of coal—are you aware that dyes and spirits are made from coal? Yes.
272. And that glass manufactures are likely to arise in towns where coal is easily obtainable? Yes.
273. So that the demand is likely to be considerable? Yes.
274. *By Mr. Lucas:* You are in favour of the employment of shoots for the purpose of loading vessels with coal? Yes, certainly.
275. Are there any great engineering difficulties in the way of carrying out the arrangement for the construction of shoots? The difficulty in the case of Newcastle arises from the fact that the ground about Newcastle and the Great Northern Railway is on a very low level; that would require to be got over.
276. How high would you have to raise the railway to get the proper level? Thirty feet to get a proper drop; that is to say, the present level of the railway at Newcastle is very near high water, and a shoot should not be below thirty feet above high water mark.
277. It would be very expensive to raise it to that level? Yes.
278. You have spoken of the curve;—what is the sharpest curve engines have been known to work upon? A very sharp curve of two chains radius, but then it has been a very small engine.
279. I believe now a radius of five chains is common? Eight chains is very common. There is no difficulty, of course, in a certain description of engines working this sharp curve, but we were led to adopt this fifteen chain curve in consequence of the description of engine now used on the Great Northern line.
280. The present mode of shipping by crane is very expensive? Yes.

W. Weaver,
Esq.
5 Dec., 1862.

- W. Weaver, Esq. 281. And the construction of steam cranes is very expensive? Yes, and the working is more expensive than shipping from shoots; in the case of shoots it is a matter almost entirely of the first outlay.
- 5 Dec., 1862. 282. And the saving in the annual cost of working the steam cranes would almost pay for the shoots? Yes.
283. Would you advise the adoption of a different system? I think it would be very desirable to abandon the steam cranes altogether; in fact, it has been done in England.
284. And to adopt shoots? And to adopt shoots.
285. There is plenty of earth about Newcastle for the purpose of raising the embankment? There would be no difficulty in getting material from side cuttings some little distance back.
286. There might be viaducts running along the wharf? Yes.
287. Would not that be much better than to have engines running on a level with the town? I believe that shipping from shoots at Newcastle would refer to the Bullock Island side; they would not go to the present wharf.
288. That would not involve so much greater an expense—nothing compared to the expense of shipping from the wharves at Newcastle? It is impossible to say what the expense would be, without seeing the plan; I have never seen what they do propose.
289. However, there are no engineering difficulties? None at all. No doubt, to provide for a large trade at Newcastle, it would be very desirable to alter the arrangement entirely, and to ship from shoots.
290. There would then be no likelihood of the accidents that occur at the present time from steam cranes? No.

WEDNESDAY, 10 DECEMBER, 1862.

Present:—

Mr. GARRETT,	|	Mr. LUCAS,
Mr. HANNELL,	|	Mr. SADLEIR.

SAUL SAMUEL, ESQ., IN THE CHAIR.

W. Barker, Esq., appeared as Solicitor for the promoters of the Bill.

William Weaver, Esq., further examined:—

- W. Weaver, Esq. 291. *By Mr. Barker:* You have already been examined, and have stated that you are Engineer for the Waratah Coal Company, for the construction of the line of railway sought to be made under this Bill? Yes.
- 10 Dec., 1862. 292. Will you inform the Committee the direction and course of the line of railway proposed to be made? I will hand in the schedule which describes it, and before doing so will read it to the Committee. (*The witness read the same, and handed it in. Vide Appendix.*)
293. Will you state whether the description you have just read describes the line of railway shown upon the plan annexed to the Bill before the Committee? Yes, it describes the line of the proposed railway as accurately as possible.
294. You know that is the line of railway as staked out upon the ground? Yes, as staked out upon the ground.
295. *By Mr. Garrett:* Does this proposed line cross the roads mentioned and the railway on a level? Yes, the Great Northern Railway and all roads.

APPENDIX.

Commencing at a point on land comprising three hundred and twenty acres situated at or near Waratah in the parish of Newcastle in the county of Northumberland in the Colony of New South Wales selected by Thomas Grove and running in a south-easterly direction to the southern boundary thereof thence continuing across three hundred and twenty acres of land selected by G. R. Dibbs to a point about ten chains east from the north-east corner of one hundred and sixty acres of land leased or selected by Messrs. Morehead and Young and continuing by a curved line through two hundred and eighty acres of land leased or selected by Messrs. J. and A. Brown to the western boundary of forty-two acres selected by Thomas Ware Smart thence continuing the curve through the last-mentioned selection and a line bearing north-easterly to its northern boundary across thirty-eight acres also selected by the said Thomas Ware Smart to or near the north-east corner thereof and across the south-east corner of Joseph Moate's thirty-nine acres thence continuing north-easterly across a reserved road and two parcels of land known as Henry Dangar's thirty-nine acres and Henry Dangar's thirty-three acres two roads and sixteen perches to a point on the Great Northern Railway about three miles from the city of Newcastle and across the said railway to the eastern boundary of the said thirty-three acres two roads sixteen perches thence continuing north-easterly through the north-west corner of the Australian Agricultural Company's two thousand acres to the Maitland Road and across said road thence through a parcel of three hundred and twenty acres selected by Charles Smith to a reserved road on the eastern boundary thereof and across said road to Tully's or R. R. S. Bowker's twenty-two acres crossing the north-west corner thereof and proceeding north-easterly across Livingstone's twenty-four acres to the northern boundary being also the southern boundary of one hundred and eighty-four acres selected by the said Thomas Sutcliffe Mort near to the water of the River Hunter the width of the said railway to be about seventy-five links on each side of its centre line and the total length thereof to be about three miles.

1862.

NEW SOUTH WALES.

VACCINATION.

(REPORT FROM MEDICAL ADVISER TO THE GOVERNMENT, FOR THE YEAR 1861.)

Presented to both Houses of Parliament, by Command.

MEDICAL ADVISER TO THE GOVERNMENT to COLONIAL SECRETARY.

Parramatta, 10 April, 1862.

SIR,

I have the honor, in accordance with the directions contained in your letter of March 1st, 1862, to furnish a report of the number of persons vaccinated at the several Government Institutions, shewing the age and sex of each.

2. I also forward a report from the Superintendent of the Sydney Vaccine Institution, speaking of the demand for lymph, &c. He furnishes a report of Vaccinations by various parties evidently not all medical, but shewing in some degree the extent of the general Vaccination of the country.

3. It will be perceived that the returns of the last year are considerably above the average of the preceding eight years, being above all but the two years in which an alarm of small-pox prevailed. This must of course be ascribed to the increased number of Vaccinators. The appointments being made in the last quarter, many of the gentlemen have not been able to make full arrangements, and I have no doubt that the present year will shew a large increase on the last.

4. As the service lymph of England, from which the lymph used here is derived, is considered inferior to that furnished by Mr. Ceely, of Aylesbury, or Mr. Badcock, of Brighton, I think it would be advisable to procure, from one or both of those gentlemen, a periodical supply, by which our own could be tested.

5. I annex, in the margin, the number of persons vaccinated in each year since 1853, inclusive. These figures, compared with the number of Births in the Colony, shew that much more must be done before the number of Vaccinations approaches that of Births.

6. The new arrangement seems likely to work very satisfactorily, as far as I can judge by the numbers vaccinated since the alteration took place.

1853.....	2,885
1854.....	1,842
1855.....	964
1856.....	1,523
1857.....	3,640
1858.....	1,174
1859.....	1,560
1860.....	1,584
1861.....	2,349

I have, &c.,

R. GREENUP,
Government Medical Adviser.

9) 17,541
1,949

[Enclosure 2.]

Vaccine Institution,
Sydney, 5 March, 1862.

Sir,

I do myself the honor to report, for the information of His Excellency the Governor General, my progress during the year 1861.

Judging from the number of applications from all parts of the country for vaccine lymph, the practice of Vaccination is by no means neglected, as I have supplied some hundreds of applicants.

I beg to forward a return of the names of Medical Practitioners who have furnished me with a list of the numbers vaccinated by them during the year.

The number of individuals who have undergone the operation at the Vaccine Institution amounts to seven hundred and forty-nine (749).

I have experienced a great falling off in the demand for vaccine lymph from the northern parts of the Colony, as also from New Zealand, but have forwarded, upon requisitions, supplies to King George's Sound and the various Islands of the Pacific.

The Medical Practitioners of this city practice Vaccination more regularly than in past years, as not a day passes without demands for lymph. The class of applicants for Vaccination is not of the lower class (who present themselves at the Institution).

I have, &c.,

JOHN YATES RUTTER,
Superintendent V. I.

Dr. Greenup,
Medical Adviser to the Government.

Names of Medical Men who have supplied me with Returns of the numbers Vaccinated during the year 1861.

William Large, Tumut	30	— Cumberland, Five Dock.....	4
H. Rowland, Carcoar	13	W. Merrywether, Cooma	29
— Marshall, Wollongong	17	Alex. Skinner, Armidale.....	10
Mrs. Darvall, Ryde	50	Hy. Glennie, Singleton	130
H. Day, Windsor	5	J. G. Irving, Shoalhaven	5
J. H. Bryan, Windsor	17	Jas. Watson, Wollombi	77
E. Clark, Kiama	48	J. Rannett, Albury	70
H. Glennie, Singleton	34	Wm. King, Mudgee	6
E. M'Kinlay, Dungog	57	J. Bransgrove, Cooma	36
Andrew Ross, Molong.....	19	Thos. Nutt, Lambing Flat	80
Allen B. Morgan, Wagga Wagga	16	— Barker, Casino.....	69
E. O'Brien, Appin	15	— O'Brien, Appin	28
F. Calor, Singleton	22	Dr. M'Inlay, Dungog	1
J. Buckland, Molyan	2	„ Ross, Molong	6
C. Vinies, Yass	17	„ Robertson, Rockhampton	2
— Grant, Grafton.....	118	„ Peckerton, Braidwood	30
— Young, Eden	5	„ Brown, Parramatta	57
— Marshall, Wollongong	7	„ Morris, Cassilis	27
C. E. Gabriel, Kempsey	5	„ Selkirk, Richmond	1
H. Holland, Bannockburn	7	„ Tebbitts, Dubbo	45
Dr. Comefroy, Eden.....	20	„ Hinton, Sofala	62
W. Arthrop, Gundagai	22	„ Boot, Moruya.....	45
C. Inglis, Tumut	1	„ Hunt, Scone	18

From this number, the number of unsuccessful cases reported is 40.

1862.

—
 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

MR. JOHN ANDERSON ROBERTSON.

(PETITION OF.)

Ordered by the Legislative Assembly to be Printed, 28 May, 1862.

Unto the Honorable the Legislative Assembly of New South Wales.

The Petition of John Anderson Robertson, Esquire, Writer to the Signet, late
 Commissioner of Crown Lands for the District of Bligh, in that Colony,—

HUMBLY SHEWETH:—

That your Petitioner having, in the year 1851, submitted to Her Gracious Majesty the Queen, the hardships he had endured from the year 1843, when his office of Police Magistrate in New South Wales was suppressed by the Legislative Council of the Colony (an office conferred on him by Lord Glenelg, in 1839, on resigning his Treasury appointment in the Audit Office), the Queen was graciously pleased to cause inquiry to be made into his case, and finding his age precluded his being restored to Her Majesty's Treasury, Lord Grey, then Secretary of State, by Her Majesty's desire, wrote a strong letter of recommendation in favour of your Petitioner, to Sir Charles Fitz Roy, then Governor General of New South Wales, and the sum of seventy pounds was paid, by the Queen's commands, out of the Privy Purse, for the Petitioner's passage to Sydney.

Soon after your Petitioner's arrival at Sydney, Sir Charles Fitz Roy appointed him in January, 1852, to the Commissionership of Crown Lands for Bligh, with a salary and allowances of nearly £500, and residence, in which office your Petitioner continued till July, 1856, when he was summarily removed by Sir William Denison, who had succeeded Sir Charles Fitz Roy as Governor General, in the year 1855.

The following was the mode of your Petitioner's dismissal:—In 1855 a protégé of Sir William Denison, named Alfred Pickwood, was appointed Clerk of the Bench at Dubbo, where your Petitioner presided as Police Magistrate (an extra office entailed upon your Petitioner without pay), and Mrs. Pickwood having brought a charge against your Petitioner of an indecent assault upon her, he was summoned before the Magistrates of the District of Bligh. Accordingly the Magistrates, misled by their want of knowledge of Mrs. Pickwood's previous history and character, believed her unsupported oath, and pronounced a most extraordinary verdict, damaging her own statement, and yet fining your Petitioner one farthing damages as the punishment for this very serious charge.

Your Petitioner transmitted this judgment to the Governor General, and demanded the removal of Mr. Pickwood. But instead of doing so, His Excellency referred the papers to the Executive Council, and your Petitioner was called upon to shew cause why he should not be removed from office.

He did accordingly shew cause and prayed to be heard in defence. The Council granted this prayer, but His Excellency cancelled the order, and thereafter your Petitioner received, in July, 1856, a letter dismissing him from his office without a day's warning.

Your Petitioner returned to England early in 1857, bringing with him a letter from the Bishop of Sydney to Mr. Labouchere, the then Colonial Secretary, stating his Lordship's very favourable opinion of your Petitioner, and a certificate from the Chief Commissioner of Crown Lands, that your Petitioner had performed his public duties to the entire satisfaction of his superior officer.

Your Petitioner petitioned the Privy Council in May, 1857, to be allowed to appeal, and the Queen's Order in Council, calling for the papers, was transmitted to Sydney by the Colonial Secretary of State.

On the arrival of these papers in May, 1858, your Petitioner printed them, and his law advisers were engaged in preparing his appeal case, when a petition was lodged by the Governor General, praying that the Queen's Order in Council might be rescinded. This petition was heard at the Bar of the Privy Council, when the Lord Advocate of Scotland appeared on behalf of your Petitioner, and their Lordships held that the Order must be rescinded, as the Governor General pled that your Petitioner had no right of appeal, from your Petitioner's commission being granted on the Governor's sole authority, which His Excellency could recall at pleasure. At the same time His Excellency sent Home the papers in the case, he transmitted another despatch—copy of which was sent your Petitioner by Lord Stanley, then Secretary of State—claiming a sum of sixty pounds which your Petitioner had collected during the time he held his office, and His Excellency understanding your Petitioner had been appointed to another office, he requested the Secretary of State to receive the money, which would save the Colony the expense of proceeding civilly or criminally against your Petitioner in the matter.

To this demand your Petitioner informed Lord Stanley that the sum asked was only a portion of his collections when in office; but from having no access to the books of his office, from the manner of his instant removal, which prevented the adjustment of the same, and your Petitioner besought His Lordship to call for a full statement of the amounts, and to allow them to remain over till the issue of the appeal, when, if successful, as your Petitioner's Counsel had no doubt he would be, the arrears of salary would more than meet the whole balance due.

Before the Petitioner received a reply the Privy Council had dismissed the appeal on the technical objection made by the Governor General, and your Petitioner then memorialized Sir Edward Bulwer Lytton, who had become Secretary of State, praying for relief. This Memorial was recommended and forwarded to the Colonial Office by Mr. Inglis, your Petitioner's leading Counsel, then Lord Advocate of Scotland, and now Lord Justice Clerk—and that Memorial has never been disposed of, as the only communication your Petitioner had in reply to his former letter stated that the accounts had been called for from the Governor, but that the money admitted to be due ought to be refunded.

To this demand your Petitioner pled his total inability to pay any money, but if the Secretary of State would hold out any hope of his being re-appointed to office, the Petitioner thought it probable he might get the sum required, for otherwise no one would advance money without seeing a prospect of repayment. These are the facts.

The Petitioner has been in the service of Government since 1834. He performed his duties to the satisfaction of his superiors; and when this unjust charge is brought against him, he is at once dismissed. The authorities at Downing-street are prejudiced against him by Governor Denison bringing forward a claim for £60, a portion of a sum collected by your Petitioner, and for which the Governor suggests your Petitioner may be criminally prosecuted, at the very time your Petitioner is urging an appeal against the Governor for re-establishment to the office he had deprived your Petitioner of, and the accounts in which were not called for when he left the Colony to obtain justice in England, nearly six months after his dismissal. So the Governor having damaged your Petitioner's interest in Downing-street, and quashed the proceedings at the Privy Council in 1858, your Petitioner was utterly prostrated, for he could not approach the Throne with a case embodying the disgusting charge of an indecent assault upon a female. Your Petitioner has therefore remained for some years in profound grief, not knowing where to turn for relief, when, in the providence of God, he heard from his eldest son, who is a clerk in the District Police Court at Melbourne; that the Mrs. Pickwood, who had so cruelly charged your Petitioner in 1855, had applied at the Police Office for a summons against her husband for desertion, and for support of her children. The history of these worthless people since your Petitioner left the Colony, in December, 1856, is unknown to him; but he had heard enough of them before, and strangely does this discovery of their present proceedings break upon your Petitioner. The finger of God seems to point out the propriety of appealing to your Honorable House in search of redress.

Your Petitioner approaches your Honorable House with the greatest respect, and with no small anxiety; for if the door of your Honorable House is shut upon him, his case and his character are lost for ever. Prevented from being heard in person before the Executive Council, by Sir William Denison's sole act, by his individual order the day after his Council had issued a Minute for your Petitioner's appearance before them—excluded from the Privy Council, on the Governor General's motion before that body, on the ground that your Petitioner could not be heard, as the Privy Council had no authority over his acts towards inferior officers—though they might have had, your Petitioner been appointed directly by the Queen—your Petitioner now claims the protection of your Honorable House as the guardian against all acts of injustice done in the Colony. It was very trying to be shut out from a hearing before so competent a Court as the Privy Council, when your Petitioner was quite prepared, and in a letter just received from one of your Petitioner's Counsel, Mr. James Anderson, Queen's Counsel, he says—"The convictions on the minds of your Counsel, the late Lord Advocate and myself, that on the *merits* your case was *complete*, and that you were only prevented from getting into it in the Privy Council by a point of *form*. The Lord Advocate expressed this opinion at the time the question was argued before the Judicial Committee."

It is not, however, too late to try the question now—your Petitioner is confident he would have justice done him by your Honorable House. All he claims is to be tried—to be heard in his defence. Every felon is entitled to this act of justice, and no man is safe if any vile woman having a grudge against another, or being used as the tool by the enemies of a public man, makes a false oath, and that oath unsupported, contradicted by written documents which could not have existed if what she swore was true, and which letters were
sent

sent to the Governor by the Petitioner when he first heard of this monstrous charge, and retained by His Excellency when he desired the Prosecutor to bring the charge before the Dubbo Bench.

These all important letters were thus retained in Sydney, and the Dubbo Bench refused to wait for their production. The important point in these friendly letters is their respective dates, written by Mr. Pickwood to your Petitioner in his usual manner, two or three weeks after the time Mrs. Pickwood had sworn she had communicated to her husband the alleged assault. Your Petitioner possesses the original letters, and copies of them were retained by the Colonial Secretary from the original, and now lie with the papers in his office in Sydney. Besides, surely in a matter of this sort character has much to do with the process of finding where the truth lies. The party making the charge was a stranger in the Colony where your Petitioner had for twenty years been a public officer, and the after conduct of this woman will confirm the impression on any honest mind that your Petitioner could not be guilty of the crime laid to his charge. Your Petitioner would refer your Honorable House to the Lord Bishop of Sydney as to his moral character. Besides being disgraced and dismissed your Petitioner is rendered utterly penniless, depending on his children for support out of their limited salaries. All the Petitioner's patrimony has been spent in his repeated voyages to and from the Colony,—and now, without salary, pension, or hope of obtaining the means of support, he is left in his old age the victim of gross injustice, after nearly a lifetime spent in the service of the Colony. The Petitioner cannot think he cries out for help from your Honorable House in vain.

Your Petitioner trusts, too, he has a claim to be heard, independent of the cruel sufferings he has of late endured, from his having held office as Police Magistrate at Scone from 1840 to 1844, when his office was reduced by the Colonial Parliament, and deprived by the Secretary of State of his share of the money voted by that House, as a compensation for loss of office; and from having been obliged three times to bring his family from London to the Colony, in consequence of the suppression of his office in 1844. Your Petitioner prays and beseeches your Honorable House to remit his Petition to a Committee of the House, to investigate your Petitioner's case, for he declares he has never been tried before a competent Court, and call for proof of the antecedents of Mr. and Mrs. Pickwood—the protégés of Governor Denison, with whom he was acquainted in Van Diemen's Land; and beyond all, their career since 1855, which will go far to confirm your Petitioner's opinion of this woman, when he stated, in his defence before the Bench, that Mrs. Pickwood was a drunkard, and an abandoned woman. For this language, a solicitor at Bathurst (Mr. M'Intosh), instituted an action of damages against your Petitioner; and before he left the Colony, in 1856, he had to pay to Mr. M'Intosh upwards of £34 for the suppression of language which your Petitioner believes was true in every respect.

It does not become your Petitioner to attempt to point out the remedy your Honorable House may be inclined to apply to your Petitioner's case; he only trusts your Honorable House will entertain it, rescue his name from that list of persons who have been dismissed the Government service on an unjust charge, and restore him to his position in life. Your Petitioner claims redress at the hands of the Colony he has so long faithfully served, and trusts he will be restored from starvation in this remote Island to the bosom of his family in Australia.

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

J. A. ROBERTSON.

*Amhurst House, Guernsey,
18 December, 1861.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. CORNELIUS BRIDE.
(PETITION OF.)

*Received by the Legislative Assembly, 1 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of Cornelius Bride, of Cunnamulla, Warrego River, in the
Colony of Queensland,—

RESPECTFULLY SHEWETH:—

That during the month of June, 1859, or thereabouts, your Petitioner tendered for certain land on the Warrego River, in the Colony of New South Wales, called Eringa, West Eringa, West Billaby, Billaby, Eubady, West Eubady and Dungany.

That the local Commissioner reported the same to be in Queensland, without having visited the locality.

That upon the local Commissioner's report, the said tenders were referred to the Chief Commissioner of Crown Lands of Queensland.

That the local Commissioner has reported favourably upon the subsequent tenders of a person named Collins, for the said lands, as being in the Colony of New South Wales, and the said lands gazetted in Collins' favour.

That your Petitioner has sustained grievous injury, by the partiality shewn in the matter.

That upon the tenders being referred to Queensland, your Petitioner paid twelve pounds ten shillings upon each Run so tendered for, into the Treasury, at Brisbane, Queensland, which money has since been refunded to your Petitioner, the land being found to be in New South Wales.

That the said Runs are fully, or rather commence, forty miles, or thirty miles, below the Queensland boundary, and improvements made thereon, which the local Commissioner must have seen, if he ever visited the locality, or else wilfully mis-reported these Runs to be in Queensland.

That the Chief Commissioner of Crown Lands of the Colony of New South Wales, supporting the reports of his subordinate, affords your Petitioner no relief.

Your Petitioner begs that the case may be fully investigated, and redress afforded him, which his remonstrances to the Head of the Crown Lands Department have failed to effect, and that your Petitioner may be put in possession of the lands unjustly licensed to Collins.

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

CORNELIUS BRIDE.

1862.

LEGISLATIVE ASSEMBLY:
NEW SOUTH WALES.

MRS. KATHERINE HAMELTON HARPER.
(PETITION OF.)

*Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The respectful Memorial of Katherine Hamelton Harper, widow of the late
William Harper, formerly Government Surveyor in this Colony,—

RESPECTFULLY SHEWETH:—

That her late husband, William Harper, arrived in this Colony in the year 1821, recommended by the Home Government for an appointment, and was consequently employed as land surveyor for a period of seven years, and performed his various duties, both in the office and in the field, in the most satisfactory manner. Notwithstanding his robust health and strength, the arduous duties devolved on him considerably affected his health, and he at length was attacked by fever, which deprived him of his sight at the early age of thirty-four years, unfitting him for the high office of Surveyor General, for which a commission had been signed for his appointment by His late Majesty King George the Fourth.

That your Memorialist has been a widow twenty-five years, and has had to struggle very hard to support herself and family—the youngest is, and has been many years, bedridden.

Your Memorialist respectfully lays her case before your Honorable House, praying for such relief as you may be pleased to grant.

And will ever pray.

K. H. HARPER.

Hunter's River, 20 January, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JOHN M. BATE.

(PETITION OF.)

Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of John M. Bate,—

RESPECTFULLY SHEWETH :—

That Petitioner's brother was appointed to office in 1827, as Assistant Surveyor of Distilleries, and after several years, was appointed Surveyor of Distilleries.

That in 1835, while holding the above office, he received from the Colonial Secretary's Office the following circular, viz :—

"(Circular.)

*Colonial Secretary's Office,
Sydney, 29th May, 1835.*

" Sir,

" I am directed by His Excellency the Governor to inform you, that the gratuities authorized by the Secretary of State's Despatch of 29th September, 1831, can be claimed, in case of reduction, by those officers only who were in employment on the receipt of that Despatch in the Colony, on the 13th February, 1832, and that the persons appointed to office since will have no claim to a gratuity on reduction, under that authority.

" I have the honor to be,

" Sir,

" Your obedient Servant,

(" For the Colonial Secretary.)

" (Sgd.) T. C. HARRINGTON."

" The Surveyor of Distilleries.

That in 1838 the situation of Surveyor of Distilleries, then held by Petitioner's brother, was abolished, as intimated in following copy of a letter from the Colonial Secretary :—

*Colonial Secretary's Office,
Sydney, November 12th, 1838.*

" Sir,

" I am directed by His Excellency the Governor to inform you, that as it is proposed to bring the new Distillery Law into operation under control of the Officers of the Customs, the situation of Surveyor of Distilleries, which you have held, will be abolished.

" I have the honor to be,

" Sir,

" Mr. Richard Bate.

" Your obedient Servant,

" (Sgd.) E. DEAS THOMSON."

Your Petitioner's brother immediately put forward his claim for two years salary, authorized by the Despatch referred to in the Colonial Secretary's letter of 29th May, 1835.

That in consequence of the loss of office, Petitioner's brother turned his attention to other pursuits, viz., farming; and having collected what means he possessed, by disposing of property in Sydney, he purchased land in the country and made improvements thereon, looking forward to the receipt of the money he was entitled to from the Government for the loss of his situation, to enable him to complete his preparations; but in consequence of not receiving it or compensation in any shape whatever, he was unable to carry out his intentions, and not only lost the land he had purchased and improved, but was indeed almost ruined.

That the records of the Colonial Secretary's Office will abundantly testify the unceasing efforts made by Petitioner's brother to obtain redress at the hands of the Government, during the eleven years that elapsed between the period of the abolishment of the office and his death, which happened in December, 1849; and that no complaint had ever been made

against him, neither had he ever been censured for any neglect of duty, but that he was allowed, in the face of a contract entered into on the part of the Government with its servants, to die almost in want, under the bitter feeling that he had no means of enforcing payment of a debt the justice of which had never been disputed.

That by the death of Petitioner's brother, who died intestate, Petitioner is his next of kin and heir-at-law, and as such, Petitioner applied to the Government for payment of the claim referred to, and during the time that has elapsed since the death of Petitioner's brother to the present, has made repeated applications without success.

That in consequence of the non-payment of the claim referred to, Petitioner's brother was placed in great difficulties, and the land that he had purchased with the savings of former years was necessarily sold at a considerable sacrifice, thereby reducing him from a comparatively easy position to one of poverty and distress, whereas had the land remained in possession of Petitioner's brother, it would at his death have devolved on Petitioner, and would at this time been of considerable value.

That your Petitioner humbly submits that, in taking into consideration Petitioner's case, the circumstance of the claim being so long unsettled should also meet with attention, as the interest alone on the principal would amount to a considerable sum.

That Petitioner begs to name a few of the cases where gratuities have been given by the Government to parties claiming under the authority referred to, viz :—

Charles Cowper, Agent or Clerk to the Church and School Corporation; Mr. Busby, senior, Superintendent of Sydney Water Works; Mr. Busby, junior, Assistant Do; Mr. D. Egan, Master Boat-builder; Mr. J. S. Hanis, Colonial Architect;—this case was allowed and paid after a period of upwards of twenty years had elapsed.

That your Petitioner, therefore, humbly, and with confidence, lays his case before your Honorable House, and prays for such redress as your Honorable House may in its wisdom consider best.

For which, as in duty bound, your Petitioner will ever pray.

JNO. M. BATE.

Sydney, 19th Augt., 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JOHN SMITH, BAILIFF OF DISTRICT COURT,
SHOALHAVEN:
(PETITION RESPECTING.)

*Received by the Legislative Assembly, 19 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The Petition of the undersigned Residents of the District of Shoalhaven,—

HUMBLY SHEWETH,—

That your Petitioners having heard that the following questions were asked in your Honorable House, on the 3rd day of July, 1862,—

- “ 1st. Was John Smith, the Bailiff of the District Court, Shoalhaven, dismissed from the Police Force, for misconduct, about five years ago? ”
“ 2nd. Was the aforesaid John Smith brought before the Shoalhaven Bench of Magistrates, charged with Arson? ”

That your Petitioners regret the above imputations, through your Honorable House, should have been cast upon John Smith, the Bailiff of the District Court, Shoalhaven, and it is the humble request of your Petitioners, on behalf of the said John Smith, that your Honorable House will, by a strict investigation of the matter alluded to, remove the scandal of the imputation so unjustly injuring the character of the said John Smith.

That your Petitioners are of opinion that the said John Smith is a fit and proper person to hold the office of Bailiff of the District Court, Shoalhaven. And your Petitioners beg most humbly but forcibly to remark, that they are strengthened in their opinions by the Bench of Magistrates, Shoalhaven, having lately appointed the said John Smith to be the Bailiff of the Court of Requests.

That your Petitioners are also of opinion that the alleged imputations brought under the notice of your Honorable House, bearing upon the character of the said John Smith, have been made by certain parties in this District, for the purpose of unjustifiably injuring the character and ruining the prospects of the said John Smith. And your Petitioners feel that it would be an act of oppression to allow the imputations complained of to go forth without your Honorable House investigating the matter.

And your Petitioners trust your Honorable House will give this Petition your most serious consideration.

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

[Here follow 458 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JOHN SMITH.

(LATE BAILIFF OF DISTRICT COURT, SHOALHAVEN.)

Received by the Legislative Assembly, 16 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of John Smith, late Bailiff of the District Court, Shoalhaven,—

HUMBLY SHEWETH:—

That your Petitioner has read with deep concern, the Parliamentary report of 3rd July, 1862, wherein the following questions were asked in your Honorable House:—

“1st. Was John Smith, the Bailiff of the District Court of Shoalhaven, dismissed
“ from the Police force about five years ago?”

“2nd. Was the aforesaid John Smith, brought before the Shoalhaven Bench of
“ Magistrates, charged with arson?”

That your Petitioner was discharged from the office of Bailiff of the District Court, Shoalhaven, on the 31st July, 1862, by the order of their Honors the Judges of the said Court, and through the instigation of the Chief Secretary.

That your Petitioner feels that an act of injustice and oppression has been committed upon him, first, in so being discharged from the means of earning a living for himself and large family of twelve children, without the privilege of offering an explanation; and second, that such dismissal following after the questions asked in your Honorable House, will have the effect of ruining his worldly prospects, and damaging to a very serious extent his character and reputation as an honest and upright resident of this Colony, and would in all probability rest as a stigma upon his family hereafter. Your Petitioner therefore prays that your Honorable House will take the premises into consideration, and allow him to bring under your notice the whole facts of the case connected with the questions asked in your Honorable House, so that the act of oppression which has been so unjustly laid upon him, and the stigma of shame under which he labors, may be removed.

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

JOHN SMITH,
Nowra.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. This includes both primary and secondary data collection techniques. The analysis focuses on identifying trends and patterns over time, which is crucial for making informed decisions.

The third section provides a detailed breakdown of the results. It shows that there has been a significant increase in sales volume, particularly in the middle and lower income brackets. This suggests that the current marketing strategy is effective in reaching these target audiences.

Finally, the document concludes with several key recommendations. It suggests that the company should continue to invest in research and development to stay ahead of the competition. Additionally, it recommends a more targeted marketing approach to further optimize resource allocation.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. ARTHUR J. LIDDINGTON.

(PETITION OF.)

Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Arthur J. Liddington, resident in the Colony aforesaid,—
RESPECTFULLY SHEWETH:—

That your Petitioner emigrated from England to this Colony, and arrived in the year 1825, bringing with him property and cash to the amount of £500, and an order from the then Secretary of State to the Governor here, to give him land in proportion to his means.

That your Petitioner was advised to accept, and received, an appointment in the Commissariat Office, under Deputy Commissary General Wemyss, being employed in the Cash Office.

That your Petitioner, subsequently, was requested by that officer to join the Account Branch of that department, for the purpose of making up his accounts.

That your Petitioner's health failed from the laborious nature of those duties, which necessitated his retirement to the country for a considerable time, after which he received an appointment in the Colonial Office, having four clerks under him to carry on his duties.

That your Petitioner repeatedly applied for his grant of land, verbally, and in writing, but was always informed that he could not have it whilst he held a Government appointment.

Your Petitioner was also informed by the late Surveyor General Oxley, in the presence of Alexander Berry, Esquire, that the order for his grant of land was in the Surveyor's Office, signed by the Governor.

But from the fact of your Petitioner holding his appointment during the administration of Governor Bourke, at which time grants of land were done away, your Petitioner was wrongfully kept out of his claim.

Your Petitioner therefore prays that your Honorable House will take into your consideration his Petition for such compensation as he may in your wisdom be considered entitled to.

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

ARTHUR J. LIDDINGTON.

*Willow Park, Luddenham,
1st September, 1862.*

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. PERCY SIMPSON.

(PETITION OF.)

Received by the Legislative Assembly, 18 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and Honorable Members of the Legislative Assembly of New South Wales.

The humble Petition of Percy Simpson,—

MOST RESPECTFULLY SHEWETH :—

That your Petitioner arrived in Sydney, November, 1822, bringing a letter of introduction to Governor Sir Thomas Brisbane, from the late Sir Henry Torrens, Adjutant General, in which Sir Henry stated that your Petitioner "held the situation of Judge Advocate, " and subsequently Local Governor of one of the Ionian Islands for some years, and he " returned to England in consequence of the reduction of the regiment to which he belonged, " bringing with him a strong recommendation from Sir Thomas Maitland, with a request " from the General that I would exert myself in the behalf of Mr. Simpson, and I feel " assured that, should you have an opportunity of serving him, he will prove himself worthy " of your favourable notice and protection."

That your Petitioner was appointed by the then Governor, the late Sir Thomas Brisbane, on 1st January, 1823, to form a new Colony and penal settlement at Wellington Valley, with a view to lessen the expense of maintaining the large number of convicts then rationed by the Commissariat Department in Sydney and elsewhere, and the successful formation of such an establishment was considered as being intimately connected with the rising interest of the Colony.

That your Petitioner conducted the expedition 100 miles beyond Bathurst, through an unknown country, that had never been previously explored, an undertaking in those days of more than ordinary difficulty, great personal deprivation and hardships to your Petitioner, who devoted his sole attention to the very arduous duties entrusted to him, for three and half years, at Wellington Valley, after which period it was considered desirable to discontinue the settlement, and which was finally broken up, your Petitioner's services discontinued without his claim on Government being liquidated or settled in accordance with the terms on which he was engaged.

That your Petitioner subsequently held other offices of trust and responsibility, the duties of which he discharged in a satisfactory way.

That in 1842 your Petitioner, then a Police Magistrate of some years standing, together with some twelve or more Police Magistrates, was discontinued without any compensation having been granted to your Petitioner.

Your Petitioner now humbly prays that your Honorable House may be graciously pleased to institute such inquiry into his case, and the discontinuance of his services, from economical arrangements, without compensation, as to your Honorable House may seem just and reasonable, and your Petitioner as in duty bound, will ever pray.

PERCY SIMPSON.

Parramatta, 18 September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

JEREMIAH O'BRIEN.

(PETITION OF.)

Received by the Legislative Assembly, 3 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Jeremiah O'Brien, of Scone, in the Colony of New South Wales, Farmer,—

HUMBLY SHEWETH :—

That on or about the twenty-sixth day of September, in the year one thousand eight hundred and sixty-one, your Petitioner was arrested under a warrant granted upon the information of William Little, Esq., of Scone aforesaid, Justice of Peace in and for the Colony of New South Wales, charging him with horse stealing. Your Petitioner was confined in the Lock-up at Scone aforesaid several hours, and subsequently brought before the Bench, remanded, and admitted to bail several times, and eventually on the eighteenth day of October, one thousand eight hundred and sixty-one, committed to take his trial at the Quarter Sessions holden at Muswellbrook, in the Colony of New South Wales, before which date, however, your Petitioner was informed by the Police Magistrate of Scone, that the Honorable the Attorney General found no Bill against him, and declined to prosecute the said charge.

Shortly afterwards, to wit, about the twenty-first day of November, one thousand eight hundred and sixty-one, your Petitioner commenced an action in the District Court, at Scone aforesaid, against the said William Little, for malicious prosecution, which was on the eleventh day of December, one thousand eight hundred and sixty-one, tried before Mr. District Court Judge Purefoy and a Jury of four, at which trial your Petitioner produced the party from whom he purchased the filly he was charged by the defendant in the said cause with stealing, and after hearing the evidence, the Jury found a verdict for your Petitioner, the plaintiff, with damages fifty pounds; the defendant then appealed to the Honorable the Supreme Court, on account of the said Judge having improperly admitted some evidence at the said trial, when the appeal was granted, a new trial ordered, and your Petitioner directed to pay the costs of the said appeal.

On the ninth day of September instant, the said cause was again tried at Scone, before Mr. District Court Judge Purefoy and a Jury of four, which resulted in nothing, the Jury being divided in opinion, and therefore discharged.

Immediately afterwards, to wit, on the tenth day of September instant, Mr. H. W. Ellis, Counsel for the defendant, applied to the Court to change the venue of the said cause from Scone aforesaid, alleging in his speech that as the cause had been before a Jury twice at Scone, it was likely to become popular, and that it could be more fairly tried elsewhere; and although Mr. W. J. Forster, Counsel for your Petitioner, opposed the application, on the ground that it was unsupported by any affidavit, that it would be ruinous to your Petitioner, who could not afford to attend and bear the expense of taking his witnesses elsewhere, and that the effect of changing the venue would be a frustration of justice, and prevent the cause being tried on its merits, and equivalent to an order for your Petitioner to pay all the costs hitherto incurred, and that an affidavit of the above facts would be filed in Court (which has since been done, and a copy hereunto annexed), notwithstanding this, the Judge ordered the venue of the said cause to be changed from Scone aforesaid, to Maitland, a distance of seventy-five miles from Scone, and further ordered the unsuccessful party to pay all the costs, and this unsuccessful party must be your Petitioner, as he cannot appear.

The

The defendant, Mr. William Little, is a wealthy and influential person in the District of Scone aforesaid, and able to meet the increased expense, and the effect of this order will be to give him a verdict in the said cause, as he will be able to appear, and your Petitioner will not, which your Petitioner respectfully submits to the Honorable House is contrary to the spirit of the District Court Act, that was framed for the purpose of bringing justice to every man's door, and not to compel suitors to travel long distances, to the advantage of the rich man and injury of the poor.

And your Petitioner respectfully submits that the hardship in his case results from the arbitrary power given to the Judge to remove the venue in this cause, or grant as many new trials as he may think fit, or as long as the verdict does not agree with his views or wishes; and your Petitioner believes, and it is the expressed opinion of others, that as often as your Petitioner gains the said cause, a new trial will be granted, as the Judge expressed himself strongly in favour of the defendant, and appealed to one of the jurymen personally, by name, in summing up the last trial; and your Petitioner is advised and informed that by the District Court Act the Judge has the power, without any restriction, to grant as many new trials as he may choose, and that the right of appeal does not lie to any Court of Law against the exercise of this arbitrary power.

And your Petitioner humbly prays, that as this Honorable House being the only legally constituted tribunal which can interfere to prevent your Petitioner suffering an injustice, through the powers conferred by the said Act, will cause an investigation and afford redress, or grant such other relief as to your Honorable House may seem meet.

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

his
JEREMIAH × O'BRIEN.
mark.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. JOHN BUSBY.

(PETITION OF.)

Received by the Legislative Assembly, 15 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of John Busby, now residing in Sydney,—

RESPECTFULLY SHEWETH :—

That your Petitioner came to the Colony in the beginning of 1824, with the view of remaining in it.

That in a letter to your Petitioner's late father, from the Colonial Department, dated 29th March, 1823, he is told, that, "I am instructed to acquaint you, that if any of your sons who may proceed with you take with them capital to the amount of £500, they will be considered as settlers, and have grants of land, with the usual indulgence of convict labour." That the regulations of the Government forbade the issue of grants to any employed in the Government Service; but the Government promised that such as came to the Colony to settle should have the land on relinquishing such employment.

That your Petitioner, in giving up an office he held under Government, made an application accordingly, but was informed that His Excellency the Governor did not consider that the above quoted extract contained a promise; yet many obtained land who had not the means nor the purpose of settling, but at once sold their claims.

Your Petitioner respectfully submits that the intention of the Ministry was that the Country should be settled, and that the construction placed upon the above communication virtually charged the Secretary of State with a heartless mockery.

Your Petitioner, therefore, respectfully submits his case to your impartial consideration, and to award him that justice which a consideration of the case warrants.

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

JOHN BUSBY.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. GEORGE JOLL.

(PETITION OF.)

Received by the Legislative Assembly, 21 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of George Joll, late Teacher, of Appin,—

SHEWETH:—

That he arrived in this Colony in the year 1828, and immediately upon your humble Petitioner's arrival he was very kindly received by the Venerable Archdeacon Scott, who took a warm interest in your humble Petitioner's future prospects, by strongly recommending him to the Revd. Mr. Reddal, of Campbelltown, (the Church of England Minister,) as a suitable person for the imparting of education to children. The Revd. Mr. Reddal, after examining your humble Petitioner upon the necessary points, at once placed him at Lower Minto, under his direction, as a teacher in connection with the Church of England. This appointment took place in the early part of the year 1829, which appointment your humble Petitioner continued to hold for a period of about five years, and discharged the duties with satisfaction to his superiors and credit to himself. The school at Lower Minto having declined, in consequence of the inhabitants leaving the district, the Revd. Mr. Reddal obtained an appointment for your humble Petitioner, at Appin, as a public teacher for all children who might attend the school, without reference to creed. This second appointment your humble Petitioner held for five years. When your humble Petitioner arrived at Appin there was no place suitable for carrying on a school, nor any residence for himself, and your humble Petitioner having a few pounds of his own, purchased a piece of ground, and, with the assistance of a friend, it enabled your humble Petitioner to erect a dwelling thereon, which your humble Petitioner used as a school-house and residence for himself.

While your humble Petitioner was in Appin he was also appointed Poundkeeper, but in consequence of subsequently accepting the honorable office of Postmaster for the town of Appin, your humble Petitioner resigned the duties of Poundkeeper, and held the office of Postmaster for a period of thirteen years, and thus discharging the duties of the two callings at one time.

In the year 1838 your humble Petitioner was offered a more lucrative employment, which he was induced to accept solely for the purpose of liquidating the debt your humble Petitioner had incurred in building his house; and during his absence of about four years, there had been four different teachers, who failed to meet the wishes of the inhabitants, consequently, the inhabitants solicited your humble Petitioner to return to his original appointment as teacher for Appin. In consequence of the failing health of your humble Petitioner he was obliged to resign the various duties, being obliged to attend the receipt and dispatch of the mails every morning throughout the year, at the early hours of 4 and 5 a.m., on account of which your Petitioner's health became seriously impaired.

Your Petitioner, therefore, humbly prayeth that your Honorable House may be pleased to take into consideration the long services which your humble Petitioner had the honor to perform in the three Government situations above mentioned.

That your Petitioner is in his 70th year, and is totally unable to follow any kind of occupation, and is therefore unable to keep himself in the common necessaries of life.

Your Petitioner, therefore, humbly prayeth that your Honorable House will be pleased to take his case into your kind and generous consideration, and, as in duty bound, your humble Petitioner will ever pray.

GEO. JOLL.

Appin, 15 October, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

JAMES KILLOUGH.

(PETITION OF.)

Received by the Legislative Assembly, 19 November, 1861, and Printed under the Sessional Order of 4th June, 1862.

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

The Petition of James Killough, late a Constable in the Gunnedah Police, in the District of Liverpool Plains,—

HUMBLY SHEWETH :—

That your Petitioner has been for a period of ten years in the Police Force of New South Wales, six years of which he has been attached to, continuously, the Police at Liverpool Plains, and has been in receipt of good conduct pay for the last three years.

Your Petitioner was formerly in the Army—the 11th Regiment of Foot—quartered in this Colony, and left it with a good conduct badge, and was a non-commissioned Officer.

That your Petitioner's health having rapidly declined during the past twelve months, from exposure in the discharge of police duty, has compelled him to yield to the solicitation of his friends and medical adviser, and pursue other employment of a less trying nature upon his now very infirm constitution.

On your Petitioner's retirement he applied to the Inspector General of Police for the usual gratuity for service, from the "Police Superannuation Fund," furnishing the customary recommendations and certificates; but that officer has ignored your Petitioner's claim, thereby depriving your Petitioner from a participation in those advantages contemplated in the framing of that clause of the "Police Regulation Act."

Your Petitioner is married, having a wife and four small children, who are entirely dependent upon his individual exertions for their support.

In conclusion, your Petitioner humbly begs that your Honorable House will see fit to admit the claim, and justify the course thus adopted; and your Petitioner, as in duty bound, will ever pray, &c.

JAMES KILLOUGH.

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. HENRY HINE NEWMAN.

(PETITION OF.)

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

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

The humble Petition of Henry Hine Newman, of Pitt-street, in the City of Sydney, Accountant,—

SHWETH :—

That your Petitioner has for many years carried on in Sydney the business of an Accountant and General Agent.

That your Petitioner has during that period occasionally engaged in the preparation of Insolvents' Schedules, when the parties could not afford to employ a Solicitor for that purpose.

That the Chief Commissioner of Insolvent Estates lately expressed his intention of prohibiting the receipt in future of Schedules prepared by Agents, and stated that he would direct the Chief Clerk to refuse every Schedule so prepared.

That your Petitioner feels aggrieved by such order, and respectfully submits to your Honorable House that it would be unjust to a very large majority of those persons who, finding themselves compelled to seek the protection of the Insolvent Court, can hardly pay the fees of Court, and are consequently unable to employ a Solicitor in the preparation of their Schedules.

That your Petitioner respectfully submits, that the preparation of an Insolvent's Schedule does not necessarily require the assistance of a Solicitor, and that the carrying out of the Chief Commissioner's said order would be productive of great injustice to persons whose pecuniary difficulties oblige them to resort to the Insolvent Court.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to adopt such measures in the premises as to your Honorable House shall seem meet and just.

And your Petitioner will ever pray, &c.

HENRY HINE NEWMAN.

Sydney, 24 November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. GEORGE THORNTON.

(PETITION OF.)

Received by the Legislative Assembly, 3 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of George Thornton, of Sydney, Newspaper Reporter,—

RESPECTFULLY SHEWETH :—

That your Petitioner, son and heir-at-law of James Charles Thornton, deceased, has recently, and at various times, endeavoured, unsuccessfully, to obtain recognition of his claim to a Deed of Grant of a town allotment promised to, and selected by, James C. Thornton aforesaid, in the year 1826, the order to select being under the hand of Frederick Goulburn, Esq., the then Colonial Secretary and Registrar of Records for the Colony of New South Wales.

Without entering minutely into the facts of the case (which Petitioner believes are set forth pretty fully in the documents relating to the matter), your Petitioner would briefly state the following as the main grounds on which he bases his claim to consideration on the part of the Government :—Firstly, all the conditions on which such grants were given were duly fulfilled by the promisee, who resided permanently in the Colony (with a few brief intervals of absence, partly in the service of the Government, under Captain Raymond, of the Revenue Service) up to the period of his decease, in 1857. Secondly, the selection made and described by him was made in pursuance of the authority given, and remains vacant to this day, various objections having been, from time to time, made against the issue of the grant. Thirdly, promisee never abandoned his right in the matter, as is shown by his repeated petitions, and he never received any other grant or compensation in consideration of the non-fulfilment of the promise. Fourthly, that the objections on which the claim has been rejected are not, in the opinion of the Petitioner, based upon pertinent conclusions; as certain regulations of 1826 and 7, which are referred to in different minutes and letters, evidently have no reference to town allotments, but apply exclusively to lands taken up for purposes of agriculture, and this particular selection was made for a purpose altogether different. That without wishing to blame the Government, or accuse it of any neglect or injustice in the matter, your Petitioner, feeling confident of the equity and justice of the claim, and relying on the fact that an investigation will make the same perfectly clear, now approaches your Honorable House, and respectfully prays that you will take the premises into consideration, and arrive at such decision therein as to your Honorable House shall seem meet.

And your Petitioner will ever pray.

GEORGE THORNTON.

December 3rd, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MRS. ELLEN COHEN.
(PETITION OF.)

Received by the Legislative Assembly, 12 December, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Speaker and the Members of the Legislative Assembly.

The humble Petition of Ellen Cohen, the Widow and Executrix of Joseph Newton, late of Sydney, Merchant, deceased,—

SH EWETH :—

That in the month of June, 1840, your Petitioner's late husband obtained a judgment, in the Supreme Court of New South Wales, against one Joseph Smith Papps, upon which judgment execution was issued and lodged with the Sheriff, endorsed to levy the sum of £1,254 17s. 6d.

That the place at which the said writ was required to be executed being beyond the distance which the Sheriff's Bailiffs were compelled to travel, your Petitioner's late husband was necessitated to employ a Special Bailiff, and, in accordance with the usual practice in such cases, paid into the hands of the Sheriff the sum of £33 17s. 8d., being poundage calculated on the amount required to be levied by the said writ.

That the said writ was never executed, the Bailiff employed having been unsuccessful in his endeavours to discover any property on which a levy could be made; and the whole amount of the said judgment debt was ultimately lost to your Petitioner's husband by the said John Smith Papps becoming insolvent.

That your Petitioner's late husband afterwards applied to the Sheriff for the return of the said poundage money, and was informed that the amount thereof had been paid into the Treasury. Your Petitioner submits to your Honorable House that the Sheriff held the said poundage money as a trustee only, and that the same should not have been paid into the Treasury until after levy made, and then only in proportion to the amount of such levy. And your Petitioner further submits, that no levy having been made, her said husband was entitled to the return of the poundage money at the hands of the Sheriff.

That your Petitioner's husband applied to His Excellency the late Sir George Gipps, for the return of the said poundage money, and received a reply expressing His Excellency's regret that he could not interfere, as the amount had been paid into the Treasury.

Your Petitioner, therefore, humbly prays that your Honorable House will take the foregoing circumstances into your favourable consideration, and grant your Petitioner such relief as to your Honorable House shall seem meet.

And your Petitioner, as in duty bound, shall every pray, &c.

ELLEN COHEN.

Sydney, 22nd October, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HENRY WILLIAM EDWARDS.

(PETITION OF.)

Received by the Legislative Assembly, 12 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Henry William Edwards, late Boatman in the Sydney Harbour Pilot Department,—

Your Petitioner humbly sheweth, that on the nineteenth day of July last, your Petitioner was employed, with others, in putting provisions and water on board the barque "Clara Sayers," in this harbour, for transmission to Booby Island, for the relief of shipwrecked mariners. The water casks had lately been payed over with coal tar, and your Petitioner being cleanly dressed, as is required in the boat service, happened to say to Mr. Crook, the Harbour Master, "This is nice work for boatmen," when Mr. Crook said, "Well, what of it?" and your Petitioner replied, "Mr. Crook, I am not aware that we had to do this,"—still continuing my work. Then Mr. Crook ordered your Petitioner to knock off. On the Monday following your Petitioner called at the Harbour Master's Office to ask him why your Petitioner was suspended from duty, when Mr. Crook said your Petitioner was discharged from the Public Service for refusing duty.

Your Petitioner is in a position to bring forward witnesses to prove that your Petitioner did not in any way do so. •

Your Petitioner then wrote to the Honorable the Colonial Treasurer, praying him to grant an investigation, when your Petitioner received for reply that the Treasurer was satisfied with the Harbour Master's report.

Your Petitioner humbly prayeth, that the Honorable Members will take into consideration the unjust and summary dismissal, together with the refusal of an investigation, to enable your Petitioner to exculpate himself.

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

HENRY W. EDWARDS,
Late Boatman, Harbour Pilot Department,
Sydney, New South Wales.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GOVERNMENT BOATMEN.

(PETITION OF.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Boatmen, in the employ of Government,—

SHEWETH :—

That your Petitioners are employed by the Government of New South Wales as Boatmen.

That your Petitioners' duties are to take the various Officers of the Government, that is to say, the Harbour Master, the Custom House Officers, the Health Officer, and various other officials, about the harbour.

That your Petitioners are expected to keep themselves clean and tidy, and well and respectably clothed.

That for some time past your Petitioners have had cast upon them duties for which they were not engaged, and have been compelled to perform menial offices for nearly all the Government departments using boats—such as scraping, cleaning, and painting boats, and other employments which your Petitioners never contemplated, and which are totally inconsistent with their duties as Boatmen.

That there are daily four of your Petitioners on duty thirty-six hours consecutively, with barely sufficient time allowed for meals.

That fourteen of your Petitioners are required to be on duty every Sunday.

That your Petitioners find that, owing to the various duties imposed on them, they are unable to maintain that decent and respectable appearance which is expected of them.

Your Petitioners, therefore, humbly pray that your Petitioners' grievances may be taken into the consideration of your Honorable House, and that such redress may be afforded to your Petitioners, and that their Petition may be so dealt with, as to your Honorable House may seem meet.

And your Petitioners will ever pray, &c.

[Here follow 28 Signatures.]

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. THOMAS CHARLES BENTLEY.
(PETITION OF.)

*Received by the Legislative Assembly, 24 October, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of Thomas Charles Bentley, of Sydney, Gentleman,—

SHewETH:—

That your Petitioner and his Wife have been grievously injured by reason of certain anonymous letters, and otherwise.

That your Petitioner and his Wife have been subjected to great suffering by reason of the said persecution.

That your Petitioner has sought for redress from the Police authorities, and otherwise, without effect.

That an insinuation or statement has been circulated, to the effect that your Petitioner and his Wife are themselves the authors of the said anonymous letters, and that no such persecution in fact ever existed, but that the whole is a concoction of your Petitioner and his Wife, which insinuation or statement is wholly false; and your Petitioner and his Wife feel most acutely the injustice and cruelty of the said insinuation or statement.

That your Petitioner and his Wife are most anxious that the fullest inquiry and investigation should be made into the matter. Your Petitioner therefore humbly prays that your Honorable House will be pleased to take the premises into your consideration, and adopt such measures, with a view of affording justice and right to your Petitioner and his Wife in the premises, as your Honorable House in its wisdom may deem fit.

And your Petitioner will ever pray, &c.

THOS. C. BENTLEY.

Sydney, 24 October, 1862.

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. THOMAS CHARLES BENTLEY.

(PETITION—TO BE HEARD BY COUNSEL.)

*Received by the Legislative Assembly, 12 November, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of Thomas Charles Bentley, of Sydney, Gentleman,—

SHEWETH:—

That your Petitioner lately presented a Petition to your Honorable House, in reference to the injury sustained by your Petitioner and his wife, by reason of certain anonymous letters and otherwise.

That the matters referred to in the said Petition have been referred by your Honorable House to a Select Committee thereof, with power to send for persons and papers.

That your Petitioner is desirous to appear before such Select Committee, either in person, or by counsel or attorney on behalf of himself and his wife, and to produce and give evidence before such Committee in reference to the premises.

Your Petitioner, therefore, humbly prays your Honorable House will be pleased to grant leave to your Petitioner to appear before such Select Committee, either in person or by counsel or attorney on behalf of himself and his wife, and that he may be at liberty to produce and give evidence before such Committee, with reference to the matters in the said Petition referred to.

And your Petitioner will ever pray, &c.

THOS. C. BENTLEY.

Sydney, 12th November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MR. THOMAS CHARLES BENTLEY.

(PETITION OF CESARE CUTOLO, RELATIVE TO CASE OF.)

Received by the Legislative Assembly, 14 November, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of Cesare Cutolo, of Sydney, Professor of Music,—

SHEWETH :—

That a Committee of your Honorable House has been appointed to inquire into the Petition of Thomas Charles Bentley, of Sydney, Gentleman, received by your Honorable House on the 24th day of October last.

That at the first meeting of such Committee, held this 14th day of November instant, depositions have been received, made by the said Thomas Charles Bentley and others, before Daniel Egan, Esquire, a Justice of the Peace, on the 17th day of September last, together with a report made by Inspector Harrison, of the Detective Police Force, in which the name of your Petitioner is frequently mentioned; and, as your Petitioner is informed and believes, the said depositions have been tendered to create the belief that your Petitioner is the author of the anonymous letters referred to in the Petition of the said Thomas Charles Bentley.

That your Petitioner's Solicitor attended the meeting of the said Committee, and was allowed to remain during the examination of one witness and the partial examination of another, but was then directed by the said Committee to withdraw, being informed that the said Committee had determined no stranger should be present at its sittings without the permission of your Honorable House, although the Attorney of the said Thomas Charles Bentley expressed his consent that your Petitioner's Solicitor should be present, as he was desirous the fullest investigation should be had in the matter; adding, while my clients suspect, they do not charge.

That your Petitioner is informed he has been frequently charged by the said Thomas Charles Bentley as the author of the said anonymous letters, and your Petitioner is desirous of attending the meetings of the said Committee, to repel the false charge made against him, as your Petitioner feels the injustice and cruelty of the said charge.

Your Petitioner submits to your Honorable House that he is directly interested in the said inquiry; that unless your Petitioner is allowed to attend the sittings of the said Committee, great injustice will be done; the said inquiry will be incomplete; your Petitioner's character assailed, without the power of contradiction being afforded him, or the opportunity of defence.

That the innocence of the said Thomas Charles Bentley and his wife cannot be affirmed without establishing the guilt of writing the said letters upon some other person.

Your Petitioner, therefore, humbly prays that your Honorable House will be pleased to take the premises into your consideration; and that your Honorable House will be pleased to grant to your Petitioner leave to attend the meetings of the Committee of your Honorable House appointed to inquire into the Petition of the said Thomas Charles Bentley, and that your Petitioner be permitted to be heard before the said Committee, by Counsel or Attorney, as to your Honorable House may seem fit.

And your Petitioner will ever pray, &c.

CESARE CUTOLO.

Sydney, 14 November, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. WILLIAM SIMS BELL.
(PETITION OF.)

Received by the Legislative Assembly, 9 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of William Sims Bell,—

SH EWETH :—

That your Petitioner's father and his family arrived in this Colony in the year one thousand eight hundred and seven, as an officer in the 102nd Regiment, and shortly afterwards His Excellency Governor Bligh gave to your Petitioner's father, Archibald Bell, an allotment of ground in Barrack Square, Sydney, which allotment he occupied and enclosed, and improved the same at considerable expense.

That shortly after the arrival of Lieutenant Governor Paterson, your Petitioner's father was solicited by him to relinquish his land in Barrack Square, for another allotment, assigning as a reason, that the allotment interfered with a plan proposed by the Governor for the enlargement of the Barracks.

That the said Archibald Bell readily met the views of Lieutenant Governor Paterson, and relinquished the ground he held, in exchange for an allotment of ground upon the Eastern Hill, containing forty and one-half rods, upon which land the Parliamentary Buildings are now erected.

That by Letters Patent, bearing date the third day of October, one thousand eight hundred and nine, under the hand of the said Lieutenant Governor Paterson, duly recorded, and under the seal of the Territory, the last-mentioned land was granted to the said Archibald Bell.

That upon the arrival of Governor Macquarie, in one thousand eight hundred and ten, the said Archibald Bell was called upon to produce the Grant to His Excellency, which he did. The Grant was never returned to him, and your Petitioner is informed that the same was some years afterwards, namely, in September, one thousand eight hundred and twenty-five, destroyed by Major Goulburn, the then Colonial Secretary—Governor Macquarie repudiating, for political reasons, the acts of Lieutenant Colonel Paterson.

That afterwards, and during the administration of Governor Macquarie, the said Archibald Bell had frequent interviews with Mr. Oxley, the Surveyor General, and others, with the view of obtaining compensation for the land taken from him, but the said Archibald Bell was advised not to press his claim then, lest he should incur the displeasure of Governor Macquarie, which would be prejudicial to the interests of your Petitioner's father and his family.

That your Petitioner's father again, during the administration of Governor Darling, pressed his claims upon the Government, and the matter having been referred to the Home Government, it was intimated to your Petitioner's father, in September, one thousand eight hundred and thirty-two, that the Secretary of State had declined to enter upon a consideration of the claim, in consequence of the length of time which had been allowed to elapse without any application having been made upon the subject; which statement your Petitioner alleges is contrary to the fact.

That the said Archibald Bell died in the year one thousand eight hundred and thirty-seven, and did not receive any compensation for the land relinquished by him to the Government, or for the forty and one-half rods in Macquarie-street, of which he was deprived as aforesaid.

That your Petitioner, as heir-at-law of the said Archibald Bell, deceased, has made several applications to the Government for compensation similar to that granted to other persons under somewhat analogous circumstances, but without success.

Your Petitioner therefore humbly prays that your Honorable House will be pleased to take his case into favourable consideration, and adopt such measures as may do your Petitioner equity and justice.

And your Petitioner will ever pray, &c.

W. S. BELL.

Sydney, 9 September.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. WILLIAM SIMS BELL.
(CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be Printed, 8 October, 1862.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 16 September, 1862, praying that His Excellency the Governor would be pleased to cause to be laid upon the Table of this House,—

“ A copy of all Correspondence, Petitions, and other Papers,
“ relative to a Claim for Compensation by Mr. Archibald
“ Bell, or Mr. William Sims Bell, in respect of certain Land
“ granted to Mr. Bell by Lieutenant Colonel Paterson, in the
“ year 1809; and also a copy of the said Grant.”

(*Mr. Hart.*)

SCHEDULE.

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MR. WILLIAM SIMS BELL.

No. 1.

MR. ARCHIBALD BELL to THE HONORABLE ALEXANDER M'LEAY.

Belmont, 29 January, 1830.

SIR,

I request the favour of you to lay before His Excellency the Governor the accompanying Memorial.

I have, &c.,
ARCHD. BELL.

No. 2.

MEMORIAL.

To His Excellency Lieutenant General Darling, Governor-in-Chief of New South Wales, &c., &c., &c.

The Memorial of Archibald Bell, which

MOST RESPECTFULLY SHEWETH,—

That on the arrival of your Memorialist, in 1807, His then Excellency Governor Bligh gave to your Memorialist an allotment of ground in Sydney, situate on that part of the Barrack-square on which Officers' Quarters are now erected, at the south-east end, and was enclosed by your Memorialist at a considerable expense.

That on the arrival of Lieutenant Governor Paterson, your Memorialist was solicited by him to relinquish his right, stating as a reason, that such an allocation interfered with the plan proposed for the enlargement of the Barracks.

That your Memorialist, impressed with the propriety of the request, readily met the views of Lieutenant Governor Paterson; and in lieu of the ground he held he received a grant of forty rods and a half on East Hill, Sydney, on the south of Mr. John Blaxland's, the deeds of which grant were engrossed on parchment, dated the third day of October, 1809, witnessed by William Gandry, deceased, and Thomas Moore, Esq., J.P., of Liverpool, and was registered and subscribed James Finucane, Secretary.

That on the arrival of Governor Macquarie, in 1810, your Memorialist was called upon by him for a sight of the deeds, which were never returned.

That your Memorialist had frequent interviews with Mr. Oxley on the subject, who informed your Memorialist that it was useless to make an application for any restitution; and as your Memorialist was enjoying great indulgences under Governor Macquarie, he was fearful that in urging his claim he might incur the displeasure of His Excellency, and its consequences to himself and family.

That your Memorialist having learnt that Mr. Blaxland has received an equivalent for the allotment which he held adjoining, and which was measured on the same day, begs leave most respectfully to submit the justice of his claim to His Excellency the Governor.

That your Memorialist is aware that to lay claim to, and urge the restoration of the original allotment, would be productive of circumstances involving much embarrassment; your Memorialist therefore prays that he may either receive a pecuniary consideration, or such a quantity of land in the interior as may be an equivalent in value.

Your Memorialist is, with profound respect,
your most obedient and most humble Servant,

ARCHD. BELL.

Belmont, 29 January, 1830.

No. 3.

GRANT.

By Colonel W. Paterson, Lieutenant Governor, &c., Commanding, &c., &c.,

To Archibald Bell, Esq., his heirs and assigns for ever, 40½ rods, situate on the East Hill, in the Town of Sydney, bounded on the north side by Blaxland's allotment, bearing west 3° south, 130 feet; on the west side by a street bearing south 3° east, 85 feet; on the south by a line east 3° north, 130 feet; and on the east by a line north 3° west, 85 feet, he paying or causing to be paid to the Crown an annual quit rent of £2 per annum from the day of the date hereof.

In testimony whereof, &c., this 3rd October, 1809.

W. PATERSON.

JAMES FINUCANE, Secretary.

Witnessed by—

W. GANDRY,
THOS. MOORE.

Destroyed the 5th September, 1825.—F. G.

No. 4.

COLONIAL SECRETARY to MR. ARCHIBALD BELL.

*Colonial Secretary's Office,
Sydney, 4 March, 1830.*

SIR,

I had the honor to receive and submit to the Governor your Memorial of the 29th January, *soliciting compensation for an allotment of ground*, of which you represent the deeds to have been retained by Government, adjoining Mr. Blaxland's, on the East Hill, Sydney, alleged to have been given to you in lieu of an allotment surrendered to the Crown in the Barrack-square.

In attention thereto, I am directed to inform you, that the compensation to Mr. Blaxland for his allotment, to which you allude, was by order of the Secretary of State, and that it will be necessary to refer your application for a similar authority. I am therefore commanded to request that, as the circumstance appears extraordinary, you will have the goodness to furnish His Excellency with any further explanation in your power, in order that it may be forwarded, with your Memorial, to England.

I have, &c.,

ALEX. McLEAY.

No. 5.

MR. ARCHIBALD BELL to COLONIAL SECRETARY.

Belmont, 2 April, 1830.

SIR,

My absence from home has prevented me from acknowledging your letter of the 4th ult., which I had the honor to receive in reply to a Memorial I took the liberty of submitting, through you, to His Excellency the Governor, respecting my claims to the lands granted to me on East Hill, Sydney.

As the Memorial contained all the facts and relative circumstances, I am not able to render any further statements on the subject, other than I beg most respectfully to invite His Excellency to an inspection of the Public Register, where he will find the words and figures following, viz. :—

Archibald Bell, Esq., 40½ rods, East Hill, Sydney, on the south of Blaxland's.
30 October, 1809.

W. PATERSON.

JAMES FINUCANE, Secretary.

Witness—

WM. GANDRY,
THOS. MOORE.

I feel obliged to His Excellency, and beg to offer my grateful acknowledgments to him for his attention, as also for his proposition of laying the case before His Majesty's Secretary of State for the Colonies.

I have, &c.,

ARCHD. BELL.

No. 6.

MR. ARCHIBALD BELL to COLONIAL SECRETARY.

Belmont, 25 July, 1831.

SIR,

I had the honor of addressing a Memorial, on the 29th January, 1830, to His Excellency the Governor, respecting my allotment of land on East Hill, Sydney, and your acknowledgment of the same, dated 4 March following, No. 30-377. In reference to that communication, I would respectfully solicit to be informed if the same has been transmitted to the Secretary of State, and if any reply has been received thereupon.

I have, &c.,
ARCHD. BELL.

No. 7.

COLONIAL SECRETARY to MR. ARCHIBALD BELL.

*Colonial Secretary's Office,
Sydney, 11 August, 1831.*

SIR,

In reference to your letter of the 25th ult., requesting to be informed whether your Memorial, dated the 29th January, 1830, respecting an allotment of land on East Hill, Sydney, has been transmitted to the Secretary of State, and if any reply has been received thereupon,—

I do myself the honor, by the direction of His Excellency the Governor, to inform you that the Memorial in question has been inadvertently overlooked, but that it shall be forwarded to the Secretary of State by the first opportunity.

I have, &c.,
(For the Colonial Secretary,)
T. C. HARRINGTON.

No. 8.

COLONIAL SECRETARY to MR. ARCHIBALD BELL.

*Colonial Secretary's Office,
21 November, 1831.*

SIR,

Referring to your letter of 2nd April, 1830, I have now the honor, by the direction of His Excellency the Acting Governor, to inform you, that the Memorial forwarded in your letter of the 29th January, 1830, respecting your claim to land on the East Hill, Sydney, has been transmitted to the Secretary of State.

I have, &c.,
ALEX. M'LEAY.

No. 9.

MEMORANDUM FOR THE COLONIAL SECRETARY.

*Government House,
Sydney, 30 August, 1832.*

LET it be communicated to Mr. Archibald Bell, that the Secretary of State has declined entering upon a consideration of his claims for a remuneration for a town allotment, in consequence of the length of time which has been allowed to elapse without any application being made to that effect, and the indulgence which Mr. Bell was receiving during the time from the local Government.

RICHARD BOURKE.

No. 10.

COLONIAL SECRETARY to MR. ARCHIBALD BELL.

*Colonial Secretary's Office,
Sydney, 1 September, 1832.*

SIR,

With reference to my letter of the 21st November, 1831, I have now the honor, by the direction of His Excellency the Governor, to inform you, that the *Secretary of State has declined entering upon a consideration of your claim for remuneration for a town allotment in Sydney*, in consequence of the length of time which has been allowed to elapse without any application being made to that effect, and the indulgence which you were receiving during that time from the local Government.

I have, &c.,
(For the Colonial Secretary,)
T. C. HARRINGTON.

No. 11.

No. 11.

MR. W. S. BELL to COLONIAL SECRETARY.

Sydney, 22 April, 1858.

SIR,

I beg to make application for the correspondence between the late Archibald Bell, of Belmont, and the Government, having reference to a grant of land to the said Archibald Bell, situated in Macquarie-street, Sydney.

I have, &c.,
WM. S. BELL.

No. 12.

D. H. DENIEHY, Esq., to COLONIAL SECRETARY.

95, Elizabeth-street, Sydney,
10 May, 1858.

SIR,

I am instructed by Mr. William Bell to forward you the accompanying correspondence between a former Government and his deceased father, together with an annexure, in the shape of a statement of Mr. Bell's claim to a parcel of land upon which the present Legislative Assembly Chambers stand, for which, though granted by the Crown to Mr. Bell's father, and never by him alienated, neither Mr. Bell's father nor Mr. Bell himself, as the heir-at-law, have received compensation. I am directed to beg very respectfully that you will lay the matter before the Executive at your earliest convenience, with the view that Her Majesty's Ministers may direct an inquiry to be made, and such justice as may thereupon be found due to Mr. Bell awarded him.

I have, &c.,
D. H. DENIEHY.

No. 13.

UNDER SECRETARY'S MINUTE.

Mr. Archibald Bell was, it is alleged, in occupation of an allotment of land at the south-east extremity of the old Barrack-square (now Wynyard-square), that after the deposition of Governor Bligh he was called upon to give up this occupation, and that in lieu thereof, he received a grant of 40½ rods of land in Macquarie-street, on the site of the present Legislative Assembly.

There is no proof of the occupation in George-street, but on the other hand there is no doubt of the issue of the grant, or of what purported to be a grant for the land in Macquarie-street, by Colonel Paterson, bearing date the 3rd October, 1809, that is a few weeks before the arrival of Governor Bligh's lawful successor. The acts of the so-called Rebel Government were repudiated by Governor Macquarie. No doubt persons found in occupation of land under their assumed authority were not always disturbed, the occupation being in many cases practically sanctioned *de novo*. No occupation of the land in Macquarie-street by Mr. Bell is alleged.

The deed of grant issued by Colonel Paterson was recalled by Governor Macquarie, and was some years after (5th September, 1825) destroyed by the then Colonial Secretary, Major Goulburn.

During the long administration of Governor Macquarie no serious effort was made by Mr. Bell to enforce the claim. Indeed it is clear from the language used in his Memorial, (30-707) that he himself regarded the claim as of very questionable validity, otherwise he could not reasonably apprehend that its attempted enforcement would bring upon him and his family the displeasure of a Governor under whom he admits that he was enjoying "*great indulgences*."

In like manner, the entire administration of Sir Thomas Brisbane was allowed to pass without any movement on the part of Mr. Bell.

But in 1830, upwards of four years after the arrival of Sir Ralph Darling, Mr. Bell applied for compensation, alleging as the moving cause, that Mr. Blaxland had received compensation for an allotment in the same locality, measured on the same day.

Sir Ralph Darling sent the case to the Secretary of State, by whom whatever was given to Mr. Blaxland was specially authorized; but the Secretary of State rejected the claim "in consequence of the length of time which has been allowed to elapse without any application being made to that effect, and the indulgence which Mr. Bell was receiving during that time from the local Government."

This decision was conveyed to Mr. Bell in September, 1832, and after a silence of twenty-six years (Mr. Bell died in 1837), his son now renews the claim, alleging as the reason of this silence, his want of means to prosecute the matter. In fine, a claim which was chiefly rejected for slumbering twenty years, is now revived after another sleep of twenty-six years.

9 June.

M. F.P.

Mr. Bell's statement that the reason he did not sooner move in this matter was "want of means," seems very unsatisfactory, considering that all he would have required would have been a few sheets of foolscap. Irrespective of the inadmissibility of the excuse on that ground, I am personally aware that he was living in great affluence at Jerry's Plains for several years previous to 1840.

JOHN R.

No. 14.

UNDER SECRETARY to D. H. DENIEHY, Esq.

*Department of Lands and Public Works,
Sydney, 22 June, 1858.*

SIR,

I am directed by the Secretary for Lands and Public Works to acknowledge the receipt of your letter of the 12th ultimo, preferring, on behalf of Mr. William Bell, a claim to compensation for certain land in Macquarie-street stated to have been granted to his late father, Mr. Archibald Bell.

2. The following appear to be the circumstances of the case, as disclosed by the papers, namely,—The late Mr. Archibald Bell was, it is alleged, in occupation of an allotment of land at the south-east extremity of the Old Barrack-square (now Wynyard-square); after the deposition of Governor Bligh he was called upon to give up this occupation, and in lieu thereof he received a grant of forty and one half rods of land in Macquarie-street, on the site of the present Legislative Assembly.

3. There is no proof of the occupation in George-street, and no occupation of that in Macquarie-street is even alleged, but on the other hand there is no doubt of the issue of the grant, or of what purported to be a grant for the latter, by Colonel Paterson, bearing date the 3rd October, 1809, that is, a few weeks before the arrival of Governor Bligh's lawful successor.

4. The acts of the Rebel Government being uniformly repudiated by Governor Macquarie, the so-called deed of grant issued by Colonel Paterson was recalled by Governor Macquarie, and was some years after (5th Sept., 1825) destroyed by the then Colonial Secretary, Major Goulburn, as appears by a record of the office of the Chief Secretary.

5. During the long administration of Governor Macquarie no effort was made by Mr. Bell to enforce his claim. In like manner the entire administration of Sir Thomas Brisbane was allowed to pass without any movement on his part, and it was not until the year 1830, that is to say, upwards of four years after the arrival of Sir Ralph Darling, that Mr. Bell applied for compensation, alleging, as the motive for his then moving in the matter, that Mr. Blaxland had received compensation for an allotment in the same locality measured on the same day.

6. Sir Ralph Darling sent the case to the Secretary of State, by whom whatever was given to Mr. Blaxland was specially authorized; but the Secretary of State of that period rejected the claim in consequence of the length of time which had been allowed to elapse without any application being made by Mr. Bell, and because of the indulgence which Mr. Bell was receiving during that time from the local Government.

7. This decision appears to have been conveyed to Mr. Bell in 1832, and now, after a silence of twenty-six years, Mr. Secretary Robertson finds it impossible favourably to entertain a claim which was originally rejected chiefly for having been allowed to slumber so long.

I have, &c.,

MICHL. FITZPATRICK.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE CASE OF

MR. WILLIAM SIMS BELL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

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

SYDNEY:
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 5d.]

623—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 73. TUESDAY, 30 SEPTEMBER, 1862.

13. Mr. William Sims Bell :—Mr. Hart, *with the concurrence of the House*, moved (without notice),—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into the case of Mr. William Sims Bell, as set forth in his Petition presented to this House on the 9th September.
- (2.) That the Committee consist of Mr. Robertson, Mr. Dangar, Mr. R. Forster, Mr. Gordon, Mr. Hoskins, Mr. Mate, Mr. Morrice, Mr. Smart, and the Mover.
- And Mr. Dalgleish demanding, and afterwards, by leave, withdrawing his demand, That the said Committee be appointed by Ballot,—
- Question put and passed.
- * * * * *

VOTES, No. 79. THURSDAY, 9 OCTOBER, 1862.

5. Mr. William Sims Bell :—Mr. Hart, *with the concurrence of the House*, moved (without notice), That the Papers relative to the case of Mr. William Sims Bell, laid upon the Table of this House, yesterday, be referred to the Select Committee now sitting upon the case of Mr. William Sims Bell.
- Question put and passed.

VOTES, No. 109. TUESDAY, 2 DECEMBER, 1862.

11. Mr. William Sims Bell :—Mr. Hart, as Chairman, brought up the Report from, and laid upon the Table, the Minutes of Proceedings of, and Evidence taken before, the Select Committee, appointed, on the 30th September last, in the matter of Mr. William Sims Bell.
- Ordered to be printed.

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1862.

MR. WILLIAM SIMS BELL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 30th September last, "to inquire into the case of Mr. William Sims Bell, as set forth in his Petition presented to this House on the 9th September,—with power to send for persons and papers," and to whom, on the 9th October, were referred "the papers relative to the case of Mr. William Sims Bell, laid upon the Table of the House" on the previous day,—have agreed to the following Report:—

Your Committee have examined the witnesses named in the margin,* and have considered the official documents above referred to; and the following are the facts of the case, as proved to your Committee:—

* Mr. M. Fitzpatrick.
Mr. W. S. Bell.
Mr. G. Whittel.
Mr. E. Blaxland.

In the year 1807, the Petitioner's father, Mr. Archibald Bell, arrived in this Colony, as an officer in the 102nd Regiment, having at that time a large family, and was located with the other officers on a portion of ground forming a portion of the Barracks, where he resided for a period of four years or thereabouts.

Mr. Bell alleges that his father, at the request of the then Lieutenant Governor of the Colony, relinquished this allotment in exchange for another, situated in Macquarie-street, the present site of the Parliamentary Buildings, but there is no proof of this, further than a statement of the late Mr. Bell, contained in a memorial, dated the 29th January, 1830, and addressed by him to Lieutenant General Darling, claiming compensation; but it is undoubted that a Grant, under the Great Seal of the Colony, and under the hand of Lieutenant Governor Paterson, did issue to Mr. Bell, on the 3rd October, 1809, of forty and a half rods in Macquarie-street, being the allotment before mentioned, adjoining Mr. Blaxland's. This Grant, it appears, was afterwards called for by Governor Macquarie, and was cancelled or destroyed, during his administration, in the year 1825, as appears by a memorandum of the then Colonial Secretary, Major Goulburn, to that effect. Mr. Bell, in his Memorial before mentioned, alleges that this was done without his sanction or authority, and there is nothing to show that this course was justified by political or other reasons.

It

It appears, that although the Grants issued by Lieutenant Colonel Paterson, between the departure of Governor Bligh and the arrival of Governor Macquarie, were declared illegal, yet fresh Grants were all in instances granted to the persons holding Colonel Paterson's Grants.

It further appears, that the late Mr. John Blaxland also obtained from Colonel Paterson, on the 19th July, 1809, a Grant of an allotment adjoining Mr. Bell's, which was also resumed by Governor Macquarie, and that he subsequently got compensation for this land; the difference between Mr. Blaxland's case and Mr. Bell's being this: in the one case Mr. Blaxland vigorously prosecuted his claim; whilst in the other, Mr. Bell allowed his to slumber for a number of years; Mr. Bell assigning as a reason that he, being then a Government Officer, and having a large family to provide for, feared that he might thereby incur the displeasure of the Government.

Your Committee are of opinion, that these facts having been proved, the delay which has occurred ought not to prejudice Mr. Bell's claim; and they recommend his case to the favourable consideration of the Government.

JAMES HART,
Chairman.

*Legislative Assembly Chamber,
Sydney, 28 November, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 3 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Hart,	|	Mr. Dangar,
Mr. Morrice,	|	Mr. Hoskins.

Mr. Hart called to the chair.

Resolution of the House, appointing the Committee, by direction of the Chairman, read by the Clerk.

Printed copies of the Petition of Mr. William Sims Bell before the Committee.

Committee deliberated as to their course of procedure.

Ordered, That Mr. M. Fitzpatrick, *Under Secretary for Lands*, and Mr. William Sims Bell be summoned as witnesses for Thursday next.

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

THURSDAY 9 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Hart in the Chair.

Mr. Gordon,	|	Mr. Morrice,
	|	Mr. Dangar.

Mr. M. Fitzpatrick, *Under Secretary for Lands*, called in and examined.

Witness withdrew.

Mr. W. S. Bell called in and examined.

Witness withdrew.

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

THURSDAY, 16 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Hart in the Chair.

Mr. Gordon,	|	Mr. Hoskins,
Mr. Morrice,	|	Mr. Smart,
Mr. Dangar,	|	Mr. R. Forster.

Mr. George Whittel called in and examined.

Witness withdrew.

Committee deliberated.

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

THURSDAY, 23 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Hart in the Chair.

Mr. Mate,	|	Mr. Morrice,
Mr. Gordon,	|	Mr. Dangar,
	|	Mr. Hoskins.

Mr. M. Fitzpatrick, *Under Secretary for Lands*, further examined.

Witness withdrew.

Mr. E. Blaxland called in and examined.

Witness withdrew.

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

[Adjourned.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF WILLIAM SIMS BELL.

THURSDAY, 9 OCTOBER, 1862.

Present :—

MR. DANGAR,	|	MR. HART,
MR. GORDON,	|	MR. MORRICE.

JAMES HART, Esq., IN THE CHAIR.

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

1. *By the Chairman* : The Committee have requested the favour of your attendance to see if you can afford them any information, whether by documentary evidence or otherwise, respecting the claim of Mr. W. S. Bell, as set forth in the petition presented to the House? The only information I possess of the case is derived from the correspondence, copies of which were laid before the House yesterday and ordered to be printed, and the originals of which I produce; beyond that I know nothing. The case occurred, I believe, before I was born, or chiefly so; but it was conceived to be a part of my duty at the time the claim was preferred by Mr. Bell, in 1858, to express an opinion upon it, which opinion is in the *précis* among the papers laid before the House. I have nothing beyond my opinion to offer to the Committee, as derived from the facts as alleged in the petition and as shown in the original papers.
2. Have you read the petition of Mr. Bell? I have.
3. Are the statements contained in it, as far as you can gather, correct? With one exception I think they are, and on that I am not prepared to say the statement is not correct; I can only say that there is nothing in the correspondence to sustain it.
4. Perhaps you will point out what you refer to? He says, in the 6th paragraph of his petition,—“That afterwards, and during the administration of Governor Macquarie, the said Archibald Bell had frequent interviews with Mr. Oxley, the Surveyor General, and others, with the view of obtaining compensation for the land taken from him, but the said Archibald Bell was advised not to press his claim then, lest he should incur the displeasure of Governor Macquarie, which would be prejudicial to the interests of your Petitioner’s father and his family.” I can only say that there is nothing in any of the offices, or in any of the correspondence, to sustain that assertion that he had those interviews, although it is quite possible that he had them. It also seems to me that the reason alleged is an inconsistent one, and does not bear out the statement.
5. Is it not very likely, as Mr. Bell held a Government office at the time he refers to, and a subordinate office too, that it would have been somewhat inconsistent with his position to insist upon his claim for compensation being satisfied;—would he not have been likely to have incurred the displeasure of Governor Macquarie, who, I believe, was somewhat impetuous and imperious as Governor, and also the displeasure of Mr. Oxley, who was somewhat of the same disposition? So far as the Governor was concerned it might be quite possible, if Mr.

Michael
Fitzpatrick,
Esq.

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Michael
Fitzpatrick,
Esq.

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Bell were insisting upon a claim that was regarded with disfavour by the Governor; but there is nothing here to show that he preferred a claim at all to the Governor. So far as Mr. Oxley is concerned, the Chairman's question is answered by the fact that the petitioner asserts that he had frequent interviews with him, so that it could not have been from any apprehension of his displeasure that the thing fell through.

6. Can you state when Governor Macquarie ceased to hold his office in this Colony? Historically I can; it was in December, I think, of 1821, or in a very early month of 1822.

7. And there is nothing in the papers to show that during his administration any claim was preferred? Nothing whatever; the grant which was alleged to have issued, which did issue by Colonel Paterson, was in October, 1809. Governor Macquarie came here in 1810, and he left at the end of 1821, or the beginning of 1822; then there was another Governor—another administration altogether. Sir Thomas Brisbane intervened, and it was not until well advanced in the administration of Governor Darling that this memorial of Mr. Bell's was received.

8. What is the date of that memorial? It is dated the 29th January, 1830. There is a mistake in the date, for it was received in the Secretary's Office on the 28th January; that is the date of the registration in the office, which can hardly be wrong. It is accompanied by a letter from Mr. Bell, dated the 29th.

9. That memorial, I believe, was referred to the Secretary of State, in consequence of the Colonial Government having no power at that period to deal with this matter? Yes.

10. When was the answer received from the Home Government? According to the practice of the period, the instructions to convey that answer was dated 30th August, 1832, and the dispatch would be received somewhere about that time. The minute of Sir Richard Bourke is as follows—"Let it be communicated to Mr. Archibald Bell, that the Secretary of State has declined entering upon his claims for remuneration for a town allotment, in consequence of the length of time which has been allowed to elapse without any application being made to that effect, and the indulgence which Mr. Bell was receiving during that time from the Government." That is dated the 30th August, and a letter was written to Mr. Bell on the 1st September, 1832, and from that time until 1858 there is no notice of any claim.

11. A period of nearly twenty years would have elapsed —? Twenty-six years from the refusal of this claim on the ground that it had slumbered too long.

12. I am alluding to the period that had elapsed from the time the claim was first made to the time when this application was made? He was nominally displaced from the occupation, if there were any, of the allotment in Macquarie-street, by Governor Macquarie. That Governor came here in 1810, and it would be from that time to 1830—twenty years—which was considered by the Secretary of State long enough to bar the claim; and then, after that unfavourable decision, it slept again for six-and-twenty years, when the claim was revived in its present form.

13. Has it ever been the practice of any former Government to set up a statute of limitation to any just claim? Yes, cases are numerous where claims have been refused because they have slumbered too long; it was considered unreasonable to entertain them after they had been allowed to remain for such a long period.

14. Has it come under your notice that claims have been recognized by the Government which have been allowed to remain unsettled even for a greater period than Mr. Bell's? Not parallel to this. I cannot say that I know any case that has been entertained favourably after such a period has elapsed as in this case, unless under very different circumstances, as, for instance, where a claim was originally refused for a reason which was afterwards proved to be incorrect. In such a case, no matter how long a period may have elapsed, I believe that no Government would bar a claim by reason of lapse of time. Of course, I speak without notice, and from memory it is not easy to instance claims, but Dr. Douglass' claim will illustrate what I mean. You are aware that Dr. Douglass had a claim, which was carried through successfully in a former Parliament, for compensation for 2,000 acres of land he had lost. That claim was originally refused on the ground that he had never selected the land, and that refusal was repeated more than once by successive Governments and Secretaries of State; and they would not re-open the case, as it had been decided so and so. After a lapse of years Dr. Douglass came out to this Colony, either for that or other reasons, and succeeded in satisfying the local Government that he did make the selection, and Mr. Wentworth proved that he had occupied part of that land from Dr. Douglass as his tenant. As soon as that fact was made apparent, the Government immediately re-opened the case, and granted his claim, because it was patent that the lapse of time was not the fault of the applicant, but originated in a mistake that was afterwards corrected. But that is not parallel to this case, for this is a case—I state my own opinion in great deference to the Committee—the *bonâ fides* of which could only be made apparent at the time of the displacement of Mr. Bell, and not twenty years afterwards.

15. In this case one of the reasons assigned for not granting the prayer of Mr. Bell's memorial is, that there was no proof of his occupation of the land in Macquarie-street? That is not stated in the decision of the Secretary of State.

16. But in the *précis*? I mention in the *précis* that occupation is not alleged.

17. You are of opinion that it ought to have been so alleged and proved? It ought to have been so alleged and proved. I think, from my experience in dealing with cases of this kind, it would be a very important feature in the case if it were alleged, and that it would have been alleged if it had been so. Occupation of the land in George-street is alleged, but not of that in Macquarie-street.

18. Would not the possession of the actual grant from the Crown be stronger than any mere occupation

occupation of the land? It was not a valid grant recognized by competent authority. All such grants were either renewed or annulled by Governor Macquarie.

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Fitzpatrick,
Esq.

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19. That appears to be a matter of argument? I believe it is a matter of history; and I allege, without the slightest hesitation, as the result of my long experience, the fact that all those grants that were not renewed by the constituted Government, were annulled. The cases are numerous were they were renewed; but the grants issued by the so-called Rebel Government were universally cancelled and annulled. I cannot now, after so great a length of time, say positively, but I believe a proclamation was issued by Governor Macquarie to that effect.

20. Do not many persons hold grants of land now, under documents issued by Colonel Paterson, which have not been annulled? Not at this period. I think in every case they have been renewed, and another deed has been issued. I think so; of course it would require a great deal of research to settle the fact. But there was, I think, a previous period during which Colonel Paterson legally administered the Government of this Colony.

21. Can you charge your recollection as to whether the land of which Mr. Bell is now in possession was not originally granted by Colonel Paterson? I cannot; but I think, with great respect to the Committee, that I have little to do with the abstract question. The document I produce shows that the constituted authority of the period conceived that he destroyed, or purported to destroy, this particular grant.

22. That may have been an arbitrary deed? I am not expressing an opinion upon that; but I say that this (*referring to a paper*) purports to have been done at that period.

23. This (*referring to the paper produced*) is not the original? No, that is a true copy of the original entry.

24. Do you produce a copy of the alleged deed of grant to Archibald Bell? This (*producing the same*) is a copy of the registration of the grant, not a copy of the grant *in extenso*. In the registry of grants, on that entry appear the words of which a copy are here, purported to be written by Major Goulburn, then Colonial Secretary—"Destroyed the 5th September, 1825.—F. G."

25. Is there any record among the papers, showing that Governor Macquarie authorized this grant to be destroyed, or that Mr. Bell consented to it? Nothing that I am aware of.

26. If grants issued during the interregnum were destroyed, or recalled, are you aware whether other grants were issued for them, or whether the Government refused to recognize the acts of Colonel Paterson? I believe, as I have already stated, that it was the invariable rule either to cancel or to renew the grants issued during the time of the Rebel Government.

27. Were the grants that were cancelled renewed? By new grants, that is what I mean by their being renewed; they were treated by Governor Macquarie as a perfect nullity. My conception of the case is, that where a person was in occupation of land purported to be granted by the Rebel Government, Governor Macquarie, or subsequent Governors, renewed them to make them legal; but always treated the grant of the Rebel Government as a nullity.

28. If it had been proved, to the satisfaction of the then Government, that Mr. Bell resigned the land which he held in George-street, to the Government, do you consider that a fresh grant would have issued to him of any land that had been issued to him in exchange? That I cannot say, that would depend entirely upon the view of the Government of the period—which was the Governor of the period—and would be qualified by many considerations: the purpose to which Mr. Bell would apply it; whether he was in a position which entitled him to a grant. I know that if a person were now put out of one allotment he would get another. The original memoranda upon the memorial of the late Mr. Bell will show that these grants were always treated exceptionally. The memorial of Mr. Bell was referred for the report of the Surveyor General, by the late Assistant Colonial Secretary, Mr. Harrington. The late Surveyor General, Sir Thomas Mitchell, says:—"No record of any such deed in this office, probably owing to the suspension of Governor Bligh." Then Mr. Macleay, the Colonial Secretary, takes up the question, and inquires:—"Is there any record of this deed in this office?" Then the Record Clerk, the late Mr. Raymond, I think, says, "Yes. See folio, &c."

29. Then Mr. Raymond's memorandum contradicts your experience? It does not contradict —

30. At all events, it supplies the want that Sir Thomas Mitchell alleges to exist? What I want to invite your attention to is this, that the practice of the Colony was, that all regular deeds were recorded in the Surveyor General's Office. We look to that as the source of all information, as to authority to occupy land. Sir Thomas Mitchell could find no record of any such grant in his office, but suggested that that fact might be owing to the suspension of Governor Bligh; that is to say, that the grant was by the Rebel Government. Then, taking up the cue, Mr. Macleay inquires whether there was such a grant in his office, and the answer is given, there was such a grant.

31. It was quite consistent to suppose that a grant might have existed, although there might have been no record in the Surveyor General's Office? It was known that it was issued, but was regarded as irregularly issued.

32. Have not grants issued, but without being recorded in the Surveyor General's Office, and has not Sir Thomas Mitchell reported that such grants have not issued, whereas, in fact, they have? I cannot say; I do not know any case of the kind.

33. I would direct your attention to the case of Thomas Hyland, whose father had fifty acres of land in the district of Prospect, and a grant issued to him, but a second grant was afterwards issued to another person, in consequence of Sir Thomas Mitchell having reported that no such grant as the first had issued? I do not remember the case thoroughly, but no doubt it was of this character—of which several cases have occurred—that the grant had issued and been recorded in Sir Thomas Mitchell's office; but from some misnomer of the locality,

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locality, or from the search not having been an accurate or complete one, it had been overlooked. That has frequently occurred, and a very remarkable case of the kind occupied the consideration of the Legislature some years ago upon the petition of Sutherland, where Knight was the grantee. I think in that case there were three grants issued for the same land, one by the Rebel Government, treated as an absolute nullity; the second by the proper authority; and the third from a misnomer of the locality, through ignorance of the second grant.

34. *By Mr. Gordon:* Is there any document showing that Mr. Bell was ever in possession of the land at Barrack-square? I have none; but the non-existence of such documents does not contradict Mr. Bell's assertion that he occupied, for at that period documents were very scant.

35. You said that the acts of Colonel Paterson, with regard to grants, were annulled? During the Rebel Administration. I have an impression that I require to set myself right upon that. There was a period during which Colonel Paterson was legally acting—during some other period of interregnum—but I state my belief that all the grants issued during the interval between Governor Bligh's departure and Governor Macquarie's arrival, were treated as a nullity.

36. Would it not have been fair, if the act of Colonel Paterson in requesting Mr. Bell to give up the land at Barrack-square, on condition of his receiving the land in Macquarie-street, had been disallowed, that Mr. Bell should have been allowed to return to his former grant? That is a matter within the bosom of the Governor of the time; but it is impossible to say, after forty-six years, why that was not done.

37. Are you aware whether any of the grants made by Colonel Paterson were allowed? No, I could not say merely from memory; my impression is that some were renewed.

38. Are you aware of any that were destroyed besides this one? I could not certainly say from memory, but my impression is that they were numerous. My impression, the result of twenty-five years' experience in the office is, that all grants issued between the departure of Governor Bligh and the arrival of Governor Macquarie, were treated as a nullity.

39. What period of time was that? It was from 1808 to the beginning of 1810. This grant was issued in 1809.

40. Was it during that time that the acts of the Rebel Government were not recognized? Yes, at that particular time.

41. *By the Chairman:* There was a Government *de facto* at that period? There was a Government *de facto*, but not recognized by the Home Government, and I have a strong impression, that requires research to satisfy, that Governor Macquarie publicly declared the disallowance of the acts of that Government. I believe, historically, that Governor Bligh was re-instated for a day as a mode of constitutionally disavowing the acts of the Rebel Government.

42. Were not people punished for crimes in that period? Yes, but that is a thing that cannot be undone; if you hang a man you cannot undo it.

43. I believe several men suffered capital punishment during the interregnum? I have not the slightest doubt of it; but the hanging would not be any the more legal for that reason.

Mr. William Sims Bell called in and examined:—

Mr. W. S. Bell.
9 Oct., 1862.

44. *By the Chairman:* Where do you reside? At Bexley, near Canterbury.

45. I believe you are the eldest son of your father, the late Mr. Archibald Bell? I am.

46. Can you say when your father arrived in this Colony, and under what circumstances? He came here as an officer of the New South Wales Corps, afterwards called the 102nd Regiment.

47. In what year? 1807.

48. What family had he? He had a wife and nine children then.

49. Including yourself? Including myself.

50. What took place after your father arrived? He went into barracks, and shortly afterwards had a piece of land between George and York streets given to him by Governor Bligh.

51. Was that place then occupied by the 102nd Regiment? The front of it was.

52. Opposite the Post Office? Almost, but nearer to the present Bank of New South Wales.

53. Extending from York to George streets? Not quite, but up to where the square is now.

54. Do you mean the site that was occupied by the military? The part now known as Wynyard-square was then occupied by the military.

55. What portion of that was allocated to your father? Where the Commercial Bank now stands, from George-street towards York-street.

56. What quantity of land did that parcel contain? I believe it to have been the same quantity as was given to him here in exchange.

57. Can you speak with certainty as to the quantity? I think I could, my father spoke of it so often. He said he got the same quantity here as he had had in George-street. I was young at the time.

58. You heard your father make that statement? Yes.

59. How old were you then? I was twelve years old.

60. Have you any recollection of your father in any way improving or doing anything with that land? Yes, I recollect his fencing it in; he paled it and made a garden there. He held it two years.

61. Was it the custom of the Government at that time to give grants to officers? I should think so, for the Government at Home, when he was coming out here as an officer, gave him a grant of 500 acres; he received an order for that from the Secretary of State. Mr. W. S. Bell.
9 Oct., 1862.
62. By whom was that land granted to him afterwards in the Colony? It must have been by Colonels Johnstone or Paterson; I do not recollect. My father, I know, selected his land over at the North Shore in the first instance. He subsequently exchanged that land at the North Shore for land at Richmond, now known as Belmont.
63. Was that land afterwards granted under the hand of Lieutenant Colonel Paterson, or Colonel Johnstone? I do not know; it must have been under Colonel Paterson, I suppose, afterwards, but the order was from Home.
64. Do you know anything, personally, about your father having been asked to give up the land in Barrack-square? He told me that he gave it up at the request of Colonel Paterson, who wished to make Barrack-square larger.
65. Do you know, personally, whether he vacated that land or not? He exchanged it voluntarily for the piece of land here. It was the wish of the Government to have it.
66. That is, he exchanged it for the land in respect of which you now claim compensation, now the site of the Parliamentary buildings? Yes.
67. Do you know anything about your father having been called upon by Governor Macquarie to produce the deed of grant? Only from my father's letters.
68. And from the memorials presented by him to the Government? Yes.
69. Did your father ever get compensation, either for the land relinquished by him in Barrack-square, or for the land in Macquarie-street? Never.
70. Do you know anything about your father having any interview with Mr. Oxley on the subject at this time? He has told me he did.
71. Will you state to the Committee what you know of the matter? It is only hearsay. He has told me that he has called upon Mr. Oxley; but Mr. Oxley, I suppose, was one of the most irritable men ever known. He always put my father off in a very short way. I could not tell you what he said, of course.
72. Did you ever have any interviews with Mr. Oxley yourself? I had, on one occasion, about some land; but not respecting this matter.
73. What offices did your father hold during the early part of the government of Governor Macquarie? He went Home with his regiment soon after Governor Macquarie came out.
74. In what year was that? 1810.
75. When did he return to the Colony? He was two years away.
76. Upon his return was he appointed to any office under Government? Yes, as Police Magistrate at Windsor.
77. I think you said your father had a large family? Yes, nine children.
78. Was he in any way dependant upon the Government at that period? So far as this, that he was not rich enough to lose his appointment; that made him quiet about the loss of his land. He was afraid of losing his salary.
79. Was that the reason assigned by him for not pressing his claim? Yes, he was afraid of losing his salary; in fact, I believe he lost his appointment as Police Magistrate in consequence of interfering with the proceedings of the Government in the case of Judds and Thompson. When those prisoners came to Windsor, thinking they would die from the effect of the iron chains they had on, he, as Police Magistrate, ordered their irons to be taken off; and not long after he was superseded by Mr. North. That shows the strictness of the Government.
80. Can you assign a reason why you did not prosecute your claim after your father's death? I did not like to run the risk of going to law; I, therefore, did not take any steps until the Assembly became independent.
81. And had the control of the waste lands? Yes.
82. Have you any evidence besides your own, to show that your father was ever in possession of the land in George-street? Yes, a soldier, a veteran; he is here now.
83. What is his name? Charles Whittell.
84. Supposing the Government should be of opinion that you were entitled to any compensation, can you fix any valuation either upon the land that was relinquished by your father in George-street, or that granted in Macquarie-street? Land in George-street, where the Commercial Bank stands, has sold at a very high figure—£80 or £90 a foot; however, I must leave it entirely to the gentlemen of the Committee to say what they think a proper compensation.
85. Have you also any evidence to show that the land granted to you is that upon which the Parliamentary buildings are erected? The deed.
86. Can you identify the description in the deed with the land I refer to? I can so far identify it that it was adjoining a piece of land that was granted to Mr. John Blaxland.
87. Was an allotment also granted to Mr. John Blaxland? Yes.
88. Adjoining this granted to your father? Yes.
89. By whom was this granted to your father? By Colonel Paterson.
90. Did Mr. Blaxland afterwards relinquish his land under circumstances similar to those under which your father gave up his? It was taken from him; but he bothered the Government so long that he got 10,000 acres of land.
91. Do you know what reason Governor Macquarie assigned for taking both those allotments? It was to erect these buildings for the Medical Board.
92. And the Infirmary? Yes.
93. Then it was not for any political reason that the land was taken from your father, but simply to carry out the views of the Government in the establishment of a military hospital and infirmary? That was all.

- Mr. W. S. Bell. 94. Do you say that Mr. Blaxland got compensation for the allotment he relinquished? Yes, for that and for some cattle that were over the Cowpastures. His farm at Luddenham was adjoining the Cowpastures, and some of his cattle got over, and Governor Macquarie would not let him go on the Cowpastures for them; he wrote a memorial Home, and at last 10,000 acres of land were granted to him at Gammon Plains, on the Hunter.
95. *By Mr. Gordon*: You have just said that Governor Macquarie did not deprive your father of his grant for political reasons, but merely because the land was required for certain public buildings? Yes.
96. Do you think that was a just act on the part of Governor Macquarie? Anything but that.
97. How can you account for Governor Macquarie doing anything of the kind, if not for a political reason? Only that he wanted the ground.
98. Do you not think that a disgraceful act on the part of the Governor, if there were no other reason? I think so, and so did my father.
99. Do you know any other instance of a similar tyrannical act? Yes, that of Mr. Blaxland's; but I know that only by hearsay.

THURSDAY, 16 OCTOBER, 1862.

Present:—

MR. DANGAR,	MR. HOSKINS,
MR. R. FORSTER,	MR. MORRICE,
MR. GORDON,	MR. SMART.

JAMES HART, ESQ., IN THE CHAIR.

Mr. George Whittel called in and examined:—

- Mr. G. Whittel. 100. *By the Chairman*: What is your age? I am in my seventy-fourth year.
101. When did you arrive in the Colony? The last time I came in 1830.
102. Was that your first arrival? I was born here. Mr. Wentworth went to school with me before he went to England. He was born in Norfolk Island.
103. Where were you born? At Camp Cove, South Head.
104. I believe your father belonged to the 102nd Regiment? He did; he was sergeant-major.
105. It was then known as the New South Wales Corps? Yes.
106. Do you recollect Mr. Archibald Bell, who was an officer in that regiment? Yes, he was.
107. Do you recollect when he arrived in this Colony? In 1806 or 1808, I believe.
108. Where did he take up his quarters after he arrived? In the old Barrack-square. I escorted his baggage by order of Sergeant-Major Whittel.
109. Will you describe the particular locality where he was located? On the south wing, at the bottom next to George-street, as it is now called; it was Sergeant-Major's Row at that time.
110. Or Soldier's Row? Soldier's Row was what they call York-street now.
111. Did he remain there? Yes, he did.
112. Do you recollect his doing anything with the land? Yes, he fenced it in from the barracks to George-street, as it is called now, and made a garden of it.
113. Did he erect quarters there? No; quarters were given him in the barracks; but the ground was always understood to be a gift from Governor Bligh to every officer who had a large family, which he had—a very large one.
114. Was the place he then occupied the same site as that now occupied by the Commercial Bank? The same place.
114. Extending along York-street? No, not up to York-street all the way; there were other officers' quarters between Lieutenant Bell's and York-street. He had the east wing.
116. Can you state about the quantity of land he held there? I should think it was 400 or 500 yards; it was a good large garden. There was a great space from the officers' quarters to the street that is now. On account of Mr. Bell having a great family, that was the reason it was given him.
117. How long did he continue in occupation of the land? From the time he arrived till we were ordered home to England.
118. How long was that? About two years—as far as my memory will teach me. At the time Colonel Johnstone put the Governor under arrest, he was obliged to go Home with his regiment, and me too. He had possession of it all that time; I cannot tell you how long that was exactly.
119. Do you recollect Colonel Paterson coming to take charge of the Government here? He did.
120. Are you aware whether he made any arrangements for extending the barracks in that locality, so as to include this piece? No, I do not think he ever did; I am almost positive he did not. It remained in Mr. Bell's possession all the time; if there had been any alteration I should have known it.
121. After Lieutenant Bell relinquished it? No, he did not.
122. Did you go Home with Mr. Bell? Yes.
123. And when did you return to the Colony? In 1830.

Mr. G. Whittel.

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- 124. Did Mr. Bell remain at Home all that time? Not that I am aware.
- 125. Do you know when he returned? No.
- 126. Do you recollect by what name the portion of the city where we now are was then called? Some called it the Camp—some Sydney.
- 127. I am speaking of this part where we now are? This was all bush then.
- 128. Do you know whether it was called East Hill? Not that I am aware of; it was the bush, and we used to come here for jeebungs and five-corners. From the Cove there were no houses, excepting down by where the Botanical Gardens are. Woolloomooloo belongs to Commissary Palmer; it was always called Woolloomooloo, or Mr. Palmer's.
- 129. Do you recollect Mr. Wentworth or Mr. Blaxland having any allotment of land in this locality? Somewhere hereabout Mr. Blaxland had some land; I always understood so.
- 130. Do you know what he did with it? No, for I went Home, or from Home I should say.
- 131. Was Mr. Blaxland ever located on land up here? I cannot say; we used always to say, "We will go up to Blaxland's and get some jeebungs."
- 132. Were you on terms of intimacy with Lieutenant Bell? Perfectly so; I was never confined while I was in the army, nor have I been once since I was out of it.
- 133. Do you recollect having any conversation with him as to a grant of land up here? When I was living with Captain Dumaresq, when he married Miss M'Lean, at the time he was living in Castlereagh-street—my wife and I were living with him as domestics—Mr. Bell called one day and he says, "Well, Mr. Whittel, I suppose you recollect the old quarters perfectly well?" I says, "I think I ought, when I took you there, when I escorted your baggage." He said, "I think I ought to have my garden back again." I said, "If you do not it is your own fault; you ought to go and fence it in and take it now."
- 134. That conversation related to the land he held in George-street? Yes, the same.
- 135. *By Mr. Gordon*: Do you know what Mr. Bell did with this allotment of land in George-street? No, I cannot say.
- 136. You never heard? No, I did not.
- 137. What improvements did he make? He fenced it, and had a fine garden for growing cabbages and vegetables.
- 138. How many years had he this garden to your knowledge? I would not be positive; I think five or six, or four or five years—it is so many years back. I know he had it soon after he came, and he fenced it directly.
- 139. You never heard what became of it? No, I never inquired; it did not belong to me; any further than when he came to Captain Dumaresq's he made that observation.
- 140. *By the Chairman*: I believe those were very stormy times in the Colony, after the arrival of Colonel Paterson, and the subsequent arrival of Governor Macquarie? They were rather stormy times when Colonel Johnstone and Governor Bligh were here; not with Governor Paterson.
- 141. Do you recollect any trials taking place during the time of Colonel Paterson, and before Governor Macquarie arrived—any trials for murder or other offences? Yes. I believe there was a man hanged for killing Government cattle—a man upon crutches; he was lifted up in the cart with his crutches, and hanged. His name I forget—I believe his name was Cheeseman. He was grey-headed.
- 142. *By Mr. Dangar*: The house Mr. Bell resided in was not on this land? Yes.
- 143. Did Government build the house or did Mr. Bell? The Government; the land went right up to his door.
- 144. *By the Chairman*: Was Mr. Bell's house within the limits of the barracks? Yes.
- 145. Was this piece of land also within the limits of the barracks? Yes; it came from his door down to George-street.
- 146. *By Mr. Hoskins*: Were the barracks enclosed? Yes, they were fenced round; that part was not; it was all open to George-street in those days.
- 147. Can you speak with any degree of accuracy as to the limits of the barrack reserve? Yes; north, east, west, and south.
- 148. From common repute, not from your own knowledge? I must have known them when I was a soldier.
- 149. *By Mr. Dangar*: Do you know when this wall was built all round? Yes, in Governor Macquarie's time.
- 150. *By the Chairman*: Had Lieutenant Bell this piece of land as a private allotment of his own? Certainly.
- 151. Was the house that he resided in, his own property? No; it was in the officers' quarters; but the garden was his own.
- 152. *By Mr. Gordon*: Was the allotment fenced between the quarters and the land? Yes.
- 153. Was there a fence running between the house and the land—was he obliged to go through a gate from his house to the land? Yes.
- 154. *By Mr. Hoskins*: Did Mr. Bell enclose this piece of land and prevent other persons who lived in the barracks from going in? Yes; it was his own private land.
- 155. Were there other officers in the regiment who also enclosed pieces of land in the barracks? No, they did not.
- 156. *By the Chairman*: Had they allotments, to your knowledge, in other parts of the city? Yes. How Dr. Harris got Ultimo I cannot say, but I know well that Captain Lewis had a piece of ground at the back of the old barracks as a garden.
- 157. Major Grose—had he any? Yes, Grose Farm, on the Parramatta Road.
- 158. Who else? Colonel Johnstone, out at Annandale; Quarter Master Laycock, in George-street—it was Sergeant-Major's Row then. I cannot recollect any more this minute.
- 159. The barracks were enclosed, after your departure from the Colony, by Governor Macquarie? Yes, they were not enclosed in my time.

- Mr. G. Whittel.
16 Oct., 1862.
160. The wall which he erected took in this piece of land that Mr. Bell formerly occupied? Yes; at the north end, below Dr. Harris' wing, there was a large billiard-room for the officers, and no one else. That took up that part of the division on the north side.
161. At the time Lieutenant Bell arrived in the Colony, was it the practice of the Government to allow military officers to occupy certain portions of land for themselves and families? Not without leave from the Governor.
162. *By Mr. Smart*: With the Governor's permission, did they occupy pieces of land? Yes.
163. In some instances some only temporarily occupied it? I cannot say for that.
164. How can you say whether the Governor granted this land absolutely to Mr. Bell? If the Governor gives you a grant to occupy this piece of land I consider it your property.
165. But you cannot say, from your own knowledge, whether he ever did that? I suppose an officer would not occupy the land without he did. I know some people who were not in the army were turned off the land.
166. This piece of land occupied by Mr. Bell, can you say, of your own knowledge, whether he fenced it in himself, or whether it was fenced in by Government? He fenced it in himself at his own expense, and he would not have done that without he had got permission from the Governor.
167. The land that Mr. Bell occupied afterwards became what was called the officers' quarters? It was always the officers' quarters.
168. The house occupied by Mr. Bell was pulled down, and a different description of building was erected for officers' quarters? Yes, but not in my time.
169. The same ground that Mr. Bell occupied was within the boundary of what was known to be the barracks and parade? Yes. Governor Macquarie made a wall all round it when he took it in.
170. *By Mr. Hoskins*: Do you know whether the other officers in the same regiment did or did not generally enclose pieces of land for themselves, for raising vegetables? They did not.
171. Do you know of any other pieces having been enclosed for gardens besides Mr. Bell's? No, not about the barracks; they got grants in other places.
172. Can you state positively whether any other officers did enclose land for gardens besides Mr. Bell? No; I cannot say.
173. *By the Chairman*: You lived opposite this place on the site now known as the Post Office? Yes.
174. So that if any officer had enclosed land you would have had an opportunity of seeing it? Undoubtedly.
175. *By Mr. Gordon*: Can you state, from your own knowledge, whether any other officers besides Mr. Bell got grants of land at the same time that he got this land in George-street? I cannot.
176. *By Mr. Hoskins*: That is to say, you do not know? I do not.

THURSDAY, 23 OCTOBER, 1862.

Present:—

MR. DANGAR,	|	MR. HOSKINS,
MR. GORDON,	|	MR. MATE,
MR. MORRICE.		

JAMES HART, ESQ., IN THE CHAIR.

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

- Michael Fitzpatrick, Esq.
23 Oct., 1862.
177. *By the Chairman*: It has been represented to the Committee by the petitioner, Mr. Bell, that the late Mr. Blaxland held a piece of land in Macquarie-street, which was granted to him somewhere about the same time as Lieutenant Bell's land was granted to him, and that Mr. Blaxland, in consideration of having relinquished his piece of land, received compensation from Government;—are you able to afford the Committee any information from documents in your office upon the subject? In pursuance of the summons from the Committee, I procured from the Chief Secretary's Office the papers in Blaxland's case; they had not hitherto been in my custody, for they are of too old a date, and I am enabled, from a careful perusal of them, to answer the question. I learn from these papers that a grant of an allotment of land, in the same locality as that claimed by Mr. Bell, was made in his name by Lieutenant Colonel Paterson, and that as the result of a very long correspondence, having reference to that and other claims of Mr. Blaxland, extending over a great many years, he received a money compensation for the relinquishment of it.
178. Have you a copy of the deed of grant that was issued to Mr. Blaxland? The papers here purport to give what I have no doubt is a correct copy; it is a document of the same character as that produced in Mr. Bell's case, namely, the copy of the registration of the deed. It is to this effect:—"To John Blaxland his heirs and assigns for ever one acre situate on the east side of the town of Sydney bounded on the west side by an intended street bearing south 3° E. 171 feet and the south side by a line east 3° N. 260 feet on the east side by an intended street bearing north 3° W. 171 feet and on the north side by a line west 3° S. 260 feet which said acre of ground is granted to the said J. Blaxland Esquire for the purpose of his erecting substantial buildings thereon and is not to be "alienated

"alienated or disposed of for the term of five years from the date hereof and paying an annual quit-rent of ten pounds for the term of five years after which period to pay an annual quit-rent of 2s. 6d. per rod. In witness whereof this 19 of July 1809—(Signed) "WM. PATERSON." That is the ordinary record in the old register of a grant having issued.

Michael
Fitzpatrick,
Esq.

23 Oct., 1862.

179. Does it appear, as far as you can gather from the correspondence, that Mr. Blaxland relinquished that piece of land to the Government for any specific purpose? Yes; it appears that it was relinquished for a very specific purpose. It was required by Governor Macquarie as part of the site of hospital buildings—the new hospital as it was then called, of which this building (*the Legislative Assembly Chambers*) is a portion. The correspondence on the subject is very complete, showing that it was relinquished during Mr. Blaxland's absence, at Governor Macquarie's request or command, and that the Governor promised he would give him compensation. There was a long correspondence as to the selection of another allotment. One selection was made at Soldiers' Point, Darling Harbour, but it was not approved. The correspondence having extended over a great number of years, and the claim still being kept alive by Mr. Blaxland, eventuated in the grant of £400, which was supposed to be the value of the allotment relinquished.

180. That was as distinguished from other compensation? Yes. His claims, briefly stated, were of this character: He had suffered, or conceived he had suffered, great losses, which he valued at many thousand pounds, by cattle having strayed over one of the then boundaries of the Colony, the Cowpasture River. The Governor would not allow anyone to pass over that river without a permit, and he would not grant a permit to Mr. Blaxland, except for very short periods. Mr. Blaxland was, therefore, unable to recover his cattle. This was one claim. On the report of the Land Board of the period, this claim was sustained. Another claim was, for not having received a large number of convict artificers promised to him by the Home Government prior to his leaving England. That was also sustained. The minor claim was for this allotment. This claim, I conceive, with great respect to the Committee, to be distinguished from the one now under consideration, because from the outset there was a promise from the Governor that Mr. Blaxland should be compensated, and the claim was kept alive until compensation was given.

181. Does it appear that Governor Macquarie repudiated this grant on the ground that it was issued by Lieutenant Colonel Paterson? No; as I stated on my last appearance, Governor Macquarie formally repudiated all the acts that had taken place from the time of the removal of Governor Bligh. When I was last here I stated that Governor Macquarie had reinstated Governor Bligh for a day, to testify the King's disapproval of what was done in the meantime; but I find, on reference to the history of the period, that this was not literally the fact, because Governor Bligh was not here at the time of Governor Macquarie's arrival; but Governor Macquarie was instructed to reinstate Governor Bligh, and he issued a Proclamation, expressive of the King's disapprobation of the acts performed by the *ad interim* Government.

182. Then he disapproved of both the grants;—they were issued in the same year, and if one was repudiated for political reasons why was not the other repudiated also? I do not say it was not so; I say the grants were treated as null from the beginning; but where Governor Macquarie found people in possession he renewed the grant at his own instance, but he disavowed the act of the Rebel Government. In this case the correspondence makes it very plain that Mr. Blaxland had the allotment, that he occupied it, and my impression is that during his absence in England, Mrs. Blaxland lived there—at all events the inference is, that she did; that while Mr. Blaxland was away during the trial of Colonel Johnstone in England, Governor Macquarie took this land away, and promised other land in lieu of it. That promise was never disavowed by Governor Macquarie.

183. Was Mr. Blaxland an officer in the 102nd Regiment? No; he came out here as a settler with large property, to establish a large agricultural speculation.

184. He then went Home to attend the trial? He went Home, as he says, to prosecute his own claims for compensation, and while there was kept as a witness in the long pending trial of Colonel Johnstone, growing out of the rebellion; he was away from the Colony four years altogether. I think Messrs. John and Gregory Blaxland came out here as large settlers at the instance of Lord Castlereagh.

185. It does not appear that Governor Macquarie issued a new grant to replace the one issued to Mr. Blaxland in 1809, but that a money compensation was granted? Governor Macquarie promised another one in lieu, and a long correspondence ensued as to the position of the land to be selected; eventually a money compensation was granted. Governor Macquarie unequivocally stated that he meant to give another allotment in lieu, and that if one could be selected to his satisfaction, he would grant it.

186. I suppose there is no doubt the place described as East Hill, in the grant of 1809, is the present Macquarie-street? I do not think there is any doubt of it. The correspondence makes it plain in this way: the land taken up in Mr. Blaxland's case was required as the site of the hospital, which puts it beyond doubt.

187. And Mr. Bell's allotment adjoins Mr. Blaxland's? I cannot say that is the fact, without referring to the previous papers (*the witness referred to the printed papers*); "bounded on the north side by Blaxland's allotment."

188. *By Mr. Hoskins*: Have you any official records to show that? It is stated here, in the official description of Mr. Bell's land, that it adjoins Mr. Blaxland's, and this correspondence shows beyond a doubt that Blaxland's land was required as the site of the proposed hospital. The description in Mr. Blaxland's case is of this character: It is bounded on the west by an intended street not named; on the east by an intended street not named; and on the south and north by lines; but its being required for the hospital, I think, puts it beyond all doubt.

Michael
Fitzpatrick,
Esq.
23 Oct., 1862.

189. *By the Chairman*: In the letter from the Colonial Secretary, dated 1st September, 1832, reference is made to an indulgence which Lieutenant Bell received from Government—have you any idea of the special indulgence he received? I cannot say; it may have alluded to the privilege the officers of that corps had as to the disposal of spirits, which was a monopoly of considerable value; it may have been the allotment of a number of assigned servants—it may have been rations for his family or servants—it may have been a great many things.

190. The indulgence alluded to is not specially mentioned in any of the papers? No.

191. *By Mr. Hoskins*: Is there any correspondence in the records of the Lands Office to show that the land that was granted to Mr. Bell was resumed possession of by Governor Macquarie, on the understanding that he was to receive another grant? No; all that is shown is what is alleged in Mr. Bell's petition, that he had such an allotment, which was given up. My conception of the two cases is this: That both allotments of land were granted by Lieutenant Colonel Paterson about the same period; that these grants were absolute nullities, and were always so regarded, and were declared by the Governor on his first arrival to be so—a Proclamation in the King's name having been issued to that effect. In Mr. Bell's case there is no record that any step was taken with reference to this matter (except by personal communication with Mr. Oxley) for twenty years, that when a claim was made twenty years after, it was disallowed, on the ground that it had slept too long; what may be called the first sleep extended over twenty years, and then after, another lapse of twenty-six years, the claim is renewed again by him.

192. *By the Chairman*: By his son? Yes. Then, with reference to Mr. Blaxland's case, the position is this: We have the same record that the grant was issued by Lieutenant Colonel Paterson, which I treat in the same way as the other, but we have unmistakable proof that Governor Macquarie took this for a specific purpose, and declared that he would grant another allotment in lieu of it, and the correspondence shows that Mr. Blaxland, in what I may almost call a litigious way, kept the claim alive until he did get compensation.

193. *By Mr. Gordon*: You have not said when he got remuneration? No, it was very late; but the correspondence had kept the claim alive, which you will see if you have leisure to go through it. (*The witness referred to the papers.*) It was just about this period—somewhere in 1829.

194. Was Mr. Bell in the Colony at the time the land was taken from him? I do not know.

195. Was he here when the matter was settled? I am not aware; I never heard that he was away.

196. *By Mr. Hoskins*: You have been a long time connected with the Government? Upwards of five-and-twenty years.

197. Did you at any time know that Mr. Bell made an application to any member of the previous Government, for instance, to Mr. Deas Thomson? I never heard of the claim till it was referred to the Government, under the responsible system, in 1858.

198. Have you never, at any time, seen any letter from Mr. Bell to any member of the Government, urging his claim? I have no recollection of having ever seen or heard of a claim until that petition was referred to me, and I then asked for the old papers which were before my time, and put them before the Secretary for Lands.

199. *By the Chairman*: Is there any document among those papers which gives a *précis* of the transactions in relation to that land? There is the report of the Land Board, which includes the land, although the other matters referred to are of more importance. The following paragraphs are those which refer to this matter specially:—"Mr. Blaxland's 2nd complaint is the loss of an acre of ground, granted to him and to his heirs, as an allotment for building on in one of the most eligible situations in Sydney, and which Mrs. Blaxland, during his absence in England as a witness in the trial of Colonel Johnstone, was induced to give up at the urgent request of the late Governor Macquarie, in consequence of its being wanted to form part of the site of the present general hospital, which he was then preparing to erect. By Mr. Blaxland's documents, transmitted, Nos. 10, 11, 12, and 13, and which contain the correspondence on that subject between him and Governor Macquarie, it appears that his claim was acknowledged, and that no objections existed on the part of the Governor to his having a suitable allotment of ground in lieu of it in the town of Sydney, 'provided he came under an engagement to erect a proper dwelling-house thereon, within eighteen months from the date of the said allotment being marked out for him.' By reference, however, to the copy of the original grant (dated the 19th day of July, 1809, and marked No. 22), herewith enclosed, it does not appear that Mr. Blaxland was fettered by any engagement to erect buildings on it within any given period. On due consideration, therefore, we are of opinion that he has a well-founded claim to an equivalent for the acre in question, which was given up for the erection of an important public building, and in the very eligible situation in which it was granted him, would undoubtedly have rendered it a valuable acquisition at the present day; we conceive that the sum of £400, which he claims as an equivalent, must be considered as moderate, if it should be determined to give him the value in money."

200. *By Mr. Hoskins*: In no other Government office is there a likelihood that any documents could be found to show that Government resumed possession of this land which Mr. Bell alleges was given up under a promise of having another allotment of land granted? There is no hope of such a document being found if it is not in the Chief Secretary's Office.

201. *By Mr. Dangar*: All records were kept there in those days? Yes, they were all there, and have been kept with tolerable accuracy, at all events since 1826—from the time of Mr. Alexander M'Leay's arrival here.

Edward Blaxland, Esq., called in and examined :—

202. *By the Chairman* : We have been informed that your father held a piece of land in Macquarie-street, which was granted to him about the year 1809, by Lieutenant Colonel Paterson, and that he afterwards relinquished that land to the Government ;—are you aware of that fact ? My father came out to this Colony with a very large amount of capital, and with unusual advantages, I believe simply because it was Lord Bathurst's desire in those days to induce men like my father to come out here. He came with permission to select land where he thought proper, so that it did not interfere with Government arrangements, and I have heard my father state, that he selected on one occasion that point from the head of the Circular Quay to Darling Harbour, and had it in his possession a considerable time. Governor Macquarie and he could not pull together very well, and he was deprived of that and several other portions of land he had selected. As to the locality of any particular portions besides that I cannot speak ; in fact, I went to England when I was eleven years of age, and did not return to the Colony until six years after, and it was during this time that these disputes were going on ; but a considerable time after I know my father got 10,000 acres as compensation for the injuries he had received from the Government in that and other ways.

E. Blaxland,
Esq.
23 Oct., 1862.

203. Do you know of his having held an acre of land on a place called Eastern Hill ? I cannot say I do.

204. In what year did you go to England ? In 1824.

205. Are you aware whether your family ever resided in this locality before that ? They did ; whether it was on this hill or in Clarence or George streets I cannot say ; it was before my time ; I was born in Parramatta, after my father left Sydney some time.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MR. ANDREW LENEHAN.

(PETITION OF.)

Received by the Legislative Assembly, 24 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of Andrew Lenehan, of Castlereagh-street, Sydney, upholsterer,—

MOST RESPECTFULLY SHEWETH :—

That, about the latter end of the year 1856, your Petitioner was requested to estimate, and did then estimate, the cost of re-furnishing the public rooms at Government House.

That such estimate was made upon the distinct understanding that the new furniture was to be of the same description and quality as the old.

That when, about eight months afterwards, your Petitioner was called upon to carry out the work, designs of a much more costly character were substituted, and materials of a much more expensive kind were called for.

That the work was carried out in this way, with a full knowledge on the part of those with whom your Petitioner had to do, and was as he had every reason to believe bound to obey, that its cost would thereby be greatly in excess of the original estimate.

That after the completion of the work, some question was raised as to the reasonableness of your Petitioner's charges; and that after an imperfect valuation by an officer of the Government, an additional £550 was offered, by way of compromise, to your Petitioner.

That your Petitioner having been finally compelled to resort to a suit at law, proved at the trial of the same, by uncontradicted and most reliable evidence, that all his charges had been very reasonable.

That notwithstanding the admission on the part of the Government already mentioned—that at least £550 was due to your Petitioner—the suit was defended on the plea (then advanced for the first time) that your Petitioner's original estimate was to be treated as a tender, by which, notwithstanding the extra work performed, and superior materials provided, he was to be bound; and that this defence succeeded.

That the Judge who tried the case—Sir John Dickenson—held that your Petitioner would be at liberty to remove from Government House all goods furnished by him in excess of the original estimate, but that this was for many reasons quite out of the question.

That by these means your Petitioner has been put to great cost, loss, and inconvenience, and has been kept out of money to which he was fairly entitled, while the goods which he has furnished, and which have not been paid for, remain public property.

Your Petitioner therefore humbly prays that your Honorable House will take the premises into your consideration, and will afford him such relief as to your Honorable House may seem meet.

ANDW. LENEHAN.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE PETITION OF

MR. ANDREW LENEHAN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND

APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
3 December, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 10d.]

621—

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, NO. 33. TUESDAY, 22 JULY, 1862.

17. Mr. Andrew Lenehan :—Mr. Faucett moved, pursuant to *amended* notice,—
- (1.) That the Petition of Andrew Lenehan, of Castlereagh-street, Sydney, Upholsterer, presented by him on Tuesday, the 24th June, be referred to a Select Committee of this House for their consideration and report thereon; and that such Committee have power to send for persons and papers.
- (2.) That such Committee consist of the following Members :—Mr. Robertson, Mr. Egan, Mr. Windeyer, Mr. Lord, Captain Moriarty, Mr. Atkinson, Mr. Alexander, Mr. Dick, and the Mover.
- Question put and passed.

VOTES, NO. 110. WEDNESDAY, 3 DECEMBER, 1862.

3. Mr. Andrew Lenehan :—Mr. Faucett, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 22nd July last, in the matter of the Petition of Mr. Andrew Lenehan,—together with Appendix.
- Ordered to be printed.

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1862.

MR. ANDREW LENEHAN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and Report was referred on the 22nd July last, the "*Petition of Andrew Lenehan, of Castlereagh-street, Sydney, Upholsterer,*"—"with power to send for persons and papers,"—have agreed to the following Report:—

Your Committee having examined the witnesses mentioned in the margin* and considered the documents, copies of which are appended to the evidence, have the honor to report as follows:—

In the year 1856, Mr. Lenehan, in pursuance of a message received through Mr. Dawson (the then Colonial Architect), went to Government House, and had an interview with the Governor General, Sir William Denison—Mr. Dawson being present.

As the result of that interview, and with a view to enable the Governor General to fix a sum to be placed on the Parliamentary Estimates as the probable cost of refurnishing some of the rooms at Government House, Mr. Lenehan, along with Mr. Dawson, examined the various old articles, and mentioned to Mr. Dawson certain prices as the probable cost of replacing those articles with new ones of a similar description.

In consequence of this approximate or probable estimate or valuation, the sum of £1,300 was placed upon the Estimates, and voted by Parliament for the purpose.

Some time after, Mr. Lenehan having been employed by the Government to execute the work, submitted to Sir William and Lady Denison designs for some of the articles of furniture, and patterns for the curtains, carpets, &c. These designs and patterns, although for articles of a similar description to the old ones, were not approved of, and other designs for those articles were furnished to Mr. Lenehan from the Colonial Architect's Office, and other patterns for the curtains, carpets, &c., were selected from Mr. Lenehan's stock. These latter designs and patterns were of a far more costly description than those originally contemplated. The consequence was, that when the work was completed, Mr. Lenehan's account was found to considerably exceed the amount voted by Parliament.

The total amount claimed by Mr. Lenehan for the articles so furnished is £2,203 11s. 10d., and he received, in various payments, during the progress of the work, the sum of £1,300; thus leaving

*Mr. A. Lenehan
Mr. H. Woolley.
Mr. A. W. Norton.
Mr. J. Hill.
Mr. C. Read.
Mr. C. Hunt.
Mr. T. Webb.
W. Weaver, Esq.,
C.E.
Mr. H.W. Strong.
A. Dawson, Esq.

leaving a balance of £903 11s. 10d. Out of this the sum of £6 13s. 5d. has also been received, leaving a balance of £896 18s. 5d., which he claims as due to him by the Government.

This claim was disputed by the Government, and after much correspondence the Government offered to compromise the matter by paying him the sum of £550, thus admitting that he was entitled to a part, at all events, of his claim. This offer Mr. Lenehan appears to have been, at that time, willing to accept, with a view to a final settlement of the question at once, and to avoid being any longer shut out from Government employment, as he had been from the commencement of the dispute; and the sum of £550 was accordingly placed on the Estimates, but, having been refused by Parliament, the offer was not carried out.

Mr. Lenehan then sued the Government in the Supreme Court, but was unsuccessful.

Your Committee, having given the whole matter the fullest consideration, have come to the following conclusions:—

1. That if at the interview with Sir William Denison there had been a contract or undertaking, on the part of Mr. Lenehan, to perform the work at the prices he mentioned to Mr. Dawson, there would be an end of the matter, unless some material alteration had taken place in his instructions sufficient to vary or put an end to such a contract; but that, although there is some misunderstanding, either on the part of Sir William Denison or Mr. Lenehan, as to what took place at that interview, no such contract was entered into by Mr. Lenehan.
2. That Mr. Lenehan believed that he was justified in supplying the various articles according to the directions of Sir William Denison, and that he entered the prices of them in his day-book as they were delivered, and that those prices in no way varied from those charged at the time to private persons for similar articles.
3. That, according to the evidence of competent witnesses, the articles supplied were of a superior description, and that the prices charged are fair and reasonable.
4. That Mr. Lenehan is justly and equitably entitled to the sum of £896 18s. 5d., as the balance of his account.
5. That Mr. Lenehan has lost a very large amount both in law costs and by being deprived for so long a time of the amount to which he is justly entitled.

P. FAUCETT,
Chairman.

*Legislative Assembly Chamber,
Sydney, 3 December, 1862.*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 15 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Faucett,	|	Mr. Alexander,
Capt. Moriarty,	|	Mr. Robertson.

Mr. Faucett called to the Chair.

Printed copies of the Petition *referred*,—before the Committee.

Committee deliberated as to their course of procedure.

Ordered, That application be made to the Secretary for Lands, for all Correspondence, Minutes, and other documents connected with the case of Mr. Andrew Lenchan.

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

[Adjourned.]

TUESDAY, 14 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Faucett in the Chair.

Capt. Moriarty,	|	Mr. Robertson,
Mr. Alexander,	|	Mr. Dick.

Committee met, pursuant to summons.

Certain Papers, Correspondence, &c., connected with the case of Petitioner,—before the Committee.

Portions of the same read by the Chairman, and *ordered* to be printed forthwith in a *Separate Appendix* to the Report.

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

THURSDAY, 16 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Faucett in the Chair.

Capt. Moriarty,		Mr. Alexander.
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The witness not being in attendance,—

[Committee adjourned to Tuesday next, at half-past *Eleven* o'clock.]

TUESDAY, 21 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Faucett in the Chair.

Capt. Moriarty,	|	Mr. Atkinson,
Mr. Windeyer,	|	Mr. Alexander.

Chairman laid before the Committee a Letter from Mr. Alexander Dawson, excusing his attendance this day, on account of severe illness which confines him to bed, and enclosing a medical certificate to that effect.

Printed copies of the Papers, &c., connected with the case of Petitioner, forming a *Separate Appendix* to the Report,—upon the Table.

Mr. Andrew Lenchan examined.

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

FRIDAY,

FRIDAY, 24 OCTOBER, 1862.

MEMBER PRESENT :—

Capt. Moriarty.

In the absence of a Quorum, the Meeting called for this day lapsed.

THURSDAY, 30 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Faucett in the Chair.

Capt. Moriarty,
Mr. Egan,

Mr. Alexander.

Mr. Lord,

Mr. Robertson,

Committee met, pursuant to summons.

Letter from Mr. Binney, on behalf of Mr. Dawson, excusing the absence of the latter through severe indisposition, received on the 24th instant—read.

Mr. A. Lenehan further examined.

Mr. Henry Woolley examined.

Mr. Alexander William Norton examined.

At the close of the examination, Mr. Lenehan produced the original designs for curtains, sideboard, &c., for Government House.

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

TUESDAY, 4 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Faucett in the Chair.

Capt. Moriarty,
Mr. Egan,

Mr. Alexander,
Mr. Robertson.

Mr. John Hill called in and examined.

Witness handed in copy of a Valuation of the Furniture, made by himself and Mr. Hayes. (*Vide List of Appendix.*)

Mr. Andrew Lenehan further examined.

Witness produced copy of Account furnished by him to the Government.

Mr. Charles Read, Mr. Charles Hunt, Mr. Thomas Webb, and Mr. William Weaver, C.E., severally examined.

[Adjourned.]

FRIDAY, 14 NOVEMBER, 1862.

MEMBERS PRESENT :—

Mr. Faucett in the Chair.

Capt. Moriarty,

Mr. Egan.

Mr. Robertson,

Committee met, pursuant to summons.

Mr. Thomas Webb called in and further examined.

Paper handed in by witness. (*Vide List of Appendix.*)

Mr. H. W. Strong examined.

Mr. Thomas Webb re-examined, producing Books of Accounts.

Witness withdrew.

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

TUESDAY, 18 NOVEMBER, 1862.

MEMBERS PRESENT :—

Capt. Moriarty,

Mr. Alexander.

Mr. Egan,

In the absence of Mr. Faucett, Capt. Moriarty called to the Chair.

Mr. A. Dawson called in and examined.

Papers handed in. (*Vide List of Appendix.*)

Ordered, That the Evidence be circulated prior to next meeting, and that the Chairman (Mr. Faucett) be requested to prepare heads of Report.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

TUESDAY,

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE CASE OF

MR. ANDREW LENEHAN.

TUESDAY, 21 OCTOBER, 1862.

Present:—

CAPT. MORIARTY,	|	MR. ATKINSON,
MR. WINDEYER,	|	MR. ALEXANDER,
MR. FAUCETT.		

PETER FAUCETT, ESQ., IN THE CHAIR.

Mr. Andrew Lenehan called in and examined:—

1. *By the Chairman*: Your name is Andrew Lenehan? Yes.
2. You are an upholsterer, carrying on business in Castlereagh-street? I am.
3. Do you recollect, about the year 1856, being requested to go to Government House to inspect the furniture there, for the purpose of making certain alterations in it? I do.
4. Will you state, as nearly as you can recollect, what occurred on that occasion when you were so requested to go to Government House? Mr. Dawson, the Colonial Architect, called upon me, and told me the Governor would meet me at an appointed hour that day with himself.
5. This was towards the end of 1856, I suppose? Yes, towards the close of that year.
6. He requested you to go to Government House, and told you the Governor would meet you there? Yes, and I went there and met Mr. Dawson.
7. Mr. Dawson was then Colonial Architect? He was.
8. Well, what took place on that occasion? The Governor, Mr. Dawson, and myself went into the drawing-room, and he pointed out the dilapidated state of the furniture, curtains, carpets, &c., and said he wished that I would give him an idea of what amount he should ask the Legislature for, as the cost of replacing the old with new articles of a similar description.
9. It was Sir William Denison who said that? Sir William Denison himself said that, in the presence of the Colonial Architect. Mr. Dawson set down upon paper the various estimates, and asked first of all as to the carpet. I told him a fixed sum that I thought would be sufficient to enable me to supply similar articles. I said £40 for the carpet, £50 for the glass, and so on. Mr. Dawson wrote down what the Governor required to be altered, and asked me what sum for this or that, and I stated £10, £20, and so on, according to the nature of the article. He added up the figures. We went from one room to another. In the drawing-room we made an estimate of each article required to be replaced, and when we had finished there we went into the ante-room and did the same there, enumerating the different articles to be replaced, and fixing the prices of them. We next went into the dining-room. I might here say that the drawing-room and ante-room curtains were made with silk without draperies.

Mr. Andrew
Lenehan.
21 Oct., 1862.

- Mr. Andrew Lenehan.
 21 Oct., 1862.
10. That is, the old ones? Yes. They were single silk curtains, and had no drapery. The ante-room curtains were of the same material. The carpets were Brussels. The dining-room curtains were worsted damask on brass poles, without any draperies whatever. He ordered new tables and new sideboards for the dining-room, as well as two dinner waggons and a side-table to hold the spare leaves of the dining tables. That is a thing that the house had not before, and it stands at the end of the room. I was occupied about half-an-hour in this room in giving the prices of each article. I then left.
11. Did anything take place between you and Mr. Dawson, at that interview, except your telling him the amount that each of the articles would, in your opinion, cost? Nothing more. That was all the information Sir William Denison required. He said they could not order them until they knew whether they could get the money or not from the Government.
12. Then I understand you to say, that on that occasion you gave to Mr. Dawson an estimate of what you thought it would cost to replace the old articles with new ones of the same kind? That was decidedly so, as near as I could guess.
13. On that first interview you saw Lady Denison? Yes.
14. After this estimate was made? Yes. When I was going away she asked me if I had any amber silk tabouret of the same pattern as that of which the curtains were then composed in the drawing-room. I said I had, and she then asked me if I had sufficient of it.
15. You said you had? Yes, as I had at that time.
16. Did anything more take place on that occasion? Nothing more.
17. Then for some seven or eight months you heard nothing more of the matter? Nothing, except what I read in the newspaper—that the House was asked for the money, and it was refused.
18. In the meantime, from anyone connected with the Government you had no communication? No, for nearly eight months.
19. After that Mr. Dawson called upon you? Yes, and told me that the money was voted. He requested me to send over designs and materials for Lady Denison's selection, with patterns of carpets and curtains.
20. What did you then do? I sent patterns of carpets, patterns of silks, and some articles of furniture (chairs, &c.)—small furniture which was portable enough to send—and all my design-books.
21. You called at Government House after these things were sent? I sent them in the evening, and I called the next day. I saw Sir William Denison, Lady Denison, and Mr. Alfred Denison.
22. Who was then Sir William Denison's private secretary? He was.
23. What took place then? Mr. Alfred Denison and the Governor selected from the design-books the dining tables, and gave instructions for an extra table, a King Arthur table. They approved of a design for a sideboard as well as the tables, and, with Mr. A. Denison's assistance, selected a pattern of chairs from the patterns sent, and not from the books. Lady Denison saw the silk of the same pattern, which she approved of.
24. You sent some silks, then, of the same pattern as the old silks? Yes, for the drawing-room curtains.
25. Lady Denison saw these? Yes; I sent also damask for the dining-room curtains.
26. Of the same kind as the old? Of the same kind as the old. She disapproved of the material for the dining-room curtains, and said she would call at my house and select some other material.
27. Did she say anything as to the curtains for the drawing-room? She approved of the silk, and ordered them to be made of that.
28. That was of the same kind as the old silk? Yes. She also approved of a design from one of my upholsterers' design-books, for poles for the drawing-room curtains, to a certain extent. She said she wished to have draperies introduced, which the old curtains had not; and she said she would get the Colonial Architect to make a design for the draperies and curtains, and furnish me with it.
29. Did anything further take place? Yes; they consulted together as to the carpets, and made a selection—a velvet pile was selected for the drawing-room and ante-room.
30. Was that of a different kind from the old carpet? Yes, the old carpet was Brussels.
31. Then the velvet pile was more expensive? At that time it was 8s. 6d. a yard; it had been 10s. a short time previously.
32. What was the old one? The other was 5s. 6d. a yard.
33. At the time they selected these things, did you mention that they were more expensive than the old articles? I did not like to mention it to the Governor; I mentioned it to Mr. Dawson.
34. You did not, at that time, mention it to Lady or Sir William Denison? No.
35. What further took place? These are the principal matters. Then Sir William Denison said he wished some alteration in the sideboard; he said he wanted a handsome one, and would get Mr. Dawson to furnish a design for it. That design I received about a week afterwards; it was different from that in the book. He first selected one from the book. Mr. Alfred Denison, however, spoke to me, and said he would get Mr. Dawson to furnish a design, which I received, and have now in my possession.
36. You can produce that design? I can.
37. With respect to the table,—was the table selected from your design-book of the same kind as the old table? Not at all; the old table was composed of a number of separate tables of the very plainest character, put together, which were made use of as side-tables occasionally. They had half-round ends, and formed a dining-table originally, each table being about six feet by three feet.

38. Then the table that was selected from your design-book was more expensive than the old one? It was worth twenty tables like the original; I should think such a table as the old one would not be sold for more than £10. Mr. Andrew Lenehan.
39. According to that your table would be worth £100? No doubt of it. 21 Oct., 1862.
40. You afterwards got a design from Mr. Dawson? Yes.
41. They first selected a sideboard from your design-book? Yes.
42. A more expensive one than the old one? Yes.
43. The sideboard they selected from your design-book they subsequently rejected, and Sir William Denison said he would get Mr. Dawson to send a design for one? Yes.
44. Was the sideboard first selected from your design-book more or less expensive than the old one? It was considerably more expensive than the old one.
45. And was the design sent by Mr. Dawson of a still more expensive character than that? It was. The sideboard selected from the book eight months afterwards was one of the most modern and elegant that could be made; it was ridiculous to place the two in comparison. The old one was on six or eight turned legs.
46. What else took place on that occasion, whilst they were selecting this design? I think nothing else but the giving of instructions to proceed with the work immediately. They desired me not to go on with the curtains for the drawing-room until I had the sketch I required.
47. Nothing more of importance took place at that visit? No. Some six weeks afterwards Lady Denison sent a message, stating that she wished to see me.
48. In the meantime you were proceeding with the work? I was, and had proceeded a good deal with it. She sent, asking me to have the drawing-room curtains lined with brown holland, and, to protect the curtains, an under-lining of white silk.
49. The brown holland was to be between the two silks? Yes. I said it was contrary to the original intention; and she wished me to go and see Mr. Dawson, and get his consent to the alteration.
50. Did she say anything more on that occasion? No, that was the whole extent of the conversation. She wished to have them done by the Queen's Birthday, and I told her I thought it was impossible—that I had not sufficient silk. Though I had enough at first I had used a good deal, and I was obliged to send to Melbourne for it, and it would not be up in time. She was very anxious to have them done and put up, if it was only in a temporary way; and I told her ladyship that I would endeavour to get them up in a temporary way until the silk arrived. She wished me to make every effort to have the curtains up by the 23rd or 24th May.
51. Did you mention in any way how you would accomplish it, in consequence of the want of silk? No, I did not know; but I said I would try to get them up in time; and I made every effort.
52. Between this occasion and the former visits some six weeks had elapsed, and had Lady Denison called at your house? No, not up to that time.
53. After that interview? She wished the drawing-room curtains, in particular, to be finished in time for the Queen's Birthday ball, and it was as much as I could do to accomplish that. She was not particular about the dining-room curtains, as long as those for the drawing-room were finished in time.
54. Did you see Mr. Dawson? Yes, in his own office.
55. What took place when you were with him? I had come direct from Government House, and I told him what Lady Denison wanted done. I took a piece of silk in my hand, and when I told him her wishes, he hesitated some time as to whether he would consent to the extra expense. He asked me the expense of the silk; I told him 5s. 6d. per yard extra, and that it would take as much silk as the curtains themselves.
56. What did he say? He was in company with some gentleman at the time; he consented to allow the silk to be used. The silk lining and brown holland were to be used as a protection to the curtains themselves.
57. After some hesitation he sanctioned it? Yes; he was very unwilling at first.
58. Did he consent before you left? He did; I should never have used it before I had his consent. It was her wish that I should get his consent before I did use it.
59. There was no lining to the former curtains? None whatever; and when the design was furnished me by the Clerk of Works, I told him and Mr. Dawson that the additional quantity of silk and material, independent of fringes and trimmings required in the design furnished, would involve as much expense as the cost of the curtains.
60. It would be double the expense? Double the expense, independent of the brown holland linings; and to accomplish the work in time for the ball, I put about twenty yards of the old material in the draperies. I had the work done and the curtains up in time for the ball. When I got the whole of the new material, it cost between £200 and £300.
61. You finished the curtains in time for the ball by using some of the old material? Yes.
62. About what quantity? About twenty yards.
63. What was about the value? About 2s. a yard.
64. *By Captain Moriarty*: It was a mere temporary arrangement? Yes.
65. *By the Chairman*: Had you any intention of leaving the old material instead of replacing it with new? Never.
66. Would it have been profitable to do so? Certainly.
67. But could it have escaped the notice of an ordinary observer? No; it had been there before. At night it might not be observed, but in the day time none could pass it without noticing it.
68. Were the colours of the old and new alike? In the old they were quite faded.
69. You never had the slightest intention of leaving this old material? Never, for the veriest fool must have seen it; it might however pass unnoticed at night.

- Mr. Andrew Lenehan.
21 Oct., 1862.
70. Did Sir William Denison or Lady Denison know that the old material was used? My man took the curtains to put them up, and I instructed him to tell Sir William and Lady Denison that, to accomplish the thing in time for the ball, I had adopted this mode until the new material came up from Melbourne.
71. You recollect giving him these instructions? Yes; to tell Lady Denison that, in order to accomplish her wishes, I had used a few yards of the old material, but only until the new came up from Melbourne. A friend of mine at that time in Melbourne was to send it up to me, and I remitted £200 or £300 for material. I told Sir William Denison myself the cause of the old material being used.
72. When? After the curtains were sent home. He sent for me.
73. How soon after? Before the curtains were put up. I told him that in the presence of the Colonial Architect.
74. That you were obliged to use some of the old material? Yes, to get them up in time. The Colonial Architect was then present in the drawing-room.
75. Then you have no doubt that you yourself mentioned the matter to Sir William Denison? No doubt whatever, and he appeared perfectly satisfied with the explanation I gave him.
76. He sent for you? He did so.
77. Before you told him? Yes.
78. Why did he send for you? To speak to me about it.
79. Was it he who observed it first, or was he told of it—do you know? I am not aware.
80. Did he introduce the subject to you when you went? He did.
81. How? He said, "Lenehan, how was it you used that material for the curtains?" I said, "I have already directed my upholsterer to explain the reason to you." I said, "Lady Denison wanted the curtains up by the 23rd or 24th May, and that in order to comply with this wish, I was obliged to use the old material until the other came from Melbourne—that it was unavoidable, if the curtains were to be up in time." He walked away, apparently satisfied, saying, "I hope it will be done soon." I had abundance of the material when I was first spoken to, but in the meantime it was used up. 400 or 500 yards of silk of one pattern is a large quantity.
82. What next took place? Lady Denison called a few days afterwards, and selected some medallion silk. I had not enough of it, and I told her it was 18s. a yard. By accident I was enabled to buy some from a gentleman then going to England (Mr. Marks), paying him 16s. a yard for it. I thought I was very lucky to get it. It was of the same pattern.
83. She selected that? Yes; she also ordered draperies.
84. Was that medallion silk of a superior kind to the old silk? It was worsted damask that was in the dining-room before.
85. And therefore, I suppose, this silk was much more expensive? The value of the worsted damask used before was 2s. 6d. a yard.
86. She selected this medallion silk? Yes, and desired that the dining-room curtains should be made of that material.
87. And they were substituted for the worsted damask curtains? Yes; and the designs introducing draperies were furnished by the Colonial Architect. She also had these curtains lined, but not with silk. They were lined with brown holland and coburg, instead of a second thickness of silk—the side next the window being coburg. To the best of my recollection, brown holland was between them.
88. Was that of a more expensive character than the former curtains? One was worth 2s. 6d. a yard, and the other 18s. 6d. It is impossible to know the value of the medallion silk that was used without seeing it; every figure is different, there is no repetition or succession of figures in the pattern.
89. *By Mr. Alexander:* Then the dining-room curtains were of this silk that Mr. Marks imported for his own use? Yes. Being about to go to England he had no use for it. I should have had to pay more than that for it in England. I know I could not have obtained it any cheaper in England.
90. *By the Chairman:* Well, what next took place? I completed the work entirely, and the account went in.
91. These were the particular matters about which any new directions were given? Yes.
92. *By Mr. Windeyer:* Was there any dispute about the second table? No; it was an extra, but there was no dispute about it.
93. This was not to replace any table there before—it was made to the order of Sir William Denison, according to his own fancy? Yes. He wanted a King Arthur table, which he could add to the dining-table and make it answer domestic purposes.
94. Adapted to be added to the large public table? Yes.
95. *By Captain Moriarty:* When you had the first conversation with Mr. Dawson, at Government House, as to the value of goods to be supplied, was it an absolute estimate that was given, or only an approximate estimate? A rough estimate of what they should ask the Legislature for.
96. *By the Chairman:* After that you completed the work, and had you any further interviews with anyone connected with the Government, in reference to the alterations at Government House? Yes, frequently.
97. When were they? From time to time I had repeated visits from the Clerk of Works, and messages from Government House.
98. Were these verbal messages? Yes. Mr. Dawson said, "I know there will be an excess." I said, "What is to be done?" He said, "I do not know." I then said, "Sir William Denison's instructions must be attended to." He said, "I suppose you will have to dispense with something else. One of my managing men (Mr. Norton) has been over with Lady Denison, and he can testify that Lady Denison had repeatedly given instructions to vary the order, and make improvements in the curtains.
- 99.

99. Were any other orders or directions given by Lady Denison varying from the former orders given particularly to Mr. Norton? Yes.
100. Not to yourself? Not to myself.
101. Had you yourself any further interview with any of the Government authorities? Yes, with Mr. Charles, now dead. He was Chief Clerk of Works, and it was from his designs I worked, and not from the Colonial Architect's.
102. He was under the direction of the Colonial Architect? Yes. The designs were first of all submitted to Sir William and Lady Denison, upon whom I waited when they were furnished to me, and I received their approbation of them, and instructions to adopt them.
103. What designs were they particularly? Of the sideboard, and the curtains of the drawing-room and dining-room, and others.
104. Those you have already spoken of? Yes.
105. Is it your opinion that Sir William and Lady Denison were aware that these articles you have particularly spoken of were all more expensive than the old ones, both as to design and material? They were. I was also furnished, by direction of the Governor, with a design for a chimney glass, which I sent to England for execution. I think £60 was the sum I estimated (it is on one of the records) for a glass of that sort; but he would not have the glass I intended to order, and he ordered the Colonial Architect to make a design that I might import a glass. I had that design also. I imported one, accordingly, from England, the cost of which, on landing here, was about £120. The plate was twelve feet by six feet. I think I charged him £130 for it. At the time it arrived, which was about twelve months after it was ordered, my account had been disputed.
106. You had finished the work? Yes, except the glass and the bell-ropes, which I have not been paid for yet.
107. Did you see the Governor yourself about it? Yes.
108. What did he say? I said, there is some dispute about the payment of the account, and that, unless he ordered me to do so, I would not send in the glass. He said "You had better send it." I did send it on his authority. I paid freight and insurance for the glass, and I told him I had paid an insurance against breakage as well as against damage by sea water.
109. You finished the work, and sent in your account? I did.
110. I suppose we can have a copy of that account? I think so; there are copies of it.
111. Can you furnish a copy of it? I can.
112. The account was disputed? The account was disputed.
113. Now, what was the first communication you had with reference to the disputing of the account? I had no dispute about the account until the sum voted was exhausted.
114. You had been paid from time to time? Yes, different sums; the account was running for more than two or three quarters.
115. And you were paid in instalments as the work progressed? About £150 generally, because the Colonial Architect said he had no authority to give a cheque for a larger amount. When the whole amount was exhausted, the Colonial Architect, who had not mentioned it before, told me that there were overcharges in my account, and that he should have to get the goods valued.
116. I find several items of £150 paid, £136, and odd sums, and that the entire amount paid was close upon the sum voted by the Legislature? Nearly the whole sum voted was paid.
117. Did you send in your accounts of what had been done, from time to time? I did.
118. Showing the work done and the charges up to the time the account was sent in? Yes.
119. To whom did you send in the accounts? To the Colonial Architect invariably.
120. Instalments were paid, from time to time, in liquidation of these accounts? They were.
121. Were the charges in these accounts questioned until the sum voted by the Assembly was on the point of being exhausted? No, the account was not questioned until nearly the whole sum voted was exhausted. Mr. Dawson said if the charges were fair he would make inquiry, and my account should be paid.
122. Did anything take place, on either occasion of sending in your account, with respect to the correctness of your charges? Nothing, until the money voted was nearly paid up.
123. And were the works then completed? Yes.
124. Did you send in your final account before the correctness of the charges were questioned? Yes, and no objection was made.
125. There was a valuation by some officer of the Government—do you know who he was? Yes, Mr. Coles.
126. Chief Clerk under Mr. Dawson? I am told so. From the report sent in I may presume he did make a valuation.
127. After that time had you any communication from the Government with respect to the sum which you claimed;—what amount do you claim? About £800.
128. That is the balance still remaining? Yes.
129. After the valuation by Mr. Coles, was any offer made to you by the Government? There was an offer from them.
130. By whom was it made? Mr. Hill called upon me, on the part of the Colonial Architect or Government, and said if I would accept £500 he was authorized to make the offer to me—with a recommendation that I should take it; and I thought it would be better to do so, and have a share of the business, than be without it, as I had been for a year or two; I consented to take it, provided the costs incurred by me were paid to my solicitor.
131. About how much were the costs? Mr. Rowley said about £50 would cover the costs at the time. As I had never brought an action against any person I did not feel disposed to go into law upon this matter, as it was promised that the patronage would be restored. On these two considerations I thought it better to make the sacrifice.

- Mr. Andrew Lenehan. 132. Was there any consent on the part of the Government to give you this £550? Yes.
133. By whom? By Mr. Billyard, the Crown Solicitor.
- 21 Oct., 1862. 134. Will you tell us in what way? They communicated with my solicitor, who communicated with him. He read a letter on the subject to me.
135. The communication was in writing? It was. There was an Executive minute made to that effect, I believe; or at least I have heard so from some source.
136. You agreed to that offer? Yes; I was asked then to wait until the next Session of Parliament, and I agreed to do so. In the meantime they restored the patronage to me. I received orders immediately after.
137. No further terms were come to, and you were compelled to have recourse to law? As they did not fulfil the offer they made to me I was compelled to sue them.
138. I suppose you can produce the same witnesses in proof of the reasonableness of your charges as you produced at the trial? Yes, I can.
139. Will you mention their names? Mr. Henry Woolley, upholsterer; Mr. Hunt,—indeed, I appeal to their own witnesses, Mr. Hill, who told me he valued some of the things at more than I charged; then there is Mr. David Jones and Mr. Sly.
140. I suppose the withholding of payment of your account has occasioned you considerable loss? Yes, it has been a very serious affair for me.
141. I find here, Mr. Lenehan, that the amount claimed, according to the account rendered by you, is £1,137 12s. 11d., which includes chandeliers, upholsterers' work, &c., at Government House (*vide C, Separate Appendix*), of which the sum for chandeliers has been paid? Yes.
142. And the only balance remaining is that after that reduction? I suppose so.
143. *By Captain Moriarty*: What is the amount of your claim upon the Government? £1,371 9s. 6d., that is charging them interest upon the money.
144. Deduct that, and the real value of the things supplied to the Government—the amount of demand at the time the goods were furnished—being the amount claimed under the last bill—is £794 16s. 4d.? I will say so, although I believe it is a larger amount considerably.
145. *By Mr. Windeyer*: When you received these payments from the Colonial Architect, were they on the general account, or payment for specific articles? On the general account. He would have given me more, he said, at a time, but he had not the power.
146. *By the Chairman*: Then the sum claimed at the time the dispute took place was £794 16s. 4d.? Yes.
147. *By Captain Moriarty*: Does that comprise all the goods supplied by you from the time of the arrangement for furnishing? Yes.
148. *By Mr. Alexander*: Then you have been paid the £71 16s. 8d. for furniture for Legislative Offices? That I am sure has been paid.

THURSDAY, 30 OCTOBER, 1862.

Present:—

CAPT. MORIARTY, MR. EGAN,	|	MR. ROBERTSON, MR. LORD,
MR. ALEXANDER.		

PETER FAUCETT, ESQ., IN THE CHAIR.

Mr. Andrew Lenehan called in and further examined:—

- Mr. Andrew Lenehan. 149. *By the Chairman*: There is one question I desire to ask you, in completion of your examination;—independently of any contract whatever—or, in other words, assuming that you supplied these goods without any previous contract—were the prices you set down for those goods you supplied, and which are included in the claim you made, fair and reasonable prices? They were just and honest prices; I could not have done more justice to any person than in the charges I made to the Government in this and all similar instances.
150. I will put it to you in another way:—Suppose a private person—Mr. Egan or myself, or anyone else—had gone into your establishment, and had said, supply these articles—without making any arrangement as to price at all? The same prices would be charged to yourself, or to Mr. Egan, or to any other gentleman in Sydney, that I made to the Government in this case.
151. In the claim you sent in, and on which you claim a balance of £700 and some odd pounds? Yes, the prices are precisely the same as would have been made to any private person.
152. *By Captain Moriarty*: I think I understood you to say distinctly, Mr. Lenehan, that, in point of fact, no actual contract was entered into between you? There never was.
153. There was never any contract at all? Never.
154. It was a mere general matter; so many things were wanted, and what would be something like an approximate amount? That is the very understanding conveyed at the time the question was put to me:—“What amount shall I ask the Government for to replace these things with new ones of a similar character?”
155. And you never did, in point of fact, enter into any agreement, either with Mr. Dawson or any other person on the part of the Government, for the supply of those articles at the sums stated in Mr. Dawson's communication? Never, directly or indirectly—impliedly or expressly.
156. *By Mr. Lord*: You never furnished any written tender or estimate? Never.

157. *By Mr. Egan*: You merely stated, I suppose, in conversation, the probable amount that such and such things, as they were then described, would come to? Yes.
158. And not as to what they afterwards received? No; if they had adhered to their first intention it would not have cost more.
159. *By the Chairman*: I understood you before to say, that nothing occurred with respect to any contract at all but what you have told us? There never was a contract, and had they adhered to their first instructions my account would never have amounted to as much, I think, as the sum voted; but Lady Denison thought she could get any amount.
160. *By Mr. Lord*: Did you ever furnish an estimate yourself, in writing? Never; the Colonial Architect took down round sums on a piece of paper, from my verbal statement, so as to arrive at that amount, to know what to apply for; but I never furnished, directly or indirectly myself, any tender, or stated fixed prices for any article. I may mention, perhaps, a matter which I desire to correct. I received a copy of my evidence, and there is a passage in it I would wish to correct. I did not say what I am made to say. I am made to say that the Governor asked me to get the Colonial Architect to get designs. That is not correct; I do not say so.
161. What did you say? That the Governor himself said—and Lady Denison also—that they would get the Colonial Architect to furnish me with designs, by which I was to work.
162. Will you be good enough to correct that, in writing, at the foot of the evidence? Yes. I may mention now, in passing, that my solicitors cannot find either the sketches I received from the Government or the papers. They were with the papers when we went to trial; but neither the papers nor the sketches can be found now, nor the Civil Crown Solicitor's letter, offering £5,500; but Mr. Garrick suggested that he would supplement it, as he cannot find the papers in his office.
163. You have searched for these papers and have not been able to get them? All the papers were with Messrs. Rowley, Holdsworth, and Garrick. They were put away, and we cannot find them at present. I only asked for them on Monday. Mr. Garrick, however, knows everything about the matter.
164. *By Mr. Robertson*: Did you give all the things originally contracted for, or rather, originally estimated for? No, there were a few small matters, I think, that were never provided for.
165. They having been part of the original estimate? They were part of the list first made.
166. The original list or estimate? Yes.
167. *By the Chairman*: Let it be called an estimate? Yes.
168. *By Mr. Robertson*: You did not give the whole of those things? No.
169. What proportions did you give? There was unfurnished not more than £20 worth of the articles originally intended to be supplied.
170. What sort of a carpet was it—there was a complaint about that? It was a velvet pile carpet.
171. Is that carpet there now? It is.
172. It is the same carpet now that is at Government House? It is. I would wish to state, in addition to the question you put to me a few minutes ago, that although all the things originally intended to be supplied were not supplied, many things were furnished in addition which were not intended to be supplied in the first instance.
173. *By Captain Moriarty*: And, in point of fact, you only charged for those articles that were supplied? That is all.
174. Without any reference to the estimate made by Mr. Dawson? The things originally intended to be supplied, but which were not furnished, were not charged, but those additional articles which were sent, although not intended to be supplied in the first instance, were charged for. Nothing was charged for that was not sent.

Henry Woolley, Esq., called in and examined:—

175. *By the Chairman*: Mr. Woolley, may I ask what is your business? My business now is that of a printer and publisher; my old business was decorator.
176. Decorator? Yes, I was decorator to Her Majesty at Home. I was in that business here for six or seven years, until I lost my leg.
177. What, exactly, do you mean by decorator—it is so extensive a word? I furnished the palace with the furniture, and decorated the walls. We used to call ourselves decorators in England. We were upholsterers and decorators—artistic decorators.
178. You were a decorator, which includes the business of upholsterer? Yes; I kept a large manufactory of cabinet furniture.
179. Then you are acquainted, I suppose, with the precise value of furniture supplied to such places as Government House? Yes; I went over that furniture.
180. Have you gone over the furniture in Government House, and if so, has anyone pointed out to you the furniture supplied by Mr. Lenehan to Government House? Yes.
181. Who pointed it out to you? Mr. Lenehan.
182. Have you been shown any account furnished by him for that furniture? No, I have never seen an account of it.
183. You have never seen the account? No; I was told the prices afterwards. I went over with Mr. Hunt.
184. Who is Mr. Hunt? A cabinet-maker. We both put down our prices for the things. He, perhaps, would give a higher price for some things, and me a lower. We mentioned the prices, and afterwards we knew the prices charged. We found that in many cases they were below what we put down.

Mr. Andrew
Leuhan.
30 Oct., 1862.

H. Woolley,
Esq.
30 Oct., 1862.

- H. Woolley, Esq.
30 Oct., 1862.
185. Did you in any case find the prices higher than you put down? We thought altogether that the bill was considerably lower than we should have made it out. There was one article in particular—the silk curtains for the drawing-room—that I had used 1,000 or 1,500 yards of. The pattern was set up for me. It was for the Honorable Mr. Matheson. That silk was charged 18s. a yard, and I used to pay a guinea.
186. You paid a guinea? Yes, for my 1,500 yards.
187. And what did you charge Mr. Matheson? A guinea and a half.
188. *By Mr. Egan*: I suppose that includes the work? No.
189. You charged that for the silk alone? Yes; I drew the designs.
190. *By the Chairman*: You drew the designs? Yes, and the firm in the city made the silk.
191. According to your designs? According to my designs.
192. And you paid for making it a guinea a yard? Yes.
193. And you supplied it, and were paid for it, at the rate of a guinea and a half? Yes.
194. Which of course included some remuneration for your design? Yes. Mr. Billiard's brother-in-law paid 27s. 6d. for the same thing in different colours; I paid a guinea.
195. That is one article;—did you observe any other articles that were charged in anything like a similar way? The dining-room chairs Mr. Hunt considered very considerably under the cost, but they were English made, part of them. I believe they were made up. A certain number were English.
196. At that time, I suppose, you saw the account furnished by Mr. Lenehan, and were aware what prices had been charged? I was aware of the prices, but I never saw any account. I did not wish to see any. I agreed with Mr. Hunt when we went in: I said, "Let us take our notes, and compare them afterwards."
197. But how did you know the prices Mr. Lenehan had charged? We then after that spoke to Mr. Lenehan about it, and he told us then what he had charged, and we told him what we had put down.
198. *By Captain Moriarty*: You had no knowledge whatever of the nature of Mr. Lenehan's demand until you and Mr. Hunt had valued the articles yourselves? I cannot say that exactly, because, if I recollect rightly, Mr. Lenehan told me his account was somewhere about so much, and that they disputed so much.
199. It was a general amount? It was a general amount. I do not think I saw an account of the prices of any particular article on paper, to the best of my recollection.
200. At all events, your opinion was formed without reference to any amounts? Quite. When we went there I suggested to Mr. Hunt that we should do so. I said, "I will take my book and put down a price, and you put down a price, and we will compare notes."
201. *By the Chairman*: You went there at the invitation of Mr. Lenehan? Yes.
202. Did you consider that the articles furnished were of a good description? I thought them very good indeed.
203. And the workmanship, was that well done? We agreed that it was all very good indeed. We did not notice anything at all —
204. You saw nothing to find fault with? No; I thought it was most satisfactory; I was quite pleased.
205. And on the whole you consider the prices fair and reasonable? Yes, both of us did.
206. And as you think, considerably (in some instances) under what you would have charged? That would depend upon circumstances, as in the case of this silk. Mr. Lenehan visited England, and no doubt if a man has money in his pocket he can go into the city and buy. He seemed to have given the advantage.
207. To the Government? To the Government.
208. Did you observe the carpeting, do you recollect? It is some time ago. I do not think I paid so much attention to that as to the other things.
209. The curtains, I suppose? The curtains were particularly gone into, and all the cabinet furniture. No doubt we made our remarks about the carpet too, but I do not recollect particularly now about that.
210. But on the whole that was the result of your examination? Yes, we thought the charges were very fair.
211. *By Mr. Egan*: And in some instances they were charged less than you valued them at? Very many of them were. I believe that if the dining-room chairs had been made in the Colony, Mr. Lenehan could not have sold them at the price. I think there were eighteen English, if I recollect rightly, and the rest were made up to match.
212. Do you recollect the sideboard and tables? I remember the sideboard particularly.
213. *By Captain Moriarty*: Do you agree with this statement—"Many of the charges are so very much in excess of what I considered reasonable, that I did not consider myself justified in dealing further with the account until I had caused it to be carefully examined by some competent and disinterested person." That is a statement made by the Colonial Architect at the time—do you concur in that view? I think anything but so.
214. You entertain a directly opposite opinion? I entertain an opinion directly opposite to that. Indeed my idea was, that the whole matter hinged upon whether an estimate was given or whether it was not. I stated in Court that I had given dozens and dozens of estimates. I had the honor of appointment from Her Majesty, and supplied furniture to Somerset House, Greenwich Hospital, Chelsea Hospital, and the Admiralty; we were in the habit of supplying furniture every week when changes were made, and at Chelsea Hospital there were changes every week. We were sent for by the Architect, we took down exactly what was required to be done, and sent in our price as a sort of guide. If a nobleman went into any of the apartments we used to furnish them much more expensively, but we always had the order from the Architect. I am satisfied that I have sent in many memoranda where the price put down had not been more than £200 or £300, but where the bill has been £600 or £700.

215. *By Mr. Egan*: Independently of that consideration, and leaving it out of your consideration also on what the matter hinged, do you consider the goods furnished at the prices you were told by Mr. Lenehan that they were marked down by him,—were furnished at reasonable prices? I do.

H. Woolley,
Esq.

30 Oct., 1862.

216. Independently of whether there was a contract or not—independently of what, in your opinion, the matter hinged on? I do; I think that they were very fair prices indeed.

217. *By Mr. Alexander*: Do you know Mr. Coles? No.

218. *By Captain Moriarty*: The Clerk of Works? No.

219. *By Mr. Egan*: Have you any idea of the gross amount of your valuation of the furniture pointed out? We did not go on the full amount, but on the different articles; we took the principal articles, and did not go through every little item.

220. And you do not know what was the gross value of the articles supplied? No; we took the larger things—the curtains and the furniture, I think all the cabinet furniture. I think, too, we did take the carpets; we took them at so much per yard—we did not carry them out.

221. *By Captain Moriarty*: Did you take the pier glass—there was a large pier glass supplied? Upon my word I almost forget; I fancy we did.

222. That was an important item? Yes, we did, because at the time I made a remark. Mr. Hunt was not quite so conversant with the plate glass as I was, and I remember telling him, that in the year of the coronation of our present Queen I was a shareholder in the Thames Plate Glass Company, and that we produced the largest sheet of plate glass that had ever been made. I gave £250 for it. I think it was 144 inches by 90 inches. I was telling him what a vast difference there was in the price now—how it had come down. That was at the time the largest sheet of glass ever made, except in Russia. It cost about £56 silvering, and I think about £20 for the mouldings.

223. *By the Chairman*: Glass has been greatly reduced in its price? Yes. I was speaking to Mr. Hunt about it, he never having dealt in those large glasses, and he did not understand how they told up in price according to size.

224. In fact, they increase in something like a geometrical progression? Yes. You cannot afford to cut a large glass. A glass double the size is worth more than double the value.

225. *By Captain Moriarty*: Four times the value? Yes.

226. *By the Chairman*: Have you had any experience in reference to the prices in the Colony here? Well, yes, I was in the business here for seven years.

227. You were engaged in the business here? Yes, I was in the trade, and did a good business. I had one account of upwards of £3,000 for furniture in the Colony. That was a pretty good private account. It was for Mr. W. A. Gardiner, of Launceston.

Mr. Alexander William Norton called in and examined:—

228. *By the Chairman*: Mr. Norton, you are assistant to Mr. Lenehan? I am.

229. What is your exact position with him? As managing man.

230. Do you recollect the circumstance of Mr. Lenehan having supplied some furniture to Government House? I do.

231. You were with Mr. Lenehan at that time? I was, and, under Mr. Lenehan, I had the superintendence of the workmen.

232. That is the work about which a claim is still pending? Exactly so.

233. Will you be good enough to tell the Committee what was the first thing you did in reference to that matter? The first time I went round to Government House was on the occasion of taking some coburgs for the lining of the reception-room curtains, for Lady Denison's inspection.

234. For Lady Denison's inspection? Yes, different shades of coburgs.

235. Do I understand you that you took samples? Yes, samples of coburg cloth.

236. For Lady Denison's inspection? Yes, for Lady Denison's inspection.

237. What took place—did you see Lady Denison? I did.

238. Was anyone else present? I think not.

239. You saw her at Government House? Yes.

240. What took place? Her Ladyship desired me to get some better materials; she said they were far too common—that they were not good enough for the material that was going to be on the outside.

241. Were there articles of the same kind forming part of the furniture of Government House before? Yes, the old curtains were lined with the same material, as far as value is concerned.

242. That is what I want to know;—were they of the same kind as the old materials for which they were intended to be a substitute? Yes.

243. Those that you took on that occasion? Those that I took on that occasion.

244. What did you say then? I asked her ladyship what style of material she would require, and she said it ought to be of silk.

245. Yes? And that I was to procure patterns of silks.

246. Yes, and what then took place? I returned and acquainted Mr. Lenehan, and patterns were procured. I submitted them to her ladyship, and she selected one.

247. She selected a pattern? She selected a pattern.

248. A silk pattern? It was a shot glace silk—gold and silver.

249. Was the one she selected of a more expensive kind, or of a less expensive kind, than the one it was intended to replace? It was about four times the value.

250. What took place then? That was all that took place on that occasion.

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251.

Mr. A. W.
Norton.

30 Oct., 1862.

- Mr. A. W. Norton.
30 Oct., 1862.
251. What is the next thing that took place? I returned to Mr. Lenehan, and Mr. Lenehan had to consult Mr. Dawson as to the propriety of using it. I was there generally every day while the men were there. It was my business to see that they were at their work.
252. You saw the work done? I did.
253. Had you any conversation with Lady Denison? No, excepting casual observations she might make in coming into the room—such as, she did not like this being done, or that being done, and I had to alter it.
254. Had you any conversation with her about substituting any other material for any you had brought? I had not.
255. Had you any other conversation with Lady Denison, in respect to varying the kind of material you had brought? I had not, excepting in reference to the drawing-room curtains. I was cognizant of her having done so, but not to me. The foreman of the upholsterers was the person to whom her ladyship varied the order in reference to the dining-room curtains.
256. Is he here? He is not. If he is in the Colony, he is somewhere up the country; he has been lost sight of for some time. It was to him that her ladyship stated she would not have damask curtains, and she told him to send Mr. Lenehan to her.
257. After that did you supply new curtains? They were supplied both to the dining-room and to the reception-room.
258. Did you see her after they were brought? I saw her ladyship there generally every day.
259. Looking over the work? Yes.
260. Are you aware of any other alteration being made, or of any other change being made, in the materials supplied? Nearly all the articles in the original estimate were altered; the sideboard was altered from that originally intended; the dining-tables were altered. I had to see Mr. Charles, who was at that time draughtsman, to confer with him on several occasions as to the alterations.
261. Draughtsman!—I suppose you mean the Colonial Architect? Yes.
262. Have you got your account here? No, I have not.
263. Are you aware of all the articles mentioned in the account being furnished? I am; they all passed under my supervision prior to their being sent in.
264. You, I believe, have been a long time in the trade? I have been in the trade ever since I was of the age of fourteen—now about twenty-five years.
265. Can you say whether the terms charged in Mr. Lenehan's account are fair and reasonable? They are; I *costed* every article. There is one stated rate of profit in the business, and that rate of profit was applied to Government House, the same as it would be to yours or to any other private establishment.
266. *By Captain Moriarty*: What do you mean by the original estimate? There was an original document at Mr. Lenehan's, which was made prior to me going with him, giving an idea of the prices for repairing and altering certain of the furniture at Government House, and in that estimate it gave the cost of new curtains, to be of the same material and hung in the same manner as those then in existence; and in the dining-room the material stated there was worsted damask.
267. *By the Chairman*: Could you find that estimate? Yes.
268. Would you be kind enough to get it for the next day of meeting? I will do so.
269. *By Captain Moriarty*: Was that an estimate made by Mr. Lenehan, or a copy? What I had was a rough copy.
270. Was it made by Mr. Lenehan and supplied to the Government, or was it made by the Colonial Architect for Mr. Lenehan's guidance? It was in Mr. Lenehan's clerk's handwriting, and therefore I presume it was made by Mr. Lenehan.

TUESDAY, 4 NOVEMBER, 1862.

Present:—

CAPT. MORIARTY,	|	MR. ALEXANDER,
MR. EGAN,	|	MR. ROBERTSON.

PETER FAUCETT, Esq., IN THE CHAIR.

Mr. John Hill called in and examined:—

- Mr. J. Hill.
4 Nov., 1862.
271. *By the Chairman*: You are a cabinet-maker, doing an extensive business in Sydney? Yes.
272. Have you seen the furniture supplied to Government House by Mr. Lenehan in 1857? It is about three years ago since I saw it.
273. By whom was it pointed out to you? By the Governor himself.
274. As the furniture supplied by Mr. Lenehan? Yes; Lady Denison was also there some time.
275. Will you state what was the object of your going there? To make a valuation of the furniture, as near as I possibly could.
276. Were you invited there on the part of the Government? Yes.
277. By the Colonial Architect? Yes; the Colonial Architect told me at the time, that he was authorized by the Governor and Lady Denison to appoint me as one of the valuers.
278. Did you estimate the whole of the furniture on that occasion? Yes, we did so as near as we possibly could.
279. Who was with you? Mr. Hayes, the cabinet-maker, who was in a small way of business in those days.

280. Was he a skilful person in his business? Yes; I believe Mr. Lenehan can state as well as myself, that he was one of the best workmen in the Colony at the time, as a practical man. Mr. J. Hill.
4 Nov., 1862.
281. Was he also requested by the Government, in the same manner as yourself, to act as a valuator? Yes, there were two on one side, and two on the other, I believe.
282. Were any other persons with you at that time? No, Mr. Hayes and I were alone.
283. And both acting on the part of the Government? Yes.
284. Had you at that time seen, or did you afterwards see, the charges made by Mr. Lenehan—the accounts sent in by him? No, I do not recollect ever seeing them. I have a copy of the valuation Mr. Hayes and I made at the time, which will perhaps be the best evidence I can give in the matter.
285. Will you hand it in? Yes. (*The witness handed in the same. Vide Appendix.*)
286. You consider that this statement contains a fair estimate of the value of the articles you examined? Yes. But there is one thing I consider it my duty to state here now, that a great deal of that work was done some two or three years before that valuation was made, and when men's wages and materials were much higher than they were then. I should mention also that there are two or three items not carried out as to price—some alterations and repairs that were made because we could not get pointed out to us exactly what had been done. If these amounts had been carried out, it would swell this account a few pounds.
287. Could you state what would be a fair per centage to add on to the prices you have fixed against these articles, having reference to the period at which they were supplied? We thought about fifteen per cent. on the cabinet work, as near as we could get the prices. We sent round to the different houses in the trade, and ascertained, as well as we could, what the prices were of upholstery materials three years before.
288. Does that fifteen per cent. include the value of both labour and material? Yes. Everything was dearer at that time, and particularly to those that had to buy in the Colony.
289. Then you think fifteen per cent. would be a fair addition to the prices you have set against these articles in the statement you have handed in? Yes.*
290. And that fifteen per cent. would cover everything? Yes, except of course those articles that there is no price carried out for.
291. Did you furnish a copy of this to the Government at the time? Yes, we made out two similar to this, and Mr. Hayes and myself signed them both; one we kept, and one we sent to the Crown Solicitor. That was at the time the case was coming on in the Supreme Court.
292. *By Captain Moriarty:* I understood you to say, that if you had valued the articles when they were supplied to Government House, you would have put a higher price upon them than you have done, labour and materials being dearer at that time? Yes; I have no doubt from ten to fifteen per cent. would have been added to the whole of the articles of cabinet furniture made by Mr. Lenehan. We were paying men £1 a day, two or three years before this valuation was made.
293. *By the Chairman:* This valuation amounts to the sum of £1,666—you would have added fifteen per cent. to that amount, if you had made the valuation at the time the articles were supplied? Yes, I believe I should have added fifteen per cent. to the cost of the cabinet work. The valuation of the upholstery work was made, as nearly as possible, in accordance with the prices paid for materials and labour three years before the valuation was made.
294. *By Mr. Alexander:* Was that document brought forward when the trial took place? It was sent in by us to the Crown Solicitor, and I expected to be called as a witness on the trial, but was not called.
295. *By Mr. Egan:* Were you subpoenaed by the Attorney General? I was subpoenaed on the part of the Government, but was not called. I may state that I heard at the time that my valuation was considered too high.

APPENDIX.

	£	s.	d.
Dining and ante-room—			
275½ yards velvet pile patent carpet, at 7s.	96	8	6
Upholsterer cutting out and making ditto, at 8d.	9	3	8
Dining-room—			
203 yards superior tapestry carpet, at 5s.	50	15	0
Upholsterer cutting out and making ditto, at 8d.	6	15	4
143¾ yards best Brussels carpet, at 6s. 6d.	46	14	4½
Upholsterer cutting out and making ditto, at 8d.	4	15	10
90½ yards ¾ best Brussels carpet, at 6s. 6d.	29	8	3
36 „ bordering for ditto (not seen)	2	10	0
1 velvet pile hearth rug	2	10	0
1 piece floorcloth, 15ft. × 9ft. = 15 yards	7	15	3
1 „ „ 15ft. × 9ft. = 15 „	7	15	3
1 „ „ 15ft. × 4ft. 6in. = 4½ yards = 34½, at 4s. 6d.	7	15	3
Drawing-room—			
2 velvet pile hearth rugs, at 50s. each	5	0	0
2 upholsterers removing old stair, landing, and passage carpet, removing brass rods and eyes, relaying new carpet on stairs, landing, and passages, and brass rods, eyes, &c., each 1½ days, 3 days, at 20s.	3	0	0
	Hall—		

* NOTE (on revision):—The advance of fifteen per cent. refers to the cabinet work only.

Mr. J. Hill.
4 Nov., 1862.

	£	s.	d.
Hall—			
1 piece floorcloth, 15ft. X 5ft. 6in. = 9½ yards .. .. .			.....
1 " " 15ft. X 3ft. 3in. = 5½ " .. .. .			.....
1 " " 15ft. X 2ft. 3in. = 3½ " 18½, at 4s. 6d.		4	3 0
At foot of stairs—			
1 extra large size white Angola rug, with crimson centre, 8ft. X 3ft..		3	0 0
1 pair crimson and gold dining-room bell ropes		5	10 0
2 upholsterers taking up old carpets in drawing-room, preparing floors, pressing, fitting, and laying new carpets in both rooms, 6½ days each, 18 days, at 20s.		13	0 0
Tacks .. .. .			.....
Dining-room curtains—			
154 yards amber and crimson medallion damask, at 12s. 6d.		96	5 0
120 " crimson silk orris lace, at 7s.		3	10 0
32 " 15-inch bullion fringe, at 14s.		22	8 0
72 " crimson silk flote lace		0	18 0
212 " tammy lining, at 2s.		21	4 0
36 " 4-4 white linen dowlas (not seen) .. .. .			.....
42 " crimson curtain line, at 3d.		0	10 6
8 " amber silk drapery rope, at 4s. 6d.		1	16 0
48 " amber and white silk hangers, at 50s. per dozen		10	0 0
48 3-inch " rosettes, at 22s. per dozen		4	8 0
6 " crimson and amber ditto, at 22s. per dozen		0	11 0
12 8-inch silk pendants		1	10 0
12 " crimson silk pendants		1	10 0
12 " crimson and white ditto		1	10 0
21 24-inch amber silk festoon drops, at 20s.		21	0 0
6 crimson and amber curtain loops with double tassels, at 50s. per pair.. .. .		15	0 0
12 brass curtain loop hooks and screws		0	7 6
78 2-inch brass curtain rings, at 5d. each		1	12 6
6 iron brackets, at 1s.		0	6 0
21 yards copper wire (can't say) .. .. .			.....
12 iron curtain rod hooks		0	8 0
3 pairs French mounted curtain rods, at 20s.		3	0 0
3 large massive gilt brass cornices for dining-room windows, 2 each 5ft. long with return ends, and 1 12 ft. long with ditto, fitted with plates, tongues, &c. complete, at £5 10s. each		16	10 0
Upholsterer cutting out, making, and fitting, and fixing up 3 suits of dining-room curtains, draperies, &c.		20	0 0
Drawing-room—			
3 Angola rugs, at 20s.		3	0 0
1 velvet pile hearth rug		2	10 0
Staircase—			
Manufacturing and furnishing six Gothic balustrade principals, with appropriate mouldings, carvings, and sunk panels, French polished, altering newel posts, fitting and fixing pinnacles thereto, at 80s.		24	0 0
Hall—			
1 superior Axminster hearth rug for glass doors in hall.. .. .		2	0 0
Dining-room—			
* A King Arthur dining table, to form semi-circular dining table or ends to telescope table, with two union flaps, supported by turned and richly carved legs, thickened and moulded top and frame to match, fitted with patent casters, and French polished .. .. .			.....
1 green baize table-cover for ditto, trimmed with silk orris lace		2	10 0
1 ditto, for oblong dining table		2	10 0
Drawing-room and ante-room curtains—			
398 yards amber tabouret, at 7s.		139	6 0
6 " crimson ditto, at 7s.		2	2 0
484 " white silk, at 4s.		96	16 0
328 " crimson and gold craped silk cord, at 9d.		12	6 0
225 " 2 in. ditto curtain gimp, at 2s. 6d.		28	2 6
220 " ½ in. scroll ditto, at 10d.		9	3 4
10 " 15 in. crimson bullion fringe, at 14s.		7	0 0
39 " 12 in. ditto ditto at 10s.		19	10 0
164 " amber and silk flote lace, at 24s. per gross		1	7 4
19 " crimson worsted binding		0	4 6
5½ " amber glazed cambric, at 6d.		0	2 7½
286 " brown holland, at 1s.		14	6 0
30 " crimson and gold silk rope, at 4s. 6d.		6	15 0
76 " No. 2 patent line, at 1d.		0	6 4
20 amber festoon hangers, at 10s. each		10	0 0
38 18 in. amber silk hangers, at 4s. 2d. each		7	18 4
48 12 in. " " at 3s. 4d. each		8	0 0
93 3½ in. " " rosettes, at 2s. 1d. each		9	13 9
10 crimson pendants or drops, 2s. 1d. each.. .. .		1	0 10
35 large ditto, at 4s. 2d. each.. .. .		7	5 10
18 superior large crimson and white silk pendants, at 30s. per pair		13	10 0
8 extra large crimson and amber drapery tassels and ropes, at 25s. each		10	0 0
32 brass loop hooks, at 7s. 6d. per dozen		1	0 0
8 6 in. rich silk crimson and amber rosettes, at 15s. each		6	0 0
66 2 in. strong brass curtain rings, at 5d.		1	7 6
80 yards crimson curtain line, at 4d.		1	6 8
4 brass side pulleys, at 9d.		0	3 0
8 crimson and gold curtain loops and tassels, at 50s. per pair.. .. .		10	0 0
Upholsterer cutting out, sewing, making, and fitting up four suits of amber satin drawing-room curtains, and draperies for two rooms, with decorations, trimmed and arranged, and labour		40	0 0
Drawing-room—			
Taking down, removing, altering, repairing, and gilding three old window cornices, furnishing two new pier cornices, carved and gilded to match		15	0 0
10 white holland roller blinds, trimmed complete (without furniture) at 10s. each		5	0 0

Ante-

	£	s.	d.	
Ante-room—				
4 white holland roller blinds, trimmed complete (without furniture)				
at 10s. each	2	0	0	
Dining-room—				
16 white holland roller blinds, trimmed complete (without furniture)				
at 10s. each	3	0	0	
Drawing-room—				
Repairing and French polishing two rosewood sofas, ripping, restuffing,				
and covering the same	10	11	9	
30½ yards amber satin tabouret, at 7s.	2	15	0	
20 " " silk cord, at 9d.	0	18	4	
22 " " gimp, at 10d.	0	10	0	
4 " " damask, at 2s. 6d.	0	4	0	
4 " " linen, at 1s.	1	0	0	
10 lbs. best picked hair, at 2s.	0	10	0	
4 bolster tassels	0	10	0	
Repairing, cleaning off, and French polishing rosewood couch frame,				
re-stuffing, covering, and trimming the same	3	13	6	
10½ yards gold tabouret, at 7s.	0	5	0	
2 " " damask, at 2s. 6d.	0	2	0	
2 " " linen, at 1s.	0	7	6	
10 " " craped silk cord, at 9d.	0	10	0	
12 " " gimp, at 10d.	0	10	6	
1 tassel, 2s. 6d.; 4lbs. best curled hair, at 2s., 8s.				
Removing, covering, stuffing, &c., of 12 rosewood drawing-room chair-				
frames, re-stuffing, French polishing, and re-covering same, trimmed				
with silk gimp, &c.	2	16	0	
8 yards gold stripe tabouret, at 7s.	0	16	8	
20 " " crimson and gold basket gimp, at 10d.	0	8	0	
4lbs. best picked curled hair added, at 2s.				
Removing, covering, stuffing, &c., and repairing two carved large easy				
chairs, re-stuffing and covering same with satin tabouret	5	5	0	
15 yards gold satin tabouret, at 7s.	0	13	4	
16 " " crimson and gold silk basket gimp, at 10d.	0	4	6	
6 " " cord, at 9d.	0	3	9	
1½ " " damask, at 2s. 6d.	0	2	0	
2 " " linen lining, at 1s.	0	4	0	
2 lbs. best curled hair, additional, at 2s.				
Cleaning, repairing, and French polishing three settee-frames, re-stuffing				
and covering the cushions of ditto with tabouret, lined and trimmed				
with cord, &c.	3	10	0	
10 yards gold satin tabouret, at 7s.	1	4	9	
33 " " crimson silk cord, at 9d.	0	15	0	
6 " " damask, at 2s. 6d.	0	12	0	
6 lbs. best hair, additional, at 2s.				
Removing, covering, stuffing, &c., and repairing the frames of two rose-				
wood easy chairs, re-stuffing the same with horse-hair, trimming and				
covering ditto in gold satin tabouret, French polished, &c.	3	10	0	
10 yards gold satin tabouret, at 7s.	0	14	6	
12 " " gimp, at 10d.—10s.; 6 yards crimson gold cord, at 9d.	0	7	0	
2 " " lining, 2s.; 2 yards damask, 5s.	0	12	0	
6 lbs. best picked curled hair, at 2s.				
Upholsterer removing the covering and stuffing, &c., of two Chancellor				
ottomans, and re-stuffing the same with additional hair, trimming				
and covering ditto with gold satin tabouret	9	9	0	
27 yards gold satin tabouret, at 7s.	0	6	0	
8 " " crimson and gold craped silk cord, at 9d.	3	8	0	
16 " " rope, covered with orris lace, at 4s. 3d.	4	0	0	
8 large silk and worsted crimson and gold 10in. tassels, at 10s.	0	18	0	
12 " " rosettes	1	4	0	
32 small rosettes, at 9d.	0	12	0	
6 lbs. best curled hair, picked, at 2s.				
Upholsterer removing the covering and stuffing of two rosewood couches,				
repairing and French polishing frames, fitting new brass casters on				
ditto with screws, re-stuffing the same with best hair, trimmed and				
covered in gold damask	7	7	0	
21 yards gold satin tabouret, at 7s.	0	10	0	
4 " " damask, at 2s. 6d.	0	15	0	
20 " " crimson and gold craped silk cord, at 9d.	1	0	0	
24 " " crimson and gold gimp, at 10d.	0	2	0	
2 " " linen lining, at 1s.	0	6	0	
2 " " silk bolster tassels, at 3s.	0	16	0	
8 lbs. curled hair added, at 2s.				
Dining-room—				
24 Grecian dining-room chairs, with carved legs, backs, and stays, French				
polished, stuffed with hair, and covered in Morocco leather, and				
fitted with casters to front legs, at £5	120	0	0	
In hall at doors of drawing and ante rooms—				
6 crimson wool door-mats, with white border, at 30s.	9	0	0	
Ante-room—				
Repairing and French polishing a pair of rosewood card-tables, and re-				
covering the fold tops of ditto with superfine cloth				
Dining-room—				
* 1 oblong telescope dining-table, 24ft. X 6ft., eight loose flaps, double				
telescope slides, on centre pillar and claws standard and four turned				
legs—the whole richly carved and fitted with patent casters, tops				
and frames moulded and thickened, French polished, fitted and				
furnished with patent extending screws and handles complete	152	12	0	
1 sideboard, 13ft. 3in. long, 7ft. high, 3ft. 5in. deep, with silvered plate				
glass back in richly carved frame, break front and deep moulded				
frieze with drawers, and supported by four carved front console				
trusses, panel and moulded back, with pilasters on moulded plinth				
of fine wood, and French polished	140	0	0	

Drawing-

* This includes the King Arthur table.

Mr. J. Hill.
4 Nov., 1862.

Mr. J. Hill. 4 Nov., 1862.	Drawing-room and ante-room— Repairing and French polishing three rosewood card-tables 1 large door-mat, 3ft. 4in. X 2ft. 5in. 1 " 3ft. 5in. X 1ft. 6in. Drawing-room— 1 chimney-glass, 144in. X 72in., in richly carved and gilt frame 2 upholsterers taking down small chimney-glass, cutting and removing room paper, &c. in ante-room, and replacing ditto with glass from public drawing-room—materials and labour Dining-room— 1 sideboard table, with panel front and ends supported with plinth, and ornamented with covered moulded top, carved trusses, with sliding flap stand enclosed, lined with fine blue cloth, &c., and French polished Legislative Council— 21½ yards best Brussels carpet (library), at 6s. 6d... .. . 5½ " (library steps), at 6s. 6d. 1 set library steps, with moulded edges and projecting top rail, French polished (not seen) 2 white holland roller-blinds, with racks, cords, and tassels complete, at £1	£ s. d. 2 0 0 1 10 0 75 0 0 27 10 0 7 1 4½ 1 15 9 2 0 0 £ 1,666 15 5½
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JNO. HILL, JUNR.
G. C. HAYES.

Mr. Andrew Lenehan further examined :—

- Mr. Andrew Lenehan.
4 Nov., 1862.
296. *By the Chairman*: Do you produce a copy of your account furnished to the Government? I do. (*The copy produced.*)
297. Mr. Woolley told us that the furniture he saw at Government House, and about which he spoke in his evidence, was pointed out to him by you? Yes.
298. Was that the furniture you supplied to Government House? It was the same furniture.
299. I understand you wish to make a statement, in correction of some of your former evidence? Yes, in correction of the evidence I gave on the last occasion, with regard to the balance due to me. I was asked the balance, and having nothing at hand to guide me, I adopted the account printed in a letter of the Colonial Architect, dated 8th January, 1858, (marked C in the Separate Appendix,) which was in reality the statement made by the Government, and not by me. My accountant, Mr. Webb, is here, and I shall be glad if you will allow him to state the amount that really is due.

Mr. Charles Read called in and examined :—

- Mr. C. Read.
4 Nov., 1862.
300. *By the Chairman*: You are, I believe, an upholsterer? Yes, and carpet salesman, in the employ of Messrs. David Jones and Company.
301. You have had a large experience, I believe, in that department? Yes.
302. Have you seen the furniture supplied by Mr. Lenehan, in 1857, to Government House—carpets, curtains, and other things? Yes.
303. Have you seen the account furnished by Mr. Lenehan? I saw that account, some three years ago, at Government House.
304. You accompanied Mr. Thompson, of the firm of Thompson, Symonds, and Co., (successors of the former firm, and predecessors of the late firm of David Jones and Co.,) and made an estimate of the value of these articles? Yes; we were called upon to go over the furniture, to look to the qualities, and also the value of the material.
305. By whom were you called upon to do this? By Mr. Coles, of the Colonial Architect's Department.
306. Did you furnish any estimate in writing? I am not certain about that. If it was done, it was done by Mr. Thompson.
307. You say you saw the account furnished by Mr. Lenehan? Yes, the account, or a copy of it, was given to us at Government House by Mr. Coles.
308. Assuming that there was no contract between Mr. Lenehan and the Government with respect to the supply of that furniture, were the charges in his account fair and reasonable charges? I considered them so at the time I went over it, which is now some three years ago. I think it was some two years before that, that furniture was supplied. In fact, I found the charges for curtains and carpets were slightly below what they could have been supplied for at the time we went over it.
309. Were prices higher or lower in 1857 than at the time you speak of? Materials were higher in 1857, particularly carpets and the silk in the curtains.
310. Was the workmanship well executed? Very well.
311. Everything you saw was well done? Yes.
312. Did you examine the furniture, such as the tables and sideboards? No, we confined ourselves to the carpets and curtains, and all the trimmings and workmanship connected with them.
313. Did you examine them minutely? Yes, and also measured them. We were particularly instructed to check the quantities.

314. Did you and Mr. Thompson agree in your valuation? Yes. In the position in which I was placed, that being my particular department of my business; and having an intimate knowledge of it, I was rather better able to give an opinion on the subject than Mr. Thompson, whose knowledge was merely general. Mr. C. Read.
4 Nov., 1862.
315. You took a more active part in that department than Mr. Thompson? Yes.
316. And you had greater and longer experience than he had, and more special experience in that department? Yes.
317. *By Captain Moriarty*: What was the description of carpet supplied? There were two or three different kinds, velvet pile, Brussels, and tapestry carpet.
318. Was the velvet pile carpet a good one? Yes.
319. As good of its kind as could be supplied? Yes, as good as was procurable in this Colony. There are better goods made, but it was as good as I have seen in this Colony.

Mr. Charles Hunt called in and examined:—

320. *By the Chairman*: You are an upholsterer and cabinet-maker? Yes. Mr. C. Hunt.
4 Nov., 1862.
321. And have been so for many years? Yes.
322. In extensive business in Sydney? At one time it was extensive.
323. Did you examine the furniture at Government House, supplied by Mr. Lenehan in 1857? Yes.
324. At whose instance? At the instance of Mr. Lenehan himself.
325. About when was it that you examined it? I think about two years ago.
326. For the purposes of the trial? Yes.
327. Preparatory to giving your evidence at the trial? Yes.
328. Did you at that time, from your examination, form an estimate of the value of the furniture supplied, as pointed out to you? Yes, I did.
329. Was that in writing? No, I did not put it in writing. I went through the different articles of furniture, carpets, curtains, and so on, with Mr. Woolley, and we both thought that Mr. Lenehan's charges were reasonable.
330. Had you seen Mr. Lenehan's charges at that time, or did you afterwards see them? Yes, I was acquainted with his prices.
331. And you thought they were reasonable? Yes, I thought the whole of them were reasonable.
332. You and Mr. Woolley were together on this occasion? Yes.
333. And you talked over the matter together? Yes, we were nearly three hours going through the things.
334. You made a minute examination? Yes.
335. Did you consider the question of value in reference to the time at which you were examining the articles, or in reference to the year 1857, when they were supplied? In reference to the time they were made, in 1857. At that time it was difficult to get workmen to do what you wished them.
336. Prices were higher? Yes; and you could not control the men then as you could now; there was greater anxiety at that time.
337. In reference to the year 1857, did you consider Mr. Lenehan's prices as fair and reasonable? Yes, I did indeed, very fair and very reasonable.
338. I mean independently of any contract whatever, assuming there never had been a contract at all? Yes, assuming there was no contract.
339. *By Captain Moriarty*: Did you and Mr. Woolley examine the articles separately, and then compare notes, or did you examine them together? We went through them together. I mentioned the prices I thought they should be, and I think sometimes my prices were above Mr. Lenehan's. Mr. Woolley, having been out of business for some time, was not altogether conversant with prices as they were just then, till he had brushed up his memory.
340. You examined every item? Yes.

Mr. Thomas Webb called in and examined:—

341. *By the Chairman*: You are accountant to Mr. Lenehan? I am. Mr. T. Webb.
4 Nov., 1862.
342. Will you be good enough to state what the total amount of Mr. Lenehan's claim against the Government was originally? £1,122 17s. 5d.,* of which £225 19s. was paid into Court; the balance remains due.
343. How much is the balance remaining due? That would make it to be £896 18s. 5d.
344. *By Mr. Robertson*: Is that calculation made on the basis of the account contained in the Colonial Architect's letter of the 8th January, 1858? There is some irregularity in the amounts that have been put down there.
345. What is the difference between the two accounts—yours and the one furnished by the Colonial Architect? He puts down the balance at £794 16s. 4d., which makes a difference of £102 2s. 1d.
346. The account you now put in is £102 2s. 1d. more than that referred to by Mr. Dawson, the Colonial Architect, in his letter of 8th January, 1858? Yes.
347. Will you tell us how that difference arises? The balance arises simply in this way—that as articles of furniture were supplied they were regularly charged to the Government, and all the moneys paid by them were credited against the account. Hence arises the balance that I speak of.

348.

* NOTE (on revision):—This was the balance only of the original account due when Mr. Lenehan sued Government.

- Mr. T. Webb. 348. How was it that the discrepancy you now speak of was not discovered at the time of furnishing the Government with this account, which appears by the Colonial Architect's letter to have been furnished by Mr. Lenehan? I cannot tell you how he arrives at that.
- 4 Nov., 1862. Even after the item of £188, for chandeliers, included in the account in the Colonial Architect's letter that you refer to, was paid, there was a balance of £1,122 17s. 5d., if my memory serves me, less £225 19s. paid into Court.
349. What I wish to know is, how this discrepancy of £102 2s. 1d. arises between the amount of the balance you now claim, and of that shown in the account which this letter says Mr. Lenehan sent to the Colonial Architect? Simply because Mr. Dawson must have put down the amount wrong in that printed letter. It is an error in their office, not in Mr. Lenehan's.
350. Is this a correct statement of the account? It is not.
351. *By the Chairman*: What is the entire amount of Mr. Lenehan's charge against the Government, for furniture supplied, and the entire amount of money paid to him by the Government? I am not in a position to say, without time to examine the accounts.

William Weaver, Esq., C.E., called in and examined:—

- W. Weaver, Esq., C.E.
4 Nov., 1862.
352. *By the Chairman*: You were formerly Colonial Architect? I was.
353. For what period? Rather more than a year and a half.
354. Was there any furniture supplied to Government House, or to the public offices, during your time? Yes, a great deal, at various times.
355. Will you tell us what was the course adopted in dealing with those who supplied furniture? About three months before I left office, in the beginning of the year 1856, Sir William Denison arrived here, and at that time particularly there was a great deal of new furniture required at Government House. An approximate estimate was generally made on such occasions as that when a large amount was required.
356. How was that arrived at? Generally speaking, Mr. Lenehan, or whoever the person was who was to supply the furniture, was asked for an approximate estimate of the cost of the furniture required. I remember particularly a very expensive article, in the shape of a book-case, which was supplied by Mr. Lenehan, at the request of Sir William Denison. In that case, as in others, a gross sum was arrived at by approximation, and the details were to a great extent left to the Governor himself.
357. Having obtained an approximate estimate, what was done then? An order was given to the party supplying the furniture—Mr. Lenehan, generally speaking, in the case of Government House—to supply certain articles required, without any exact limit as to the cost of each specific article, and the selection of them, when supplied to Government House, was invariably left to the Governor.
358. Do you recollect any instances in which the selection was left to the Governor, and the Governor actually selected the articles? I remember that about this period, early in 1856, on the arrival of Sir William Denison, a great deal of new furniture was required; and, I believe, in all cases, the selection of carpets, curtains, and things of that kind, was invariably left to the Governor.
359. How were the prices afterwards arrived at? Mr. Lenehan, or any other party supplying the articles, sent in accounts, and the officers of the department had to satisfy themselves by the best means they could that the prices were reasonable. We never did anything of that kind by contract, or anything approaching contract, further than that an approximate estimate was given that about so and so would be the cost.
360. Was that approximate estimate considered by your department, or by the Government, as binding against the persons supplying the articles? No, certainly not, if the quality of the article was varied in any way; in fact, it was not a binding contract, there could be no doubt about that. In the case of Government House in particular, we did not limit the amount.
361. Did it occur, at any time, that the actual charges subsequently made greatly exceeded the approximate estimate previously made? I do not remember any particular instance; but during 1855 and 1856 everything was very expensive, and no estimates whether for buildings or furniture could be accurately made; it was utterly impossible at that period, and therefore we did not consider these estimates at all binding; but when the accounts were sent in, we used to ascertain by inquiry of other tradesmen whether the charges were fair or not.
362. Was the Government at that time in the habit of allowing the Governor General to give directions as to the kind of furniture supplied to Government House, and as to the style of workmanship? Yes, no doubt it was left, to a great extent, to his own wishes.
363. In leaving it to the Governor to carry out his own wishes, was the circumstance of his doing so necessarily increasing the expense considered? Not generally speaking. He would describe what articles were required, and it might so happen that he would increase the gross amount or he might not; some articles might be more expensive than the estimate; others might be less; but the probability was that the gross amount would be more than was at first expected.
364. Supposing a tradesman had been directed by you, as Colonial Architect, to supply certain articles to Government House, would you consider him justified in receiving directions respecting them from the Governor General? As the practice then was, I think he would be. We should not object, so long as the articles really supplied were only fairly charged for. If the charges were fair for what was actually supplied, we should not feel it necessary to object to what the Governor had ordered.

365. *By Mr. Egan:* Was it not a common practice, when articles of this kind were supplied, to apply to other persons in the trade for information as to the prices? The officers of the department necessarily did that for their own satisfaction. An architect, as a professional man, is not supposed to have any better knowledge necessarily of curtains, or bedsteads, or such things, than anybody else.

W. Weaver,
Esq., C.E.

4 Nov., 1862.

FRIDAY, 14 NOVEMBER, 1862.

Present:—

CAPT. MORIARTY, | MR. ROBERTSON,
MR. EGAN.

PETER FAUCETT, ESQ., IN THE CHAIR.

Mr. Thomas Webb called in and further examined:—

366. *By the Chairman:* You were asked to produce an account of the goods furnished by Mr. Lenehan to Government House—have you got that account? I have made from the general account, a copy of which is already in possession of the Committee, an extract, showing the furniture supplied to the public rooms at Government House. (*Account handed in. Vide Appendix.*)

Mr. T. Webb.

14 Nov., 1862.

367. You were asked to produce an account of the furniture supplied to Government House, with the prices set opposite; showing also the total amount these goods so furnished would come to; and then, in a separate list, the items of cash or payments received by Mr. Lenehan on that account—a debtor and creditor account, in fact;—will you be kind enough to say does this paper contain those particulars? It gives the prices of the articles supplied to Government House for the public rooms therein, and it gives at foot the amount of cash received on account of that, showing a balance to be due, as you will see, of £903 11s. 10d., or a little over the £896 18s. 5d. sued for.

368. *By Mr. Robertson:* Is this account in accordance with the account furnished to the Government at the time? It is part of that account. It is that portion which belongs to the public rooms at Government House, selected from the general account containing all the items, whether for other departments, or other work for Government House independently of that.

369. How did you make that selection—did you make it with the consent of the Colonial Architect, or from the fact of the furniture being sent to other places? I made it from the fact of the entries being made in our books describing what the articles were, and what they were for.

370. Did you receive no more than £1,300? Not on that account.

371. Do you happen to know how it was the suit was for £896 18s. 5d., instead of £903 11s. 10d.? The £896 was the balance of the whole account generally.

372. Then you made some little over-charges on other accounts, and that is the reason of this discrepancy? Perhaps under the head of "Government House" I might have put one or two items amongst the sundries that did not belong to the public rooms.

373. Were these prices in accordance with the selling prices at Mr. Lenehan's warehouse? I suppose they were. It is not in my department to make the estimate of prices; but Mr. Lenehan adopts one usual course, whatever work is done to make an estimate of it.

374. Were they entered in the books at the time at these prices? They were at the time of sale and delivery.

375. Were you ever present at Government House with Mr. Lenehan, waiting upon Lady Denison or upon the Governor? Never, on any occasion.

376. Is it customary in Mr. Lenehan's warehouse, in the case of large purchases of this kind, to make any per centage of reduction? If the goods were sold to any person without terms being named—as cash, for instance—we would then perhaps feel bound in a measure to give him the usual trade time for payment; but if a person says, "I will pay you cash prompt," we may allow one-and-a-half per cent. discount, and sometimes as much as two-and-a-half per cent.

377. You only make a reduction of the difference of discount between cash and your trade credit? Cash and three months; supposing a person, instead of taking three months' credit pays cash prompt, we allow him a discount, but not after three months.

378. Are you not aware that in England it is customary to make a rebate—I forget what they call it—of sometimes twenty per cent., sometimes ten per cent. on large purchases? That is where manufacturers publish lists of prices; but that is a very different thing from allowing discount. It has never been done in this Colony.

379. Is it the practice of Mr. Lenehan to do this? No, never, in any instance.

380. *By Captain Moriarty:* That is the practice in very large manufactories where the trade deal with them? Only the trade.

381. *By the Chairman:* Is not the practice that Mr. Robertson alludes to this—that there are certain prices in large establishments, such as iron manufactories and others, fixed against the different articles, which are known as standard prices, and afterwards, according as the prices of these goods rise or fall in the market, it is the custom in these trades to strike off or add so much per cent. to make up the selling price? I believe that to be the practice.

382. *By Captain Moriarty:* But you do not, in point of fact, know it? I do not know it as a matter of fact.

383. *By Mr. Robertson:* Do you know within what time Mr. Lenehan furnished his account after the delivery of these goods? The last account appears to have been furnished on the 31st March, 1858.

384. How long after the delivery of the last of the goods? The delivery of the last of the goods would have been close to the end of March—the 23rd.

- Mr. T. Webb. 385. Is there not a practice in these warehouses, that if persons having bought goods disapprove of them, they can return or exchange them within a certain period after the account is furnished? No practice whatever.
386. Then if goods are sent the parties are bound to keep them? They are.
387. Suppose they do not suit them —? They are always approved before they are sent away; the person purchasing sees them.
388. Is it not a common thing, after goods are sent home, for the lady of the house to say exchange this for me? Very uncommon. If done at all, it is only done as an act of courtesy, but not as a rule, by any means whatever.
389. *By the Chairman*: Supposing you send some articles to a private person that you believe to be of the kind he requires, although not specifically selected by him—if he keeps these articles beyond a certain time, do you or do you not consider that he intends to keep them altogether? We would consider the sale was then concluded.
390. *By Mr. Robertson*: Within what time? I should say that if a person disapproved of the articles he ought to be able to do so within a week's time.
391. I think I had something to do with a large transaction of the kind with Mr. Lenehan, on the part of the Union Club, and the arrangement then was, that if we did not send the goods back within a certain period we were to keep them? That was an unusual case, and the arrangement was made in that instance, I presume, because there were so many parties concerned, and the articles had to be approved by the members of the Club.
392. Do you know within what time? No.
393. Was there any such arrangement in this case? Not that I know of. I did not sell the goods.
394. *By the Chairman*: With respect to this account which you have handed in, you have made the balance that appears due to Mr. Lenehan something larger than the amount sued for? A trifle; and that may be because one or two small items have been put under the head of "Government House," which I could not definitely say belonged to the public rooms.
395. Is the sum for which you formerly sued, or the sum of £903 11s. 10d., which you now say is the balance, the amount properly due? The £896 we sued for is the proper balance on the whole account.

APPENDIX.

MEMO. OF GOODS SUPPLIED TO GOVERNMENT HOUSE.

		£	s.	d.	£	s.	d.
1857.	Dining-room—						
	Repairing, polishing, &c., 2 easy chairs	12	0	8			
16 May ..	24 new chairs	108	0	0			
3 June ..	Dining table	125	0	0			
12	Sideboard	150	0	0			
12	King Arthur table	60	0	0			
28 Jan. ..	Velvet pile carpet	137	14	11			
28	Do. hearth rug	4	15	0			
18 Mar. ..	Curtains	335	18	6			
13	Glass	130	0	0			
	Drawing-room—				1,063	9	1
1 April ..	Curtains	595	5	6			
1	Cornices and blinds	47	12	0			
16 May ..	Re-stuffing and covering ottomans, couch, sofas, settees, easy and single chairs	181	11	7			
28 Jan. ..	Carpet	72	0	0			
16	2 hearth rugs	9	0	0			
30 June ..	Repairing and polishing 2 rosewood loo tables	5	13	0			
30	Do. do. 3 sofa tables	6	18	5			
30	Do. do. 2 pair card tables	9	0	0			
	Ante-room—				927	0	6
28 Jan. ..	Carpet	50	6	3			
30 June ..	Repairing and polishing rosewood table	3	8	0			
	Hall and stairs—				53	14	3
28 Jan. ..	Stair carpet	37	10	3			
16	Floor cloth	7	15	3			
	Inner hall—				45	5	6
23 Feb. ..	Floor cloth .. .. .	.....	.....	.....	4	3	0
7 Feb. ..	Hearth rug	4	2	6			
23	Angola do.	12	12	0			
13 Mar. ..	Do. do.	12	15	0			
16 May ..	Re-stuffing 2 couches	11	0	0			
16	6 wool door mats	25	10	0			
16	1 hearth rug	3	5	0			
12 June ..	Repairing and polishing 3 rosewood card tables	7	10	0			
13 May ..	2 hearth rugs	9	0	0			
21 Feb. ..	50 58-inch stair rods, 106 eyes, &c.	24	5	0			
					109	19	6
		£3,089	13	0			
		1,966	15	7			
		£1,122	17	5			
Paid into Court ..	225	19	0				
		£896	18	5			
					2,203	11	10
	By cash at sundry times				1,300	0	0
					903	11	10
	Amount sued for				896	18	5
					6	13	5

Mr. Henry William Strong called in and examined :—

396. *By the Chairman* : I believe you are foreman in Mr. Lenehan's establishment? Yes.
397. Were you so during the time Mr. Lenehan was supplying furniture to Government House? I was not actually foreman then.
398. You were in his employment? Yes.
399. Do you recollect being the bearer of any messages from Mr. Lenehan to Sir William or Lady Denison? I do.
400. Will you be good enough to state what messages you received and delivered upon those occasions? Mr. Lenehan requested me to tell her ladyship that we would be compelled to use some of the old material to make the curtains of sufficient length, until Mr. Lenehan could send to Melbourne for more new material, as Lady Denison wished to have the curtains put up in time for a ball.
401. Mr. Lenehan told you to take that message? Yes.
402. Did you see Lady Denison? Yes.
403. What took place? I told her, and she seemed perfectly satisfied, and expressed her wish that the curtains should be put up in time for the ball.
404. You saw the quantity of old material used? Yes.
405. What quantity was there altogether? I can hardly recollect the quantity.
406. Was it a large or a small quantity? Not a very large quantity.
407. About how many yards? I should not think there were more than a dozen or fourteen yards; there might have been more, but it is so long back that I can scarcely remember.
408. Had you any other interview with Sir William or Lady Denison? No, not about that furniture.
409. Was that the only occasion on which you saw Lady Denison? I saw her frequently during the time the curtains were being put up, for I assisted in putting them up.
410. Did she make any observations on those occasions? No, except to express her satisfaction at the curtains having been put up.
411. Before or after the ball? Before the ball.
412. And after they were put up? Yes; if I recollect rightly it was the second day prior to the ball taking place; I will not be positive.
413. Within a day or two? Within a day or two.
414. *By Captain Moriarty* : Using the old material was a mere temporary arrangement? Yes.
415. Clearly understood at the time? Yes.
416. *By the Chairman* : Do you recollect that old material being removed? I do.
417. Do you recollect the circumstances under which it was removed? No, I do not.
418. Do you recollect whether it was removed at the suggestion of Sir William or Lady Denison, or by Mr. Lenehan's direction without that? I recollect that an order came up from Government House that we were to remove the old material.
419. Do you recollect when that order came? No.
420. Or from whom it came? I think it was from Sir William Denison; if I recollect rightly it was through the Clerk of Works, but I will not be positive as to that.
421. Did you ever hear any complaint from Sir William or Lady Denison with respect to the old material having been put up on that occasion? No, I did not.
422. You do not recollect how long after the ball that order came from Government House? No.
423. Do you recollect whether the new material had arrived at the time the order came from Government House? I know the new material arrived in a very short time after the curtains had been fixed.
424. You do not know whether it arrived before the order came? No, I will not be positive as to that.
425. Was the old material removed as soon as the new material arrived? It was.

Mr. Henry
Wm. Strong.
14 Nov., 1862.

Mr. Thomas Webb recalled and further examined :—

426. *By the Chairman* : You produce books of account showing entries of the items mentioned in the abstract you have already handed in? Yes. (*Books produced.*)
427. Having now those books before you, and having referred to several of the items, can you say that the prices were entered at the same time that the articles were entered in the books? They were at the same time.
428. What book is that you have before you? The day-book, in which the entry is first made. It is the groundwork of the account. That is the book which contains all the entries in detail.
429. And in that book the prices appear in detail opposite every item? They do.

Mr. T. Webb.
14 Nov., 1862.

TUESDAY, 18 NOVEMBER, 1862.

Present:—

Mr. ALEXANDER, | Mr. EGAN.

CAPTAIN M. M. MORIARTY IN THE CHAIR.

Alexander Dawson, Esq., called in and examined:—

- A. Dawson, Esq.
18 Nov., 1862.
430. *By the Chairman:* You were Colonial Architect, I believe, at the period when Mr. Lenehan supplied furniture to Government House? Yes, in 1856; in February, I think—the beginning of the year.
431. Or in 1856? In February I received a note from His Excellency to accompany Mr. Lenehan to the Government House.
432. Did you give any instructions to Mr. Lenehan in September, 1856? Any instructions—in what way?
433. With reference to the furniture? Instructions?
434. Yes? No instructions, except to supervise the manufacturing of it.
435. Had you an interview at Government House with Mr. Lenehan, in 1856? Upon that subject in 1856?
436. Yes? I had, in 1856. I received a note from the Private Secretary to accompany Mr. Lenehan to Government House.
437. Did you form any rough estimate of what the expense of the furniture would be? I may qualify my answer to that question in this way—the reason why the Governor General wished Mr. Lenehan to accompany me was, for the express purpose of giving the description, quality, and value of the articles of furniture suitable for the state rooms of Government House, otherwise there would have been no need for Mr. Lenehan to have been there at all. Dependence was solely placed upon the professional opinion of Mr. Lenehan to give the description and value of the articles, there being few tradesmen who could undertake the work but him, from his capital, the extent of his stock, and the manner in which he could perform the work.
438. No order was given until the vote of the House was arrived at? None; I have the correspondence to that effect here. (*The witness handed in a letter. Vide Appendix A.*) I have also other correspondence, which bears upon the same thing. (*The witness handed in a letter. Vide Appendix B.*)
439. Will you favour the Committee with your statement upon these facts—whether you ever entered into a positive agreement with Mr. Lenehan for supplying certain articles to the Government, upon clear, distinct terms of price? The prices were agreed to, but no actual contract was taken—no written contract.
440. I would like to have a distinct answer to that question? There was no written agreement.
441. There was no positive estimate formed between you and Mr. Lenehan—he had no instructions from you to supply certain articles to Government House upon certain fixed prices? The prices were fixed by Mr. Lenehan in the estimates I have just submitted, and I gave him authority, by virtue of my office as Colonial Architect, to supply them —
442. Are there any documents to substantiate that fact? There is no written contract at all; there is an estimate of Mr. Lenehan's of the extent of furniture required, and of that to be renewed. This (*producing a paper*) is the estimate prepared by Mr. Lenehan, while I accompanied him through the state rooms; one column gives the amount which Mr. Lenehan considered he would furnish the articles for—the estimated cost of repairs or renewals—and the other column is the value of the old furniture not serviceable, to be taken away from the house altogether, and the total amount of that is £1,389 10s. That is the only tender or agreement existing.
443. Is Mr. Lenehan's name appended to that document? No, there was no actual contract.
444. I want to know this from you, if you will do me the favour to explain it to me,—was that upon the assumption that the goods for Government House were to be manufactured in a certain way? These prices were estimated by Mr. Lenehan, and the manufacture of them was also left to his taste. The prices are his; and I agreed with him at his own prices for £1,389 10s.
445. Just reflect a little;—that was upon the assumption that the goods supplied to Government House were to be made in a certain way? No specific way; it was left to Mr. Lenehan's taste to produce those articles as estimated.
446. Was it intended that Mr. Lenehan should modify all his plans by orders from Government House? No; the only modification that may have taken place was in minor articles; the superior articles were well made, and were well worth the money put down for them, perhaps a little more, but the additional expenditure —
447. You would save a great deal of trouble if you would give an answer to my question, and no more—a portion of your answer would explain what I wanted;—what I want now to know is, how it happened that the plans were provided from your department and forwarded as modifications to the maker of the furniture? In one instance it was, and that single instance does not form a part of the amount at all—it was an extra piece of furniture.
448. Was that an expensive article? Yes, it was a large mirror for the drawing-room; Mr. Lenehan brought it out from England.
449. Was there any difference in the expense of the table? I should say in one table in particular, and several other articles; I do not know the difference exactly, because the manner in which they were to be made was entirely left to Mr. Lenehan.

450. They were not ordered to be made according to a specified plan? No, not as a general rule; some of them were. The drawing-room chimney glass was £60. A. Dawson,
Esq.
451. Was there not a considerable difference in the price estimated and the price charged for the tables? I cannot tell the exact price claimed, but the table—that is the dining-room table, I presume, you allude to? 18 Nov., 1862.
452. Yes? The dining-room table was £60—estimated.
453. Then there were two tables supplied which cost £185? £60 was the estimated amount of the dining-room table, but I think it was increased to £185.
454. All these matters tended to increase the amount, according to the original estimate made between you and Mr. Lenehan? Yes.
455. Was there not some considerable addition to the sideboard? The sideboard was wholly Mr. Lenehan's own designing; to my own knowledge there was no drawing made of it from my office. I think Mr. Lenehan designed it. It is an elegant piece of furniture, and I think the price put down for it beneath its actual value.
456. In fact, a great deal of the furniture exceeded in value the price charged for it? I should say several articles did, and that is one.
457. You admit that there is no contract between you and him? No written contract—simply an agreement for the furniture to be made at the prices named in the estimate.
458. An agreement is a contract;—is there such a document? There is no written contract; indeed it is seldom that there are any written contracts drawn up for furniture.
459. Were not the curtains supplied to Government House much more expensive than was originally contemplated? That was another item, in my opinion, overcharged. I think the charge is very enormous for them. They were put down in Mr. Lenehan's estimate—dining-room curtains, £150; that was the sum allowed in the agreement; the charge claimed is, I think, about £800.
460. You keep talking of an agreement, and yet you say there was no agreement existing? There is this agreement (*referring to a paper*), but no written contract.
461. *By Mr. Egan*: That is simply a memorandum of prices? Yes, for goods that were to be made by Mr. Lenehan to suit the apartments.
462. *By the Chairman*: Was it, or was it not, a simple estimate of works of a certain character, to be furnished by Mr. Lenehan? It was.
463. Any deviation from that would, of course, in no way bind Mr. Lenehan to those prices? He was bound in honor to carry out the works as estimated by himself.
464. If there were any deviation required by Sir William Denison or by you, by which the cost would be increased, was he still bound by those prices? The excess in the work did not at all originate with the Governor General or with myself. I was not aware of any one of these overcharged items till I received Mr. Lenehan's bill.
465. But we have it in evidence before us, clearly and distinctly, that these alterations did originate with the Governor General? I can simply say, that all the conversation I had with anyone in Government House—either the Governor General, Lady Denison, or the Private Secretary, Mr. Alfred Denison—was, that I was to be sure not to exceed the vote.
466. *By Mr. Egan*: Were many of the articles that were supplied of a more expensive character than you contemplated at the time the prices were fixed? A number of the articles certainly must have exceeded the amount that Mr. Lenehan called an approximate amount.
467. *By the Chairman*: Mr. Lenehan calls this in his estimate an approximate amount? In his correspondence he does.
468. Will you hand in the estimate to which you have referred? (*The witness handed in the same. Vide Appendix C.*)
469. *By Mr. Alexander*: Was it represented to Mr. Lenehan, at the time he got this order, that he would be expected to supply this furniture at the prices put down in the estimate? The work was commenced and nearly done before I received Mr. Lenehan's account showing the enormous increase on this list of prices.
470. Were you not aware that some alterations had been made by the Governor General? Yes; but I conceived they would be covered by other alterations in the minor works, so that the sum voted by the Legislature would not have been exceeded.
471. How far does your experience go with reference to the practice of tradesmen in taking such orders? As far as twenty years back.
472. I mean what has been your experience with reference to the practice of tradesmen who have made an estimate of the price of furniture? To prevent their being an increase upon the price it would be necessary that there should be drawings and specifications. If it were left to the maker's taste there would be no limit.
473. *By the Chairman*: Supposing it were not left to the maker's taste? But it is so, in nine cases out of ten, or ninety-nine cases out of a hundred.
474. This, then, is the one case out of the hundred, as Mr. Lenehan had plans supplied from your own office, and also plans supplied by the Governor General? One or two designs from my office; they were chiefly left to Mr. Lenehan himself. I will admit that the prices put down were some of them low; they were a mere approximation.
475. Do you call £60 an approximation to £185 in the price of a table or sideboard? Those articles I considered too high. To fortify my own judgment, I called in the assistance of two or three tradesmen, as well as that of a Clerk of Works, who valued the work, and they made an addition to the agreed prices of Mr. Lenehan of £250 1s. 10d.
476. Then your valuers stated that the articles supplied by Mr. Lenehan were undervalued at your valuation? They increased Mr. Lenehan's original agreement by £250 1s. 10d.
477. *By Mr. Alexander*: Did Mr. Lenehan furnish to Government House, goods of the full value of what he charged? In some things he did.

- A. Dawson, Esq.
18 Nov., 1862.
478. *By the Chairman*: I wish to arrive at your opinion, irrespectively of any vote of the Legislature—whether, upon the rough estimate—the approximate estimate, as you call it—there was not so considerable an increase in the value of the articles supplied as would warrant an increase in the charge made? I gave my opinion just now that there were a number of items increased in value that the agreed prices would not cover.
479. Do you think it a probable thing, supposing it to be a matter of arrangement between Mr. Lenehan and the Government that he should supply certain articles at a fixed sum, that he would go out of his way to increase the value of those articles to the extent of £400 or £500 beyond what he imagined he should get? No.
480. *By Mr. Alexander*: What would be your opinion, as an architect, if you were to take a builder to a spot of land, and say, “I want a house built according to this specification,” and he were to say, “I will build it for £1,500,” and afterwards brought in a bill for £2,000,—would you think he was bound by the £1,500? If the contract were for £1,500.
481. I am not supposing a contract? Then it would subside into a case for arbitration.
482. Suppose, after the contract had been taken, an alteration were made in the size of a room? If a person went to work in that loose way he must pay for it. He certainly would be entitled to the value of the additional size of the room. It would depend upon the conditions of the specification. The conditions may cover any trifling departure from the original contract.
483. *By the Chairman*: Has it not occurred to you, in your progress through life, that you have often estimated the cost of a building, which cost, before the completion of the building, has been considerably increased? Repeatedly.

APPENDIX.

A.

*Department of Land and Public Works,
Sydney, 14 January, 1857.*

Sir,

In reply to your letter of the 9th instant, requesting authority to get made or purchase some furniture for the public rooms at Government House, for which provision has been made in the Estimates, I am directed to inform you that the Secretary for Land and Public Works has been pleased to comply with your request, provided the amount appropriated is not exceeded.

I have, &c.,

MICHL. FITZPATRICK.

The Colonial Architect, Sydney.

B.

*Department of Land and Public Works,
Sydney, 17 December, 1856.*

Sir,

With reference to your communication of the 18th August last, addressed to the Honorable the Colonial Treasurer, submitting a list of furniture in the public rooms at the Government House, Sydney, together with an estimate of the cost of repairing such of the articles as are worth it, and of purchasing new articles to replace the remainder, I have the honor to request that you will have the goodness to communicate personally with His Excellency the Governor General as to any modifications in the estimate, which may not entail any additional expenditure upon the whole. In this the estimate need not be taken subject to the reduction of the sum set down as the proceeds of the sale of the old furniture, as an additional estimate will be proposed to this extent.

I have, &c.,

MICHL. FITZPATRICK.

The Colonial Architect.

C.

A. Dawson,
Esq.

INVENTORY of Furniture in Government House, Sydney, requiring to be repaired or replaced.

18 Nov., 1862.

	Value of old Furniture.			Estimated cost of repairs, or new.			Remarks.
	£	s.	d.	£	s.	d.	
PORCH—							
1 Seat for orderlies	2	0	0	5	0	0	
ENTRANCE HALL—							
1 Hall table (repaired)				3	10	0	
4 Chairs	3	0	0	12	0	0	
1 Door mat				1	10	0	
1 Piece of Floorcloth	1	5	0	6	0	0	
INNER HALL AND STAIRCASE—							
1 Large table, carved (repaired and polished)				4	0	0	
4 Carved chairs	3	0	0	12	0	0	
10 Door mats	1	5	0	15	0	0	
1 Carpet	15	0	0	60	0	0	
Stair carpet	5	0	0	25	0	0	
Floorcloth	1	5	0	6	0	0	
DINING-ROOM—							
Steel fender and irons	1	0	0	7	0	0	
Carpet and rug	5	10	0	74	10	0	
3 Sets of curtains	12	0	0	150	0	0	
1 Dining-table	10	0	0	60	0	0	
1 Sideboard	10	0	0	100	0	0	
2 Carved arm chairs (re-covered)				8	0	0	
20 Carved chairs	49	0	0	90	0	0	
2 Silk bell-pulls	1	0	0	5	0	0	
Chimney glass				50	0	0	{ This will not be wanted.
4 Side-tables (good)							
Holland blinds	1	0	0	20	0	0	
ANTE-ROOM—							
Carpet and rug	2	5	0	22	0	0	
1 Stove	0	10	0	15	0	0	
1 Fender and irons	1	0	0	7	0	0	
1 Chimney glass (good)							{ Should be replaced by that in drawing-room.
1 Loo table (repaired and polished)				5	0	0	
1 Window curtains	0	10	0	50	0	0	
2 Rosewood easy chairs	10	0	0	24	0	0	
2 Couches	18	0	0	40	0	0	
1 Occasional table (good)							
1 Cheffonier, marble top (good)							
1 pair bell-pulls	1	0	0	6	0	0	
Blinds	0	10	0	5	0	0	
12 Chairs, at 7s. each	4	4	0	30	0	0	
RECEIVING DRAWING-ROOM—							
Brussels carpet and rug	21	0	0	80	0	0	
Window curtains and cornices	25	0	0	200	0	0	
2 Ottomans (re-covered)				14	0	0	
1 Couch (do.)				5	0	0	
2 Sofas (do.)				12	0	0	
3 Settees (do.)				15	0	0	
2 Easy chairs (do.)				7	0	0	
12 Rosewood chairs (re-covered)				15	0	0	
2 Do. loo tables (re-polished)				7	0	0	
3 Sofa tables (repaired)				7	10	0	{ These tables are very rickety, and of bad pattern and make. Card tables should be covered with cloth.
2 Pair of card tables (re-polished)				6	0	0	
1 Fender and irons	2	0	0	8	0	0	
1 Stove	5	0	0	20	0	0	
1 pair of bell-pulls	2	0	0	7	0	0	
1 Chimney glass	20	0	0	60	0	0	{ I question whether this will cover the cost of a proper glass.
3 Half sets of holland window-blinds				7	0	0	
	225	4	0	1,389	10	0	
				225	4	0	
				1,614	14	0	

No provision is made for muslin curtains, which, during the summer would be not only more appropriate, but be a great saving to the damask curtains, which would last double the time if taken down in the summer, or protected by the muslin from the action of the sun.

MINUTES OF EVIDENCE—PETITION OF MR. ANDREW LENEHAN.

SEPARATE APPENDIX.

A.

In the Supreme Court of }
New South Wales. }

Between Andrew Lenchan, in pursuance of the Act 20 Vic., No. 15, and of a Reference of his Petition under that Act to this Honorable Court, plaintiff; and John Robertson, the Secretary for Land and Public Works, being the person nominated by the Governor, with the advice of the Executive Council, in pursuance of the same Act, defendant.

Brief for the Defendant, to oppose Motion for new Trial.

TAKE notice that, in this cause, which was tried on Wednesday the 24th, and Thursday the 25th days of August instant, before His Honor Mr. Justice Dickinson and a Jury of Four, when a verdict was returned for the defendant, this Honorable Court will be moved, on the first day of the ensuing Term, or as soon after as Counsel can be heard, that the said verdict may be set aside, and a new trial granted, on the following grounds, viz. :—

First.—That the said verdict was contrary to evidence and the weight of evidence, and against law.

Second.—That His Honor misdirected the Jury, in telling them that the real point of the case was whether the plaintiff was entitled to any more than the sum voted by the Legislature; whereas it is submitted that His Honor ought to have told the Jury that it was admitted on the face of the pleadings, and clearly established by evidence, that more work was performed, and more costly furniture supplied, than was originally contemplated by and between the parties, and that a larger sum than the amount voted by the Legislature had been paid to the plaintiff and into Court, which negated any such agreement, or at all events showed that it had been departed from, and that they ought therefore to consider to what extent such departure affected the question, and give damages for the fair value of the furniture actually supplied and the work performed.

GEORGE ROWLEY,
Plaintiff's Attorney.

I certify that, in my opinion, the grounds specified are sufficient to support the above motion.

ROBERT M. ISAACS.

Judge's Notes.

Wednesday, 24th August, 1859. }
Cor. Dickinson, J. }

Mr. Dalley opened the pleadings.—Mr. Broadhurst stated the plaintiff's case.

Andrew Lenchan: I am the plaintiff; I am an upholsterer; in 1857 I furnished work and materials for Government House, by direction of the Colonial Architect, Mr. Dawson; I began the work at the end of 1856, and finished it in May, 1857; I furnished an account of charges to Government. (*Looks at accounts.*) These are the accounts; I received verbally and in writing that a rolling blind was supplied; this account (blind excepted) has never been challenged; I admitted it was incorrect; every item but that has been supplied; the upholsterer forgot to furnish the article; the value of it was 30s.; the charges are fair and reasonable; labour was then 30 per cent. more than now.

Cross-examined: I first received instructions from Dawson about September, 1856; I went over the various rooms with Dawson in 1856, because he asked me to ascertain prices of work to be done; when I went over I furnished him with certain (probable) prices; he pointed out in detail what was wanted; I put down the estimate on paper; Dawson has it; between £1,300 and £1,400. Dawson told me no furniture could be ordered till a vote of the House was obtained; eight months after I received an order for furniture; I believe the sum voted was the same as I estimated; I considered and went over Government House to make an estimate for a sum to be placed on the Estimates; I looked to be paid by the legislative vote; the great bulk of the goods were supplied in January and February, 1857; no article I sent was disapproved of; plans were furnished to me by Dawson; work extended over twelve months; I sent to England for some; they were lost in December; I sent again; I pointed out to Dawson that some things would exceed my estimate; some articles were made more expensive, some less; I never submitted an additional estimate for extras; for the articles mentioned in the first estimate the charge was £1,938 18s. 4d., that was occasioned by alterations in the articles in respect of which I made the original estimate; the £185 was for two tables; the original estimate was for one table at £60, as a probable amount; the change was thus occasioned:—Designs were furnished to me different from what I contemplated; I remarked to Dawson and Clerk of Works "that would cost more;" he said "reduce other things;" some things originally estimated were not sent in consequence of change in table; I originally estimated a sideboard at £100; I was told it was to be large; no plate glass at back mentioned; I saw sketch of sideboard as now, back excepted, shown me eight months afterwards; a plate glass back was three times more valuable than carved back—my own suggestion; the Governor General approved of it; I worked up some old materials for curtains, for a temporary measure; I proceeded with work according as I was ordered; I submitted my own plans for approval before I began to work; my original estimates for curtains and cornices was £200; carpet and rug £80, according to designs shown; curtains, cornices, carpets, rugs, &c. charged for on different plans; I was desired to make alterations according to designs furnished me by Mr. Charles, the Clerk of the Works; he told me to make the alterations accordingly. (*Letter, 22nd October, from plaintiff to Government, read.*) I had before sent in accounts; I received payments from time to time; these entries in red ink, when I signed these papers, charged to vote; I received payment to amount of £1,300; I shortly after I sent my letter of 22nd October received a letter from the Secretary of Lands, enclosing the report of Colonial Architect. (*Looks at a paper.*) This is that report. (*Report read.*) A minute from Coles accompanied that. (*Looks at another paper, 21st December, 1857—read.*) This is it. Original estimate, £1,389 10s. 9d.; amount charged, £1,938 18s. 4d.; value assessed by Coles, £1,478 1s. 10d. Items not supplied in report when this was sent to me; the articles had not then been

been supplied; articles since supplied to £155; in original estimate a chimney glass, £60; charge for chimney glass was £130; I was afterwards ordered to import a glass, which with charges amounted to £130; it was half again as large as what I intended for £60; I replied to the Secretary's letter, enclosing reports. (*Looks at paper, 25 January, 1858—paper read.*) This is it; any competent workman could do the same things if he once saw them executed; everything in this could be measured and estimated by others.

Re-examined: No complaints were made about the quality of the work; all I furnished were there yesterday; I have been employed by Government since and now; I made the table and sideboards here; the machinery came from London; I could not get it here; that added to the expense.

Henry Woolley: I have been an upholsterer here and in London, and to Her Majesty at Windsor Castle; I yesterday inspected plaintiff's work at Government House; I remarked curtains in the drawing and dining rooms; I think the charges for them are reasonable; reasonable charges for the sideboard; I saw chairs in dining-room; £4 10s. is a reasonable charge; I saw gas pinnacles on the staircase; £8 is a reasonable charge for 1856; £10 was reasonable for the bell-pulls; I saw a dining table that forms two; the amount charged is reasonable; I saw the rugs; the charge is reasonable; the price for the hall tables is reasonable; I saw the mirror; the price reasonable; I have seen Lenehan's account; the charges are reasonable.

Cross-examined: Three months ago I knew what charges were; I was a general decorator in Buckingham and Windsor Palaces.

C. N. Hunt: I have been an upholsterer for 25 years in England and Sydney; I have been 19 years here; I inspected the Government House yesterday; I saw a round table in the dining-room; I did not then know the price charged for it; I estimated it above the plaintiff's charge; I estimated the sideboard at £175; I saw curtains in both rooms; the charge was reasonable; I had the account in my hands; I can't say I looked at all the articles; the prices of all I looked at were reasonable; I saw the mirror in the drawing-room; I did not estimate that; I thought the sideboard was worth more than plaintiff charged.

Cross-examined: I think the curtains are worth £600; £45 or £50 for the work in them; I should think £75 too high for the —

Re-examined: The £45 I estimate as value of the upholsterer's cutting out and putting up curtains, and the needlewomen sewing them.

[Adjourned.]

Thursday, 25 August, 1859.

[Continued.]

Letter—13 Nov.—Billyard to Rowley—read.

12 Nov.—Rowley to Billyard—read.

Rowley to Billyard—read.

The Attorney General called,—

Alexander Dawson: I have been Colonial Architect for four years; I was told to go over Government House, in 1856, and to report necessary repairs, and materials, and renewals; I received instructions from the Government; I applied to Lenehan, and went over Government House with him; we went over things, and made estimate £1,300; that examination was particularly careful; plaintiff disputed the expense of the work; I pointed out to him then all that was required; plaintiff furnished information with regard to the dining table; that was supplied a little larger than in the estimate; we were occupied three hours; I ordered him to do the works after the money was voted; Lenehan's opinion was asked as to the value of the works; the amount of estimate was voted; nothing was said about the mode of payment, or as to the amount; nothing was said as to how and when plaintiff should be paid when he gave me the estimate; when estimate was made he engaged with me to do the work for the amount of his estimate; I had a conversation with the plaintiff after the money was voted; I then told him to do the work; he began in 1856; I inspected work from time to time as it went on; I told plaintiff there would not be a farthing beyond estimate voted; he had no instructions from me to make any deviation; in the original estimate there were two looking-glasses 60 x 50; only one was supplied; the cornices of the curtains were always supposed to be in the original contract; the variations were trifling—little matters of detail; there were no variations in drawing-room curtains that I am aware of; portions of the old work were used and afterwards taken out by my instigation, and new materials put in; the details were left to plaintiff, under my supervision; the King Arthur table could be put on to the telescope table; advances were made before the work was finished; I have confidence in the journeymen I employ; when the bill was sent in I told the clerk of works to report on the articles and charges; I considered the charges exorbitant; I think so still.

Cross-examined: I have furnished rooms such as at Government House; I know Coles; he is my chief clerk of works; Orford is my foreman; very competent persons; they had not more to do with these matters than I had; items generally are too highly charged. (*Looks at a paper.*) That is the plaintiff's original estimate; curtains are not the same pattern as old one; better than the old ones.

Re-examined: It is the architect's duty to keep in check all those under him; extra goods were delivered for Government House to £225 4s. 6d., but not connected with that contract; that sum has been paid into Court.

William Coles: I am clerk of works in the Colonial Architect's office; I have seen the furniture; I made a report on it. (*Looks at a paper.*) This is it, but not the whole; only includes articles in Lenehan's contract; some things were not supplied because not required; it is difficult to judge of furniture. (*Looks at another paper.*) That is Charles' signature.

Cross-examined: I am an architect; the work was all done before I saw it; the drawing-room curtains were worth eight shillings a yard; I don't know the value of the dining-room curtains; I never had to do with such a sideboard before; I formed my opinions from inquiries I made; I and Dawson have had conversations about alterations; it was understood that "alterations" were not to exceed estimate.

Robert Alfred Denison: I know the furniture; I have seen much furniture; the curtains there are new, very fair curtains, not beyond ordinary skill; nothing uncommon about dining-room table—it is very good.

The Attorney General (Mr. Wise with him) addressed the Jury for the Crown.
Mr. Broadhurst replied.

Verdict for Defendant.

B.

*Castlereagh-street, Sydney,
3 October, 1857.*

Sir,

I have the honor to request you will be good enough to bring under the notice of Mr. Secretary Murray, the circumstance of an account amounting to £1,138 3s. 3d., being due to me from the Government, for goods supplied by direction of the Colonial Architect in refurnishing Government House, in May last, with a hope that he will be pleased to take action in the matter, with a view of liquidating the said account at as early a period as possible.

I regret very much that I am compelled to trouble the Honorable Secretary for Lands and Public Works in this matter; but in consequence of my having made repeated applications to Mr. Dawson for a settlement of the above claim without receiving any definite or any satisfactory answer, I am, though reluctantly, compelled to adopt what, under ordinary circumstances, I would consider an unusual course.

The Under Secretary for
Lands and Public Works.

I have, &c.,
ANDW. LENEHAN.

C.

*Colonial Architect's Office, Sydney,
8 January, 1858.*

Sir,

In returning the enclosed letter from Mr. A. Lenehan, complaining that he cannot obtain a settlement of his account for furniture supplied the Government House, referred to me under blank cover on 3rd October last,—

2. I do myself the honor to state that the reason of the nonpayment of his claim is, as Mr. Lenehan was aware, that the correctness of many of the charges is in dispute.

3. The amount claimed by Mr. Lenehan is, according to accounts rendered, £1,137 12s. 11d. (stated in his letter as £1,138 3s. 3d.), composed of the following:—

	£.	s.	d.
Chandeliers, Government House	188	0	0
Upholsterers' work and repairs	35	9	11
Staircase, Government House	47	10	0
Furniture, Legislative Offices	71	16	8
Balance for furniture, Public Rooms, Government House	794	16	4
	£1,137	12	11

Of these, the first portion, for chandeliers, has since been paid, and, subject to a reduction in some of the charges, I am prepared to recommend payment of those for upholsterers' work and staircase at Government House, and for furniture for legislative offices; the remaining item—the claim on account of furniture for public rooms at Government House—is that principally in dispute.

4. The whole amount of Mr. Lenehan's claim for furniture for public rooms, Government House, is £2,094 16s. 4d.; on account of which, payments to the extent of £1,300 have been made to him, being within £89 10s. of the sum voted for the service.

5. I objected to this claim of Mr. Lenehan, because in his charges he had departed from and exceeded very considerably his estimate and the prices for which he undertook to supply the furniture; and because, moreover, many of the charges appeared to me excessive, and such as I could not certify to be either fair or reasonable.

6. The amount estimated for replacing the furniture at Government House was £1,389 10s.; this estimate was made in detail by Mr. Lenehan, accompanying myself, examining each particular, and furnishing the prices for which he undertook to supply the respective articles; upon this estimate, which may be considered as Mr. Lenehan's tender, the vote of the Legislature was based. Mr. Lenehan's claim it will be seen, exceeds this by £705 6s. 4d., but articles are provided for in the estimate but not supplied, of the value of £275 10s., so that the real excess amounts to £980 16s. 4d.

7. Mr. Lenehan asserts, that during the progress of this service he was from time to time requested to make deviations by which the cost was increased, but I am not aware that any such instructions were given him, and I was certainly in full reliance that he would abide by his own estimate, especially being fully acquainted as he was, with what was required and contemplated in the first instance, and of the exact amount voted for the purpose, which he was aware could not be exceeded without express sanction and further provision.

8. But beyond this, many of the charges are, as I before observed, so very much in excess of what I considered reasonable, that I did not consider myself justified in dealing further with the account, until I had caused it to be carefully examined by some competent and disinterested person. Upon the appointment of a First Clerk of Works, the matter was at once placed in the hands of that officer, by whom, assisted by competent tradesmen, a careful examination was made of every article, inquiries made as to the usual prices of similar work, and the charges in the accounts have been checked by them as far as practicable. Mr. Cole's report, which I enclose, bears out my opinion as to the nature of the prices charged. From the abstract appended to this report, it will be seen that articles charged at £1,938 18s. 4d. by Mr. Lenehan, Mr. Coles values at £1,478 1s. 10d., shewing an overcharge of £460 16s. 6d., quite irrespective of the question as to whether Mr. Lenehan was in any way authorized to exceed his original estimate for them. The overcharges, according to Mr. Coles' valuation, upon other articles in the accounts, amount to £67 7s. 6d. Being myself well acquainted with the articles in question, and having gone carefully over the prices and valuations, I am of opinion that the amounts allowed by Mr. Coles are fair and liberal.

9. Although I do not consider that Mr. Lenehan was justified in deviating from his original estimate, still, as additional articles have been furnished, and to some extent work of a more expensive character substituted, I am not prepared to recommend that payment be withheld. I would therefore propose, that if Mr. Lenehan be willing to make a reduction in the prices, in accordance with Mr. Coles' valuation, the balances be paid to him; it will however, in that case, be necessary to make further provision in the Estimates for the amount in excess of the original vote.

I have, &c.,

ALEXR. DAWSON,
Col. Archt.

The Honorable the Secretary for
Lands and Public Works.

D.

D.

Sydney, 25 January, 1858.

Sir,

I have the honor to acknowledge receipt of your letter, dated the 8th instant, containing enclosures and a report from the Colonial Architect on my claim for furniture, &c., supplied twelve months ago to Government House.

Mr. Dawson (very unintentionally, I am convinced) does me great injustice. He states, First,—That I was aware the delay in the payment of my account was the disputed accuracy of many of my charges;

Second,—That I have departed from and exceed my original estimate;

Third,—That many of my charges are such that he cannot certify to their being either fair or reasonable.

I beg to be allowed to reply to these unexpected complaints *seriatim*.

To the first then I answer, that Mr. Dawson never expressed any dissatisfaction with my charges, nor had I the remotest suspicion that he had any, until after my appeal against the delay had been made to the Honorable the Colonial Secretary, who was at the time acting (I was given to understand) for the Minister of Lands and Works. On the other hand, Mr. Dawson *did* allege as the cause of the delay in payment of my account, the excess of the amount beyond the sum voted by the Legislative Assembly, and further suggested to me, as the best course to be pursued, that very application to Government which at his suggestion I did make. I may mention further, to show entirely Mr. Dawson's charges are calculated to strike me as an afterthought, that since my account was first rendered I have received no less than eight separate payments in part discharge, amounting together to the sum of £1,149.

To the second I reply, that I never made an estimate in the strict sense of the word. The estimate amounting to £1,359 10s., for replacing the furniture at Government House, was made by the Colonial Architect—not by me. At the time I went over the rooms with Mr. Dawson, I gave the best rough idea I could give at the moment of the probable expense, but I must protest against this being considered an estimate or tender in the technical sense, as Mr. Dawson seems to have represented it in his report. I have never given tenders; since I have been in business I have made it my first care to secure excellence of material, first-rate style in design, and workmen of special skill each in his line, and only after all this had been cared for, have I made either estimate for myself or charge for my customers. It is, however, true that the expected and provided cost of the furniture in question fell considerably short of what I actually expended; but Mr. Dawson will allow me to recall to his memory a fact that seems to be overlooked or rather contradicted in his report, viz., that for every change from the original plan, either in the way of omission or addition, I had his express sanction, both generally and in detail, to carry out as well as I could everything that was desired; and this sanction was given, as all his other instructions were, that is to say, verbally, whenever I reported to him that such and such a desire had been expressed. I remember a circumstance which I do not doubt will bring to Mr. Dawson's own recollection others of like kind; it is, that he, Mr. Dawson, seeing that some of the desired alterations would necessarily far exceed the original plan, expressed his hope that in some other articles there might be, as there in fact was, a saving by way of set off.

In answer to the third complaint of overcharge (from which I did hope that my reputation of so many years in this Colony, and the continued patronage I had enjoyed both from Government and from so many in the highest classes of society, would have protected me) I beg to observe, first, that if I had been guilty of such practice, I have been already mulcted in a twelve month's delay which of itself is no trifle in a business that requires the rapid movement of a large capital.

Further, it has not been taken into account by the Colonial Architect, that a year ago, when I manufactured many of the articles in question, the cost of workmanship was very much higher than it is now. And again, that several articles I was obliged to procure from the neighbouring Colonies at considerable expense.

These, however, are by the way; what I principally object to and protest against is, the putting my furniture and work to the appraisal of others in what they consider the same line of business. I do not wish to except against either the knowledge or integrity of those who have been so employed; but I do say, that without boasting I may claim to have won and maintained a position which gives me the right to name my own price for my own goods. Furniture and furnishing, I take it, are so far like the works of an artist or the skill of a successful professional man, that not everything in them is to be measured by the foot rule and the price per yard. I respectfully claim to occupy the position of a successful artist in my own business; it has cost me money, and time, and anxious thoughts, to attain it, and it is not unreasonable that I should name the value I put upon my work. The proof that I have not been unfair and unreasonable, in the charges which Mr. Dawson's appraisers except against, is, that I have for many years demanded and received, and am even now demanding and receiving the same prices from persons of the highest consideration in the Colony, and of undoubted intelligence and good taste.

On these grounds, then, which I trust will be acknowledged as obviously reasonable, I conceive that I have a right to complain that Mr. Dawson should have made a report which, by implication, charges me with dishonorable dealing in a quarter where I have every inducement to act honorably and maintain the character I have so long enjoyed.

It will not then, I hope, be esteemed either disrespectful or obstinate if I persist in requiring the full discharge of my account. As I have already mentioned, the delay hitherto has been no slight loss to me, and I may in truth add to this the loss of some considerable business which the Colonial Architect, without awaiting my justification, and I presume, at his own mere will, has already diverted from me to others.

The Minister of Land and Public Works.

I have, &c.,

ANDW. LENEHAN.

P.S.—There is an overcharge for blinds for some rooms in Government House, which shall of course be corrected. It arose from the error of the clerk, who wrote the entry with insufficient knowledge of the work actually done; and it would ere now have been corrected if I had enjoyed the opportunity of going over the work with Mr. Dawson, or indeed if the account had gone through the usual course.

E.

Colonial Architect's Office,
Sydney, 11 February, 1858.

Sir,

25 Jan., 1858.

I do myself the honor to return the further letter from Mr. Andrew Lenehan, relative to my report upon his claim for furniture supplied, which was referred to me under blank cover on the 30th ultimo.

2. Mr. Lenehan contests the statement of the case contained in my report of the 8th ultimo; he says that he was not aware the delay in the settlement of his account arose from any question as to the correctness of his charges, and suggests that this was a reason advanced only when it was found that the expense of the service exceeded the amount granted for it. To this I will only reply that I took exception to such of the charges as were in excess of the estimate as soon as Mr. Lenehan, by furnishing a portion of his bill, made me aware that he was departing from his original agreement as

to

to prices, and this was intimated to him. As regards the other items of account which are objected to, although dissatisfied with the charges, which appeared to me much too high, I was not in a position to estimate the actual amount of overcharge until a careful inspection and valuation of the respective articles had been made; but that I was dissatisfied with the charges generally Mr. Lenehan was fully aware.

3. Mr. Lenehan, however, denies that he ever made any such estimate as would bind him to the prices he named, and states that every deviation from what was first intended had my express sanction, implying thereby that such deviations were the cause of the increased cost, and that I was cognizant all along that the estimate was being exceeded. I at once admit that no *written* tender or estimate was furnished by Mr. Lenehan, and perhaps, in a *legal* point of view, he is not compelled to abide by his prices and agreement. A written engagement was not considered necessary, as every reliance was placed upon Mr. Lenehan's carrying out the spirit of the arrangement made with him. Mr. Lenehan was selected as a tradesman of established reputation, accustomed to works of the kind, and possessing a varied stock of the materials required, and from having been previously extensively employed at Government House. As the works required were of a nature difficult to be accurately estimated by a person unaccustomed to trade details, it was considered the best course that what was required should be pointed out in detail to Mr. Lenehan, who should name the prices for which he would execute it; this, as before stated, was done, Mr. Lenehan accompanying myself and furnishing the prices which formed the basis of the estimate submitted. There could scarcely have been any misapprehension; the distinct understanding was, that if the funds were granted by the Legislature, Mr. Lenehan should be authorized to carry out the works at the prices given. Having every confidence that Mr. Lenehan would carry out what he undertook in good faith, no further tender or contract was asked for or considered requisite.

4. As regards the deviations referred to by Mr. Lenehan, no doubt alterations were occasionally made from what was first contemplated, and to a certain extent I was aware of and acquiesced in them; but it certainly was in the belief that the whole cost would not be increased by changes in the details, nor was it at any time pointed out by Mr. Lenehan that any of these deviations would render necessary an addition to the estimate; until the receipt of the bill, I remained under the conviction that there would be no material alteration in the prices as estimated, and that where there was some excess of cost the saving on other items would compensate, so that the total amount would be unaffected.

5. With respect to the question of Mr. Lenehan's prices, leaving out of view any previous agreement, but considering only the fair value of the articles or work, I have little to add to what was expressed in my former report. Many of the charges appeared to me to be excessive, and this opinion was justified by the subsequent examination and valuation by persons in every respect competent to the duty. The ground taken by Mr. Lenehan, that the work is of an artistic character, and not susceptible of being valued, is quite untenable. There is nothing whatever in the character of the work but what a tradesman with the usual amount of skill and experience would be expected to produce, nor is the execution such as to place it out of comparison with the furniture made by other persons employed by the department. The only advantages that I am aware of possessed by Mr. Lenehan over other tradesmen in the same line of business are the command of capital and credit, and the possession of an extensive stock and business premises; these, however, ought to enable him to supply at lower prices than would be profitable to others. There is certainly nothing whatever, as far as I can see, to justify Mr. Lenehan's assumption that his charges are to be accepted without question or inquiry; my duty to the Government requires me to repudiate any such doctrine, and to withhold payment whenever I consider an overcharge has been made; I should not indeed be justified in dealing with Mr. Lenehan at all upon any such terms.

6. In the valuation due consideration was had for any variation of prices which might have occurred; and the prices were fixed having in view what Mr. Lenehan might fairly expect to be paid, independently of any agreement, rather than as for what similar work could be obtained. As to the remark that some of the articles had to be procured from the neighbouring Colonies, I have to observe, that these had to be obtained to make good deficiencies in his stock, which Mr. Lenehan had assured me contained ample for the purpose.

7. As regards any loss Mr. Lenehan may have sustained from delay in settling his account, I can only say it has arisen from his own fault; payment has been made to him for all work not in dispute, and on account of the Government House work to nearly the extreme limit of the available funds, and these payments, which were made from time to time upon his urgent applications, are quoted by him as evidencing that the objections to his claim were the result of an afterthought. His remark that a considerable portion of business has been diverted from him I do not understand; I am not aware that Mr. Lenehan possesses any exclusive right to be employed, and I am compelled to say that advantage to the Government results rather in employing others. If Mr. Lenehan places himself above comparison or competition with other and equally competent tradesmen, who, with work of quite as good quality, are much more moderate in their charges, I do not see that I should be justified in giving him orders, much less a preference. In point of fact, however, it will I believe be found, that while the work of the department has been as far as possible distributed impartially, Mr. Lenehan has enjoyed a share equal to that of any other tradesman.

8. Having stated the facts, I must leave to the Government to decide whether Mr. Lenehan shall be relieved from the implied if not actual contract made by him. As regards the overcharges referred to in my previous report, Mr. Lenehan has advanced no reasons which would enable me to modify the opinions therein given, and I can only repeat my belief in the sufficiency of the valuation given by the Clerk of Works.

I have, &c.,
ALEX. DAWSON,
Col. Archt.

The Honorable the Secretary for
Lands and Public Works.

F.

I return the papers relative to Mr. Lenehan's charge for the furniture for Government House. I have not seen Mr. Lenehan's bill, I cannot therefore comment upon any particular item of overcharge. In contradiction to Mr. Lenehan, however, I may state that he got the order to supply the furniture for Government House under the distinct understanding that he was to do the work for the prices in the estimate. I may observe that the additional work was in many instances caused by Mr. Lenehan's own misconduct, in attempting to insert into the new curtains of the drawing-room portions of the materials from the old curtains.

I am by no means satisfied with the quality of some of the articles furnished: the dining-room carpet is of very inferior quality, and the stair carpet is not a good one.

No changes have been made in the work to be done, except, perhaps (for I do not now recollect whether the old curtains were lined) in the lining of the curtains of the drawing-room, and the object of this was to protect them from the sun. The patterns of the furniture were submitted for approval, but this was always under the idea that, as Mr. Lenehan had undertaken to do the work for a given sum, he was prepared to use any of the articles which he submitted.

T. W. D.
18 March, /58.

G.

G.

Put by.

His Excellency Governor General, 20th April.—JOHN R.

Clerk of the Council, B.C., 20 April.—M.F.

Re-submitted to His Excellency the Governor General. 30th April.—
JOHN R.

Mr. Lenehan says, that at the time he spoke of the price he had not the drawing—that the drawing was furnished seven or eight months afterwards, and that to complete it a much greater expense was incurred.

Mr. Lenehan had the sideboard described to him when he made the estimate, and it was his business to object if the drawing furnished was of a more expensive character than that contemplated.

The dining-room curtains were always intended to be of silk damask, as will be seen by the price put upon them by Mr. Lenehan; and the drawings for approval were furnished by himself. If reference be made to the estimate, it will be seen that the price of the curtains is put at £40 per window, the same as in the ante-room, where the curtain is of silk damask, and very nearly the same as in the drawing-room, allowing for the larger size of the window, and the drapery over the spaces between the windows.

*This is a positive falsehood.

†The material was submitted for approval by Mr. Lenehan himself, and it was his business only to submit such as could be used for the price stated.

The lining may perhaps be admitted; the object being to secure the curtain from the action of the sun, which very soon takes out the colour and injures the material. Mr. Lenehan submitted his own specimens for approval; he also submitted his own drawings, and the estimate of £66 per window is, in my opinion, ample. I have a strong idea that the deficiency of lining was pointed out to Mr. L. at the time, but I am not positive. Of a much inferior material.

The lining is of a thin poor silk.

Mr. Lenehan says, that any person in the trade would describe it as superior rather than inferior.

Mr. Lenehan says the conversation alluded to was that which occurred when he said the Colonial Architect waited on the Governor General, by appointment, six or seven months before the final order was given.

What conversation? I am not aware of any special conversation with Mr. Lenehan.

Not for lining. Mr. Lenehan attempted to work up the old material (which he had no business to touch, as it belonged to the Government) into the new drawing-room curtains; and whatever he may say, I am not at all inclined to believe that he would have taken down the curtains and re-made them, had the substitution of old material for new not been found out.

I am of course not aware of what the Colonial Architect may have done; but if a man offers to supply drapery for windows at a given sum per window, and then submits drawings for approval or assents to modifications of those drawings, he must be supposed to do so on the understanding that he is to execute the work for the contract price.

W.D.

Mr. Lenehan says he does not consider that he made a contract at all—that he merely stated a price as a rough estimate, and that many months after, other and more expensive designs were furnished to him for execution, and that he now most respectfully requests that the whole matter may be submitted to arbitration.

JOHN R.,
30 April, 1858.

Mr. Lenehan's Claim.

Since my receipt of the papers of His Excellency the Governor General, of the 14th March, on this matter, Mr. Lenehan has called upon me; and having the information conveyed by the Governor, I was enabled the more readily to ascertain Mr. Lenehan's version of each particular item alluded to as disputed.

Mr. Lenehan says, had there been no deviation from the instructions given when he submitted the probable prices alluded to as an estimate, he would have done the work at those prices; but that designs for curtains, and for a sideboard, were furnished by the Colonial Architect, six or seven months afterwards, and into which were introduced much additional as well as more costly work. That the old dining room curtains were made of crimson worsted, and had no draperies, and that his original instructions were simply that the old were to be replaced with new articles of the same kind and quality.*

† The designs, as subsequently submitted, required draperies that alone, without the curtains, cost more than the whole work (for those items, as at first intended) would have cost. He says, "cornices" were required instead of "brass poles"—costing three times the price of the former; costly "silk damask" for the curtains, instead of "worsted," costing 18s. per yard instead of 3s., the price of the latter.

He complains also of some difference in the value of the table and sideboard, by which he was placed at a disadvantage. He also says, that the original drawing-room curtains were made of Gabnett, and were not lined, nor had they draperies; and that instead of being replaced by articles of a similar description, they are now lined with silk, with also an inner lining of brown holland, costing 50 per cent. more than those originally contemplated. He adds, that heavy and expensive draperies, such as were finally introduced, were not contemplated at the time the estimate was made, and that with the lining throughout of the same kind as the curtains, had more than doubled the material used.

Mr. Lenehan also says, with reference to his conversation with the Governor General, that it occurred before and not after these second designs were furnished; and also, that from time to time, he mentioned to the Colonial Architect that the work would be more costly than was at first intended, but that Mr. Dawson said arrangement would be made for his payment, by dispensing with some of the articles or otherwise.

With reference to his having used old materials for lining, he says he was importuned to get the curtains ready in time for a ball, and in consequence of the greatly increased requirement of the new designs he had not sufficient material—that he had sent to Melbourne for some, and had only used a few yards of the old material, and never had any intention of charging for it. He states also that the old material has all been returned according to his agreement.

After carefully examining the whole of the papers, especially the fourth and subsequent paragraphs of the Colonial Architect's letter of the 11th February, I think Mr. Lenehan's statement, that a second series of designs were furnished to him subsequently to the time of the first estimate having been made, is to some extent corroborated. For that and other reasons, I think it right to again refer the matter to His Excellency the Governor General. I also take the liberty of suggesting a hope that His Excellency will kindly grant to Mr. Lenehan an interview, as the most probable means of satisfactorily disposing of this matter.

JOHN R.,
19 April.

H.

*Colonial Architect's Office,
Sydney, 6 September, 1858.*

Sir,

In reply to your letter of this date, relative to Mr. Lenehan's claim against the Government, I do myself the honor to inform you that, with respect to the furniture for the public rooms,
Government

Government House, viewing Mr. Lenehan's original estimate as a contract, there is nothing due to him, as will appear by the following statement:—

The estimate, according to the prices furnished by Mr. Lenehan, was	..	£1,389	10	0
But articles included therein, but not supplied by Lenehan, amount to	..	131	10	0
<hr/>				
Leaving balance..	..	£1,258	0	0
Payments have been made to Lenehan to amount of	..	1,300	0	0
<hr/>				
Excess	..	£	42	0

so that he has received £42 more than was originally agreed. But if this agreement be waived, and payment made according to the value of the articles actually supplied, the account will stand thus:—

Mr. Coles' valuation of articles supplied	..	£1,478	1	10
Articles supplied since, which were not included in Mr. Cole's valuation	..	72	0	0
<hr/>				
Payments made to Mr. Lenehan	..	£1,550	1	10
	..	1,300	0	0
<hr/>				
Balance	..	£	250	1

which shows a balance due to Mr. Lenehan of two hundred and fifty pounds one shilling and ten-pence. In addition to his claim for the public rooms, Government House, Mr. Lenehan's accounts contain charges for other services, viz:—

1. Upholsterer's work and repairs at Government House	..	£	35	9	11
To which no objection is made.					
2. Staircase, Government House	..		47	10	0
Which is considered an excessive charge, the work being valued at £24,					
which sum I have no objection to pay.					
3. Furniture for Legislative Offices	..		1	16	8
This contains over-charge to amount of	..		3	9	8
<hr/>					
Balance	..		£68	7	0

The balance, £68 7s., I consider Lenehan to be entitled to. These three sums amount to £127 16s. 11d.

I have no money in my hands specially appropriated for payment of Mr. Lenehan's bills, and, under the circumstances, should require authority from the Secretary for Lands and Public Works, before paying them out of my advances.

The Civil Crown Solicitor,
&c., &c.

I have, &c.,
ALEX. DAWSON,
Col. Archt.

I.

Sydney, 28 November, 1861.

Sir,

I beg respectfully to recall the attention of the Government to my outstanding claim for the refurnishing, in 1857, of the public rooms at Government House.

A rough estimate, with a view to such refurnishing, was made towards the end of 1856, by myself and the Colonial Architect. This estimate was £1,389 10s. It was made, however, upon the distinct assumption that the old furniture was to be replaced by new of the same character and materials; but when, some eight months afterwards, the work of refurnishing was actually commenced, I was required to carry out designs (furnished by the Colonial Architect) of a most elaborate and costly nature, and to supply draperies, carpeting, &c., of a far more expensive fabric; thus the cost of the work was increased to £1,938 18s. 4d.

This increased cost was a matter of discussion between myself and the Colonial Architect at the time, and efforts were made to diminish it, by withholding some of the articles originally estimated for; but it was found impracticable to effect any material saving in this way.

Difficulties arose, and a valuation was made by Mr. Coles, First Clerk of Works, to which I was no party, and which was, in many respects, necessarily a very imperfect one. This estimate was £1,478 1s. 10d.

To this reduction I for some time declined to submit, but ultimately, for the sake of avoiding litigation, and for other reasons which need not be here entered upon, I agreed to accept the additional £500, which, even according to Mr. Coles' estimate, would be then due to me, and which was offered by the Government, together with £50 for law costs to which I had been put.

But Parliament having failed to vote the necessary amount, I was compelled to go on with my suit against the Government, in which you were the nominal defendant. At the trial it was proved, without contradiction, by most competent men (who being my competitors in business, were not likely to favour me), that all my charges were most reasonable—in fact that I had undercharged. Yet, notwithstanding this evidence, and the admission that according even to Mr. Coles' estimate, £500 more was due to me, I was met and defeated, upon the plea that my rough estimate in 1856 was to be treated as a tender by which, notwithstanding all subsequent alterations, I must be bound.

From that time to the present, although the furniture remains public property, I have never been paid for it. I most respectfully submit that, besides being most oppressive and unjust to myself, this is inconsistent with public honesty.

I would, therefore, beg, with great respect, to urge the early reconsideration of the matter, with a view to an application to Parliament during the present Session, for such a sum as will compensate me for the loss to which I have been subjected.

The Hon. John Robertson, M.L.C.,
Secretary for Lands.

I have, &c.,
ANDW. LENEHAN.

K.

Department of Land and Public Works,
Sydney, 12 May, 1859.

Sir,

In reference to the arrangement come to between the late Attorney General and your Solicitor, according to which the Government were to place on the Estimates the sum of five hundred and fifty pounds, which you were to accept by way of compromise for your claim on the Government for the sum of £1,100, for furniture, &c., supplied by you for the Government House, I am directed to inform you, that in pursuance of that arrangement, the amount named was placed on the Supplementary Estimates for 1858, but was rejected by the Legislative Assembly, in Committee of Supply, on the 24th March last.

Andrew Lenehan, Esq.,
Sydney.

I have, &c.,
MICHL. FITZPATRICK.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

JAMES RALFE;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
29 *August*, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

JAMES RALFE.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th August, "to consider and Report upon the Evidence taken before the Grievance Committee of the Legislative Assembly, in the case of James Ralfe, late Government Surveyor of Port Macquarie," have agreed to the following Report:—

Your Committee having carefully considered the evidence taken before the Committee of Grievances, are of opinion that Mr. Ralfe has not been fairly treated.

Your Committee find that Mr. Ralfe arrived in this Colony in the year 1825, with an appointment from Lord Bathurst to the Surveyor General's Department, at a salary of £250 per annum and the usual allowances; that in January, 1859, the salary was increased to £350 per annum; and that he remained in active service as a Surveyor for 17 years.

That about the year 1840, during the administration of Sir George Gipps, the Government adopted the experiment of survey by Contract, when Mr. Ralfe was induced to enter upon that service, with the distinct understanding that, by so doing, he should not be deprived of his official rank, but to which rank he was refused to be restored; thereby depriving him of that means of support which from his long service he might reasonably expect.

Your Committee would further observe, that Mr. Ralfe was entitled to a grant of 1,000 acres of land, which other officers of the Department received, but of which, owing to informality on his part, he was deprived. Mr. Thomson, (then Deputy Surveyor General), as appears from Appendix E,* observes—"the promise 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 Vic. cap. 54."

*Vide Appendix to Evidence given by Mr. McLean, 26 April, 1861, before Select Committee on Grievances.

Your Committee, viewing all the circumstances brought before them relating to Mr. Ralfe's case, beg to recommend to the favourable consideration of the Government Mr. Ralfe in his present circumstances, and trust that he may be awarded that justice which, in the opinion of your Committee, he appears to merit.

H. FLETT,

Chairman.

Legislative Assembly Chamber,
Sydney, 29 August, 1862.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 14 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Flett,	Mr. Shepherd,
Mr. Dangar,	Mr. Sadleir,
Mr. Stewart,	Mr. Dalgleish.

Mr. Flett called to the Chair.

Resolution of the House appointing the Committee, *read*.Copies of the Evidence taken before the Select Committee on Grievances in 1861—
on the Table.

At the suggestion of the Clerk, the Chairman brought under the notice of the Committee a letter from James Ralfe, to the Chairman and Members of the Select Committee on Grievances, of 1861, dated Port Macquarie, 9th September, 1861.

The same, by direction of the Chairman, *read*.

Committee deliberated.

And objection being taken to the letter being received without its being previously referred to the Committee,—

Motion made (*Mr. Dalgleish*) and *Question put*,—That the Chairman move the House that the letter just read be referred to this Committee.

Committee divided.

Ayes, 2.

Noes, 2.

Mr. Dalgleish,
Mr. Dangar.Mr. Shepherd,
Mr. Stewart.

The Chairman gave his casting vote with the Ayes.

So it passed in the affirmative.

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

THURSDAY, 21 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Flett in the Chair.

Mr. Shepherd,	Mr. Stewart,
Mr. Sadleir,	Mr. Dangar.

Letter from James Ralfe *referred* on the 14th instant, before the Committee.

The Chairman submitted a Draft Report.

The same read 1^o.

Committee deliberated.

Ordered,—That the Draft Report, as read, be printed and *circulated* prior to the next meeting.

Committee further deliberated.

Motion made (*Mr. Dangar*) and *Question*,—That the letter from James Ralfe, referred to this Committee, be printed and *circulated* with the Draft Report—*agreed to*.

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

[Adjourned.]

FRIDAY, 29 AUGUST, 1862.

MEMBERS PRESENT:—

Mr. Flett in the Chair.

Mr. Shepherd,	Mr. Sadleir,
Mr. Stewart,	Mr. Dangar.

Committee met pursuant to summons.

The following letter, together with the Draft Report, printed and *circulated* amongst the Members of the Committee during the interval of adjournment:—

“ MR. SURVEYOR RALFE to THE HONORABLE THE CHAIRMAN AND MEMBERS OF THE
“ SELECT COMMITTEE OF GRIEVANCES.

“ SIR AND GENTLEMEN,—

Paragraph 229.

“ With reference to the remark in paragraph 229, in the printed Evidence of
“ my case, that ‘ it was necessary for me to prove that there were no grounds for my dis-
“ ‘ missal,’ with my reply that ‘ the letter I had produced contained the only grounds I
“ ‘ knew of,’ I hope, now that your Honorable Committee has been put in possession, by the
“ Acting

" Acting Surveyor General, of the letters of the late Sir Thomas Mitchell upon that subject, I shall not be denied the opportunity of showing the truth of my statement. I therefore most respectfully entreat that your Honorable Committee will be pleased to compare Sir Thomas Mitchell's letter to Governor Gipps, of 11th November, 1841, with the one written to me, of 26th of that month, and it will clearly appear that the former now, for the first time, discloses to me the real cause of my discharge, whilst the latter alleges another; and as the charges brought against me were concealed, and my appeal for an inquiry denied me, I trust I may be indulged this opportunity of refuting them.

In appendix to the Surveyor General's evidence.
A, 41-403, in appendix to Surveyor General's evidence.
D, No. 41-405, in appendix to my evidence.

" I therefore beg leave to state,—

" 1st. That the charge of inaccuracies in my surveys could only have been made in palliation of the unjustifiable breach of contract on the part of Sir Thomas Mitchell, in withholding the whole amount of my earnings in place of the stipulated £25 per cent.; for I maintain that no inaccuracies whatever occurred in any of my plans; I admit that there was one trifling inadvertency in not showing the same features twice over to an exact nicety on the dividing line between the two first parishes I had sent in, fourteen months previously; at all events, they must have been of a very trifling character, or Sir Thomas Mitchell would never have renewed my contract, as he virtually did by his letter to me of 27th July, 1841, containing fresh instructions; and how Sir Thomas Mitchell could have stated to Governor Gipps that 'my contract had expired in the previous month of June,' I am quite at a loss to conceive, after having raised in my mind every reasonable expectation 'that my contract would have been continued for a year at least from the date of his letter.'

C, 2nd query by Lord Stanley, in appendix to Surveyor General's evidence.
B, No. 37-378, in appendix, Surveyor General's evidence.

" 2ndly. That it would have been just, and comparatively generous, had Sir Thomas Mitchell, in place of raking up a letter of the Colonial Secretary's, nearly five years old, submitted to Governor Gipps, as fair subjects, such letters of mine as might have appeared to justify the steps he had taken to deprive me so suddenly of employment; for I am willing to confess that it is possible, whilst smarting under the galling and ruinous consequences of the stoppage of the whole of my earnings, I may have written in my capacity of Contract Surveyor in stronger terms than I otherwise should have done; but as this unfortunate letter of mine of 25th March, 1837, the perusal of which caused Governor Bourke such 'great disgust,' has now been twice brought forward to my disparagement, after intervals of several years, I must candidly acknowledge, though grown, I hope, 'a wiser and a better man,' that I do not feel any shame or remorse at the exposure of its contents; for although it may not be written in the most approved style of diplomacy, it was expressive of honest indignation at the wasteful expenditure of the public resources as regarded inefficient supplies as well as frustrations to my duties. I am fully aware that had I acted the part of 'Corporal Trim,' all would have been well; but unfortunately, from possessing a thorough knowledge of my vocation and only an infinitesimal grain of spirit and enterprise, I could not brook the unnecessary restraint that was incessantly put upon my exertions, and tamely submit to be tied down to a wretched tent under a gum tree, wasting all my energies in helpless inactivity, awaiting the pleasure of a storekeeper at Parramatta to send me supplies, between two and three hundred miles from the field of my operations, when I could have purchased, if only allowed, all I required on the spot; goaded, too, as I was, with letters continually from Sir Thomas Mitchell of so reproachful and censorious an import that I sought and obtained redress by submitting them to the consideration of Governor Bourke.

F, in appendix, Surveyor General's evidence.

" I have thus replied as briefly as possible to the charges so insidiously brought against me, and I will not abuse the patience of your Honorable Committee by commenting upon the answers of Sir Thomas Mitchell to the queries, which I never saw before, submitted by Governor Gipps in 1842, and Lord Stanley in 1844, respectively, evidently misgivings on the part of both as to the justness of the proceedings that had been instituted against me; it is sufficient for me to state they relate to my contract only, a matter of such little importance that I should never have alluded to it had it not involved the loss of my Imperial appointment.

C and D, in appendix, Surveyor General's evidence.

" In justice to the memory of the late Sir Thomas Mitchell, I am in duty bound to call to the attention of your Honorable Committee that that officer never recommended my total discharge from his department, the deprivation of my appointment therefore can only be attributed to the arbitrary act of Governor Gipps, in direct violation of a solemn pledge given me in writing, and no other reason is assigned for this cruel proceeding but that now brought forward by the Acting Surveyor General, 'that there was at that time a desire on the part of the Government to get rid of any officer they could, because they had sent home for six Surveyors.' Whatever may be thought of the 'great disgust' Governor Burke suffered under in consequence of my representations of abuses or my agitation for the Contract System, I have the satisfaction of observing that all my suggestions were afterwards adopted. Licensed or Contract Surveyors were appointed, and an annual allowance made to stipendiaries to find their own equipments, consequently complaints were never afterwards punished, because prevented; and had it been my good fortune to have been placed in either position at the commencement of my career, I should not have been now reduced to the humiliation of appealing to your Honorable Committee.

Paragraph 248, Surveyor General's evidence.

" I

" I will now conclude this painful subject with a short recapitulation of my circumstances :—

A, No. 197, 1st
Nov., 1826, in
appendix to my
evidence.

" I arrived in this Colony in 1825 with an appointment from Lord Bathurst, and
" was refused a grant of land because I was in Government employ, and yet
" that boon was given to my junior in office, Mr. Surveyor White, after several
" years solicitation.

" I was promised, by the Secretary of State, increase of pay and promotion, but
" that I was deprived of by Governor Gipps, who thought proper to introduce
" a system of surveying by contract.

" I took a contract accordingly, but that I was deprived of because Surveyor
" General Mitchell was hostile to it.

" I was promised restoration to my rank and emoluments, but I was deprived of
" them because six Surveyors were expected from England.

" I was appointed a Licensed Surveyor in August, 1852, and now, after an absolute
" service of 26 years, I am worn out, and cannot obtain sufficient employment
" to afford me a maintenance.

" I have the honor to remain,

" Mr. Chairman and Gentlemen,

" Your most humble servant,

" JAMES RALFE,

" Licensed Surveyor."

" Port Macquarie, 9 Sept., 1861."

Draft Report read 2^d paragraph by paragraph.

Paragraphs 1 and 2 read and agreed to without amendment.

Paragraph 3 read, amended, (on motion of Mr. Sadleir), and *agreed to*.

Paragraph 4 read as follows :—

4. Your Committee would further observe, that it appears from Appendix E, that
Mr. Ralfe was entitled to a grant of 1,000 acres of land, which states—
" the promise 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 Vic.
" cap. 54."

Motion made (*Mr. Sadleir*) and *Question*,—That the words " that it appears from
Appendix E, that Mr. Ralfe was entitled to a grant of 1,000 acres of land, which states,"
be omitted, with the view to insert in their place the following words :—" That Mr. Ralfe
" was entitled to a grant of 1,000 acres of land, which other officers of the Department
" received, but of which, owing to informality on his part, he was deprived. Mr. Thomson
" (then Deputy Surveyor General), as appears from Appendix E, observes—"

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

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

Paragraph, as amended, agreed to.

Paragraph 5 read, verbally amended, and agreed to.

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

Chairman requested to report to the House.

1862.

—
LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

—
REPORT FROM THE SELECT COMMITTEE

ON

MR. FRANCIS FLANAGAN;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
4 November, 1862.

SYDNEY
THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

—
1862.

[Price, 4d.]

521—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE LEGISLATIVE ASSEMBLY.

VOTES, No. 41. TUESDAY, 5 AUGUST, 1862.

16. Mr. Francis Flanagan :—Mr. Faucett, *with the concurrence of the House*, moved, on behalf of Mr. Gray, pursuant to *amended* notice standing in the name of Mr. Gray,—
- (1.) That a Select Committee be appointed to consider and report upon the Petition of Mr. Francis Flanagan, presented to this House on the 7th November, 1861.
 - (2.) That such Committee consist of Mr. Cowper, Mr. Faucett, Mr. Hart, Mr. Egan, Captain Moriarty, Mr. Wilson, Mr. Garrett, Mr. Bell, Mr. J. T. Ryan, and Mr. Gray.
- Question put and passed.

VOTES, No. 43. THURSDAY, 7 AUGUST, 1862.

5. Mr. Francis Flanagan :—Captain Moriarty, *with the concurrence of the House*, moved, (without presentation of petition),—That leave be granted to Mr. Francis Flanagan to appear by Counsel, or Attorney, before the Select Committee of this House now sitting on his case.
- Question put and passed.

VOTES, No. 90. WEDNESDAY, 29 OCTOBER, 1862.

8. 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 consider and report upon the Petition of Mr. Francis Flanagan," and that Committee being desirous to examine the Honorable Terence Aubrey Murray, 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, 29 October, 1862.*

Speaker.

Question put and passed.

VOTES, No. 91. THURSDAY, 30 OCTOBER, 1862.

1. * * * * *
Members of Legislative Council as Witnesses :—

(1.) The Speaker reported that the following Message had been received yesterday from the Legislative Council :—

MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 29th instant, requesting leave for the Honorable Terence Aubrey Murray, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, appointed "to consider and report upon the Petition of Mr. Francis Flanagan," 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, 29 October, 1862.*

T. A. MURRAY,

President.

(2.) * * * * *

VOTES, No. 93. TUESDAY, 4 NOVEMBER, 1862.

8. Mr. Francis Flanagan :—Captain Moriarty, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, and Evidence taken before, the Select Committee appointed on the 5th August last, to consider and report upon the Petition of Mr. Francis Flanagan.
- Ordered to be printed.

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1862.

MR. FRANCIS FLANAGAN.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th August last, "*to consider and report upon the Petition of Mr. Francis Flanagan, presented to this House on the 7th November, 1861,*" have agreed to the following Report:—

Your Committee having examined the witnesses named in the margin,* and carefully investigated all the documents submitted to them, connected with his case, have arrived at the conclusion that Mr. Flanagan has substantially established the allegations contained in his Petition.

* W. Elyard, Esq.
R. Johnson, Esq.
The Hon. T. A. Murray.

Your Committee, therefore, beg strongly to recommend his case to the favourable consideration of the Government.

MERION MORIARTY,
Chairman.

*Legislative Assembly Chamber,
Sydney, 4 November, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 7 AUGUST, 1862.

MEMBERS PRESENT :—

Mr. Egan,	Mr. Hart,
Captain Moriarty,	Mr. Gray,
Mr. Bell,	Mr. Garrett.

Captain Moriarty called to the Chair.
Order of Reference read by the Clerk.
Copies of Petition referred—on the Table.
Committee deliberated as to their course of procedure.

Resolved,—That the Chairman move the House that leave be granted to Mr. Francis Flanagan to appear by Counsel, or Attorney, before the Committee now sitting on his case.
Mr. W. Elyard and Mr. R. Johnson to be summoned for next meeting, each to produce all Papers and Correspondence in his possession relating to the claims of Mr. F. Flanagan.

[Adjourned to Tuesday next, at Noon.]

TUESDAY, 12 AUGUST, 1862.

MEMBERS PRESENT :—

Captain Moriarty in the Chair.

Mr. Cowper,	Mr. Gray,
Mr. Garrett,	Mr. Bell,
Mr. Egan,	Mr. Faucett.

Present, as *Solicitor for the Petitioner*, Mr. R. Johnson.
Mr. R. Johnson stated to the Committee that, from defective communication with Petitioner, he was not prepared to enter fully into the case of his client.
New South Wales *Government Gazette*, No. 282, Wednesday, June 28, 1837, containing a notification concerning additional Grants of Land; also Government Order, No. 35—Regulations for the Granting and Sale of Land—*Colonial Secretary's Office*, Sept. 5, 1826,—before the Committee.
Mr. W. Elyard, *Principal Under Secretary*, examined.
Cross-examined by Mr. Johnson.

[Adjourned to Tuesday, 26th instant, at Eleven o'clock.]

TUESDAY, 26 AUGUST, 1862.

MEMBERS PRESENT :—

Captain Moriarty in the Chair.

Mr. Cowper,	Mr. Hart,
Mr. Egan,	Mr. Gray.

Committee deliberated.

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

TUESDAY, 2 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Captain Moriarty, | Mr. Garrett.

In the absence of a Quorum, the meeting of the Committee convened for this day lapsed.

THURSDAY,

THURSDAY, 11 SEPTEMBER, 1862.

The meeting called for this day, by direction of the Chairman,—
[Postponed to Wednesday next, at *Eleven o'clock.*]

WEDNESDAY, 17 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty in the Chair.
Mr. Egan, | Mr. Garrett,
Mr. Faucett.

The Witness summoned not being in attendance,—
[Committee adjourned to Friday next, at *Eleven o'clock.*]

FRIDAY, 19 SEPTEMBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty in the Chair.
Mr. Wilson, | Mr. Garrett,
Mr. Hart, | Mr. Faucett.

Mr. Robert Johnson, *Solicitor for Petitioner*, examined.
Copies of several documents handed in by Witness. (*Vide List of Appendix.*)
Witness withdrew.
Committee deliberated, and

[Adjourned.]

TUESDAY, 14 OCTOBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty, | Mr. Hart.

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

TUESDAY, 28 OCTOBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty in the Chair.
Mr. Egan, | Mr. Hart,
Mr. Garrett, | Mr. Faucett.

Committee met pursuant to summons.
Printed copies of Evidence previously *circulated*.
Committee deliberated, and *Resolved*,—

That the Honorable Terence Aubrey Murray be requested to attend and give evidence before this Committee, and that the usual Message requesting leave for his attendance be transmitted to the Legislative Council.

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

FRIDAY, 31 OCTOBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty in the Chair.
Mr. Garrett, | Mr. Bell,
Mr. Egan.

The Honorable Terence Aubrey Murray, attending by permission of the Legislative Council, examined.

Witness withdrew.

Committee deliberated, and

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

TUESDAY, 4 NOVEMBER, 1862.

MEMBERS PRESENT:—

Captain Moriarty in the Chair.
Mr. Egan, | Mr. Faucett,
Mr. Garrett, | Mr. Hart.

Committee deliberated.

Chairman submitted Draft Report.

The same read, amended, and *agreed to*.

Chairman requested to report, this day, to the House.

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

PETITION OF FRANCIS FLANAGAN.

TUESDAY, 12 AUGUST, 1862.

Present:—

MR. COWPER,		CAPTAIN MORIARTY,
MR. BELL,	|	MR. FAUCETT,
MR. GRAY,	|	MR. EGAN,
		MR. GARRETT.

M. M. MORIARTY, ESQ., IN THE CHAIR.

Robert Johnson, Esq., appeared as Solicitor for the Petitioner.

William Elyard, Esq., called in and examined:—

1. *By the Chairman:* You are Under Colonial Secretary, I believe? Yes; Under Secretary Wm. Elyard, to the Government. Esq.
2. We have requested the favour of your attendance here, to give us any information which it may be in your power to afford with reference to the claim of Mr. Francis Flanagan contained in the petition presented to the Legislative Assembly;—are you in a position to afford us any evidence on this subject? That is, with reference to documents bearing on the matter? 12 Aug., 1862.
3. Yes; with reference to documents bearing on the subject? The statements contained in the petition of Mr. Flanagan are generally correct.
4. The statements contained in this petition are correct? The history of the case, as stated in Mr. Flanagan's petition, is generally correct; under the regulations persons were entitled in the way therein stated to additional land, on showing that improvements had been made on their original grants.
5. On the original grant? On the original grant; and that they possessed capital sufficient to cultivate additional land. They were also required to be in possession of the land first granted at the expiration of seven years; that is, they were to expend within the seven years a certain amount of money on the land, and to be then in possession of it. In July, 1831, it was notified that the system of disposing of land otherwise than by public sale—(that is, by granting it)—had been discontinued; and on the 27th June, 1837, a notice was published, requiring applications for secondary grants under the regulation which is referred to in the petition, to be sent in by the 31st December.
6. Of that year? Yes; or within six months from the expiration of seven years from the time of obtaining possession of the original grant.

Wm. Elyard, Esq.
12 Aug., 1862.

7. *By Mr. Garrett*: Of 1831? No, of 1837. Mr. Flanagan should have sent in his application by the 31st of December, 1837, or within six months from the expiration of seven years from the date of possession; but it seems that he did not prefer his claim until the expiration of about six months beyond the time prescribed.

8. *By the Chairman*: That is, in June, 1838? June, 1838. It seems that in consequence of that delay the Government of the time declined to entertain it. Mr. Flanagan then appealed to the Secretary of State, who also refused to do so. The despatch on the subject is dated 6th March, 1839, and contains the following passage:—
“Mr. Flanagan, I perceive, attempts to account for the delay by stating that he resides at a distance from Sydney, and is frequently for months without receiving any news from thence; but he acknowledges that he was informed by the Government notice on the eve of Christmas Day—that is, five days before the expiration of the period allowed; and he permitted a further delay of nearly six months to elapse before making his application. This I consider fatal to his claim, and you will have the goodness to inform him that I regret I do not feel justified in complying with his application.” The Secretary of State at the time was the Marquis of Normanby. The information contained in this despatch was duly communicated to Mr. Flanagan, who seems to have brought forward his claim again in 1842.

9. *By Mr. Cowper*: Is there nothing between 1837 and 1842? Merely the application or memorial in 1838.

10. *By the Chairman*: What memorial? The memorial on which the case was forwarded to the Home authorities. He submitted his claim, as before mentioned, in 1842, by a further memorial, which was reported to the Secretary of State, who, on the 19th January, 1843, wrote—“You will acquaint Mr. Flanagan, in reply to his memorial of the 22nd October, 1841, that as the decision of the Marquis of Normanby on his memorial dated the 6th of August, 1838, was duly communicated to him, and as no new matter has been adduced by him, I cannot consent to re-open the case.” This is a despatch from Lord Stanley, who was then Secretary of State. I do not find in the Colonial Secretary’s Office anything further on the subject.

11. Supposing that he did admit that on Christmas eve he became aware of that Government notice—that is, within five days of the termination of the period within which it ought to have been made, was the state of the Colony such that Mr. Flanagan could, within the time, have communicated with Sydney from Moruya, where he lived? I should think that from any part of the Colony there might have been communication with Sydney in less time than six months; the communication was, of course, more difficult than at present, and the post might not have been very regular.

12. You are not in a position to afford us any information as to the period the post took at that time? No; but I see that a letter from Mr. Flanagan, dated from a place called Mundarry, St. Vincent, on the 2nd September, was received in the office on the 15th September—that is, in less than a month.

13. And what period would elapse before any communication would arrive there? This letter was from his residence; he acknowledged the receipt of the notice at a certain date.

14. *By Mr. Faucett*: Though the proclamation came to his notice five days before the expiration of the period, does it appear that he possessed the knowledge that the term was to expire within five days after the receipt of that notice? The notice itself would afford this information, if he read it.

15. He does not state that he read the notice? I think this is implied.

16. It appears that the existence of some notification of this kind came to his knowledge, in some way or other, five days before the expiration of the period referred to; but does it appear that in ascertaining that the Proclamation had been made by the Government, he also ascertained that the time was limited to five days after he heard of it; and was not this notification from the Government attaching unfairly a condition to those parties who came out, as Mr. Flanagan did, under the former state of things? The object of the notice was, I suppose, to bring these transactions to a close; perhaps on the same principle as cases under the Statute of Limitations. It is difficult, when matters are deferred to a late period, to investigate them properly. I am not prepared to say that it was unfair.

17. Was not the limitation as to time a new condition imposed upon Mr. Flanagan and those who came out under the same conditions? I think it may be considered in the light of a modification of a regulation, rendered necessary by the termination of the system of making grants of land. It was nearly seven years after that system had terminated that this notice was issued, and therefore, unless in exceptional cases, the claims would be confined chiefly to those of persons who had then been in possession of their land for that period.

18. It was very fair to put an end to the former state of things by limiting the time with respect to those who had not come out under former conditions; but it does seem somewhat hard to impose a limitation as to time upon those who had come out without any such limitation in reference to the obtaining of secondary grants? I do not see the ground of distinction. The system of granting land was discontinued in 1831.

19. That was after he came out? Yes; and at the time he made the application he had been seven years in possession of his land.

20. I will put it briefly in this way: Mr. Flanagan came out here under certain conditions; one was, that under certain conditions, he was to obtain a primary grant; the other was, that after a certain residence, and the fulfilling of certain other conditions, he should be entitled to obtain a secondary grant. To these conditions there was attached no limitation as to time, in reference to the application for the secondary grant; but after he had fulfilled the conditions which would entitle him to a secondary grant, the Government impose a new condition, limiting the application for a secondary grant as to time? It may be necessary to refer to those regulations, to ascertain whether there was any limit; I cannot say from memory.

21. I think it would assist the Committee if it could be ascertained whether, in the conditions under which Mr. Flanagan came out, there was any limitation as to the period within which he should be entitled to apply for a secondary grant. If there was no limitation the Government had no equitable right to impose that new condition on Mr. Flanagan and those who came out under the same regulations? Whether there was an expressed condition in the regulation or not, the condition was implied by its being required that certain improvements should be shown to have been made at the expiration of seven years, and additional grants were only to be allowed on this proof of their having been so effected.
22. *By the Chairman:* Can you favour us with the regulations then in existence? The regulations referred to in the memorial are, I think, those published in the *Sydney Gazette* of the 19th May, 1825.
23. Would not those regulations of the Government with more propriety take a prospective than a retrospective effect? No, I think not. You now refer to the notice dated 27th June, 1837?
24. I mean that in all future grants this system should obtain? The system of granting land had been discontinued when this notice was issued, so that there would be none, except in special cases.
25. *By Mr. Faucett:* This notice was given for the purpose of winding up that system? Yes.
26. And thus a new condition might have been imposed on those persons who came out here under the old regulations, and one which they had no reason to suppose would be imposed? Yes; but the former regulations implied, in requiring certain things to be done within seven years, that the termination of that period was the proper time to have made the claim.
27. Would not that rather seem to imply that they should be in possession for seven years before they could apply at all? Yes.
28. And not to limit the time within which they should apply, to seven years? I think it implies both.
29. Perhaps within a reasonable time after the expiration of the seven years? Yes, within a reasonable time.
30. *By the Chairman:* Was not the original grant to Mr. Flanagan in July, 1831? I see that it was on the 12th of June, 1829, that Mr. Flanagan received authority, in the usual form, to select land.
31. *By Mr. Faucett:* The date of the primary grant is July, 1829? Yes, that is the authority to take possession of the land selected.
32. Before that notice was issued a great number of persons, I suppose, had applied for and obtained secondary grants? Yes, no doubt a number of secondary grants had been made before the time referred to.
33. Could you tell me whether any of those applications had been sent in after the lapse of two years subsequently to the expiration of the seven years? I cannot, without reference is made to some particular case.
34. But it is a common thing, is it not, for persons to defer sending in applications for two or three years? Applications are no doubt frequently made without reference to time.
35. In fact they were not limited to a period of one or two or three years? Of course it would be difficult at this date to say whether there are instances which might be applied to this case, but I find that there was one; that of Mr. M'Intyre, whose application was made shortly after the expiration of the time fixed by the notice; but it was only a few days, and it was admitted.
36. What was the excuse in that case? On Mr. Flanagan's application there is this note:—"The case of Mr. D. M'Intyre is in point; he exceeded the period fixed, although only a few days." I suppose that was not held to form a precedent, and as I do not observe that any other case was brought forward, I conclude there were none sufficiently in point to be of any service.
37. *By the Chairman:* Was not Mr. M'Intyre's claim admitted? It was admitted.
38. Do you remember the case of Mr. Murray, the present Speaker, applying for land under circumstances similar to those in the case of Mr. Flanagan? No, I do not remember the circumstances of the case.

Cross-examined by Mr. R. Johnson, Attorney for Petitioner:—

39. Will you state what were the land regulations in force in March, 1826, and where they are to be found? They were published in the Colony, I think in 1825, as before stated. The regulations referred to in the notice of 27th June, 1837, appear to have been issued from Downing-street, in April 1826 and 1827.
40. These [lithographed] seem to be those that were issued, but they bear date 1824;—is there a publication in the Colony which comprises these regulations bearing date 1824? I cannot say with reference to 1824, but regulations were published here in 1825. The regulations referred to in the notice of 1837 are dated in 1827.
41. 1827? Yes.
42. I want to know whether there was any regulation affecting the right of immigrants between 1824 and the time when Mr. Flanagan got Mr. Hay's letter? Between 1824 and what date.
43. Between 1824 and, we will say, 1826? You mean as to the system under which land was given.
44. Yes? The system of 1824 was, I think, that adopted by Sir Thomas Brisbane, by which land was given in proportion to the number of prisoners a settler would undertake to maintain. The regulations to which you refer are different, and are probably those published here in 1825.
45. It appears that Mr. Flanagan came out under a system, in accordance with which individuals immigrating with capital, and intending to purchase land, were entitled to land without purchase, irrespective of Sir Thomas Brisbane's regulations? Yes. 46.

Wm. Elyard,
Esq.
12 Aug., 1862.

- Wm. Elyard, Esq.
12 Aug., 1862.
46. Where do those regulations, dated 1824, appear in the Colony? I think, in the notice of 1825.
47. *By the Chairman*: Mr. Flanagan himself says that on the 5th September, 1826, he received a printed memorandum, No. 35.
48. *By Mr. Johnson*: Where is that Government Regulation of the 5th September, 1835, to be found? In the Book of "Proclamations, Government Orders, and Notices issued by His Excellency Lieutenant-General Ralph Darling,"—Order No. 35, page 22 of Government Orders, 1826.
49. *By Mr. Garrett*: Who made the minute on that document containing the case of Mr. M'Intyre? It is in the handwriting of Mr. Newcombe, who was at that time one of the senior clerks in the office.
50. Was that decided by the Colonial Secretary? The decision was of course that of the Governor, or of the officer administering the Government for the time being.

FRIDAY, 19 SEPTEMBER, 1862.

Present:—

MR. FAUCETT, | MR. HART,
MR. GARRETT, | MR. WILSON.

M. M. MORIARTY, ESQ., IN THE CHAIR.

Robert Johnson, Esq., called in and examined:—

- R. Johnson, Esq.
19 Sept., 1862.
51. *By the Chairman*: Do you produce any documents with reference to the case of Mr. Flanagan, now under the consideration of this Committee? I do.
52. Will you state what they are? The first I produce is an affidavit by Francis Flanagan, verifying the truth of the facts alleged in his petition, and stating the cause of his inability to attend the Committee to give evidence orally, namely, his great age and decrepitude. (*The witness handed in the same. Vide Appendix A.*) I also produce an affidavit sworn by Francis Flanagan, sworn the 23rd of August last, in which he states that he did not take possession of his primary grant until after the 25th of August, 1829. (*The witness handed in the same. Vide Appendix B.*) I wish to show to the Committee that Mr. Flanagan received the identical documents which I now produce, and of which I furnish copies, namely, the letter of Mr. Hay, dated Colonial Office, Downing-street, London, 10th March, 1826, and memorandum inclosed therein, and that he emigrated upon the faith of these documents.
53. Your argument is this,—that the regulations in force at the time Mr. Flanagan was furnished with these documents, is the ground upon which he is entitled to obtain an additional grant? I take that as my fundamental principle; but even supposing the Government had authority to impose an *ex post facto* Statute of Limitations, they have not acted with that liberality, and I may say with that justice, with which they ought to have acted in shutting out Mr. Flanagan because he was a month or two out of the time. It appears by his affidavit, that, according to the regulations, he had six months after the expiration of seven years from, say the 1st September, 1829, to apply, because he did not take possession till after the 25th August, 1829, and, by the regulation imposing the limitation, parties were to have six months from the expiration of seven years from the time of taking occupation; therefore he had six months from the 1st of September or the 25th of August, 1836; so that he was only a few months out in the time of applying. The Government do not seem to have considered that subject at all. (*The witness handed in several papers. Vide Appendices C. and D.*) I have nothing further to say on the part of Mr. Flanagan, excepting that he emigrated to this Colony, not under the ordinary circumstances of a casual emigrant, but by express application to the authorities at Home, by whom he was informed that he would get a certain quantity of land, on condition of his bringing out a certain amount of capital. He came out with his family; brought out a large capital; he has been a *bonâ fide* settler, not a land speculator, but one of those individuals who have improved the country, and he has not received that compensation which he bargained for when he arranged with the Home authorities to come out here. Even assuming that the Government were justified in passing a Statute of Limitations, they have acted in a harsh and, I would say, an unconscientious manner, under the circumstances mentioned by Mr. Flanagan, in precluding him from availing himself of his right by a regulation which did not reach him till a considerable time after it was passed, as he was living in a part of the country then almost inaccessible from Sydney; and that the delay of a few months which did occur, under the circumstances set forth in the petition, ought not to be a bar to his obtaining that right and justice to which he was entitled, and upon the faith of which he emigrated to this country. I would also call the attention of the Committee to the case mentioned by Mr. Elyard, of Mr. M'Intyre, to show that the Government never intended that to be an absolute bar, as in a Court of law, where, under the Statute of Limitations, if a party is a day over, he cannot avail himself of his right.
54. *By Mr. Wilson*: What is the date of the primary grant? 24th July, 1829. (*Vide Appendix, D 2.*)
55. It appears that Mr. Flanagan arrived in 1827;—can you inform the Committee what he was doing during those two years? He was, for a great portion of it, engaged in worrying the Government to obtain his primary grant. The Government threw obstacles in the way of his getting that, because the whole amount was not in cash; and they referred the matter to Downing-street, and at length he was allowed to make a selection. Another great delay occurred in this way:—He was entitled to a primary grant of 2,500 acres; he was required

to make his selection in two allotments, and he claimed to make these so as to give him a frontage of a much more extended nature than he did get. A great deal of correspondence took place on that subject; the Surveyor General would not allow him to do as he wished, and he was obliged to make his selection in such a way that he was deprived of a great deal of the frontage he was entitled to. That was a cause of a great deal of the delay that took place; but it appears that he was active himself, for as soon as he got the land he went into possession within a month.

R. Johnson,
Esq.
19 Sept., 1862.

56. Can you give the Committee any information as to how and when the £3,000, which he states in his petition was expended, was laid out on that land;—he states that he has “cleared, cultivated, and improved the land, at an outlay of upwards of £3,000”? No, I have no personal knowledge. I have been Mr. Flanagan’s solicitor for a great many years, and I know, in the way a solicitor knows things—from the information of his clients—that this is a very valuable property, and would not be parted with for anything like three or four times that amount.

57. That may easily be accounted for by its situation or some natural advantages? I know, from granting leases to parties—for it is property leased out and largely farmed—that there are valuable improvements and houses upon it.

58. I am well aware of that, but I wish to know at what time this £3,000 was expended,—was it during the first ten years of occupation that this money was expended for improvements? I am not in a position to answer that question, but Mr. Elyard stated distinctly that Mr. Flanagan made out his case in every respect at the time he applied in 1838, and that the only objection was that his application was considered to be out of time.

59. *By the Chairman:* The application was made on the 27th of June in that year? He ought to have applied by the 27th March, and he did not apply till the following June, 1838. I presume they considered that the limit was the 31st December, 1837, but he was entitled under that very regulation till the 25th of March, because the regulation was that all parties should apply for grants before the end of 1837, where their seven years occupation had expired, but they were to have seven years from the expiration of seven years from the commencement of their occupation in all cases. He did not commence his occupation till the 25th August, 1829, so that his seven years expired in August, 1837, and he had six months after that to apply for his grant, or until the 27th March, 1838, so that he was really in default about three months; that is, he delayed from the 27th March to 30th June.

60. *By Mr. Garrett:* I think he received a letter, did he not, on Christmas Eve? He was aware of the regulation on Christmas Eve, but as I explained before, according to my instructions, he left the matter in the hands of some Sydney agent, who delayed the application, and then Mr. Flanagan was told it was too late. I see, on reference to the dates before-mentioned, that the seven years in Mr. Flanagan’s case expired in August, 1836, and therefore, under the Government regulation, he had only until the 31st December, 1837, to apply for his additional grant. Still he was only a few months out of date even under that order (which I contend ought not to bind him), and even that delay is, I think, satisfactorily accounted for by the circumstances before-mentioned, and therein set forth in the documents handed in. (*The witness handed in several papers. Vide Appendices E, F, G, H, and I.*)

APPENDIX.

A.

New South Wales, }
to wit.

Francis Flanagan, of Shannon View, Broulee, in the County of St. Vincent, and Colony of New South Wales, Esquire, being duly sworn, maketh oath, and saith as follows:—

All and every the statements contained in my Petition presented to the Legislative Assembly of the said Colony, on the seventh day of November now last past, are true in substance and matters of fact. I am unable to attend personally to give evidence before the Committee of the said Assembly appointed to consider the matter of my said Petition, in consequence of my advanced age (upwards of eighty-two years) and great infirmity, which absolutely prevent my leaving my residence at Shannon View aforesaid.

FRANCIS FLANAGAN.

Sworn by the said deponent, at Shannon View }
aforesaid, this fourteenth day of August, in }
the year of our Lord one thousand eight }
hundred and sixty-two, before me,—

W. STEWART CASWELL,
Commissioner of Affidavits.

B.

New South Wales, }
to wit.

Francis Flanagan, of Shannon View, Broulee, in the County of St. Vincent, and Colony of New South Wales, Esquire, being duly sworn, maketh oath, and saith as follows:—

I did not take possession of the two thousand five hundred and sixty acres of land referred to in my Petition to the Legislative Assembly of the said Colony, presented on the seventh day of November now last past, and of which said land I was authorized to take possession by the Colonial Secretary’s letters, dated respectively the twenty-fourth day of July, in the year of our Lord one thousand eight hundred and twenty-nine, until after the twenty-fifth day of August, in the year of our Lord one thousand eight hundred and twenty-nine.

FRANCIS FLANAGAN.

Sworn by the said deponent, at Shannon View }
aforesaid, the twenty-third day of August, in }
the year of our Lord one thousand eight }
hundred and sixty-two, before me,—

W. STEWART CASWELL,
Commissioner for Affidavits.

C.

APPENDIX TO FOREGOING EVIDENCE.

C.

Colonial Office,
Downing-street, London,
10 March, 1826.

Sir,

I am directed by Earl Bathurst to acquaint you, in reply to your letter of the 20th ultimo, that the printed memorandum, which I enclose, will explain to you the conditions upon which persons are permitted to hold lands at New South Wales and Van Diemen's Land; and if under such circumstances you should think it advisable to proceed to either of those settlements with a view to agricultural objects, the Governor will, on your making the necessary application to him for that purpose, and provided he shall be satisfied of your possessing sufficient capital to enable you to fulfil those conditions, make to you a grant of land accordingly.

I am directed further to acquaint you that the general instructions, with which the Governor has been furnished, will render it unnecessary for you, on your proceeding to the Colony, to be provided with any other letter from the Colonial Department than this.

I am, &c.,
R. H. HAY.

Mr. Francis Flanagan,
20, Patrick-street, Cork.

D.

(Copy Regulations enclosed in preceding letter.)

For the information of persons proceeding to New South Wales and Van Diemen's Land as settlers, it has been deemed expedient to prepare the following summary of the rules which His Majesty's Government have thought fit to lay down for regulating the grants of land in that Colony:—

1. A division of the whole territory into counties, hundreds, and parishes, is in progress. When that division shall be completed, each parish will comprise an area of about twenty-five miles. A valuation will be made of the lands throughout the Colony, and an average price will be struck for each parish.

2. All the lands in the Colony not hitherto granted, and not appropriated for public purposes, will be put up to sale at the average price thus fixed.

3. All persons proposing to purchase lands, must transmit a written application to the Governor, in a certain prescribed form, which will be delivered at the Surveyor General's Office to all parties applying, on payment of a fee of 2s. 6d.

4. All correspondence with the local Government, respecting grants of land, must take place through the same office.

5. The purchase money is to be paid by four quarterly instalments. A discount of ten per cent. will be allowed for ready money payments.

6. On payment of the money a grant will be made in fee simple to the purchaser, at the nominal quit rent of a peppercorn.

7. The largest quantity of land which will be sold to any individual is 3,600 acres. The lands will generally be put up to sale in lots of 3 square miles or 1,920 acres. Persons wishing to make more extensive purchases must apply to the Secretary of State, in writing, with full explanations of their objects and means.

8. Any purchaser who within ten years after his purchase shall, by the employment and maintenance of convicts, have relieved the public from a charge equal to ten times the amount of the purchase money, will have the purchase money returned, but without interest. It will be computed that for each convict employed and wholly maintained by the purchaser for twelve months, £16 have been saved to the public.

9. Lands may also be obtained without purchase, but upon different conditions.

10. Persons desirous to become grantees without purchase, will make their application to the Governor, in writing, in a prescribed form, copies of which are to be obtained at the Surveyor General's Office, on payment of 2s. 6d.

11. The largest grant that will be made, without purchase, is 2,560 acres. The smallest 320 acres.

12. No grant is to be made to any person without purchase, unless the Governor is satisfied that the grantee has both the power and the intention of expending in the cultivation of the lands a capital equal to half the estimated value of it.

13. A quit rent of £5 per cent. per annum upon the estimated value will be fixed upon the land granted without purchase.

14. The quit rent will be redeemable within the first 25 years next following the grant, on payment of a sum equal to twenty times the annual amount of it.

15. In the redemption of his quit rent, the grantee will have credit for one-fifth part of the sums which he may have saved to His Majesty's Government by the employment and maintenance of convicts; and for the purpose of making this allowance it will be calculated that the Government has saved £16 for each convict employed by the grantee, and wholly maintained at his expense on his land for one whole year.

16. Until the expiration of the first seven years next succeeding each grant, without purchase, no quit rent will become due upon the lands comprised in it.

17. Every grantee without purchase must at the expiration of the before-mentioned term of seven years prove to the satisfaction of the Surveyor General, that he has expended in the cultivation and improvement of his land a capital equal to half its value as that value was estimated at the time of his grant; on failure of such proof the land will be forfeited to the Crown.

18. No additional grant of land will be made to any person who has not proved, as last-mentioned, the necessary expenditure of capital on the lands already granted to him.

19. Persons receiving a second grant of land without purchase will become liable to pay a quit rent upon the lands comprised in such second grant immediately from the date of it.

20. Persons desirous to receive grants of land without purchase, on terms different from those above stated, must lay before the Secretary of State a full explanation, in writing, of the circumstances which they may conceive to exempt them from the fair operation of these general rules.

Colonial Office, Downing-street,
November, 1824.

D 2.

Primary Grant.

Colonial Secretary's Office,
Sydney, 24 July, 1829.

Sir,

The Surveyor General having stated in his Report for 15-30 June, 1829, No. 29-128-1, that, in pursuance of the authority given to you by His Excellency the Governor, you have selected twelve hundred and eighty acres of land, situated in the County of Saint Vincent, parish unnamed, at Peroga Flat, in Millendera, about (1) one mile to the east of Mogandora Creek, and (3) three miles from the mouth of Mourouwa River, and bounded on the south by that river; and you having entered into a bond that

APPENDIX TO FOREGOING EVIDENCE.

7

that you will reside in the Colony for at least three years, I am directed to communicate to you His Excellency's sanction to take possession of the said twelve hundred and eighty acres of land, and to retain the same (if it has been surveyed) until His Majesty's pleasure be made known on the subject, or until a regular deed of grant be made out in your favour.

But if the selection which you have made be in an unsurveyed part of the country, it will not be possible to determine at present whether there are any prior claims or other objections to your obtaining the precise spot applied for or not. It is presumed, however, that there will be a sufficiency of land for all purposes, and the Government will not interfere with your selection if it can be avoided.

If the grant be confirmed, the land is to be held by you in free and common socage, on the following conditions, viz. :—

1st. You are to pay a quit rent to the Crown of five per cent. per annum on the value of the land, which is to be hereafter fixed by the Commissioners appointed for that purpose, or by order of His Majesty's Government.

2nd. The payment of the quit rent is not to commence until the end of seven years from this date, but within that period you must expend in improvements on the land a sum equal to its full value, estimated as above, under the penalty of forfeiting the grant.

3rd. The quit rent is to be redeemable at your option on a payment to the Colonial Treasury of a sum equal to twenty years purchase, provided such payment be made within twenty years from the present date.

4th. The land is not to be alienable under any pretence whatever before the expiration of seven years from this date, nor until the sum above stipulated to be laid out in improvements shall have been actually expended on the said land; and you will not be put in possession of the title deeds until the end of that period.

5th. The Crown reserves to itself all land within one hundred feet of high water mark on the sea coast, creeks, harbours, and inlets, all mines of gold and silver, the right of making and constructing all roads and bridges which may be necessary for public purposes, and such stone, indigenous timber, and other materials, the produce of the land, as may be required at any time for making the said roads and bridges, and keeping them in repair, for naval purposes, and for public works.

6th. You must either reside in person on the land, or employ in the immediate charge of it, as your agent or manager, a free man of approved character and respectability, and you must continue in this Colony for at least three years.

I am, &c.,

ALEX. McLEAY.

Mr. Francis Flanagan,
Sydney.

*Colonial Secretary's Office,
Sydney, 24 July, 1829.*

Sir,

The Surveyor General having stated in his Report of the 15/30 June, 1829, that in pursuance of the authority given to you by His Excellency the Governor, you have selected twelve hundred and eighty acres of land, situated in the County of St. Vincent, Parish unnamed, adjoining your grant at Peroga Flat, in Millendera, about (1) one mile to the east of Mogandora Creek, and (3) three miles from the mouth of Mourouwa River, and bounded on the south by that river, as a reserve to be confirmed by a grant, provided you fix your residence on the land within twelve months from this date,—I am directed to communicate to you His Excellency's sanction to take possession of the said twelve hundred and eighty acres of land, and to retain the same as a reserve until His Majesty's pleasure be made known on the subject, or until a regular deed of grant be made out in your favour, but subject to any prior claim which may be discovered on surveying that part of the country, and liable to be resumed at the end of twelve months from this date, if within that period you do not fix your residence on the land.

If ultimately granted, the land is to be held by you in free and common socage, on the following conditions, viz. :—

1st. You are to pay a quit rent to the Crown of five per cent. per annum on the value of the land, which is to be hereafter fixed by the Commissioners appointed for that purpose, or by order of His Majesty's Government, the said quit rent commencing at the end of seven years from the present date.

2nd. Within seven years from the date of this letter, you must expend in improvements on the land a sum equal to one-fourth of the value estimated by the Commissioners, under the penalty of forfeiting the grant.

3rd. The quit rent is to be redeemable at your option, on a payment to the Colonial Treasury of a sum equal to twenty years purchase, provided such payment be made within twenty years after the date and execution of the grant.

4th. The land is not to be alienable under any pretence whatever before the expiration of seven years from this date, nor until the sum above stipulated to be laid out in improvements shall have been actually expended on the said land.

5th. The Crown reserves to itself the right of making and constructing such roads and bridges on the land herein described as may be necessary for public purposes; and also the right to such indigenous timber, stone and other materials, the produce of the land, as may be required for making and keeping the said roads and bridges in repair.

6th. You must either reside on the land, or employ in the immediate charge of it, as agent or manager, a free man of approved character and respectability.

I am, &c.,

ALEX. McLEAY.

Mr. Francis Flanagan,
Pitt-street, Sydney.

E.

Petition of 6th June, 1833.

To His Excellency SIR GEORGE GIPPS, Knight, Captain General and Governor-in-Chief of the Colony of New South Wales and its Dependencies, and Vice Admiral of the same, &c., &c., &c.

The respectful Memorial of Francis Flanagan, Settler, of Pargago Flat, in the County of St. Vincent,

SHEWETH :—

That your Excellency's Memorialist arrived in this Colony a free emigrant in the year 1827, and subsequently, in the year 1829, after qualifying before the Land Board, obtained his grant of land situate as above, and on which he has resided with his family ever since, clearing, cultivating, and improving the same (at an outlay of £3,000), and fulfilling all the conditions requisite for obtaining a secondary grant, as promised in the instructions issued to him by the Right Honorable Earl Bathurst, dated April, 1826.

That from the remoteness of the Memorialist's location, he being the most south-eastern settler, and his land surrounded with almost impassable mountains and gullies, and the limited intercourse therewith, both by sea and land, he was unacquainted with the promulgation of the Government Notice dated 27 June last, relative to applications for secondary grants, until the latter end of December last, when there was not sufficient time to communicate with Sydney until after the expiration of the term prescribed.

That

APPENDIX TO FOREGOING EVIDENCE.

That as the Memorialist has been prevented from making his claim within the time required, from the causes above stated, and over which he had no control, and as he is quite sure he can produce clear proof that he is entitled to a secondary grant, he earnestly entreats that he may not be deprived of the reward of his industry and outlay of capital, owing to his failure in making his claim within the specified time; and therefore prays that your Excellency will be pleased to allow him to apply for his secondary grant, and also to instruct the proper officers to receive and investigate the same, as if it had been made in due time.

And your Memorialist will ever pray, &c.

FRANCIS FLANAGAN.

F.

*Colonial Secretary's Office,
Sydney, 12 June, 1838.*

Sir,

With reference to your memorial, dated the 6th instant, addressed to the Governor, claiming an additional grant of land, I am directed by His Excellency to inform you that, according to your own statement, you became acquainted with the regulations in December last, and that as the delay of six months in making your application is quite unaccounted for, His Excellency cannot admit your claim.

I have, &c.,

(For the Colonial Secretary),
T. V. HARRINGTON.

Mr. Francis Flanagan, care of Mr. Connolly,
Australian Subscription Library, Sydney.

G.

Sydney, 16 June, 1838.

Sir,

I beg to acknowledge the honor of your letter dated 12th instant, No. 38/523, informing me, in reply to my memorial, dated 6th instant, claiming a secondary grant of land, that as the delay of six months is unaccounted for, His Excellency cannot admit my claim.

Before supplying the omission pointed out, I have to express my great regret thereat, and confident hope that it will not be attributed to any want of respect to His Excellency.

In the memorial above alluded to, I have sworn that I was unacquainted with the promulgation of the Government Notice of the 27th June last, until the latter end of December, when there was not sufficient time to communicate with Sydney until after the expiration of the time prescribed, and I trust I shall now be able to convince His Excellency that I could not have sooner made my claim without very great loss to myself.

I beg further to state, that the period of the receipt of the information in question was the commencement of harvest, which lasted about four months, during which time I had a number of free men hired for that season, and was during the early part without an overseer; I could not, therefore, without very great loss, leave my establishment;—that on the completion of harvest it was absolutely necessary to muster and brand my cattle, for which important duty I was obliged to detain my son from his studies in Sydney;—and further, it would not have been prudent to have left so many as twenty (20) prisoners, besides many others, under the control of a strange overseer, until by experience I had ascertained in some degree his fitness for a trust so responsible.

To the above particulars I have to add, that for some time I was very unwell—for one fortnight confined to bed, and that I trusted to a friend to make the required application, but as I did not specifically request him, he contented himself with recommending my personal attendance. I again beg to impress upon His Excellency the limited intercourse between my farm and Sydney. A journey by land, at my age and state of health, would have been impossible, and the only opportunity I could have had of coming by sea, between the month of December and my actual arrival, was in the month of March last, and then I was not only prevented by business but by illness.

Moreover, I own that I have trusted much to that indulgence which the Government has always so considerately shown to settlers, especially when resident in parts remote from and difficult of communication with Sydney; and I hope I shall stand excused if I say that, if ever a case merited that indulgence, mine is that case.

I trust that His Excellency will be graciously pleased favourably to consider the particulars above set forth, and permit me to send in my application for a secondary grant of land, it being a matter of primary importance to myself and family, to obtain which I have in all things strictly fulfilled every condition required by the Government, excepting only the delay of application.

I have, &c.,

FRANCIS FLANAGAN.

The Honorable the Colonial Secretary,
&c., &c., &c.,
Sydney.

H.

*Colonial Secretary's Office,
Sydney, 2 July, 1838.*

Sir,

I duly received and submitted to the Governor your letter of the 16th ultimo, explanatory of the delay in your making application for an additional grant of land, and in reply am directed to acquaint you that His Excellency cannot reverse his former decision, as communicated to you by my letter of the 12th ultimo.

I have, &c.,

E. DEAS THOMSON.

Mr. F. Flanagan, care of Mr. Connolly,
Australian Subscription Library.

I.

*Colonial Secretary's Office,
Sydney, 31 July, 1843.*

Sir,

With reference to your letter of the 23rd July last, and former correspondence, I beg to inform you that His Excellency the Governor has received a despatch from the Right Honorable the Secretary of State for the Colonies, negating your claim to an additional grant of land under the Regulations of 1826 and 1827.

Lord Stanley observes, that as the decision of the Marquis of Normanby on your Memorial, dated the 6th of August, 1838, was duly communicated to you, and as no new matter has been adduced by you, His Lordship cannot consent to re-open the case.

I am, &c.,

E. DEAS THOMSON.

Mr. Francis Flanagan,
Broulee.

FRIDAY, 31 OCTOBER, 1862.

Present :—

MR. GARRETT,

MR. BELL,

MR. EGAN.

M. M. MORIARTY, ESQ., IN THE CHAIR.

The Hon. T. A. Murray, President of the Legislative Council, called in and examined :—

61. *By the Chairman:* We have taken the liberty of requesting your attendance before this Committee, in order that you may favour us with some information which we have been led to believe you have it in your power to afford, with reference to a demand made by you to the Government for a certain grant of land, it being imagined that there was some similarity in that claim to the claim of Mr. Flanagan, now the subject of inquiry? There seems to be some difference between Mr. Flanagan's case and my own. By what I gather from the papers connected with Mr. Flanagan's case that I have read, it appears that Mr. Flanagan's claim was rejected simply because the application was not made within a certain time. In my case the application was made within the specified time, and my claim was granted; but I also, after a lapse of time, made a claim for another grant on behalf of my father, and as his representative, he having come out to the Colony under the regulations Mr. Flanagan refers to, by which each settler on arrival was entitled to receive a grant of land proportioned in extent to the capital he had brought with him for investment in the way of improvements upon the land; and each settler was promised an additional grant after the lapse of seven years, on the condition that he effected certain improvements upon the land he originally received. These were the regulations in those days. However, the seven years passed, and for a considerable time thereafter the Government took no notice of the promise thus made, and we all looked upon it as a dead letter; but a proclamation at last appeared, calling upon all persons having such claims to prefer them within the next six months. I preferred a claim, and obtained a grant of 1,280 acres. My father was dead, but if he had lived he would have been entitled to a grant, of which I should have had the benefit. Accordingly, I sent in my application to Governor Bourke, a few months before he left the Colony, for a grant to which, as my father's representative, I considered myself entitled. That claim Sir Richard Bourke disallowed. On the arrival of Governor Gipps I renewed the claim, but he refused to depart from the decision which his predecessor had given. Still I preferred the claim, urging it in stronger terms, and insisting upon it as my due. He again refused, and again I renewed it in still stronger terms, until ultimately I received a letter declining further correspondence upon the subject, in terms that I was not well pleased with at the time; but not disposed to give it up, I wrote to Sir George Gipps, referring to the letter I had received from the Colonial Secretary under his directions, declining further correspondence upon the subject. I said I had no alternative but to apply to the Secretary of State. I requested him to forward my application, in which I stated all the points. He did so, and within ten months thereafter I obtained the decision of the Secretary of State that my claim should be entertained.

Hon. T. A. Murray.

31 Oct., 1862.

62. The application was to be made within six months? Yes.

63. But with regard to your father's claim? That was an after consideration. For some time I do not think I could in any way establish it; but it occurred to me, arguing that if he had lived he would have been fully entitled to the grant, and that the original *laches* (if I may so term it) was the fault of the Government, not on our part. Had they fulfilled their agreement we should both have had grants; and his death, some time after, was no reason why they should not fulfil the promise they should have fulfilled during his lifetime. The Secretary of State ordered that the claim be entertained. The opposition was, however, carried to such an extent by Sir George Gipps, that after the first decision of the Court of Claims in my favour he sent back their decision for further consideration, and put me to great expense, in bringing down from a distance witnesses to show that the conditions had been fulfilled. I had plenty of land at the time, and did not want to keep this additional grant. The original grant was 2,560 acres, and the additional grant was to be to the same extent. I proved on the second occasion, by several witnesses, that the improvements effected upon the property had been two or three times the amount required; and I had an order for the grant in due form, from the Surveyor General's Office, being authorized to select from lands open for selection at a particular period. I sold the order for £2,560. Governor Gipps heard that I had sold it, and I offered to make a selection on the part of the person who had purchased my claim; but Governor Gipps directed a reply to be communicated to me, in which he said he would take care that no land of that value should be granted to me. The selection I made was near Jervis Bay, where a road had recently been made, and a rising township laid out; but my selection was not confirmed. I did not get the land, and after battling about it for a considerable time I was obliged to cry quits with the purchaser of my claim, who had paid me £1,280 down; he said he would only give me 10s. an acre for the land I should get; and not being able to get land worth £1 an acre, I gave in to this proposal. Governor Gipps was very candid about the matter: he said, "You have beaten me, and I cannot help it; you have got the better of us;" but he added, "I will take very good care what sort of land you get." It is now so long ago that I speak from memory, and my impression is that my application was not sent in until the time had expired; but the sole ground of objection was, that I was not entitled to it as my father's representative.

64. I think the time expired in December, 1837? I did not get my grant until 1840. Lord John Russell was then Secretary of State for the Colonies, and the communication upon the subject was with him.

Hon. T. A.
Murray.
31 Oct., 1862.

65. *By Mr. Egan* : There can be no doubt that on the faith of these regulations being carried out, you were induced to come out here? No doubt, and I produced the documents identical, I believe, with those in Mr. Flanagan's case. The application which I made first of all was that the claim should be entertained, and, according to the existing custom, it was referred to the Court of Claims, which was exceedingly particular in taking evidence to show that the person claiming was fairly entitled. There I produced documentary evidence to show that my father and myself had come out to this Colony on the faith of the promises contained in these regulations.

66. You did not do it in the first instance? Yes.

67. When you made an application previous to the expiration of the time? Yes, I proved improvements in both cases.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(ROMAN CATHOLIC ARCHBISHOP OF SYDNEY AND CLERGY.)

Received by the Legislative Assembly, 10 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned, the Roman Catholic Archbishop of Sydney and Clergy,—

HUMBLY SHEWETH :—

1. That your Petitioners have seen with regret and alarm, the progress of the "Matrimonial Causes Bill" presently before your Honorable House.

2. That your Petitioners are most firmly convinced that increased facilities for obtaining divorce have resulted, and always result, in deplorable injury to public morality, and to the permanency of those family relations which lie at the base of all Christian civilization.

3. That the law already in existence, by which provision is made for separation, "*a mensa et thoro*", gives all the relief that can be properly desired.

4. That for the Roman Catholic population of this country the measures of the proposed Bill would be useless and pernicious; useless, because the vinculum of matrimony is in all cases indissoluble; and pernicious, because legal facilities for divorce *quoad vinculum* would practically offer to the unworthy members of their community an incentive to bad conduct, and a premium for the violation of their conscience.

5. That the indissolubility of the vinculum of matrimony is, amongst Roman Catholics, not a matter of opinion, but a received dogma of the Christian faith, and a denial of it by any one would be tantamount to a renunciation of his religion.

6. That in the case, therefore, of mixed marriages, *i.e.* of Catholics with Protestants, the operation of the Bill in question would be especially oppressive to the conscientious Roman Catholic, who would remain bound, whilst the partner would be at liberty by law to form a new connection.

7. That the Roman Catholics of the Colony being, as is shewn by the last Census, one-third part of the entire population, your Petitioners feel themselves justified in respectfully expressing their confident hope that, in the decisions of your Honorable House, their religious feelings and belief will, in this matter, be duly regarded.

Your Petitioners, therefore, for themselves and on the behalf of the whole Roman Catholic population, humbly pray that the Bill known as the "Matrimonial Causes Bill" may not pass.

By authority and on behalf of His Grace the Archbishop,
S. J. A. SHEEHY, V.G.

For ourselves and the rest of the Catholic Clergy,
S. J. A. SHEEHY, V.G.,
J. McENCROE, Archdeacon.

St. Mary's Cathedral,
1 July, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF PARRAMATTA.)

Received by the Legislative Assembly, 15 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergymen and Residents of the District of Parramatta,—

SH EWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of the Matrimonial Causes and Divorce Bill, providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 426 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF ST. BENEDICT'S, SYDNEY.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of St. Benedict's, Sydney,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that, in certain cases, persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble, and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 189 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF APPIN.)

*Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order
of 4 June, 1862.*

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

The humble Petition of the undersigned Clergymen and Residents in the District
of Appin,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into Law.

And your Petitioners will ever pray, &c.

[Here follow 65 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF THE SACRED HEART, SYDNEY.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of the Sacred Heart,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble, and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 245 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF SYDNEY NORTH.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen, Merchants, and Household-ers, resident in the District of Sydney North,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation *a mensâ et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble, and that it would be both dangerous and unwise to sanction its violation by any Act of the Legislature.

For these reasons your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 208 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(CLERGYMEN AND OTHERS, RESIDENT IN SYDNEY.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and others, resident in Sydney,—

SHEWETH :—

That they have heard with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensâ et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble, and that it would be both dangerous and unwise to facilitate its violation by any Act of the Legislature.

For these reasons your Petitioners humbly pray that the Bill may not pass into law.
And your Petitioners will ever pray, &c.

[Here follow 445 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(ST. LEONARDS, NORTH SHORE.)

Received by the Legislative Assembly, 16 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District of St. Leonards, North Shore,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law. And your Petitioners will ever pray, &c.

[Here follow 66 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF CAMPBELLTOWN.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Campbelltown,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law. And your Petitioners will every pray, &c.

[Here follow 174 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF MORPETH.)

Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Morpeth,—

SH EWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 181 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF HARTLEY.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergymen and Residents in the District of Hartley,—

SHEWETH:—

That they have heard with regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of Marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble, and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons your Petitioners humbly pray that the Bill may not pass into law.

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

[Here follow 58 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF CAMDEN.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Camden,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 78 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF MENANGLE.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District of Menangle,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 72 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF WINDSOR.)

Received by the Legislative Assembly, 17 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Windsor,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, "*a mensa et thoro*," for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 65 Signatures.]

Windsor, July 12th, 1862.

1862.

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 LEGISLATIVE ASSEMBLY.
 NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(CERTAIN CLERGY AND LAY MEMBERS OF CHURCH OF ENGLAND.)

*Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional
 Order of 4 June, 1862.*

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

The Petition of the undersigned Clergy and Lay Members of the Church of
 England,—

RESPECTFULLY SHEWETH :—

1. That your Petitioners have learnt that a Bill has been introduced into your Honorable House, intituled " A Bill to amend the Law relating to Divorce and Matrimonial Causes in New South Wales."

2. That your Petitioners believe that in a Colony in which there is so much disposition to disregard the sanctity of the marriage tie, such facilities for its dissolution as are provided by this Bill would be attended with very dangerous consequences.

3. That your Petitioners regard the provisions of the 6th clause, which permits of divorce for other reasons than adultery, as at variance with the Divine law.

4. That your Petitioners further regard the provision of clause 43, which allows the marriage of persons who have been judicially separated, as open to the gravest objections, and as virtually encouraging adultery for the promotion of divorce.

Your Petitioners, therefore, believing this Bill to be alike unnecessary, and socially and morally pernicious in its tendencies, pray your Honorable House to withhold your assent therefrom.

[Here follow 33 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF BALMAIN.)

*Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents of the District
of Balmain,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray.

[Here follow 73 Signatures.]

1862.

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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF LIVERPOOL.)

*Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District
of Liverpool,—

SH EWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of “ The Matrimonial Causes and Divorce Bill,” providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law they feel convinced will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation (*a mensa et thoro*) of cohabitation, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 89 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF EAST MAITLAND.)

Received by the Legislative Assembly, 18 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of East Maitland,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 249 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF WOLLOMBI.)

Received by the Legislative Assembly, 22 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Residents in the District of Wollombi,—
 SHEWETH:—

That they have heard, with regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, "*a mensa et thoro*," for sufficient reasons, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 33. Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF BROULEE.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District
of Broulee,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of the "Matrimonial Causes and Divorce Bill," providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 74 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF RAYMOND TERRACE.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Raymond Terrace,—

SHewETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 119 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF GOULBURN.)

*Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District
of Goulburn,—

SHEWETH:—

That they have heard with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 124 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF WEST MAITLAND.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergymen and Residents in the District of West Maitland,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of the "Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 240 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF BRAIDWOOD.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergymen and Residents in the District of Braidwood,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of the "Matrimonial Causes Bill," providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[*Here follow 217 Signatures.*]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF PATRICK'S PLAINS.)

Received by the Legislative Assembly, 23 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents of the District of Patrick's Plains,—

SHWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of the "Matrimonial Causes and Divorce Bill," providing that, in certain cases, persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature.

For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 121 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF ILLAWARRA.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Illawarra,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 193 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF NEW ENGLAND.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of New England,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 104 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF PETERSHAM.)

Received by the Legislative Assembly, 25 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergyman and Residents in the District of Petersham,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 132 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF MURRURUNDI.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergy and Residents in the District of Murrurundi,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 96 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF MUSWELLBROOK.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Muswellbrook,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 69 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF PORT MACQUARIE.)

*Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District
of Port Macquarie,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 31 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF YASS.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Clergyman and Residents in the District of Yass,—

SHWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 91 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF BERRIMA.)

Received by the Legislative Assembly, 29 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Berrima,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 64 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF MERRIWA.)

Received by the Legislative Assembly, 30 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergymen and Residents in the District of Merriwa,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 84 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF WELLINGTON.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District of Wellington,—

SHEWETH:—

That they have heard, with regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

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

[Here follow 138 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF MANEROO.)

Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District of Maneroo,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your humble Petitioners humbly pray that the aforesaid Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 216 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF MUDGEES.)

*Received by the Legislative Assembly, 1 August, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District
of Mudgee,—

SHEWETH:—

That they have heard with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 87 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF BURROWA.)

Received by the Legislative Assembly, 5 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled.

The humble Petition of the undersigned Clergyman and Residents in the District of Burrowa,—

SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 85 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICTS OF PEEL AND SOFALA.)

Received by the Legislative Assembly, 6 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

The Petition of the Clergyman and of the Catholic Population of the Districts of Peel and Sofala,—

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

HUMBLY SHEWETH:—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *a mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 103 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.
(DISTRICT OF RYDE.)

Received by the Legislative Assembly, 7 August, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Parliament assembled:

The humble Petition of the undersigned Clergymen and Residents in the District of Ryde,—

SHEWETH :—

That they have heard, with great regret and alarm, that a Bill has been introduced into your Honorable House, under the title of "The Matrimonial Causes and Divorce Bill," providing that in certain cases persons may obtain a dissolution of marriage.

That your Petitioners earnestly deprecate the passing of a law which, they feel convinced, will be attended with great social and moral evils to the people of the Colony at large, and which has not been called for by any expression of public opinion.

That although there may be a judicial separation, *à mensa et thoro*, for sufficient cause, between man and wife, yet the marriage tie is regarded by the great body of Christians as indissoluble; and that it would be both dangerous and unwise to facilitate or sanction its violation by any Act of the Legislature. For these reasons, your Petitioners humbly pray that the Bill may not pass into law.

And your Petitioners will ever pray, &c.

[Here follow 45 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MATRIMONIAL CAUSES BILL.

(DISTRICT OF BATHURST.)

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

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

The Petition of the undersigned the Catholic Clergy and Population of the District of Bathurst,—

HUMBLY SHEWETH:—

That your Petitioners have seen, with regret and alarm, the progress of the "Matrimonial Causes Bill" presently before your Honorable House.

That your Petitioners are most firmly convinced that increased facilities for obtaining divorce have resulted, and always result, in deplorable injury to public morality, and to the permanency of those family relations which lie at the base of all Christian civilization.

That the law already in existence, by which provision is made for separation *a mensa et thoro*, gives all the relief that can be properly desired.

That for the Roman Catholic population of this country the measures of the proposed Bill would be useless and pernicious: useless, because the *vinculum* of matrimony is in all cases indissoluble; and pernicious, because legal facilities for divorce, *quoad vinculum*, would practically offer to the unworthy members of their community an incentive to bad conduct, and a premium for the violation of their conscience.

That the indissolubility of the *vinculum* of matrimony is, amongst Roman Catholics, not a matter of opinion, but a received dogma of the Christian faith, and a denial of it by anyone would be tantamount to a renunciation of his religion.

That in the case of mixed marriages—that is, of Catholics with Protestants—the operation of the Bill in question would be especially oppressive to the conscientious Roman Catholic, who would remain bound, whilst the partner would be at liberty to form a new connection.

That the Roman Catholics of the Colony being, as is shown by the last Census, one-third of the entire population, your Petitioners feel themselves justified in respectfully expressing their confident hope that, in the decisions of your Honorable House, their religious feelings and belief will in this matter be duly regarded.

Your Petitioners, therefore, for themselves, and on behalf of the whole Roman Catholic population, humbly pray that the Bill known as the "Matrimonial Causes Bill" may not pass.

And your Petitioners will ever pray, &c.

[Here follow 2,366 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

PROGRESS REPORT FROM THE SELECT COMMITTEE

ON THE

STATE OF MANUFACTURES AND AGRICULTURE
IN THE COLONY;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
12 December, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[Price, 1s. 8d.]

624—a

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

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

7. State of Manufactures and Agriculture in the Colony :—Mr. Lucas moved, pursuant to notice,—
- (1.) That a Select Committee, with power to send for persons and papers, be appointed to inquire into, and report upon, the progress and state of Manufactures and Agriculture in this Colony.
- (2.) That such Committee consist of Mr. Arnold, Mr. W. Forster, Mr. Macleay, Mr. Sutherland, Mr. Stewart, Mr. Harpur, Mr. Allen, Mr. Dalgleish, Mr. Suttor and the Mover.
- Question put and passed.
-

VOTES, No. 116. FRIDAY, 12 DECEMBER, 1862.

8. State of Manufactures and Agriculture in the Colony :—Mr. Lucas, 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 2nd September, 1862.
- Ordered to be printed.
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1862.

STATE OF MANUFACTURES AND AGRICULTURE IN THE
COLONY.

PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 2nd September last, "to inquire into and report upon the progress and state of Manufactures and Agriculture in this Colony, with power to send for persons and papers," have agreed to the following Progress Report:—

In consideration of the matter referred to them, your Committee have taken the evidence of the persons named in the margin,* which evidence clearly shows, that during the last twenty years manufactures have not increased in the Colony; further, that there were many flourishing some time back which at present are not in existence; in consequence of which, thousands of youths who would be profitably and creditably employed in acquiring some trade of skill, are wandering in the streets in a state of vagrancy; and the witnesses are unanimous in attributing the falling off of this branch of enterprise to the free importation of inferior goods, particularly the system of consignments, which are generally sold at auction for much less than the first cost of manufacturing. The witnesses are also of opinion that an import duty of from ten to fifteen per cent. would correct the evil; and when it is considered that a duty must be levied to maintain the Government, and as it is of very little difference to the consumer on what goods this duty is imposed, but to the producer it is of the greatest importance whether it is laid on such articles as he produces, or whether it is so levied as to take from him his employment, and make him subservient to the labour of other Countries—your Committee, therefore, recommend that should it be found necessary to revise the tariff, the alteration should be so made that it will tend to encourage the manufactures and cultivation of the Colony.

*J. Byrnes, Esq.
M. M. Campbell,
Esq.
W. M. Alderson,
Esq.
E. W. Rudder,
Esq.
Mr. J. Fletcher.
Mr. B. Cooke.
Mr. J. Vickery.
E. Hunt, Esq.
Mr. J. Hill.
Mr. C. Hunt.
Mr. E. Arthur.

Your Committee regret that (in consequence of the magnitude and importance of the inquiry) it would be impossible to complete it at this late period of the Session. Your Committee, therefore, deem it advisable to conclude the examination for the present, and lay before your Honorable House the evidence which has been taken before them, and recommend that the inquiry should be resumed during the ensuing Session.

JOHN LUCAS,
Chairman.

Legislative Assembly Chamber,
Sydney, 12 December, 1862.

PROCEEDINGS OF THE COMMITTEE.

WEDNESDAY, 17 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Lucas,	|	Mr. Stewart,
	Mr. Harpur.	

Mr. Lucas called to the Chair.

Resolution of the House appointing the Committee, by direction of the Chairman, read by the Clerk.

Committee then deliberated as to their course of proceedings, and
[Adjourned.]

TUESDAY, 30 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Allen,	|	Mr. Sutherland,
	Mr. Harpur.	

Committee met pursuant to summons.

The witness not being in attendance,—

Ordered, That Mr. James Byrnes and Mr. M. M. Campbell be summoned to attend at the next meeting.

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

TUESDAY, 7 OCTOBER, 1862.

MEMBERS PRESENT :—

Mr. Macleay,	|	Mr. Harpur,
Mr. Allen,	|	Mr. Stewart.

Mr. James Byrnes called in and examined.

Mr. M. M. Campbell, a witness summoned for this day, not being in attendance, to be re-summoned for Friday next.

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

FRIDAY, 10 OCTOBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting convened for this day, lapsed.

TUESDAY, 14 OCTOBER, 1862.

MEMBERS PRESENT :—

	|	Mr. Stewart,
Mr. Dalglish,	|	
	Mr. Harpur.	

Committee met pursuant to summons.

Mr. M. M. Campbell called in and examined.

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

FRIDAY, 17 OCTOBER, 1862.

MEMBERS PRESENT :—

None.

In the absence of a Quorum, the meeting convened for this day, lapsed.

WEDNESDAY,

WEDNESDAY, 22 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Sutherland,	|	Mr. W. Forster,
		Mr. Dalgleish.

Committee met pursuant to summons.

Mr. W. M. Alderson called in and examined.

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

FRIDAY, 24 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Dalgleish,	|	Mr. Stewart.
----------------	--	--------------

Mr. E. W. Rudder called in and examined.

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

TUESDAY, 28 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Allen,	|	Mr. Harpur,
Mr. Sutherland,	|	Mr. Stewart,
		Mr. Dalgleish.

Mr. John Fletcher called in and examined.

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

THURSDAY, 30 OCTOBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Allen,	|	Mr. W. Forster,
Mr. Sutherland,	|	Mr. Stewart,
		Mr. Harpur.

Mr. Richard Cooke called in and examined.

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

TUESDAY, 4 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Stewart,	|	Mr. Sutherland,
		Mr. Dalgleish.

Mr. James Vickery called in and examined.

Re-assembling of Committee to be arranged by Chairman.

[Adjourned.]

WEDNESDAY, 19 NOVEMBER, 1862.

MEMBERS PRESENT:—

None.

In the absence of a Quorum, the meeting convened for this day lapsed.
To be called for Tuesday next, at *Eleven o'clock*.

TUESDAY, 25 NOVEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Stewart, | Mr. Harpur,
Mr. Sutherland.

Committee met pursuant to summons.

Mr. Edward Hunt, Mr. John Hill, and Mr. Charles Hunt, severally examined.

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

* TUESDAY, 2 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Sutherland, | Mr. Stewart.
Mr. Edward Arthur examined.

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

TUESDAY, 9 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Allen, | Mr. Stewart.
Committee deliberated, and

[Adjourned to Friday next, at half-past *Ten o'clock.*]

FRIDAY, 12 DECEMBER, 1862.

MEMBERS PRESENT:—

Mr. Lucas in the Chair.

Mr. Harpur, | Mr. Sutherland,
Mr. Stewart.

Committee deliberated.

Chairman submitted Draft Progress Report.

The same read, amended, and agreed to.

Motion made (*Mr. Sutherland*) and *Question*,—That this Report be the Progress Report of the Committee,—*agreed to.*

Chairman requested to report to the House.

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1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

STATE OF MANUFACTURES AND AGRICULTURE
IN THE COLONY.

TUESDAY, 7 OCTOBER, 1862.

Present :—

MR. ALLEN,		MR. LUCAS,
MR. HARPUR,	|	MR. MACLEAY,
		MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

James Byrnes, Esq., called in and examined :—

1. *By the Chairman* : You reside in Parramatta? Yes.
2. You have been engaged in the manufacture of woollens there? I have.
3. How long have you been so engaged? Directly or indirectly, about sixteen years, I think.
4. What description of woollens do you manufacture? Generally tweeds, with some fancy doeskins, and at one period, pilot cloth.
5. Can you, with your present machinery, manufacture superior cloth—broadcloth? We should want some little additions to our machinery to do that.
6. What additional expense would you have to incur in order to manufacture superior cloth—broadcloth? I can hardly answer that question; it is a matter my attention has not been directed to particularly.
7. Have you any objection to inform the Committee of the cost of your establishment—of the building and the machinery? No. We have expended in our buildings and machinery over £40,000.
8. Could you give the Committee any information as to the probable cost of constructing in England such an establishment as yours? No, I could not.
9. Do you think it would cost more or less? I think it would cost, perhaps, less in England to construct an establishment for the production of merely the quantity of cloth we could produce.
10. How many persons do you now employ in your factory? At present only about fifty.
11. How many males and females over and under sixteen? Males over sixteen, twenty-five, and under sixteen eight; females over sixteen, nine, and under sixteen, eight.
12. What is the largest number you have ever employed? The largest number we have ever employed, in connection with that establishment, was about eighty.
13. And about the same proportion of sexes? About the same proportion.
14. How many could you employ if your factory were in full work? I should think about 100.
15. Of course you would have a large floating capital at the same time employed in manufacturing? Yes.

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16. Which would indirectly give employment to a great number of others? Yes.
17. Even more, perhaps, than would be actually employed in the factory? Indirectly it would employ a much larger number.
18. Is there not a large amount of labour in the country unproductive, which could be employed if the whole of the woollens we use were manufactured in the Colony? Yes, there is a large amount of that class of labour that is generally used in factories.
19. For which there is no employment now? No employment in that particular branch of business.
20. Have you ever thought of the future condition of the people of the Colony, with regard to the employment of future generations? Yes, I have frequently thought of it.
21. Do you not think there is a great want of employment for the youth of the country? Yes, I think there is a very great want of employment for the rising generation; so much so, that it has come within my knowledge that large numbers are brought up in vagrancy for want of proper employment.
22. Do you think it is possible to find employment for the youth of the Colony unless manufactures are carried on here? Manufactures of every description?
23. Manufactures of every description? I think it is quite impossible.
24. Do you think there are so many young persons apprenticed to various trades now as there were twenty or thirty years ago? Comparatively there are not so many.
25. Do you think there are so many absolutely apprenticed to trades as there were twenty or thirty years ago? I think it is very likely there are not; in fact, I am pretty certain there are not. In the neighbourhood more immediately under my notice, that is, Parramatta, although the population has increased 150 per cent., there are not so many persons engaged in learning trades of skill as there were twenty or thirty years ago. In fact, young persons seem entirely opposed to being bound apprentices, in consequence of there being no profitable employment for them after they have learned their trade.
26. You mean, that although they may serve five or seven years' apprenticeship to a trade, that there is no employment for them after, and that they consider the time employed by them in learning a trade as wasted? As comparatively thrown away.
27. Do you think there would be a more general disposition to learn trades if there were a prospect of future employment? I think in well-conducted families there is a disposition, but that idleness on the part of both parents and children, and habits of intemperance, have caused the present generation rather to prefer roving about the country with a pipe in the mouth.
28. Do you not think that is the effect of the want of employment for those persons who have learned trades? I think, to a very great extent, it is. I know, as a matter of fact, that even well-conducted youths are indisposed now to bind themselves, or to allow their parents to bind them to any trade. The only trade that offers inducements to young persons at present is that of engineering.
29. You think that is partly in consequence of the improbability of finding future employment? I think it is, to a very great extent. I think I could name as many as 100 young persons in the neighbourhood of Parramatta, who have been obliged to abandon their pursuits after spending five or six years in learning a trade.
30. There is not much encouragement to others to learn a trade where that is the case? I think it is highly prejudicial.
31. Have you not noticed a number of youth, of both sexes, in the streets, in apparent vagrancy? A very large number.
32. Do you think the unfortunate state of these children is caused by the want of employment? I think to a very great extent it is.
33. Do you think that in legislation we should keep in view the desirability of finding employment and of securing mental improvement for the rising generation? I think certainly that is a very prominent part of the duty of legislators.
34. Are you a free trader? I can hardly answer the question as you put it.
35. You cannot tell whether you are a free trader or a protectionist? My trade has been a free trade. If you desire to know whether I am a protectionist in the absolute sense of the term, I can answer the question.
36. What do you call the absolute sense of the term? I will put a case: For instance, my own business as a manufacturer has languished for years, and during the great excitement after the gold discovery I was obliged to lock up my establishment for five years, and to keep a man in it only to take care of the machinery. Since I have commenced business again, which I have transferred to my sons, the business has advanced rapidly, and I believe the only protection we require is, that the inhabitants of the country should prefer the use of our cloth to English cloth.
37. You have been engaged for many years in various manufactures? Yes, I have, in various pursuits.
38. Do you think there are as many engaged as manufacturers now as there were twenty or thirty years ago? No, certainly not.
39. The manufactures of the Colony instead of progressing have retrograded? Yes.
40. I believe at one time it was rather the exception than the rule to find a piece of English manufactured furniture in any house you might go into? It was very rare at one time.
41. Now I believe it is the reverse—it is very rare to find any Colonial manufactured furniture in a house? I believe many persons have imported their furniture, but there is still a great deal of Colonial furniture in different houses.
42. In the manufacture of woollens, is not a great portion of the labour suitable for young people? Yes, highly so.

43. Have you any objection to inform the Committee the rate of wages you pay to each class of your employés? My son states that the wages in our establishment varies now from 50s. to 5s. per week; when I was manufacturing they varied from £3 to 7s. 6d. J. Byrnes,
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44. Do you think, in the present state of matters, there is a probability of your receiving a fair rate of interest for the capital expended in your factory? Certainly not. 7 Oct., 1862.
45. Do you think it is possible, under present circumstances, that you will receive a fair interest for your capital? I have to keep a very large floating capital as well; it varies from £10,000 to £20,000; and there is no possibility at all, under existing circumstances, of my getting anything like a fair interest for it.
46. You have given us the rate of wages you pay in your establishment—can you inform us of the rate of wages the same class of persons receive who are employed in producing the same class of manufactures in England? No; I can scarcely do that, but it is very much lower. I may state, that nearly all the people whom I have employed of the higher class of workmen, have saved money and bought themselves homesteads, which is a proof that they have done well.
47. What do you consider a fair rate of interest per cent. per annum for the capital sunk in your establishment—in the construction of your factory, as well as for the floating capital required to keep it in operation? I should think for my building and machinery, if I were fairly remunerated, I ought to have at least 15 per cent.
48. You say you have £40,000 sunk in the factory and machinery, and from £10,000 to £20,000 of floating capital? Yes.
49. Which would be, say £55,000? I would not reckon the floating capital at the same rate of interest. I reckon the buildings and machinery at 15 per cent., to make allowance for the wear and tear, which is very considerable in machinery of that kind; and then I think a fair remuneration for the floating capital would be 10 per cent. per annum. I should be satisfied with 8 per cent., but I think 10 per cent. would be fair.
50. You say you have sunk £40,000 in building and machinery? Yes, and say £10,000 for floating capital.
51. That would be £6,000 for interest and wear and tear, and £1,000 for floating capital—so that you ought to receive £7,000 per annum to remunerate you? Yes, I ought to get that to remunerate me in that establishment, and during five years I did not receive a penny.
52. What would be considered in England a fair rate of interest for an investment in a similar manufacture? I should think, for an investment of that kind, looking to the wear and tear, they would expect at least 10 per cent.
53. What would be the difference in the cost of the raw material in England and in New South Wales for the goods you make in your manufactory? There is no analogy between the goods manufactured in England and the goods we manufacture.
54. Because they make up very inferior material? Yes, a very large quantity of old clothing is used up again, called shoddy.
55. Which, although we send them the wool, makes their raw material as cheap as the raw material is here? I think cheaper, because shoddy is comparatively costless, except in the preparation for manufacturing.
56. One of the great objects of the Committee is to get the comparative cost of manufactures here and in England;—now, imagine that a parcel of goods costs you £100 to manufacture ready for market, how much would it cost to manufacture the same quantity of goods in England, taking into consideration the cost of the raw material, the value of capital, and the rate of wages in the two places? It is really a question I can scarcely answer, but I should imagine that our goods would cost 25 per cent. more than English goods would, although we have the raw material, as far as the wool is concerned, at a lower price.
57. But you said they make up a quantity of an inferior article, which brings their raw material cheaper even than ours? Yes.
58. How much would it cost to import these goods, taking the freight, brokerage, and all other charges, until they are landed in a store in Sydney—how much per cent.—I am not speaking of the profits of merchants, but the actual cost, say, of importing £100 worth of tweeds? Tweeds vary so much—
59. I am speaking of £100 worth of goods of the same description as those usually manufactured by you? I can scarcely answer that question.
60. You say that in England they could make goods that would cost you £100 for £75,—how much would it cost to import that £75 worth from England here? I may point out one fact to show how these things vary: There are tweeds now selling in Sydney which cost the importer only 2s. 6d. per yard.
61. Delivered in his store? Yes.
62. What could you make such tweeds for? We could not manufacture an article of that description in the Colony.
63. Why? Simply because we have not the inferior stuffs to put into it, nor have we the cotton. There is very little wool in an article of that kind; but I believe it sells freely, and the importer gets a larger profit upon it than he does upon my goods.
64. I am desirous of arriving at the comparative value of Colonial and imported produce. You say an English manufacturer would make for £75 what would cost you £100—what would it cost him to import that £75 worth of goods? All the charges, I suppose, would amount to about £7 10s.
65. Then, in reality, what would cost you £100 could be imported for £82 10s.? Yes.
66. Then you would require about £17 10s. per cent. to put you on a fair footing with an importer? Yes, somewhere about that sum; I do not pretend to say that my estimate is accurate.

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67. There are persons in England and elsewhere who consign largely to this Colony, who have not very correct information as to the supply and demand of the market? Yes; it is not done to the same extent as it was some few years ago. The rapidity with which information is conveyed from one part of the world to another, and the present postal arrangements, have in a measure corrected that sort of thing.
68. Nevertheless, this reckless speculation always causes great fluctuation in the supply? I do not think it is likely there will be speculation of a reckless character in future.
69. But at all times there are large consignments sent by merchants in England, America, and other places? Yes, there are; and these are brought into the market, and sold at auction.
70. At a sacrifice? Yes.
71. Do you think the consumer, as a rule, gains anything from the unsteadiness of the market—is it not the fact that goods that sell at much below their value at one time will, after the glut is over, sell at prices as much above their value? Yes.
72. So that the consumer is not benefited? The person who goes into the market daily or weekly for his supply is not, but the person who has the command of means, and can lay in a stock, may be benefited.
73. But the great body of the people cannot avail themselves of the means of laying in a stock at a low price? No, they are subject to all these fluctuations, and I do not think they either gain or lose by it, as at one time the prices press very hardly upon them, and at another they are very light.
74. The unsteadiness of a market has a much more unpleasant effect upon the manufacturer than upon the merchant or the consumer? Yes, where their particular class of goods is affected.
75. For instance, take your own case: You have large manufacturing machinery, and a large amount of capital invested in the production of one single article;—if there is a glut in the market, that interferes with you, in consequence of the amount of labour you have to employ, and the value of the capital you have sunk? It does, very considerably indeed.
76. Have you any idea how many thousand pounds worth of goods you could manufacture in a year? Yes; with our present appliances I think about £25,000 worth.
77. Do you think a great portion of the labour you would require to manufacture that £25,000 worth of goods is unemployed at this time? I do not think it is absolutely unemployed.
78. Do you think it is as profitably employed as it would be if it were engaged in manufactures? Certainly not, for the very best of reasons, that the class of persons brought up in that line of business, from their early habits and early training, are comparatively unfitted for any other employment than that to which they have been brought up from their infancy.
79. You say that by importing instead of manufacturing, the consumer would save something like $17\frac{1}{2}$ per cent.? Yes, I should think that amount.
80. But in consequence of your machinery being idle, and of the loss of interest on your capital, and of the great portion of the labour being unemployed, the Colony loses a much larger amount than that? The Colony loses a much larger amount.
81. Do you think the Colony loses 50 per cent.? I do.
82. So that by importing instead of manufacturing, the Colony actually loses $32\frac{1}{2}$ per cent.? Yes.
83. What has become of those who were employed by you previously to the stopping of your mill? The strong, robust men went to the diggings; the others became scattered throughout the Colony, and some of them have returned since the establishment has re-opened.
84. The loss to you from your establishment being idle for five years was £30,000? It was a loss to us to that amount; in fact, the year before I had to close my establishment I made a very large sum of money.
85. Can you tell us within a thousand or so? Yes, I made about £5,000—perhaps more.
86. And nearly the whole of the persons whom you employed were during that time not profitably employed, with the exception of able-bodied persons? Some of them went to the gold fields, but they never made anything, so far as I have observed; but having entered into that pursuit, some of those men have not returned. I know, however, as a positive fact, that they have only been enabled to hold on the property they had when they left me.
87. *By Mr. Macleay:* You say the only kind of protection you wish for your woollen manufacture is that the people of the Colony should prefer the use of the cloth to that imported? Yes.
88. But I fancy the price has something to do with the preference given to imported cloth? I think the price only has to do with the sale of it. I do not think the consumer considers the price at all; I think it is the retailer of the article, who, from being able to import an inferior article at a lower price, prefers the sale of that to the other.
89. You believe that your manufactures are superior to the generality of the English tweed? Yes, very much superior for wear.
90. If superior, how do you account for the fact that people do not prefer it? Simply because they do not know the difference—the buyers do not. They go into a retail shop, and ask for Colonial tweed, and I know as a fact that English tweed is laid before them.
91. If the English tweed were not so much cheaper than colonial, there would be no inducement to the retailer to pass off English tweed for colonial? No, they would prefer the other, and the consumer would benefit largely.
92. In the present state of Colonial manufactures, do you consider that there is any inducement for a capitalist to invest money in woollen manufacture? Not in the present state of things.
93. Do you believe that if there were a certain amount of duty placed upon the imported article,

article, it would not act as an encouragement for capitalists to invest? I am afraid a thing of that kind would not operate favourably. I cannot see any way in which a sum that would be a protective duty could ever well be placed upon the importation of this article.

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94. You have said already that you believe the manufacture is beneficial to the Colony? 7 Oct., 1862.

Yes, decidedly.

95. And that the principal cause of the present state of the manufacture is the excessive cheapness of the English article? Yes.

96. Would the increase of the price of the English article have the effect of increasing the colonial manufacture? Certainly it would; but at the same time I think an impetus might be given to that particular branch of trade, without going beyond it, by the Government of the country, that would in a large measure operate favourably to the manufacturer. For instance, I think that throughout the Government establishments in the Colony, colonial manufactures ought to be preferred to the imported trash that is now used for the clothing of the inmates of the various establishments.

97. You do not like the word "protection," but that is simply another kind of protection? It is, no doubt. I cannot disguise that, as far as I am individually concerned, it would be an immense advantage to me if the Legislature would put 1s. a yard upon the imported article.

98. Would it not have the effect of encouraging the demand for colonial tweed? Yes, I think it would.

99. Simply as a free trader you would not recommend it? I can scarcely say what I would do if I were driven up into a corner.

100. You have said that cloth that would cost £100 here could probably be produced for £75 in England? Yes, and I believe for less.

101. Would that cloth be made of the same good material? No.

102. I should like to know what would be the comparative cost of cloth made of equally good wool here and in England? I should say it would cost 25 per cent. more in England.

103. That is to say, it would cost £125? Yes; it is the inferior trash that is brought into the Colony that we have to contend with.

104. This inferior trash, does it not wear as well as colonial tweed? By no means.

105. It is not so lasting? Certainly not.

106. All English tweeds are not made of this material? No, some of it realizes a higher price than colonial tweed.

107. Does it realize a higher price in the colonial market? Yes.

108. It is really good tweed? What is called the warp is exceedingly good, but the cross-thread, which is known among weavers as the weft, is inferior; but the warp holds it together when it is well milled.

109. Is the colonial manufactured tweed really good wear? Yes.

110. Is it not of a looser texture than good English tweed? No.

111. Is it as lasting in every respect? It is far superior. That which gives a character to all cloth is the milling or felting process.

112. You stated that you have expended some £40,000 upon your buildings and machinery, and that altogether you would require an annual interest of £6,000 to repay you for the outlay upon that establishment, and that there was no present prospect of your receiving that? None.

113. But if the mill were fully employed, would it ever pay interest upon that amount? Yes.

114. The greater part of this establishment, I suppose, was put up many years ago? Yes.

115. If you were to establish a mill of the same kind now, do you think you would require the same amount? If I were to erect a mill now, I would put it up in a different way. The mills that are now erected in England have only a ground floor.

116. Even the present mill, if you had full employment, would pay? Yes.

117. And you find, notwithstanding the competition of English tweeds, and their low price, that the demand for your tweeds is increasing? Yes, it is increasing just now. My sons, who are working the establishment now, say the business with them is increasing daily.

118. The quantity of wool manufactured into cloth in this country is a mere nothing as compared with what it was fifteen or twenty years ago? Twenty years ago I think there was scarcely any wool manufactured.

119. Say just before the gold discovery? No, nothing like the quantity that was manufactured then.

120. You say that you manufactured some pilot cloth—do you mean by pilot cloth the kind of cloth that was known by the name of Parramatta? No.

121. Is that ever manufactured now? No.

122. Why is it not manufactured—was it not considered a very valuable cloth? It was valuable for the use it was put to in those days; it was a loose stuff.

123. It was manufactured only for the use of prisoners? Yes, that was all. It was never milled; the spinning was done with hand jennies—spinning wheels—in fact, with common single spindles.

124. Do you dye? Yes.

125. All colours? Yes. My sons, I may tell you, are much more successful in that part of the business than I was when I was manufacturing.

126. Do you consider that the colours are as lasting as those in English cloths? Better; the only defect in colonial manufactured goods at present is want of finish.

127. Are you aware that the Volunteer Artillery had determined to have their uniform of blue colonial cloth, and that they were compelled to abandon their intention from finding that the dye was so bad? I am aware of that.

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128. Is the blue a more difficult colour than others? Yes, it is more difficult to obtain a good blue. My sons are now trying some experiments in blue; they have an application from the Commanding Officer of the Volunteers at Port Phillip for some of their patterns, and they are going to send them down. The English dyes, as far as tweeds are concerned, are bright at first; but they are very inferior dyes, and very soon fly when exposed to the heat of this Colony.
129. But they do not come off? No, nor do the dyes my sons produce—not one of them. They have succeeded in producing a very excellent red, a colour never before in the Colony known to stand; it has stood milling for twenty-four hours, which is a very severe test.
130. *By Mr. Allen:* Have you any machinery for blanket making? No, it would not pay.
131. Is the wool too fine? Yes, it is too good.
132. In the event of farmers here introducing Southdown sheep, would the wool from these sheep, with heavy carcasses, be suitable for blanket making? Yes.
133. Would the machinery you have be adaptable to that purpose? We should require some coarser machinery.
134. Did you ever make any shawls? No.
135. Shawls have been made in the Colony? I believe they have; I made a very light cloth for ladies' dresses at one time when I was manufacturing. Previously to the gold discovery I made light black cloth in large quantity, and it was worn by some of the nuns and sisters of charity.
136. That was equal to what is known in the trade as French ladies' cloth? It is of that character, but not so light. I also manufactured a black cloth that was worn by a great number of clergymen in the Colony.
137. This fine ladies' cloth, if I remember correctly, was used by ladies for riding habits and winter dresses? It is very likely.
138. In answering a question of the Chairman, you said that the younger portions of your former workmen and workwomen were scattered about the Colony? Yes.
139. Are you aware that at the present time there is a considerable cry-out about the bush-ranging of the Colony? Yes.
140. Do you think that the idleness that was induced by upsetting manufactures has any bearing upon the demoralization of the Colony—has that idleness had a demoralizing influence upon the morality of the people? Do you mean in towns or in the country?
141. In towns, and in the country too—the idleness caused by the destruction of manufactures? Idleness at all times has a baneful influence upon both young and old; but I can scarcely say that it has had anything to do with the bush-ranging of the Colony.
142. Are you aware that the settlers in the country, if they could find profitable trades—such as yours, in a mill, in foundries, or in shipbuilding, or in any way connected with machinery—would be inclined to apprentice their sons to those branches of trade? Do you refer to farmers?
143. To farmers? I do not think they would. I think there is always sufficient material in towns to fill up all positions of that kind—there are sufficient children reared in towns to supply all such requirements.
144. To what object is the labour of those children now directed? They are nearly all vagrants; they will not go into service, while they would be glad to be employed in another way—they do not like what is called service.
145. What kind of service is open to them just now? House service.
146. But a very small number would be sufficient to fill vacancies of that kind? Yes. The fact is, there is no employment for them unless something turns up in the shape of manufactures. They are now thieves and vagrants.
147. Are there any manufacturers of tweed besides yourself? Yes, several.
148. Then there would be plenty of competition in the trade among the manufacturers in this Colony? Yes.
149. Now mark! If a duty were placed upon the foreign tweeds coming in, do you think that the competition existing amongst the manufacturers would keep the price of tweed so that no one could have a monopoly? I am perfectly satisfied it would.
150. And the consumer would have a better article, and as cheap as it could possibly be produced? Yes; competition would be sufficient to prevent any one having extraordinary profits.
151. Supposing this country grew into a large manufacturing country, equal to the supply of itself, of all sorts of coarser woollens, such woollens as would be suitable for the climate—I am not speaking of West of England broadcloths—a large quantity of wool would be consumed here;—what effect would the having a market open here on the spot, in competition with England, have upon the wool-grower—would it lower or raise the price of wool? I think the price of wool even then would be controlled entirely by the price of that article in England.
152. It would no doubt. But if we worked this wool up, we would put in new wool where they would put in shoddy and cotton; that would create a demand for wool here, and would not the increased demand in the market have a tendency to raise the price of wool? I do not think it would increase the price of wool here, because I believe that wool can be produced to any extent almost in this Colony—that the supply will always be quite equal to the demand, no matter what quantity is used here or elsewhere, especially now the northern settlements are opening up in the way they are.
153. That is not exactly the question;—in the first place, if these goods were made here—? I fully understand your question. I do not think it would raise the price of wool even then.
154. It would create a greater demand, but would not raise the price—there would be more wool used? There would be more wool used in this Colony; in fact, we should use wool where shoddy and cotton are now used.

155. Supposing all this machinery were in operation, and this work were going on, and a greater number of people were thus employed, what effect would that have upon the price of butchers' meat? I think it would rather increase the price.
156. It would create a greater demand? Yes, for this reason, that in this Colony and Victoria the great bulk of the population would be settled, and there would be very little beef or mutton brought from the northern districts; all that could be reared in the middle and southern districts would be consumed in those districts; and therefore, at all events, a fair price would be always kept up for beef and mutton in those two Colonies.
157. So that squatters, as a class, would not lose by the country engraving manufacturing pursuits upon its present industry? I do not think so, one iota.
158. You have been brought up to trade yourself? Yes.
159. Does not your experience of the world teach you, or lead you to conclude, that men brought up to a particular pursuit from early childhood, who have grown up to manhood, find it difficult to change their occupation? It does not. I could adapt myself to any circumstances in life, but I may be on better terms with myself than most people; I think there is scarcely any kind of business I could not apply myself to.
160. Suppose twenty tailors were to come from England—? They are a very different class of men.
161. Suppose, then, that twenty carpenters came here from England, and there were twenty horse-shoers required in Bathurst, would the labour of those twenty carpenters be suitable for supplying the material for the labour of twenty horse-shoers in Bathurst? No; that is a very different thing.
162. These men who had been brought up as carpenters would find great difficulty in adapting their labour to horse-shoeing? Certainly.
163. And young people brought up in factories such as yours, until they became thoroughly acquainted with the business, and had that business engrafted upon their habits, would be as likely to find a difficulty in becoming ploughmen as—? I think there is perhaps no class of individuals in the world whose habits could be considered as analogous to that of persons brought up in a weaving factory. In the first place, their minds never rise higher than the spinning wheel or the shuttle—they are, generally speaking, uneducated, which is a lamentable fact—
164. Uneducated out of their own branch of business? Out of their own branch. I believe that you might as well put a number of blackfellows in a place to perform duties to which they have been unaccustomed, as people from the West of England who have been engaged in that particular branch of business. I think it is not at all analogous to any other kind of business; it is entirely different from anything else. An educated carpenter, bricklayer, or mason, may enter upon a variety of other pursuits with success—
165. Kindred pursuits? Not merely kindred pursuits, but occupations entirely different; that, at least, is my opinion, and I am led to that opinion from experience; but I believe, from the education and training of persons brought up in a factory, they are adapted to that kind of labour and nothing else.
166. You are speaking of the factory system in England? Yes.
167. Are you conversant, from reading books upon the subject, with the factory system of the United States? I am, to a certain extent.
168. Are you aware that at Lowell, and other factories, there are public schools for the benefit of those who are employed? Yes.
169. And that girls brought up in those factories—reared in those factories and schools—become very often the mothers of men who are the ornaments of America in her highest ranks? Yes; and so much have I always been impressed with that subject, that previous to the gold discovery, I had arranged to have two sets of working children in my establishment, so that each might be unemployed in the factory every second day, and be placed under the instruction of a schoolmaster. So that the two sets would work the establishment, each being employed three days in the week.
170. Then I understand you to say, that it is not a concomitant necessity of the factory system that the people employed under it shall be illiterate and ignorant? It is one of the concomitants connected with its working under the old system.
171. It is not necessarily so? Not necessarily so by any means; but there again the reasonable remuneration which the employers ought to have for the investment of their capital in such undertakings would come in, and an employer who had to keep his nose to the grindstone in order to make his establishment pay would not be likely to engage a schoolmaster.
172. You have spoken of dye stuffs;—is the Colony adapted to the growth of some of those dye stuffs which are largely required in this manufacture? We have some very good native dyes, if they were brought out.
173. Are you acquainted with the native cochineal—have you seen or tried any? I have not tried any.
174. About fourteen years ago there was a dyer here who dyed some wools beautifully—did you see any of those—they were dyed with native dyes? Very likely I might have seen them, but I do not recollect. There is a gentleman now in Sydney, a Mr. Rudder, of 119, Woolloomooloo-street, who, I believe, has been very successful with native dyes.
175. *By Mr. Stewart:* You have said that in your opinion there are not so many engaged in manufactures at the present time as there were five-and-twenty years ago? Yes.
176. You are aware that the population has increased 500 per cent. since then? Yes.
177. Consequently, there must be four-fifths of the youthful population untrained to ordinary mechanical operations? Fully that.
178. Can you suggest any occupations in which these youths can be engaged? No, I cannot.

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179. In fact, their services are lost to the community? Yes, and under the present system they grow up to fill our gaols by-and-by.
180. So that you think, as a matter of policy, the country should, if possible, enter upon undertakings that would give employment to youth, and train them to useful occupations? Yes, I think as a matter of policy, and of duty, the country should do something for them.
181. With the knowledge you have of the past history of the Colony, generally speaking, have you not found those who have been apprenticed, after having served their time, have rarely been criminally convicted? Yes, very rarely. Those that have been brought up to habits of industry are rarely criminally convicted.
182. So that by the encouragement of manufactures crime would be lessened? Very much, I think, among native youth.
183. In the manufacture you have spoken of, you say that 20 per cent., or less, of import duty would insure the profitable occupation of a large number of youth? Yes; there might be no limit to the quantity I could produce under those circumstances, for I could increase my machinery without much trouble; all I want is an opportunity to increase my machinery.
184. The labour is a very small item in the produce, if there were, then, an unlimited demand? Very small.
185. It is the want of demand that limits your operations? Yes.
186. You think the consumer would not have to pay a higher price for the article with which you could supply him than he has at present? I am sure he would not. Mr. Macleay, a few minutes ago, referred to some English manufactured tweeds that were superior to the colonial. I may mention that before the gold discovery I manufactured a doeskin for which I obtained 7s. 6d. a yard—a higher price than ever was paid for anything of the kind that came from England. My sons, the other day, manufactured a single warp, a particular kind of cloth, in imitation of some of the best English cloth of the same character, for which a house in Sydney gave me 5s. 6d. a yard, but the same character of English cloth, I know as a fact, they were selling at 7s. 6d. a yard.
187. Have you ever given any attention to the progress made during the past thirty years of manufactures in America? No, I have not given much attention to that.
188. You are not aware that it is only recently they have commenced manufactures? Yes, I am aware of that.
189. Are you aware that they were commenced after import duties were imposed? Yes.
190. And during that short period are you aware that they have made such progress that in many articles they can compete with England in foreign markets? Yes; in fact a very large quantity of the cotton that is used in the manufacture of English tweeds is sent over to England from America in cotton warps spun already for them.
191. *By Mr. Allen:* Is that mixed with wool there? The warp is pure cotton in England, the cross-thread, or weft, is all sorts of material, said to be wool, some of it wool, some of it shoddy.
192. *By Mr. Stewart:* Do you think it would have been possible for America to have acquired the position she now holds in manufactures if it had not been for her import duty? I think not.
193. You are aware that in the free trade policy of England, on many articles where labour is added to the raw material, is charged an additional duty? Yes.
194. Do you not think it is a natural course for every country to give a little encouragement to its own manufactures? I scarcely know what to say upon the subject when driven into a corner.
195. In fact, it is the practice of England to give, to some extent, encouragement to the labour of her people? No doubt it is.
196. Did you send tweeds to England at any time? Yes.
197. Were any duties charged? No. In Van Diemen's Land, at this moment, there are a quantity of my sons' tweeds locked up in the Custom House.
198. Having been engaged in business in the Colony a number of years, you know something of various trades;—are you aware that the furniture manufacture is not in so forward a state as it was? I know it is not.
199. In fact it has retrograded? Yes.
200. Are you aware that there are not now so many establishments in the Colony as there were twenty-five years ago, where a youth may be taught the trade? From my own personal knowledge I am not aware of that, but from all I can gather from inquiries on the subject, I believe that is the case.
201. That, in fact, since the commencement of a supply from foreign sources—the introduction of American and European furniture—we have gone back in our own manufactures? No doubt.
202. *By Mr. Harpur:* I think you said that the only protection you required was that the people of the country should generally prefer your manufactures to those imported from abroad? Yes, that is individually.
203. If they would do so they would enable you to extend your operations? Yes.
204. And in that case you could make it pay better? Yes.
205. What do you conceive to be the reason of the people not giving you that preference which it appears your goods, from their superiority, deserve? I think the cause is obvious: An inferior article is supplied at a lower price to the importer, and the retailer gets larger profits from them than they would from the sale of my goods.
206. Do you not think if an import duty were placed upon the imported article it would equalize your chance of successfully competing with the importers of this foreign rubbish? I think it would at once effectually check the importation and use of the inferior article.

207. Would not that create this preference which you wish to have? Certainly it would.
208. Do you think there is any practicable mode of creating it in any other way—you have mentioned the Government? They might give a little impetus to it, but that would not be very considerable; it would not have the desired effect to the extent I should wish to see it.
209. Were people to agree together, by means of societies and associations, to wear nothing but colonial stuffs, would that have the effect you desire? No doubt.
210. But you think there is no probability of bringing about such a result? Certainly not.
211. Then, in fact, there are no other means of arriving at it but by means of an import duty? I do not think there is any other means.
212. *By the Chairman:* Do you think if there were an import duty of 15 or 17 per cent. placed upon these goods, the consumers would lose? I do not think they would.
213. *By Mr. Harpur:* Do you not think that a duty of the kind, one that should be productive of the effect I refer to, is quite as fair to the population at large, and also as little oppressive upon the consumer, as the major part of the present import duties—take, for instance, the duties upon tea and sugar? I think it would.
214. Then, again, do you not think it would be an improvement upon the existing system of taxation if duties were placed upon such things as could be produced in the Colony, instead of being placed on things that cannot, as tea and sugar, which we cannot raise by native industry? I think it is much more reasonable to place a duty upon articles that we can produce.
215. It would have the incidental effect of increasing our own manufactures? Yes.
216. Whereas now we are obtaining a revenue by placing a duty upon articles which we cannot do without, and yet which we cannot raise? Yes.
217. Could you assign any principle, protective or otherwise, upon which the present system of taxation is based for revenue purposes, as illustrated by the statement of the Finance Minister? I could not.
218. It is a jumble? Yes.
219. The other would have an object in view, which object it might serve? I think it would serve that object very materially.
220. The present system presses oppressively upon the consumer, and at the same time has no object in view—is based upon no principle? Yes.
221. *By Mr. Stewart:* Do you not consider that an article produced by the labour of the Colony contributes a considerable amount to the revenue of the Colony, in the consumption by the manufacturer and proprietor of dutiable articles? Indirectly it does.
222. By the consumption of tea, sugar, and rum, the revenue of the country is contributed to? Yes.
223. Supposing you produce £100 worth of tweeds, a proportion of that amount, say 5 per cent. of that amount, would have been expended by the men employed in its production in articles of consumption which would contribute to the revenue? That would be the case whether I employed the men or not.
224. *By the Chairman:* If these persons were idle they would have no money with which to purchase duty paying articles? They would find it in some other way.
225. *By Mr. Stewart:* Supposing an employer with a number of workmen were to arrive here for the purpose of establishing a business of any kind, they would become consumers of articles paying duty at once? Yes, in that case.
226. Supposing it were to establish a manufactory—before its establishment he and his workmen would have contributed a considerable per centage upon the value of the article to be produced? Yes.
227. If the article were manufactured elsewhere it would come into the market without having contributed anything? Yes.
228. *By Mr. Harpur:* Do you think that the effect of such duties as we have spoken of would be to give employment to our idle population? It would have a tendency to employ them.
229. Then the effect would be, that it would increase our annual returns? Yes, no doubt.
230. And increase our wealth by the value of the work done? Yes.
231. That is the foundation of all wealth—labour? No doubt about that. It is a fact that cannot be disguised that, no matter what amount of money is brought into the Colony, it has to be sent away again for supplies of various kinds.

J. Byrnes,
Esq.
7 Oct., 1862.

TUESDAY, 14 OCTOBER, 1862.

Present:—

MR. DALGLEISH, | MR. HARPUR,
MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

Malcolm McIntyre Campbell, Esq., called in and examined:—

232. *By the Chairman:* You are engaged in the woollen manufacture in Sydney? Yes.
233. How long have you been so engaged in this Colony? About six years.
234. Were you engaged in the manufacture of woollens before you came to this Colony? No.
235. Did you know anything of it before you came here? Nothing at all.

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236. You knew nothing about the manufacture of woollens in England? Nothing at all; I was never inside a factory till I came to this Colony.
237. You are now carrying on your manufacture at Barker's? Yes, I lease his establishment.
238. What description of cloth do you manufacture? Different sorts of tweeds, and sometimes doeskins and fancy goods as well.
239. Could you, with your present machinery, manufacture superior cloth—broadcloth? We could manufacture superior cloth, but not broadcloths.
240. Could you manufacture kerseymere? Yes, I could easily, in the first instance; but the finishing machinery I have is not adapted for broadcloths.
241. But kerseymere is single width? Yes, we have gig mills, &c., for finishing.
242. You could manufacture a fine description of cloth? Yes; for instance, this I have on is my own manufacture, which is just as finely finished, or nearly so, as any that can be made in Britain, but it can only be produced at a great expense.
243. Could you give the Committee any idea of the cost of your establishment, speaking of the building and machinery—the plant? I do not exactly know what was the cost, but I believe it cost somewhere about £20,000 or £24,000.
244. Could you form any idea of the difference between the cost of such an establishment as yours in this country and in England? I think in Britain both building and machinery could be erected for about £8,000 or £9,000.
245. Do the Committee understand your answer in this way—that what costs £20,000 in this Colony would cost only £9,000 or £10,000 in England? I am talking of the present time. I dare say a building and machinery could be erected now at considerably less than that cost.
246. Do you think it could be erected as cheaply here as in England? No, that is impossible; for in the first place if you made the machinery here it would be at a very high cost; the castings would be perhaps three times the cost they would be in England, unless there were a very large quantity made, and the moulds could be used in a great number of instances.
247. Suppose you imported the machinery? The freight alone would be more than the expense of it in England.
248. Do you think it would cost about 50 per cent. more to establish a factory here than it would in England? It would cost 100 per cent. more on the machinery, but I do not think there would be such a difference on the building.
249. Could you form an idea of the difference—taking the building and the machinery? There would be at least 50 per cent.—I should say more—between 50 and 60 per cent. at least—that is, taking the building and machinery together.
250. How many persons have you employed in your factory? Fifty only just now.
251. How many males and females have you over, and how many under, sixteen years of age? Males over sixteen, thirty; under sixteen, eighteen. There are three females who are not employed in the establishment; they are engaged in piecework at their own houses.
252. Is that the largest number you have ever employed? No, at one time I had sixty-five.
253. Is your establishment in full operation? Not altogether; we could do a little more by pushing.
254. When you had sixty-five was it in full operation? We were doing as much as we possibly could in the daytime. The reason of our having so many then was that we made more light fancy goods, which were then more in demand, and the process of preparing them was rather different from the present. We used then to dye principally in the yarn; and we required a greater number of winders and reelers. We also attempted to make a finer description of yarn, so that we had to employ more piecers; the weaving was also more difficult. In short, in all branches we had to employ more hands. Now we dye in the wool, which renders a smaller number of piecers, winders, and reelers necessary.
255. Is a large floating capital necessary in carrying on your business? That entirely depends upon the stock, and the sale we get for our goods; at present it requires in my establishment between £8,000 and £9,000; my stock at present is rather over £8,000.
256. Your factory gives, indirectly, occupation to many persons, from the floating capital? Of course it does, in this way:—I require so much wool; that wool must be grown, and so many men are employed in its production. Then, again, I use a quantity of coal; that, of necessity, must require so many miners to bring it to the surface; then it has to be carried in vessels to Sydney. I also use a good quantity of oil, which requires so much labour to bring it to market. I also use a large quantity of water, for which I pay over £100 a year.
257. Is it not a well known fact, that fifty persons employed in producing any article, indirectly employ some hundreds of persons? In growing the raw material, in manufacturing it into cloth, and the making it up into garments by tailors. I think it would take more than a hundred to grow the wool I consume; because I consume in a year as much as a very large station can produce, and a great number of men are employed on a large station. In raising the coals I consume, I do not know how many men could be employed; then, again, it keeps a large number of tailors during the whole year to make it up into garments.
258. Is not a large amount of labour in the Colony unproductive, which could be employed if the whole of the woollens used in the Colony were manufactured here? No doubt, a very large amount.
259. Have you ever thought of the future condition of the people of this Colony, in regard to the employment of the rising generation? I have occasionally reflected upon the subject.
260. Do you not think there is a great want of employment for young people in this Colony? Judging from my own experience of the number of applications made to me, there is, for young boys especially.

261. Have you many applications? A very large number indeed. Not a week passes but there are perhaps twenty applications from boys to be taken into my establishment.

262. Which boys now are running about in idleness? Yes, or selling fruit in the fruit season, or doing any odd jobs they can get to work at.

263. Do you not think idleness has a very demoralizing effect upon young persons? Certainly—no doubt about it.

264. Do you think it is possible to find employment for the youth of the country unless manufactures are established here? I do not myself see any prospect in this Colony, unless we have more shipping out of our ports, and more shipowners in the Colony.

265. Are there any shipowners? There are a few; and a few youths might be apprenticed to the sea, or engage in bush occupations; those are the only legitimate occupations I can see for youth.

266. Do you know, of your own knowledge, that there is in this Colony a single owner of ships trading to England? I am not aware that there is.

267. You do not know one single owner? I could not say positively that I do, but I know there are many owners of coasters and inter-colonial traders. There is another means of employment I can see, but that might be considered as a manufacture also. I refer to the establishment of gold mining as a regular business; by the employment of machinery in quartz crushing.

268. Do you not think the life of a gold digger is a rambling one? Not if they settle down upon a good reef. I know places up the country where people might have occupation for years to come—where a great number of men might be employed.

269. Of course, as you have been only a few years in the Colony, you cannot give us any idea of the state of manufactures some years ago in the country? No.

270. Was your attention called to the state of manufactures when you first came into the country? When I came into the country there was not a single woollen manufacture in operation.

271. Have you not heard that there were seven or eight in operation in 1849? I think there were seven.

272. Can you name them? The Aberdeen; I am not sure whether the Stockton, Messrs. Donaldson's, was in operation or not; Mr. Barkor's, Parramatta; Rayner's, French's, and Lord's establishments.

273. From your answer to a question just now, in which you stated that you had applications from some twenty boys every week, I infer that there is a desire among young people to learn trades of skill, if opportunities offer? Yes, I think there is; at any rate there is a desire on the part of parents to send them to permanent employment if possible.

274. Have you noticed a large number of children running in the street in apparent vagrancy? Yes, I have often.

275. Particularly in some of the back yards and on some of the wharves? Yes, especially about Sussex-street, and on the wharves in the west of Sydney—in short, in almost all parts of the city.

276. From your previous answer, I should imagine that this unfortunate state of things is caused by the want of suitable employment for young people in the country? Yes, to a very large extent; I do not mean to say that it is to the whole extent.

277. Under any circumstances there would be a great number of young people who would be brought up in idleness? Yes.

278. You think a great number would be employed if there were suitable employment for them? Yes, in any manufactures. I do not allude particularly to woollen manufactures, but to any other where a large number of young persons might be employed, and where they might have an opportunity of learning a trade.

279. In cabinetmaking, shoemaking, tailoring, and such trades as those? Yes, in engineering, boatbuilding, and manufacturing generally. There is no doubt that in Britain the great outlet for the young of the lower classes is in the large silk, cotton, and woollen manufactures, and in the engineering establishments there.

280. Do you think the Legislature should keep in view the desirableness of finding employment, and of developing the mental capacity of the rising generation? I should certainly say it is the duty of every legislator, as far as it is possible for him, and as far as his judgment will lead him, to do the best for his country and constituency; and I think one great object of his attention should be the rising generation, because the future of the country depends very much upon the moral advancement of the rising generation. If they are allowed to grow up in ignorance and neglect, they must of necessity remain for ever in that way, and the tendency of that will be to lead them into paths which might not be for the benefit of the country.

281. What do you think of the prospect of the country if we go on as we have done, importing everything we consume—do you think it will be possible to find suitable employment for the people? I am not much of a political economist.

282. Is it not common in England, where people have large families, for many of the children to add something to the common stock? Yes.

283. That is not the case here? No. In Britain sometimes a crisis may come round, when the people cannot get employment, such as unfortunately prevails at present; but as a general rule, in all parts of Britain I have been in (and I have been in almost all the seaports of Britain, and in a great portion of the manufacturing towns, and I resided for a couple of years in one of the principal manufacturing cities in Scotland, namely, in Glasgow), there is not the slightest difficulty in getting a boy apprenticed to a trade in which he would have a prospect in time of earning what will support himself, and perhaps of assisting in maintaining his family as well.

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284. He would also assist his parents in bringing up a growing family? Yes, after a time.
285. He brings in something from the commencement? He always brings in something, but very little at first.
286. Here the parents have to support their families altogether—they receive no assistance from their children? That is not the case with all, but the greater number of the children are idle.
287. I am speaking generally? I should say about half the children under fifteen, or perhaps under fourteen, in Sydney, bring in nothing at all to their parents—that is, children of the working class.
288. You are not, I suppose, an advocate for sending children into factories at a very tender age? Not at a very tender age; but I think if there were a system of Factory Acts, such as they have in Great Britain, but with perhaps shorter hours, making it compulsory upon the employer to give certain hours a day for the purpose of education, and in some cases to provide the means of education, it would be far better even for children of nine years of age to be in a factory than to be fighting and scrambling in the streets, picking pockets, or taking away everything they can lay their hands on.
289. That is the case in Germany, is it not—though there children are not allowed to enter a factory till they are ten years old? I did not know there was such a law there, though I have been in Germany.
290. The owner of a factory there is compelled to keep a schoolmaster at his own expense, and to give two hours' education for six following years? I believe in Britain, under the Factory Act, an employer is compelled to allow so many hours a day for education.
291. At the manufacturer's expense? They do not receive any payment for the time, I should think, but the wages are proportionate. I know that in connection with the largest factories in the neighbourhood of Glasgow they have schools, as, for instance, at Pollockshaw, Barhead, Nelston, Blantyre, Paisley; for I have been through the whole of these towns.
292. In the manufacture of woollens, a large portion of the labour is suitable for young people? Machinery has been brought to such perfection that not anything like so many young people need be employed now as there were formerly, before 1849.
293. Have you any objection to inform the Committee the rate of wages you pay? The fireman £2 15s. 6d. a week; spinners, slubbers, and dyers, £2 5s; fullers, cutters, and warehousemen, £2 2s.; piecers and feeders from 7s. to 10s. These latter are boys of from nine to fourteen or fifteen years of age. The weavers I employ by piece-work, and give them from 10d. to 15d. a yard for weaving.
294. I gather from your evidence that the youngest boy you have in your establishment is about nine years of age? Yes, and he has been there only a few days, but I have boys who have been in the place since they were eight who are now about fourteen.
295. Can you inform the Committee the rate the same class of persons would receive in England, if employed in manufacturing the same class of goods? Firemen, from 15s. to 18s.; spinners and slubbers about the same rate of wages; dyers from 14s. to 21s.—a really good dyer is a valuable man at Home as well as here. A weaver would get from 3d. to 5d. a yard for what I give from 10d. to 15d.; and piecers or feeders would get from 1s. 6d. or 2s. to 2s. 6d. a week.
296. *By Mr. Dalgleish*: That is in Scotland? Those are about the rates both in Scotland and in England; I have men who have come from both places.
297. *By the Chairman*: With reference to dyeing—do you find any difficulty in setting the colours? No, if you choose to go to the expense it is quite an easy matter.
298. Do you think there are any materials in the country suitable for dyeing? Plenty; there are plenty of dyewoods in the Colony.
299. Have you tried any of them? Yes.
300. And found them succeed? Yes, as well as any dyes that can be got in any part of the world; though the expense of bringing them from the interior is greater than that of importing them from England.
301. But if there were a good demand for dyewoods—if all the woollens used were manufactured in the Colony—it would be worth a person's while to turn attention to these matters? Yes, in that case the demand would be so great that it would be worth while for people to turn attention to it as a branch of trade, and if they did so they would at length export instead of import. I know there are several valuable dyewoods in the Colony. I may have been a little wrong in saying that the expense of bringing these woods from the bush was as great as that of importing them. I should have included the expense of chopping it down into chips, or perhaps of grinding it down, which is the course pursued with many dyes in Britain. If this were done here it would make our dyes dearer than those imported.
302. *By Mr. Stewart*: Would our colonial dyewoods require to be conveyed from the interior? Some of it would be brought from the coast; a great many kinds of dye could be brought from the Clarence and Macleay Rivers. There are some also near Sydney, but they are not so good.
303. *By Mr. Dalgleish*: Have you had any communication with Mr. Rudder relative to dye stuffs? I had some years ago. There is plenty of fuller's-earth in the Colony; there are beds of it on the Hunter River.
304. *By the Chairman*: If there were a large demand for these dye stuffs, there would be mills for crushing them, in the same way that there are for crushing the mimosa bark for tanning purposes? Yes, no doubt grinding mills would be erected. I know one very large dyeing establishment in Glasgow, where they have a mill of their own for that purpose.
305. What do you think a fair rate of interest per annum for capital employed in the construction of a factory—I am referring to the building and machinery? You mean what would be a fair rent to get. I should say 10 per cent. would be ample. There is certainly a great deal of wear and tear in the machinery.

306. Taking wear and tear of machinery, insurance, and all other items? I could speak from the terms of my lease, but that is only one case.

307. I am not speaking of an individual case, but as a general rule as a manufacturer—supposing you were going to establish a factory to-morrow, what do you think would be a fair return for your capital—of course taking into consideration the wear and tear, insurance, and profit upon capital? It is difficult to make an estimate of wear and tear, but I think if I were going to build a factory, and put in machinery to let it out, I ought to get as much rent as 15 per cent. per annum; that is, if I did not let it with the condition that the tenant should keep the machinery in order; if that condition were made, I should be satisfied with from 8 to 10 per cent.

308. You think, with wear and tear, nothing less than 15 per cent. would pay? Nothing less than 15 per cent. would pay.

309. What would you think a fair return for the floating capital employed? From 8 to 10 per cent. in this Colony.

310. Our object is to get the comparative value as between New South Wales and England—have you any idea what manufacturers in England consider a fair return for the capital expended in their factories? In Britain, for instance, a manufacturer, if he builds an establishment, can mortgage that establishment at a rate of interest of from 3 to 4 per cent. per annum, or even from 2½.

311. In the same way he could mortgage it here for about 8 per cent.? About 8.

312. *By Mr. Dalgleish*: From 8 upwards? Yes.

313. *By the Chairman*: What do you think would be a fair return for the floating capital? In Britain manufacturers like to have good returns, and will not be satisfied with small profits, as manufacturers must be here. I know that in Yorkshire they generally put on their interest at the rate of 6 per cent., even for the interest of money over and above their profits. They have a way of making out their calculations, and put down many items we do not here; but I really do not know what a manufacturer in Britain considers a fair rate of interest for his capital.

314. They make up a very inferior material in England from what they do here? They make in England the worst description of goods in the world, and they make the best; they make some three times the value of any we produce here, and they make others not worth one-tenth of the goods we make here.

315. What is the difference of the cost of the raw material here and in England—I am speaking of what is sent out here and sold as colonial tweed? The colonial tweed is more particularly used by the working classes here; and the article they send out to correspond with that is made of very inferior material indeed, for it is principally made of shoddy; but the best class of goods is made of the best wool that can be got in the world. Between the cost of wool here and in England there is very little difference. Last season I was very largely engaged in the purchase of wool—I purchased nearly £100,000 worth, not on my own account, but for export, and I made tables of the prices that were given here and the prices realized in England, from which it appeared that the difference was a little under a penny a pound.

316. Is that generally the case, or was that the result of a falling market? That is one year.

317. Sometimes they have to pay considerably more? Yes.

318. On the average, what would be the difference? I do not believe, on the average, the difference is more than 2½d. a pound, or say 10 per cent.

319. Imagine a parcel of goods which costs you, say £100 in the manufacture, ready for market—how much would it cost the manufacturer in England to produce the same quantity of the same description of goods, taking into consideration the cost of manufacture, the price of wool, the interest upon capital, and the price of labour in both places? I think it would cost in Britain about £60—that is as near as I can roughly go. I divide the cost of production into three classes:—labour costs with us nearly three times as much as in Britain; wool costs about three here, and about three and a half at Home; dye wares, oil, fuel, and other expenses cost in England about one-third of what they do to us. I think the proportion would be about 65 in England to 100 here.

320. How much would it cost to import these goods, taking into consideration the interest of money, and all charges, till they are put into the warehouse here for sale? For exactly the same class of goods, I think the expenses would be from 15 to 16 per cent.

321. That would be an addition of £8 or £9 to the cost? £9 or £10—it might cost more; there is inland carriage. I am afraid I have estimated the cost in Britain rather too low.

322. You think they could manufacture the goods in England and import them here for 75 per cent. on what you could manufacture them? It would appear so from that calculation, so that I must evidently be wrong in it, for they could not do that.

323. What do you think would be the difference between the cost of goods manufactured here, and goods of the same quality imported here? I made some calculations a long time ago, and as far as I can recollect, the difference is about 15 per cent.

324. Then the public, by using these woollen goods manufactured in this country instead of those manufactured in England, lose an amount of 15 per cent.? You must take another matter into consideration—they do not lose it; for if you place the two articles beside each other you will at once see the difference; for instance, this pair of trowsers, made of colonial tweed, would outlast two pairs made of English, so that there would be a gain instead of a loss. The goods in Britain corresponding with those we manufacture here are made chiefly of ground-down clothes, or shoddy, as it is called, and with this is put a sprinkling of good combed wool, and plenty of oil. When cotton was cheap they used cotton warp, but since cotton has risen to so great a price, they use short, coarse English wool and shoddy, and this

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being short, the cloth takes a better face with little trouble, after leaving it lying in a damp cellar for a week.

325. Then it is easier to give a good appearance to a bad material than to a good? Yes; it is easier to give it a good appearance, because the material is broken up already.

326. According to your explanation the people would lose 15 per cent.? Yes, for I made a calculation of the same quality of goods—those that would supply the market for the same purpose. There is another thing I would draw the attention of the Committee to: There is very little difference between the average cost of the raw material here and in England. For instance, my tables of the prices obtained for wools in this market, and the prices obtained for the same in Britain, average from $\frac{3}{4}$ d. to 1d. per pound, or about 5 per cent. The actual average cost of conveying wool to Britain, and the sale charges, insurance, &c., thereon, are about $2\frac{1}{2}$ d. to $2\frac{3}{4}$ d. per lb.—or, say, 10 to $12\frac{1}{2}$ per cent. on the cost here. Dyewares, oil, and fuel are much cheaper in Britain; but if there were several factories in operation in the Colony, attention would be paid to the dyewoods, which are abundant in the Colony, and indigo could be procured as cheap if not cheaper than in Britain; and for blanketing, coarse wool could be imported from India at a lower cost than that at which it is sent to Britain. There is a large amount of blanketing required in this Colony, and if manufactures were established here, blanketing could be produced here as cheap as in Britain. The two principal items in the cost of manufacture are, the price of the raw material and the price of labour; but in the manufacture of blankets the labour required is very little, and the wool might be obtained from India for this purpose at as low a price here as in Britain.

327. You have no doubt, if a duty of 15 per cent. were placed upon imported woollen goods, you could drive them out of the market? As regards my own feelings, I am very averse to duties. Though I was brought up a conservative, I believe I have imbibed free trade principles. As regards the manufactures and machinery we have got, the sooner they are over South Head the better; but I think it would be for the benefit of the Colony to have a duty upon woollens, and upon other goods that could be manufactured in the Colony, so that the attention of capitalists might be directed to the fact, and might be induced to build factories; because the history of woollen manufactures in this Colony is enough to keep any capitalist from sinking money in them; not from the fact that they could not compete with Britain if they were in favourable circumstances, but from the factories having been built in connection with flour mills, and not for the special purpose of manufacturing woollen goods. I believe the want of success on the part of manufacturers here prevents capitalists from embarking in these pursuits here; and I have little doubt that if a duty, even of 10 per cent., were imposed on imported woollen goods, we should, within the next eight years, manufacture all the woollens required by the Colony.

328. That would of course employ a large amount of the labour which is now quite unemployed? A very large amount indeed. There would be laid out by manufacturers alone, within the factories, £100,000 a-year for wages.

329. That labour is now unproductive? A great portion of it—not all. At present, I think, there is not a very large proportion unproductive.

330. Did not I understand you to say that a large number of the youth of this country were unemployed? Yes, but I think there are not so many adults out of employment who could take part in this.

331. Is it not the fact, that persons brought up to a particular trade can earn more at that trade than at another? They prefer it, but I do not know that they can earn more at it.

332. For instance, weavers;—do they not earn more at their trade than they could at any other? They do not like to be employed at other occupations; but I know that there are more weavers employed on the gold fields, at the present time, than there are in all the factories in the Colony.

333. Do you think that would be the case if manufactures were increased? No, I do not think it would; I do not think, if they could get employment in factories, they would remain at the gold fields.

334. There are a great number of persons who consign largely to this Colony? Yes. When the season is over in Britain, warehousemen must clear out their old stock of goods, and there is no way of doing so but by sale to an exporter, or by consignment to some foreign market. In the latter case the goods are hypothecated to some merchant at two-thirds of their value, which is drawn against them, or they are hypothecated to a bank, and drafts drawn upon the correspondents to two-thirds of their value or invoice price; and in many cases the goods immediately upon arrival at the foreign or colonial port must be sold to meet the drafts. In most cases the balance of proceeds over drafts are barely sufficient to cover commission. Of course this puts the warehouseman in possession of funds to carry on his business, but his profit, as a general rule, is made on goods sold in their season. The manufacturers, on the other hand, before the season sets in, take orders for a quantity of various patterns—say ten pieces each of ten different patterns, for, say, twenty firms. As a rule, these houses, though ordering ten pieces, will, in all likelihood, require twenty, and the manufacturer, in anticipation of this, makes from fifteen to twenty. He will also generally have job goods, or goods with some flaw in them, and if his customers, whom he contracted to supply at a certain price, say 5s. per yard, do not take them from him, he cannot sell to the trade at a lower figure, or he would be competing with his own customers. His only alternative, then, is to sell on condition that the goods are for a foreign or colonial market; and in many cases the price is 30 to 40 per cent. lower than he made them to order. Our legitimate warehousemen in Sydney know this well, and they purchase accordingly from the manufacturers in Britain towards the close of the season. There is not the slightest doubt but that the large extent to which heavy advances are given on goods consigned to this Colony operate against the legitimate importer, and cause a fluctuation in the price of imported

imported goods, which would not be the case if such consignments were not so heavy or so frequent, the consignees being only influenced by the endeavour to procure funds, and not by any knowledge of the state of the market to which they are sending the goods. Of course they can have an idea from the entries passed, and trade tables, and reports of the amount of goods exported for various markets within stated periods, but of the stock of the particular style of goods they are sending they know not whether the goods exported were like them or not. They may know, for instance, that in value £1,000 were exported in woollens, but whether fancy, heavy, broad, or any other quality, they have no idea; and there is every probability the same quality of which there is a glut in the British market is sent by every needy warehouseman to the same market. I do not believe the consumer gains anything at all by this. Legitimate importers can never militate against manufacturers, and in short, they are the best customers of manufacturers, as far as my experience goes. A steady market is particularly necessary in this Colony, as the system of trade is so different to what it is in Britain. In the first place, labour costs here more than double what it costs in Britain, and labour must be paid for in cash. In Britain wool can be purchased on terms; but in this Colony, to offer your acceptance or promissory note for wool, would damage your credit considerably. Every article that is required by the manufacturer here, such as wages, wool, coal, tallow, oil, &c., must, according to established custom, be paid for in cash.

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335. We gather from your remarks, that the consumer does not, in the long run, gain by these gluts in the market? Nothing at all; for instance, I had a conversation the other day with a man of great experience in the London market, who has come out to Messrs. Christopher Newton and Co., and he corroborated the statement I have made with regard to the purchase of these goods. He says that as a draft is drawn against these consignments, the consignor must of course sell them at any price—the consequence is, that others will not import these goods of which there has been a glut, and in a short time they rise greatly in price. But in woollens generally, in Sydney, the warehouseman gets 50 per cent. over the price paid for them in England; so that the consumer, the man who wears the goods, pays more for them than he would for the same goods manufactured in the Colony—considerably more.

336. Although you say this unsteadiness, which is caused by consignments, is detrimental to the merchant, it is much more so to the manufacturer? Yes.

337. Where there is a large quantity of machinery and a large number of people employed in manufacturing one article? Yes, it falls upon him very heavily, because the manufacturer has to lay out so much money in wages and other things. For instance, if I had my establishment idle one week it would be a loss to me of £140.

338. If the persons you employ were kept idle a month or more they would be dispersed over the country I suppose, and you would scarcely get them together again? I have had my place standing idle but once since I commenced, and then I was making some alteration in the machinery, and getting new boilers; at that time my establishment was six weeks idle, but all my men, with the exception of one, remained without taking other places.

339. That was because they knew you were going to commence again? Yes.

340. But if there had been an uncertainty on that point, do you think there would have been difficulty in securing men fit for the work? I could get others in their place, because there are so many in the Colony who have been brought up to the manufacturing business at Home.

341. What amount of goods have you manufactured in your factory per annum? At present I manufacture about £15,000 worth.

342. Do you think these persons you have employed can earn as much at other avocations as they can in the manufacture of woollens—take the children? On the average they would not.

343. What would be the difference—have you any idea? There may be a difference of 20 per cent.—I dare say there is; there is nothing for them but to turn labourers.

344. Some of them are not even suitable for labourers? A few of the weavers are not, the others are.

345. They would not find any suitable employment? No, unless they broke stones, or were employed by the Corporation.

346. Or sold oranges? That is what many of them did in the fruit season, when the factory was closed.

347. Have you any idea of the quantity of woollens imported here? I tried to make out a table, but I could not arrive at any satisfactory conclusion with regard to the amount; but taking it in round numbers, without entering into statistics, I should think £300,000 worth at least.

348. That would give employment to how many persons? I dare say it would give employment to 2,000 at least. The per centage of labour would be one-third of the cost, although if there were a steady occupation of the labour I think we might get it a little lower; there is now no certainty with manufactures at all.

349. *By Mr. Stewart:* You find that the tendency of a steady employment of labour is to lower the rate of wages? Yes, if you could give a man steady occupation for two years he would rather take 36s. a week than be employed from week to week at £2 2s.

350. *By the Chairman:* How much of this labour do you think is now unproductive? The value is not much, but the number is very large, because it is unproductive more with regard to boys than with men. Girls also might be employed in factories, and at one time I did employ both boys and girls together, but for various reasons I discontinued doing so.

351. Do you think there is 30 per cent. loss? No, there is not.

352. Taking into account the larger amount men can earn at a business to which they have been brought up, and the number of youth now unemployed, and who might be employed in this

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this branch of industry? With regard to adults, I think if they went to any other occupation they would have to take employment at an average of from 20 to 25 per cent. less; and I think also that there are over 1,000 boys who might be employed in this business, but the value of their labour would not be much; still they would be kept out of a great deal of mischief.

353. You say those who are now employed would have to submit to a reduction of 20 per cent. if they were to turn to any other occupation;—would not that, added to the loss of the labour of these youths, bring it up to 30 per cent.? I do not see how you can add both together.

354. *By Mr. Dalgleish*: What did you mean by saying that it would be a good job for the Colony if the whole of the machinery were thrown over South Head? Because the machinery now used for the manufacture of woollens is not the best for it, or anything near it.

355. It is ill adapted? Not so well adapted as it might be. It would do very well for some old out-of-the-way place in Britain, where plenty of hands could be obtained at a cheap rate; but in a Colony like this, where labour is high, the object is to obtain machinery to economize labour as much as possible; and, as I explained before, the factories here were not specially built for woollen manufactures, but in connection with flour mills, and the result is that they are not so well adapted for the purpose as they would have been if they had been specially erected for it. The lights must be placed in such a way as that the operator may be able to work with advantage.

356. I understand from you, that you conceive the factories built in this Colony have not been erected with a special view to the carrying out of the particular manufacture of cloth, and that the machinery is ill adapted to that purpose? Not so well adapted as it might be. We have not all the latest improvements. Men built these factories without a thorough knowledge of the trade of manufacturing, and the circumstances of the Colony at the time of their erection were quite different from what they are now.

357. *By Mr. Stewart*: Even supposing that at the time they were built they were equal to factories in England, I presume great improvements have since been made in machinery? Yes, great improvements. Such great improvements have been made in Britain with regard to machinery, that the machinery we have now in the Colony is quite in the shade by comparison. The only object I have in view in recommending a tariff or duty on wools is to draw the attention of capitalists to manufactures in the Colony; for I believe, even at the present time, if capitalists would enter into the manufacture of woollens upon proper principles, and conduct it upon proper principles, they would make some money even at the present time; but we cannot get people to believe that.

358. *By Mr. Dalgleish*: Though you recommend 10 per cent. as being necessary to the encouragement of manufactures in the Colony? Yes; having that in view, not so much with the view of protection as to draw the attention of capitalists to manufactures, so that they might enter into the business with some degree of confidence.

359. With your manufacturing knowledge acquired in the Colony, have you any hesitation in stating it as your opinion, that manufactures carried on in the Colony in competition with England would pay—could you compete with manufacturers in England? Not with the factory I have at present.

360. With improved machinery could they? I think they could.

361. Without any duty of 10 per cent.? Of course I am moderate in my idea of an income. I do not believe I should make a fortune, but I believe I should make no loss. My attention was drawn to it through this fact: A couple of years ago I was in correspondence with some parties in Victoria, with respect to the introduction of manufactures there, and I wrote to Britain for a specification for buildings and machinery; and I think, from the price of them, and what I considered should be the rate of wages to people employed permanently, and living in houses erected by the proprietor of the establishment, out of town, the saving of the cost of water and fuel, I thought we could compete with English manufacturers.

362. You use a large quantity of water in the manufacture of woollens? Yes; but we could get that easily.

363. It is absolutely necessary that you should get a good supply of water for dyeing, fulling, and scouring? Yes. I should never attempt to establish a factory in the heart of Sydney; but there are plenty of places about Sydney admirably adapted for it. In Sydney there is very great difficulty in keeping men steadily to their work; but if the factory were a little distance from town the difficulty would not be so great.

364. Your present manufactory pays, I presume? It just pays, that is all.

365. As it pays at present, with your imperfect plant, it is a fair presumption on the part of the Committee, that with plant better adapted to the purpose, you could better compete with the English manufacturers? Yes.

366. Then the inference would be, that manufactures can be carried on in your particular branch to compete with English manufacturers under favourable circumstances? Yes.

367. *By Mr. Harpur*: That is your opinion? Yes.

368. It is not an opinion generally entertained? No.

369. Your object in recommending an import duty is to encourage that belief? Yes.

370. That is, to give capitalists confidence? Yes.

371. And that they might enter into it with some degree of confidence? Yes. With regard to the profits made by manufacturers I may say that since I have entered into this business the balance has been on the wrong side of the ledger.

372. *By Mr. Dalgleish*: From manufacturing? Yes.

373. You are engaged also in other business altogether irrespective of your manufacture? Yes.

374. Your experience as a manufacturer, so far as that experience goes, is adverse? Yes; the sooner I get clear of it the better.

375.

375. One of the great drawbacks with which you have to contend is the want of proper machinery? Yes.

376. Do you consider that the prospects of the trade are such as to induce a capitalist to invest his capital in the purchase of improved machinery, and the erection of premises in situations that might be deemed the best for carrying on manufactures here? The general public have not a knowledge of that particular trade. There may be, say a hundred capitalists in Sydney who are willing to lay out their capital in any branch of manufacture, if they thought it would pay them; but all they know of the woollen manufacture is, that those who are engaged in it, instead of making money are losing it, and they do not know the cause.

377. Do you infer from that, that if a duty of 10 per cent. were imposed—an embargo were placed by Government to that extent—upon English woollen goods, it would have the effect of drawing the attention of capitalists to that branch of manufacture? Yes.*

378. Do you think it would cause men to invest money in a business of that description, when all their previous experience of the business was, that it had ruined those who had entered into it? In the first place, there is the 10 per cent. itself to be looked at, and not only would that be a clear margin for him against the importer, but it would be more than that, as it would prevent reckless consignments.

379. Then you consider that these reckless consignments are a great cause of the inability of the colonial manufacturer successfully to compete? I believe so, in a very great measure, and I believe even English capitalists, if they found there were a duty upon woollens in this Colony, would send out men and machinery, and erect buildings in this Colony for the carrying on of these manufactures. They would send out what I may call the bones and sinews of such an establishment—say, one good dyer, a couple of good spinners, and a good slubber, and they would employ the rest of the labour in this Colony.

380. In giving your evidence with reference to the profits of English manufacturers, I understood you to say they would be satisfied with 8 per cent.? I did not say that they would, but that they should.

381. You have stated that you have not had much actual experience in manufactures in England? No, I was never engaged in them at all.

382. Are you aware of any instances where manufacturers have amassed immense fortunes in a very short period of time, from the outlay of a capital exactly the same in all respects as others who have lost all they have invested? I have known such instances, even in this Colony. In Parramatta Mr. Donaldson lost over £2,000, while I made a profit. We were engaged upon the same work, with the same machinery. It is the same in Britain, but that does not arrive at the question as to what the rate of profit should be. A great deal depends upon a person's skill, or his knowledge of business generally, or of that branch of business in particular.

383. You state that you think 10 per cent. would be sufficient here for rent of premises and wear and tear of machinery? No, 15 per cent. That is a very difficult matter to arrive at, for an injury may take place to machinery which may involve great expense to repair, or you may go on for years without it.

384. In speaking of the cost of English manufactures you have stated the difference between wages in England and here? Yes.

385. Is money cheaper here than in England, as a rule? No, much dearer.

386. Then that accounts for the difference between the two places. A person engaged in manufacture here is not much better off here than in England? As a rule, labourers are better off here than in England; for instance, the cost of living is not much more expensive here than in England; beef is cheaper considerably; there is very little difference in flour, very little difference in the price of bread; rent is certainly dearer—that is the only item in which there is a glaring difference.

387. You say there is very little difference in bread? Yes.

388. Your experience will tell you that in England the average price of a four-pound loaf is from 4d. to 5d., whereas here the two-pound loaf is the same price? There are exceptional cases where there is great scarcity. For instance, I have seen the two-pound loaf 1s.

389. I am speaking of the present time, when it is cheaper than it has been at any time during ten years? Taking it as it is, I do not think there is more than 25 per cent. difference in bread. I do not think the expense of maintaining a family of six in Sydney, leaving out house-rent altogether, is above 12s. more here than in England, or 2s. each. My attention was drawn to this matter by a man I had in my employment who came from Paisley. He was getting £2 5s. a week, and I reduced him to £2 2s. He grumbled tremendously, and said he could not live on the money. I said, "What were your average earnings when you were employed as a weaver in Paisley?" "About 12s. a week." "What did you pay for house-rent?" He told me, and I then asked him what he paid here. I found he could save £1 a week here, and he could not save a penny in Paisley. I go to the actual facts of what a man would have to expend in England, and what he would have to expend here. Sometimes beef here is one-fourth the price of what it is in Britain.

390. We are speaking of the present time? At the present time you cannot get really good beef in Britain under 10d. a pound, or say, for the labouring classes 8d., and here they can get it for 3d.

391. From your experience, you say you would have no difficulty in obtaining any number of men accustomed to your manufacture? I would not say any number, but a very large number—five times the number I require.

392.

* Note (on revision):—I explained at the time that this question was not properly put, and that it was evidently meant to lead me to acquiesce in views which I did not entertain. I said that a duty of 10 per cent. was no embargo, and was only calculated to make trade more steady.

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392. What do you consider the loss to the revenue of this country is from the absence of the persons who would be employed in this manufacture? It would make an immense difference in the revenue, but I have not thought of that.
393. Upon what rule do you fix upon 10 per cent. as a proper amount to encourage manufactures in this Colony? I look at it in this light—I allude more particularly to woollens than to other articles, though I would not confine it to woollens—that a person before entering upon any branch of manufactures would calculate what his profits would be, and with this 10 per cent. he would have a much better prospect than without it.
394. How long a time would it take to establish a sufficient number of manufactories, with the requisite machinery, to supply all the woollen goods consumed in the Colony? It could be done in eighteen months.
395. Do you think it likely it would be done in three years? No.
396. Even with this inducement of 10 per cent.? No, nor in five years.
397. Have you ever considered the extra amount it would cost the inhabitants of this Colony to pay 10 per cent. more for the woollens consumed by them for five years, until the colonial manufacturers could supply them? I do not think they would have to pay 10 per cent. in the first place, for this reason: At the present time, the large amount of goods that come out consigned glut the market, and that causes the market to be unsteady. At the present time the warehouseman gets 50 per cent. advance on an invoice.
398. Does he not sometimes get more? Yes, because the market fluctuates; and if there is a glut of woollen goods to-day the prices go down, and he has to increase the price in proportion when there is a scarcity. If this duty were put on, these reckless consignments would cease, and warehousemen would be satisfied with much less profit. The imposition of the duty would also have the effect of giving employment to a number of manufacturers who are now almost idle, and a good number of men would be taken up to work in these manufactories; for instance, there is French's, where perhaps fifty men might be employed, and I do not know that they have ten at present; at Rayner's in the same way; at Parramatta I do not think more than three-fourths of the number that might be are employed; at Houston's, at Bowenfels, there are not more than half-a-dozen, if there are that number. If we had this duty, I would put on double the number of men, and work night and day.
399. And order new machinery? Yes.
400. *By Mr. Stewart:* If an import duty of 10 per cent. were imposed upon imported woollen goods, that description of manufactures would extend considerably? Yes; in fact I would endeavour to form a large company for the purpose of carrying on the manufacture.
401. *By Mr. Dalgleish:* I presume you would send to England for machinery? Yes.
402. You would not employ colonial engineers in the manufacture of the machinery? I might do so.*
403. Would not that, in consequence of the increased cost, prevent the establishment of a colonial woollen manufactory? I do not think it would, for if a man gets a good return for his capital he does not care for the outlay.
404. You have not considered the question of the price the community would have to pay during the time these manufactories were getting into operation, for duty upon goods imported? I have not, but I can calculate it, and furnish the Committee with a statement showing that it would be an advantage to the community.
405. *By Mr. Stewart:* Do you think, at the present time, the goods supplied by you to the community are as cheap as those that are imported? Yes. There is one thing which operates against the manufacturer in this Colony, namely, that the warehousemen have, as it is called in this Colony, a "down" upon colonial manufactured goods, because every one knows what is about the original price of the article.
406. And that narrows down his trade profit? Yes, he gets only from 15 to 20 per cent., or from 6d. to 9d. a yard profit on colonial goods, while on imported he can get 75 per cent.
407. One great disadvantage under which you labour is, that you are not countenanced by those who are in the wholesale trade? Yes. With regard to my establishment, I send as much to other Colonies as I sell in Sydney; even to Colonies where there is a tariff and they pay duties for them.
408. *By Mr. Dalgleish:* Do you find any prejudice against them on the part of those who are engaged in their manufacture, that is the tailors? Just the same prejudice as I find among warehousemen.
409. That prejudice does exist? Yes, among master tailors, not among journeymen. They cannot get the profit upon a suit of colonial tweed that they can upon English tweed. A tailor will only get £4 4s. for a suit of colonial tweed, while he will get £6 6s. for English.
410. So that while tailors would like to have an import duty placed upon slops, they would object to an import duty upon English woollen goods? I do not say that.
411. In effect they do? Yes.
412. Irrespective of this inquiry,—as a matter of public policy, do you think it desirable that a duty of 10 per cent. should be put upon woollen goods? I believe it would be a great advantage. I am not prepared to say that it would for the first two or three years, but before ten years were over I believe it would be a saving of great misery to the Colony.
413. *By Mr. Stewart:* Although you are opposed to import duties, you think, in the present circumstances of the Colony, a duty of 10 per cent. upon woollen goods would be an advantage to the community? I am a free-trader, but I think, considering the state of the community—that this is a young Colony labouring under great disadvantages—it is necessary to assist it in establishing manufactures, in order that it may rise in the scale of nations. Looking to other nations, I think we have precedents for such a course. In
America

* ADDED (on revision):—I would get the boilers, engine, and heavy shafting made in the Colony; but the fine machinery, such as cards, pinions, &c., from Britain.

America manufactures have been encouraged in this way, and I believe are still; they have there a tariff upon articles they are capable of manufacturing. Seeing, also, that there are so many young people in the Colony without employment, and that many who are really good tradesmen—as carpenters, engineers, &c.—are turning to other occupations, and going into the bush for any sort of employment, I think it is absolutely necessary some encouragement should be given to the manufactures of the Colony, so that the population which is idle—more especially the rising youth—should be employed in some legitimate occupation.

414. In the manufacture with which you are more particularly acquainted, you think a duty of 10 per cent. would have the effect of encouraging that particular trade? Yes, I do; I think even a small per centage would check reckless importation.

415. You believe that the speculative importations—the clearing-out of old stocks—is more mischievous than the regular import trade? Yes, that is worse than the regular trade, because these goods come without any proportion to the demand.

416. And they are generally sold without any restriction as to price? Yes.

M. M.
Campbell,
Esq.
14 Oct., 1862.

WEDNESDAY, 22 OCTOBER, 1862.

Present:—

MR. DALGLEISH, | MR. W. FORSTER,
MR. SUTHERLAND.

JOHN LUCAS, ESQ., IN THE CHAIR.

William Madison Alderson, Esq., called in and examined:—

417. *By the Chairman:* You have been engaged for some time in manufacturing in the city, have you not? Yes.

418. How long have you been so engaged in the Colony? About twenty years.

419. Were you so engaged before you arrived in the Colony? Yes, as a working man, not as an employer of labour.

420. For any considerable period? About sixteen years.

421. What description of manufactures have you been engaged in? In manufacturing leather, and in making leather up into various articles—as boots and shoes, harness, and various other things, from the raw material.

422. Have you any objection to state to the Committee the cost of your establishment—I mean of the building and machinery? I suppose it has cost, from beginning to end, about £15,000; but a great deal of that used up and thrown away.

423. And replaced? And replaced.

424. Supposing you wanted to erect a factory similar to yours now, would it cost you £15,000? To make it a perfect thing it would not be far short; to carry out the manufacture to the full extent we ought.

425. Can you do so with your present establishment? I could do a great deal more than I am doing with my present establishment.

426. Do you manufacture first-class articles—saddlery and boots? They bring first-class prices, and that is a very good criterion; we think them first-class.

427. I presume, if the purchasers give first-class prices for them they must be of the same opinion? Yes.

428. Do you manufacture the better descriptions of leather, patent leather, and so forth? Yes.

429. You make up a great deal of saddlery, do you not? Yes, a great deal.

430. Also boots and shoes? Yes; we made a great many last year. I see we made nearly 30,000 pairs of boots and shoes of all sorts. I have not taken this year into consideration, because we generally make up our numbers at the end of the year. This year has been a very dull one.

431. How do you account for that? One reason is, that the market is completely glutted with English goods, and another, I think, is the continued dry weather. As long as the weather keeps dry people can wear any inferior article; but if it be wet they must have good strong boots. In my opinion, and I believe it is the general opinion of the trade, that accounts for the general dullness in the colonial trade.

432. Can you give the Committee any information as to the probable cost of such an establishment as yours, if erected in England? I could not give that.

433. Do you think it would cost as much, if erected in England, as it would if erected in New South Wales? I do not, as everything is cheaper in England than here. You can get builders, and can buy machinery, cheaper there than here generally.

434. You have no idea what would be the per centage of difference? No, for the reason I gave before, that I was not in that line in England.

435. How many people have you employed in your factory? At present I have about 160, of whom about thirty are apprentices; then there are the bootmakers, who take their work home; I do not know how many these employ, but many have the younger branches of their families employed at home. I mention merely the number upon my wages book. Sometimes one of these men represents a family.

436. But you directly employ about thirty apprentices? Yes.

437. Is your factory in full work? Not at present.

438. How many is the largest number you have ever employed? About 190, when in full work; at that time the wages I paid amounted to £420 a week.

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439. You must have a large floating capital employed? Yes, I am obliged to have that in order to give credit.
440. Your factory must also indirectly give employment to a large number of persons? Yes, I do not know how many.
441. You use a large quantity of lime and bark? Yes; for instance, last year we used 260 tons of bark, and it would employ a great many men to get that, and we used about 6,000 bushels of lime, and it would employ men to burn and get the shells. At one time I went into a sort of rough estimate of the number of persons, directly and indirectly, we were the means of supporting, and I calculated the number at about 1,000 individuals,—that was reckoning the families. I may mention also, that we used 200 tons of coal, besides oil and tallow, of which we use a large quantity. In our business we are employed in the manufacture of the raw material from beginning to end. Last year we tanned 12,000 hides, 8,415 calf-skins, 3,000 dozen sheep-skins, besides kangaroo-skins, and odds and ends that came in and I did not take note of.
442. Then you must manufacture many thousands of pounds worth of goods during the year? I think we did a business of about £60,000 last year. We also fellmongered 700 bales of wool, but I do not reckon that as a manufacture at all, as that is merely taking the wool off sheep-skins, washing it, and getting it up for shipment.
443. Have you any idea of the quantity of manufactured leather that comes into the country in the shape of boots, shoes, harness, &c.? I think about £300,000 worth of boots and shoes came here last year. I never went into the matter of harness and saddlery, but it is a very large amount, besides carriages.
444. About £48,000 worth of saddlery? I dare say there is all that, if not more. There are also a great many other things where leather is used.
445. Is there not a large amount of unproductive labour here, which could be profitably employed in the manufacture of these leather goods which are now imported? Yes, a large amount.
446. That is not now employed in any way? There are a number of boys running about the streets doing nothing, and a lot of men cadging and dealing, and that is not very productive to any country.
447. Have you ever thought of the future condition of the people of this country, as regards the employment of the rising generation? I have perhaps thought more than a great many, and I have felt very much about it. I am quite of opinion—although it is of no use mentioning the matter here, as most of you know my ideas on the subject of encouraging manufactures—
448. Do you think there is a great want of employment for the youth of the country? I do. I am almost tormented out of my life by boys coming of their own accord, without their parents, begging me to take them apprentices; but we can only take a certain number. My impression as regards boys is, that it is of no use giving them an education up to twelve or fourteen years of age, without we are in a position, as a country, to take hold of those boys and teach them some business. It is a fine thing for a country to have manufactures to fall back upon, for as soon as a lad is taken into a manufactory he is under proper surveillance, and begins to feel himself, because he knows he is learning to be a mechanic and a man. I think between the ages of fourteen and twenty-one is the making or the losing of a man, independently of any education that may be given him previously.
449. You think there is a desire among the young people of this Colony to learn trades if they had opportunities? Yes, a very great desire. I have had apprentices who have turned out very fine young men, who are working for me now; some are married and have got families.
450. It is not only among the children of the labouring class that want of employment is felt, but among the children of the upper classes—there is no employment for them? Yes.
451. If there were manufactories, people in good circumstances would send their children to them to learn various occupations? I have been offered premiums by very respectable people, to take their sons as apprentices, but we can only take a limited number.
452. Do you think there are as many persons learning trades as there were when you first came to the Colony? I do not think there are so many in our trade, nor indeed in other trades.
453. You say you have noticed a large number of children in the streets in apparent vagrancy? Yes.
454. They are to be seen in all parts of the city? Yes.
455. From your evidence we are to infer, that these unfortunate circumstances of the children are in a great measure to be attributed to the want of suitable employment? I am quite satisfied of it. I have gone into a new branch in bootmaking, and am making boots by machinery, with rivet-work, and I have three or four lads who are making children's boots beautifully. That is a description of boot we never could get made here by men, as it does not pay them; but by introducing this rivet-work I can employ boys, and I anticipate to be able to do a large business, and thus be able to employ a large number of boys.
456. Do you think, as legislators, we should keep in view the desirability of finding employment for, and developing the mental resources of, the rising generation? Yes, I quite think that; that is to be done by a tariff.
457. You are in favour of a tariff? Yes, decidedly; nothing else will do, particularly in a young country. It has been the way that all countries have been made, according to all my reading and the experience I have had. A well-regulated tariff is the best thing for making a country. I must admit that it is rather a troublesome thing to go into by our legislators—free trade is much easier.
458. You say the manufacture of leather generally is a suitable employment for young people? Yes; we can employ them in a variety of ways in the manufacture of leather, and in making it up into various articles.
- 459.

459. Have you any objection to inform the Committee the rate of wages you pay to your people? I pay labourers from £2 to £2 10s. a week; mechanics (some work by the week and some by piece), they average from £2 10s. to £3 10s. There are a great many of our mechanics who work by piece; for instance, all bootmakers, saddlers, harnessmakers, and carriers.

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460. Having been engaged many years in manufactures, do you think, taking into consideration the increase of population, there are as many men employed in manufacturing now as there were fifteen or twenty years ago? I do not.

461. Can you form an idea of the rate of wages the class of men you employ would receive in a factory in England? When I left England a man in a tanyard had only £1 a week, and a man who could work at the beam £1 or £1 1s. I am speaking now of the north of England, I never had much experience of the south; but wages are lower in the north than they are near London.

462. What do you consider a fair rate of interest per annum for the capital employed in your business? That is a thing I can hardly go into, it varies so much.

463. What do you think a fair remunerative rate of interest? In our business we have such a variety of articles.

464. Taking the factory generally? I think we ought not to have less than 25 or 30 per cent. Do you mean profit to cover losses?

465. Clear net profit? I should be very glad if I could get it. I think I ought to have 15 or 20 per cent. at any rate, because there is great risk in manufacturing.

466. What do you think manufacturers in England consider a fair profit? I could hardly tell you that—they used to calculate about 25 per cent., but that was to cover losses.

467. The same as you have given? That is the only way you can calculate it. That is the way we generally go into it; we say so much per cent. profit to cover the risk of bad debts.

468. What is the difference in the value of the raw material in England and New South Wales? I should think latterly the difference has been about 20 per cent.

469. Twenty per cent. cheaper in New South Wales? It is cheaper here, generally, in our line, but latterly it has been dearer. I have been losing money on the hides I have been shipping to England. There is one thing I would like to mention as regards that—we import so largely into this country that a great deal of money has to be remitted Home. People, with the idea of saving the rate of exchange, buy the raw material to ship to England, and this causes us to give more for the raw material than we otherwise should. Certainly that is doing the country good. We have been giving more for the raw material lately than we have been getting from England; I have lost thousands of pounds shipping wool and hides.

470. Can you give the Committee the relative value of the raw material employed in the articles you manufacture, the cost of the labour employed, and the cost of other matters,—as waste, interest of money, &c.;—take £100 worth of goods manufactured by you, and state the proportionate cost of these several items? The question is not sufficiently definite, as our manufacture embraces so many articles, some of which yield four times as much profit as others. On the whole, I could not answer this question, as it stands, in such a manner as to convey any direct information; besides which, it refers too much to the secrets of trade.

471. Supposing a parcel of goods to cost you for their manufacture £100,—say boots and shoes, saddlery, or leather,—how much would it cost the manufacturer in England to produce the same quantity and quality of goods? I could not tell you that; the only thing we can go by is this: If we import—and I import largely myself—how much would those goods be charged in England?

472. You import and you also manufacture;—what would a parcel of goods that would cost you £100 to manufacture in this country, cost you to import them? That would depend upon the kind of article.

473. I ask the question generally For instance, boots and shoes; we import them very cheaply.

474. What would be the difference? If a house here has a branch house in England, to save commissions, it can import the lighter articles of boots and shoes for 5 or 6 per cent.

475. I am speaking of the cost of importation from the manufacturer until they arrive at the store here, with the original cost? That is a question I cannot answer; you would have to take one particular article, as there is a great difference in the expense of importing different articles.

476. Take any articles—say £100 worth of boots and shoes, or of saddles;—suppose it cost you £100 to make thirty saddles in New South Wales,—what would the same number and the same description of goods cost you if imported from England? If they were to make the same description of goods the difference would not be great.

477. What would the difference be between the importer and the manufacturer? I should say 10 per cent.

478. Suppose a duty were placed upon goods, what amount of duty would put you in a fair position to come in competition with the importer? I calculate from 10 to 20 per cent. would give us a fair chance of competing with the commoner description of articles, because I think it is nonsense to attempt to make the very fine quality of goods yet; it would be the means of giving us a very large quantity of goods to make here which we hardly make at all at present. It is where there is a large amount of labour required in the production of an article that England has the advantage over us. For instance, as regards leather—we take the raw hide and turn it into leather, and we can produce sole leather cheaper here than they can in England, because the raw material is generally lower in price here, and the amount of labour required in its production is small. It is an evident proof that we can

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produce it here more cheaply than in England, as there is none comes here; but if you take that sole and upper leather, and make it into boots and shoes, then they have a better chance of competing with us, because of the larger amount of labour required, and the higher price we have to pay for it. Then, again, in cart harness we use a large quantity of heavy leather, and the amount of labour employed in its manufacture is comparatively small, so that we can compete with the importer; but in the case of carriage harness, where the material is light, and the amount of labour considerable, we have no chance of competing with the importer. If a gentleman comes to me for carriage harness, I advise him to purchase imported harness.

479. Then, at the present time, you can compete with England in rough work, where only a small amount of labour is required? Yes, if they would send out the same quality of goods that we make.

480. That is because you have the raw material cheaper, which makes up for the greater price of labour? Yes, we have both the hide and bark cheaper; the bark is not more than half the cost here that it is in England. In labour they have the advantage of us, and they have also superior machinery. If we were to introduce improved machinery here, it would cost money, and we should still have to pay higher wages for working that machinery, so that they would still have the advantage.

481. There are persons in England and America who consign largely to this Colony without having any perfect knowledge as to its supply and demand? Yes, that is another view to take of the matter. The principal thing we want to be protected against is this: If the Legislature could devise anything to stop these gluts in the market, we, as manufacturers, would have a better chance of competing with the English and American manufacturers, but no one can compete with a glut of goods. Persons in England, and in other parts of the world, on speculation, ship a quantity of goods; they then go to the banks, get large advances upon them, they are then sent out to this Colony, and when they come here they must be sold at any sacrifice, and there is a glut in the market. My notion is, that to put a stop to this we should have a duty of from 10 to 20 per cent. upon these goods, not to be bonded but the duty to be paid in cash on landing. If the importation were to be left in the hands of the colonial merchants, as it used to be at one time here, in the event of a glut they would hold the goods and ease off their orders to England.

482. The merchant could do that, but the manufacturer could scarcely do it when he has to keep a large number of men employed? No.

483. So that this unsteady market does more injury to the manufacturer than to the merchant? Yes.

484. For the whole of his means are directed to the production of one article, and he has to pay large sums for labour, and to keep a number of men employed? Yes, it is an awkward thing for a manufacturer to discharge his staff.

485. Is it not the fact, that a great many persons in England who are engaged in business, when they have an old stock that is out of fashion, pack it up, send it to such places as New South Wales, and draw large advances from the banks—care very little what price the goods realize when they get here? I think that has been the case often.

486. Do you think the consumer derives any benefit from these gluts;—is it not the case, when there is a glut and things fall below a fair paying price, that after the glut is over, the price rises as much above as it was before below the fair price? Very often it is so.

487. Then the consumer gains nothing by these gluts? Not in the long run; in fact, the consumer loses a great deal, because it injures business in all its different branches, and he suffers along with the rest. Business is always bad when people are selling at a loss.

488. Supposing you were to shut up your factory, could these persons whom you employ get employment elsewhere—are they suitable for other work? Yes, a great many of them are labouring men, and they could go as shepherds or get work in the bush.

489. Boot and shoemakers, tanners, and curriers—are they suitable for any other employment? They might be suitable for looking after a few sheep, or doing labouring work—they are strong enough.

490. You say you have employed 190, and that you now have 160,—what has become of the other thirty? A great many of the boot and shoemakers have sat down and got little jobs on their own account, or work for shops, but they can hardly make a living of it, there is not enough of that for them to do. A man who had formerly been in my employ came to me and wished me to take him on again; he had been trying to make up for the shops, but he said he could hardly earn a living, and would rather work as a journeyman.

491. You say about £300,000 worth of boots and shoes are imported into this Colony annually? Yes.

492. And the labour which could manufacture these boots and shoes is now unemployed? A great deal of the labour now unemployed in the Colony would be employed, but it would be foolish to suppose that we could at once make all the boots and shoes required; it would take years before we could do that. The principal thing required is to hold out an inducement to the capitalist to enter into these manufactures; he would, in the first instance, engage in the rougher sorts of work; he would then gradually teach lads the trade, get men from England, and eventually, in the course of years, we might be able to make all the boots and shoes required here, but it would be a long time first.

493. Is it not the fact, that before 1843 and 1844, the whole of the boots and shoes used in the Colony were manufactured here? There were more manufactured here then than now, comparatively.

494. If the number then in the Colony were capable of manufacturing for their own consumption, why can they not do so now? At that time we could compete better with the English market, for wages were much lower. I had, at the time you speak of, labouring

men

men working for me at £1 a week, and mechanics were paid proportionately. At that time we were selling kip bluchers at 4s. and 5s. a pair; so that the English market was completely shut out. That was owing to the general depression.

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495. The question I asked you was, if the parties who were in the country eighteen or nineteen years ago were able to manufacture for their own consumption then, can you see any reason why they should not be able to manufacture so as to meet the consumption now, if boys were apprenticed to learn the trade as they were formerly? Certainly they ought to be able, if you gave them time.

496. From your experience, you say boys are very desirous to learn the trade? Yes, I can get plenty of lads—hundreds of them. I should not like to put an advertisement in the paper for them to-night.

497. Why? I would have my place swarming with them to-morrow.

498. I have heard it asserted, in many places, that boys in the city of Sydney will not be bound to learn trades? All I have come across seem very anxious to learn a trade. We have turned out from twenty to thirty apprentices since we have been in business, of whom many are now employed in the establishment as journeymen.

499. I think you say you have now thirty apprentices? Yes.

500. And parties who take work out of doors also have apprentices? Yes, either members of their own families, or lads under them whom they teach the trade. If any encouragement were given to men to go into business largely, they would then take lads as apprentices, and thus the number of persons who would be competent to perform the business would largely increase.

501. If there were encouragement given to manufacturers in the country, no doubt the whole of the rising generation could be fully employed? I think as new manufactories were established, it would be the means of employing a number of other trades; for instance, masons and others in the building trade, engineers, and others. It would also cause a large demand for clerical labour, for manufacturers require many clerks to look after the business.

502. They would give employment to the general public? Yes; clerks and educated men would not be tied up as they are at present to Government offices and merchants' offices, but would be able to get other employment, where, I think, they would be better paid than they are now.

503. *By Mr. Forster*: You are in favour of a protective tariff? I am for this country, and for all new countries.

504. You call this a new country? Yes, a young country.

505. Do you consider a young country and a new country to be identical? I think so.

506. What do you mean by a young country? One newly established or found out or explored.

507. Do you found it upon the fact of the land being new? Newly populated.

508. Newly taken up? Yes, by the English, or any other European nation.

509. Do you think in that way there is any analogy at all between this country and a new country, in the sense of a savage country, such as England was in the time of the ancient Romans and Saxons? You are going too far back now.

510. You are using phrases I do not quite understand, and I want to know what you mean by a young country? We will call it a young manufacturing country.

511. A young manufacturing country—what do you mean by that? I understood this was a Committee appointed to inquire into the state of manufactures in this Colony, and the best means of encouraging them, and I am not prepared to enter into an argument of this kind.

512. Did you not, when you spoke of this as a young country, say that no country had ever got on without tariffs? Yes, I think so.

513. Do you not infer an analogy between this and other countries which were young in quite another sense? I compared this country with England.

514. Do you call England a new country? No.

515. Do you mean that England became great by her tariff? Yes, in manufactures.

516. Then you mean to say, that when she was a young country, tariffs were established and made her great? I think so.

517. Do you mean that England was a young country in the same sense that this is a young country at this time? No, perhaps not.

518. Is the comparison at all capable of being sustained;—England, you say, was young, but in a very different sense from which this is young? Yes, but it is known that England established her manufactures by a protective tariff.

519. She established manufactures? Yes, by a protective tariff. But I did not come here to argue as to protection or free trade; if I had thought I should have had to do that, I would have come here better prepared for it, for we might go on with the argument to the end of the week, and neither of us be able to satisfy the other. I do not think I should be able to satisfy you, if you are a free trader, that protection is right; and I do not think you would be able to satisfy me that free trade is right.

520. Do you not think your own views are reasonable? I think they are.

521. Do you not think, if they are reasonable, that they are capable of impressing themselves on the reason of other people? Yes, but still there are times and places for these things to be argued, and I had no idea that it was to be done in this Committee room.

522. I suppose you came here to —? I came here to give what information I could as to manufactures, but not to enter into an argument.

523. I am in the hands of the Chairman; if I put any questions that are improper, the Chairman will correct me. I only want an answer to my question. You used a term I did not think a very fortunate one, and on my asking you to define it, it appears you mean a different

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different thing from what I do? I know there is a great difference between this country and such a country as England for age, as regards being civilized.

524. If I understood you rightly, you stated as a fact, that the manufactures of this country have declined for some time? I did not state it as a fact, but I said I thought so.

525. I want to know what is the cause to which you attribute it—that is, if you feel able to attribute it to any cause? I think it is in consequence of goods being sent here so cheaply from other parts of the world, and having labour so dear here we are not able to compete with them.

526. Then, in fact, the decline of manufactures you attribute to the high price of labour? Yes, to a great extent.

527. You do not attribute it to any alteration of the tariff? No, certainly not, but I would look to an alteration of the tariff to revive manufactures again. I think it is the only thing to revive manufactures. My idea is, that in a new country—we will call it a new country, or a young country—a working man has no right to be brought 16,000 miles from Home, to get the same or a smaller amount for his labour. I think he ought to get more, or he had better stay at Home. We want, then, to alter the tariff (according to my notion, which may not be right), to bring the wages of the working classes in England up to ours, so that our manufacturers may have a chance of competing with the English or American manufacturer.

528. Then your object in establishing a protective tariff is to raise the price of labour in England? No, merely to strike the difference; for instance, if we wanted 20 per cent. upon an article, to bring us on a level to compete with the English manufacturer we ought to have that imposed as an import duty; if only 5 per cent., then we ought to have that.

529. What good do you anticipate will arise out of this levelling of wages? The increasing of the investment of capital with the employment of labour—the capital and labour must go hand in hand with each other.

530. Will not high profits increase the investment of capital anywhere? Yes but where do we get it?

531. Is there no capital invested in this country in anything? Yes, high profits increase the investment of capital; but sometimes profits though large may be uncertain, and when a man sinks fifty, sixty, or a hundred thousand pounds in an undertaking he wants to have something certain, and to feel that he will be paid interest for his outlay.

532. I do not understand the object you have in view, for you say the decline of manufactures is owing to high wages and to competition—to these two causes combined;—you do not want to lower wages, do you? No.

533. Do you want to do away with competition? No; I do not want to lower wages at present.

534. What is your object? To be able to compete with the English market.

535. That is to say, that in order to enable you to compete with the English market, you want the public to pay you the difference between what you do get and what you think you ought to get? The principal thing we want is a regulated tariff, to put a stop to these extraordinary gluts of goods that come from other parts of the world.

536. These extraordinary gluts? Yes.

537. You propose, by a preventive tariff, to prevent gluts? Yes. I do not want to lower wages to the level of those received by the starving population of England.

538. You would not like to lower them at all, I think I understood you? In some cases we would.

539. If one of the causes of the decline of manufactures is the high rate of wages, the way to restore them is to lower wages? What would be the use?—I do not think the people could live.

540. Do you mean that they cannot live upon lower wages than they at present get? Yes, many could not.

541. What do you mean by calling wages high, if those who receive them cannot live upon less? I mean as compared with England.

542. You say wages are high, and yet you say people can barely live upon them, that is a curious definition? You misunderstand me altogether; I say if we were to lower wages any more, in a great many cases people could not live; for instance, if the wages of a labouring man were reduced below £2 a week, how do you think he could live?—Boot and shoe makers are not, generally speaking, earning more than 35s. a week, and if their wages were lower how could they live?

543. You say you consider men can barely live upon their present wages? Yes, I think so.

544. In that case would you consider the wages high? I do not think they are very high wages.

545. You said you consider the decline of manufactures was owing to the high rate of wages? To gluts principally.

546. Do I understand you to abandon what you said about high wages—you do not think they are high? In some cases they are.

547. If they are high ought they not to be lowered? No, they ought not to be lowered; I wish the tariff to strike the difference, so that we might be able to go into the production of many things which we do not produce here at present.

548. You would not advocate immigration? Yes, I would.

549. Would not immigration lower the rate of wages? It might, but I think it would increase the total amount paid for wages, as there would then be plenty of work to be done.

550. You would not advocate the payment of the people's money for immigration? No, for people would find their way where good wages were to be had, if there were plenty of employment for them. For three years before I determined to come out here I was thinking

over

- over the matter. As a working man I knew there were good wages paid out here, but a mechanic looks at the matter in this way: Supposing he gets work in Sydney, he will receive good wages, but if he should be thrown out of employment after he gets there, where else is he to look for it? The mechanic in England likes to have something to fall back upon.
551. I presume the rate of wages would determine the mechanic in such a case—if he had a very high offer made to him he would go anywhere? If they were certain, or if he were engaged for three years. I have brought men out myself, but they would not come out without my entering into an engagement for that time. If I had said, "I will give you work," without specifying a time, they would not have come out.
552. Because they could not depend upon their engagement as certain, they would think, according to the old adage, "A bird in the hand is worth two in the bush"? Yes.
553. Your object in establishing protection, you say, would be principally directed against those gluts that occur in the market? Yes, I do not go to that extent with regard to protection that you imagine.
554. I do not accuse you—I only want to know what it is you aim at? All I aim at is the encouragement of manufactures, industry, and the bringing out of the resources of the Colony; and this is a plan which I think would encourage these things.
555. These gluts, you say, are injurious both to the manufacturer and to the consumer? Yes.
556. How do you arrive at the conclusion that these gluts are caused by a particular state of the tariff? I do not say that; I merely say it is my opinion that if we had a duty of 10 or 20 per cent. upon goods coming into the harbour, it would have a tendency to put a stop to this rash speculation on the other side.
557. Would there be no other way of preventing this? I do not know any other way. There is another way—if we could bring wages here to the same level as in England, and had the same machinery, we could then put a stop to it.
558. I think you said that you did not advocate a reduction of wages? I do not say I do, but that is the only other way.
559. One of the objects of this protective tariff would be to prevent these gluts in the market? Yes.
560. Has it never struck you that these gluts have been more frequent since the gold discovery than before? I think they have, although in 1842 and 1843 there were gluts.
561. Is it not, after all, one of those evils which prevails, generally, under our commercial system all over the world—this evil of gluts and uncertain markets? It is, where there is nothing to check it.
562. Do you not find that exists everywhere, under all tariffs, and even without tariffs? I dare say it does.
563. Does it not, then, arise from our system of competition, without reference to protective tariffs? Sometimes there are panics in trade that we cannot help.
564. Is not this an inevitable state of things in a gold country, so far as we can see at present? There is a great tendency to it, no doubt, in a gold country.
565. The production of gold itself being uncertain, must it not produce an uncertainty in the state of the market? The production of gold has this effect, that we do not relieve ourselves of a glut so soon as we did in 1842 and 1843. The way we relieved ourselves then was by wages coming down to a very low ebb.
566. Wages are now kept up by the gold diggings? Yes; I remember when masons were working for half-a-crown a day.
567. How did they manage to live then? I do not know—they only existed; but beef was 1d. a pound, and bread was very low at the same time; all these things have changed since the gold discovery, so that there is more need for an alteration in the tariff now than there was then; in fact, we never used to think about it then. Then, again, the apportioning of assigned servants was a protection to the manufactures of the Colony, for employers could get the labour of these men for a few rations.
568. I should like you to explain in what way you come to the conclusion that the gluts you speak of, which you have shown to be connected with the gold discovery, and also connected with our commercial system generally, would be prevented by fixing a tariff at from 10 to 20 per cent.? Because I think rash speculators in other parts of the world would not be able to get so large an advance upon their goods.
569. The price would not tempt them so much? They would know that this 10 or 20 per cent. would have to be prepaid.
570. Would it not have the effect of stopping English goods from coming here? Yes.
571. Then your object is to prevent the importation of English goods? No, to leave the importation of English goods to our own merchants, who know the wants of the Colony. It is the legitimate business of the merchant to study the wants of the country he is in, and to import accordingly. If that system were adopted here trade would go on more regularly, and every man would be able to make a fair and reasonable profit. Sometimes the place might be glutted by several merchants importing the same goods; but in that case they would have to hold their goods two or three months, till the market eased itself off.
572. You think a tariff would prevent goods being sent out on speculation? I think it would, in part.
573. Do you think people would send goods without they could get a profit upon them? Not without the expectation of profit; but there are many people who make wild speculations, who deceive parties, and get large advances upon their goods. Sometimes these goods happen to meet a good market, and sometimes they are a great loss to the importer.
574. You say these gluts do not do much good to the consumer in the long run? No, because they injure business here in the long run.

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575. In fixing a tariff, you would not propose to stop importation altogether? No.
576. You intend to leave a certain margin of profit to the importer? Yes; I am more opposed to prohibition than I am to free trade.
577. You would allow a certain margin of profit? Yes, as much as they could get.
578. If you put a protective duty on, that would be so much against the profit? The consumer would pay that.
579. If you raised the tariff to a certain height you would stop importation altogether, but your object would be to leave a margin that would still tempt the importer? Yes. I wish to have a tariff here that will put the manufacturer and workmen to compete with the manufacturer on the other side with the same description of goods.
580. You propose 10 or 20 per cent.—I presume you fix that from your own experience? Yes; we calculate the expense of importation and the original cost, and then we strike the difference.
581. You would settle this tariff by the votes of persons interested in manufactures in this country—you would not consult importers as to the amount to be laid on? In England, certainly not; we have no right to legislate for England.
582. You propose to legislate for the manufacturers of this country, for their benefit? Yes.
583. But the consumers, the people who buy these articles, if they were consulted, would they not think it desirable to get them as cheap as possible? I think it would be to their benefit; for if we could find employment for everyone in the country, even supposing they had to pay a little extra for the few things they were using, they would be better able to pay it from being constantly in employment.
584. What would be the effect upon the man whose capital was engaged in a different trade from manufacture,—would not his profit be diminished in so far as he would have to pay more for the articles consumed by him? He would make it up in other ways.
585. In what way—supposing he were engaged in raising an exportable production, the price of that would not be altered in any way? Suppose we were to manufacture our own woollen goods, I think it would have a tendency to increase the price of wool.
586. Do you think it would affect the foreign price? I do not think it would affect the foreign price, but the local price.
587. Does the foreign price affect the local price? Yes, in some degree; for instance, if I see a lot of good hides I may perhaps pay more than the seller would realize if he sent them Home.
588. If I am shipping hides, and you do not give me a good price, I may send them Home to get a better? Yes; but you must recollect that the production of leather here requires no protection.
589. How is that? Because it is such a small remove from the raw material, so that I can afford to give more for the hides than the English manufacturer can.
590. Do you not want to encourage all manufactures? Yes, I would encourage every one.
591. But you have not explained how you would make it up to the producer, the man who produces wool, I will say, or tallow,—is it not clear that his profit is diminished by the amount he has to pay to you for the increased price of the manufactured article? He certainly loses to a certain extent.
592. How do you make it up to him? By giving him a superior article.
593. Is he not the best judge of what is superior,—supposing he thinks the English article is superior, would you compel him to purchase the colonial at a higher price? No, he still has his option, he can buy English goods.
594. If your tariff shuts out English goods he must buy colonial, whether good or bad? I do not want to shut out English goods.
595. I do not know how the rate is to be fixed, if it is to be left entirely at the option of the manufacturer? No, we are asking the Legislature to do that.
596. You fix yourself what the rate of tariff ought to be, you will not allow the producers to have a voice, for the producers, if you ask them, will say they do not want anything? I say they do.
597. How is the question to be settled—is the opinion of the manufacturers to be taken in opposition to all the rest of the people who employ manufacturers? I do not say it is.
598. Have you ever calculated what is the proportion of manufacturers and persons employed by them, in comparison with the rest of the community? The proportion is very small now, but we have an idea that they would increase wonderfully.
599. Suppose there were to be any increase you like, they would still be a small proportion? By the alteration of the tariff my idea is that new manufactories would be encouraged to start, and eventually, in the course of a few years, we should be able to produce a better and cheaper article for the raw producer than he gets now.
600. What do you mean by a cheaper article—an article that costs less? That costs less.
601. Including the tariff? In ten or twenty years we might be able to do without the tariff.
602. If you make your article cheaper—? We cannot at present, because our business is not on a sufficiently large scale. If you tell a man to make a single table he will have a large price; but if there is a large establishment engaged exclusively in the making of tables, they will be produced at a much lower price; and if manufactures were encouraged here and manufacturers had some certainty, there would be a greater division of labour, and many improvements would be introduced.
603. Could not that all be effected by the possession of capital—is it not effected by the possession of capital? In other countries it is, because manufactories are established, but it is not so here; people who have capital here will not risk it in things of that sort. When they can go upon stations, buy shares in banks, and various other things, they are satisfied with smaller profits.
604. If people are satisfied with smaller profits, and the rate of wages would not be lowered, what end do you propose—? My end is to bring out the resources of the Colony, and to make use of the raw material.
- 605.

605. Do we not bring out the resources of the Colony by producing the raw material? Yes. Another grand object is to make use of the lads and young men of the Colony, and not to bring them up as vagabonds, which many of them, I am sorry to say, are about our streets.
606. Then, if I understand you, you are coming to another point;—you first of all propose to encourage manufactures—you have not pointed out exactly what sort of selection you would make with regard to them,—for although you say you would encourage all, you would not, I presume, encourage the manufacture of articles we do not make here at all? No.
607. How would you make your selection? We would first begin with plain things, and gradually pass to the manufacture of the superior class of articles, as they have done in England; one thing would lead on to another.
608. Do you think the general interests of the community are benefited because a good article is made in this Colony in preference to its being made in England,—is not the great object to get the thing well made? Yes.
609. Then if it is better made in England, and is sold here at as cheap or at a cheaper rate than it would be if made in the Colony, what does it matter to the consumer where it is made? Certainly, it is a very selfish and immoral view to take of it; if you only make it a pounds shillings and pence affair, perhaps it is better to get all the goods we can from England; but I am taking another view of it.
610. Is it not a selfish view for the manufacturer to take, if he wants his particular manufacture to be encouraged at the expense of a much larger class of consumers? A large class of those consumers are the very persons who would get employment from his manufactures.
611. Does not the production of the raw material employ people? Not so much as we would employ other people.
612. Do you mean to say that, under the system you propose, manufacturers, or the manufacturing class generally, would outnumber all the other part of the population, consumers and all? I do not say so.
613. Is it not clear, then, that it is a class interest? No, it would be the means of encouraging agriculture, because it would bring customers for the produce into the country.
614. Suppose they were getting customers for their produce in other countries, or at better prices? But they cannot.
615. Then they can go to something else? What can they go to?
616. You talk of the necessity or advantage of encouraging manufactures, and you say a pounds shillings and pence view is a selfish view to take of the matter—we will admit that—but do you think the interest of the manufacturer is to be considered in preference to that of the consumer? I never said that.
617. I do not see what grounds you advance why the consumer and producer ought not to be consulted in the matter; and if you ask any consumer or producer whether he would prefer paying 10s. or £1 for a pair of boots, he will prefer giving 10s.? It is a matter of doubt whether he would. If you could prove to him that by paying 20s. he would get double the amount of work and constant employment, he would rather give 20s. than 10s.
618. That is with regard to the working classes? Yes, and as regards all other kinds of business. When there is plenty of employment everyone in the Colony is doing well.
619. Is it the want of employment you desire to remedy—is there any great want of employment? A great many are out of employment.
620. How comes it that a great many are out of employment if wages are so high? Wages are not so very high.
621. Is there no moral cause—is it no fault of the men—that they will not take employment? It may be in some cases, or in a great many, but generally speaking it is not their fault. I know many mechanics who are forced to go to the diggings, who would never think of it if they could get employment at their own particular trade.
622. What matter whether they go to the diggings or to any other kind of labour, so long as they get employment? They have only partial employment at the diggings—it is very uncertain; but what are they to do?—They must go there.
623. You think the effect of an alteration of the tariff would be to provide more constant employment for mechanics? I think it would give more varied means of employment.
624. After all, would not your system operate in a very narrow circle as compared with the population—take manufacturers, men employed in manufactures in a direct way,—is not their number very small in proportion to the large number of labouring men employed at the gold diggings, and in various other ways as producers? It is at present.
625. Admitting any kind of beneficial result you may look for from your proposed alteration in the tariff, must not the number of those engaged in manufactures be much smaller than of those who are not so employed? I dare say it would be.
626. Then if you legislate for the benefit of those who are employed in manufactures, you legislate for a small class in comparison with the great mass of the people? My impression is that you benefit all.
627. I should like to know how you prove that? A great many mechanics now come into competition with the labouring class.
628. Did you not begin by saying that wages were high? So they are, for this particular class. When I say wages are high, I mean as compared with those paid in England and in other parts of the world.
629. You do not consider that wages are too low now? There are some men, I dare say, have as much as they can do to keep their families.
630. To take the case of a man with a large family is not a fair means of testing the rate of wages—men with large families must have greater difficulty to live than men with none? I have seen men with large families better off than men with none.
631. I suppose a good wife makes some difference to a man? Yes.

W. M.
Alderson, Esq.
22 Oct., 1862.

FRIDAY, 24 OCTOBER, 1862.

Present:—

MR. DALGLEISH, | MR. LUCAS,
MR. STEWART.

JOHN LUCAS, ESQ., IN THE CHAIR.

Enoch William Rudder, Esq., called in and examined:—

E. W. Rudder, Esq.
24 Oct., 1862.

632. *By the Chairman:* Having heard that you have given some attention to the preparation of colonial dyes, the Committee have requested you to attend, and you will oblige them by giving any information you may possess on the subject. Have you been engaged in manufactures in this country? I have only been engaged in the construction of a machine for the amalgamation of gold.

633. Have you been engaged in manufactures in England? Yes, I was so engaged for fourteen years.

634. In what kind of manufacture? In brass-founding. I had some little to do with the construction of machinery.

635. Have you given your attention to brass-founding in this Colony? Not at all.

636. You have given some attention to colonial dyes, have you not? I have.

637. What description of dyes have you discovered? The dyes of this Colony we may divide into insect, mineral, and vegetable. The insect, so far as my observation goes, is a species of cochineal. The mineral dyes are applicable both to the diffusion of colour through metallic or earthy substances, such as glass and earthenware, and also to linen, silk, and woollen fabrics. These are comprehended under the minerals cobalt, manganese, chrome, and a mineral of my own discovery, of which the precise properties have not yet been determined; it is before the Mint at the present moment; I have tested it myself, and, so far as I know, it is an entirely new product. Vegetable dyes: Under these I class the gums, including bloodwood, ironbark, grey gum, and turpentine, yellow cedar, fastic, a yellow wood of the Labernamontana species; logwood has also been discovered and brought to Sydney.

638. Where has it been discovered? In the interior, and brought to Sydney. There are some others equally valuable, but I cannot give either the botanical or bush names. One of these yields a bright yellow, and others various shades of red. Some of these are, I believe, very nearly approaching in their value to some of the Brazil. I would also mention the phytolacca and the indigo. Two of the minerals I have named are useful as pigments—the chrome and this new mineral; the latter would also be useful as a good water-colour, it is equal to a London water-colour of the same description. Then we have all the mordants used, such as iron, tin, antimony, soda, &c. All these are procurable in the Colony. I have produced from the various substances I have mentioned about 335 different tints, besides some distinct and primitive colours that belong to the products themselves. I wish to draw the particular attention of the Committee to cobalt, as being of high commercial value for the purpose of colouring glass, porcelain, and the finer class of ornamental works of that description. Manganese is also used in the manufacture of glass and the production of oxygen gas; the chrome also is exceedingly useful. Perhaps it is not a matter of inquiry at the present time as to any other properties that attach to these products.

639. The Committee will be happy to receive any information respecting their properties? I would call attention particularly to the qualities of the bloodwood gum; it is highly medicinal; in cases of diarrhoea it is an exceedingly useful medicine, and is a styptic. That is independent of its dyeing properties, but it is very useful as a dye. I have had occasion to test the quality of bloodwood gum as a medicine, both here and abroad, and I understand that, at the present moment, in the East Indies, it is considered the best specific they have ever met with for diarrhoea. Ironbark gum will make a very fine varnish. The phytolacca is useful also in medicine; the root of it produces a species of ipecacuanha; in some respects it stands higher in the pharmacopœia than ipecacuanha itself. It is useful also as an esculent. With regard to one of the trees that produces a very fine yellow dye, it appears also to be well worth examination as to its medical qualities; I have very little doubt that it possesses considerable value.

640. What sort of tree is it? A large tree—a brush tree; it grows about eight or ten miles from the sea coast.

641. *By Mr. Stewart:* In what district? It is not confined to our district; I think it will be found to extend further.

642. *By the Chairman:* When you speak of “our district,” what district do you allude to? The Macleay.

643. Will you state what is the cost of the production of these dyes? That must be considered, at present, as merely nominal. Of course their value will depend very much upon the facility of export. Now, all those I have mentioned to you are capable of being shipped at once; they are all contiguous to water, and are available for market at any time, without any considerable cost in the carriage. I would observe, that all I have mentioned produce permanent, fixed dyes. None that I have mentioned, and none that I will show, but have been submitted to a test. Will it be deviating too much from the object of the Committee to mention anything with regard to vegetable fibre?

644. The Committee will be glad to receive information respecting any natural products of the Colony which may be used in manufacture? I would mention, then, that I believe the nettle-tree is capable of being made use of to very great advantage in the production of textile fabrics; the value of our kurrajong, also, has not been sufficiently appreciated—it makes

most

most beautiful cordage. We have too, indigenous to the country, flax. To return to the subject of dyes—I have brought with me a few specimens, to show what has been produced from them. (*The witness produced a number of specimens of silk, woollen, and other fabrics, dyed in various colours.*) There are none of these but have been submitted to the test of washing with soap and water, and a severe rubbing with the hand.

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645. What description of plant does the cochineal insect feed upon? As far as I have observed, it is found only on the nut-bush, which it covers very extensively without destroying the plant.

646. Are the plants numerous? It is an English plant, but if it were cultivated the bushes might be planted as closely as you pleased. The dyed wools I now produce have been subjected to various tests, both alkaline and acid. (*The witness produced several specimens of wools dyed blue and other colours.*) The blue wool remained steeped in acid the whole of last night.

647. *By Mr. Stewart:* Could the greater part of these dyes be supplied to the manufacturer at as low a rate as they could obtain them from England? From inquiries I have made, I believe they could be procured here much cheaper than they could at Home, to obtain the same colours; for instance the mauve colour, I have been informed that it has never been produced as a fast colour, on wool, in this Colony. According to the last price current from London, the price there stated for that colour was 25s. a pound.

648. And it could be produced here at much less? Yes.

649. I suppose the price would depend a great deal upon the demand; if the demand were increased it would be cheaper in proportion? Yes. What I have been exhibiting are merely the results of experiments as to colour, but how far the colouring matter would bear reducing I cannot tell.

650. You believe that generally they might be supplied to the manufacturer at as low a rate as they could if imported from England? Yes, I think, so far as I am able to learn, they could be supplied at a cheaper rate.

651. *By the Chairman:* Do you think it would pay to collect these dyes for exportation to England? I have no doubt of it. The yellow cedar, for instance, is easily procurable; indeed all that I have now mentioned are easily to be got at.

652. And they would pay to export? No doubt of it.

653. Of course, taking into consideration the cost of freight to England, they would extract the dyes from the wood, and send the extracts? I think not; it is not usual to do so. The dye might be extracted, but I do not think there would be any advantage in that; in fact, I think there would be a great disadvantage, as the wood contains a greater quantity of dyeing matter in less weight and less bulk than it would in a fluid state.

654. The dyes, specimens of which you have exhibited to the Committee, are all permanent? All permanent, so far as I have been able to test them yet. Some of them have been dyed since September last.

655. And some of them are of a very valuable description? They are.

656. Some of them of a similar character cost 25s. a pound in England you say? Yes.

657. They are to be procured here at much less? Yes.

658. Have you any idea how much less? I should say, at least, at half the cost.

659. That is, to use in the Colony? To use in the Colony.

660. I see, from memoranda on the envelopes containing some of these specimens, that they have been tested by Mr. Eldridge? Yes, one in particular has been submitted to a very severe test, first alkaline and then acid.

661. Some also have been tested by Messrs. Byrnes, of Parramatta, and have stood the test? They have. One of the specimens of blue has been submitted to all the processes they could possibly submit it to that was calculated to remove the colour—such as washing in soap and water, and so on. I understand that in dyeing in the wool, when submitted to the severe processes of milling, a portion of the dye is removed, and that, consequently, it is better to dye in the piece than in the wool.

662. Can you state how many specimens you have exhibited here to-day? 180.

663. You have tested the whole of these yourself? Yes; they have all been tested as severely, and, I believe, more severely than usual.

664. All with soap and water? Yes.

665. With hot water? No, cold water, but they have been severely rubbed between the hands.

666. Some have been tested with acids? Yes, the woollens.

667. Some of those you have produced here you had in a solution last night? Some of them—the blue colour.

668. How long have you been giving your attention to colonial dyes? Not more than about twelve months.

669. And you have succeeded in producing about 300 tints from colonial dyes merely—mineral, vegetable, and animal? I think I may say 400.

670. Do you think we can produce all the different known tints and colours from dyes in this Colony? That is my opinion; I do not think we have occasion to go out of the Colony for anything of the kind; we have all within ourselves.

671. That is to dye or colour glass, woollen, or silk? Decidedly. One of these specimens was exhibited in Paris, and approved, and I received a diploma of merit. Those in the book have been sent to the Exhibition of this year in London, with the gums, and there has been a medal awarded to me for them.

672. *By Mr. Dalgleish:* At what date did you receive the diploma of merit from Paris? I forget the date of the Paris Exhibition.

673. Then you must have turned your attention to this subject previous to the period you have mentioned? I simply sent the material to the Paris Exhibition; since that period I have given my attention to it.

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674. Then the subject of dyeing and of colonial woods is one of which you have had but little experience until within the last twelve months, although you had previously directed some attention to it? Yes; I may say that for years my attention has been drawn to the subject.
675. *By the Chairman*: How long have you been in the country? Since 1834.
676. Have you been living in the same district, the Clarence, ever since? Yes, on the Macleay, excepting about twelve months.
677. Have you had an opportunity of noticing the different trees in other districts of the country? Some few in the neighbourhood of Port Macquarie.
678. All in the northern district? All in the northern district.
679. *By Mr. Dalgleish*: Many of these dyes are dependent upon care in the production, I think? Yes, certainly.
680. For instance, what you call the insect dyes, the quantity that can be obtained will depend upon the abundance of the particular plant upon which the insect feeds? Upon the production of the plant.
681. Have you named that particular plant? It is the common English nut-bush.
682. Is this bush grown in abundance? It may be cultivated in any quantity. I have it simply as a plant in my garden.
683. You have cultivated it? It can be cultivated, but I have kept only a single bush.
684. Does this cochineal plant exist in the bush? No; I have found the insect only on the nut-bush, and it is very abundant upon it.
685. Then you think the mere cultivation of the nut-bush would ensure the presence and propagation of the insect? No doubt of it.
686. What is the species of the insect? I believe it to be of the same species as the cochineal.
687. Is it similar in appearance? Very similar; it is a variety of it I believe.
688. Have you formed an opinion of its value relatively to the imported cochineal? It is not of equal dyeing property to the imported, though I have had no full opportunity of testing it, as it is a dye which requires considerable knowledge as to the mode of treatment, and I may not have sufficient knowledge to test it properly.
689. Have the confectioners of the Colony tried it in any way? No, it has not been submitted to them in any way.
690. They use cochineal largely? Yes.
691. This is one of the most expensive dyes, I believe? No; cochineal is now, I think from 2s. 6d. to 5s. a pound. It was at one period very expensive, but is not now, as many other dyes have interfered with it, and the production is much larger.
692. The next you mentioned are the mineral dyes;—can you inform the Committee as to the abundance of these minerals, and the ease with which they may be obtained—are they of easy access, and of great abundance? Yes, all. With regard to chrome, it depends entirely upon the cost of transit. I discovered a vein of chromic iron, from which chrome is derived, on the Peel River, of immense magnitude. I suppose the first I met with was ten tons in a single block.
693. Of what value is this chrome in its native state? I believe in that state it is worth £16 a ton.
694. That would pay the expense of land transit, and leave a large margin for export? If it could be brought by return drays, at a reasonable cost, to Maitland, it would pay for export; but I believe it may be obtained much nearer to water carriage in various parts of the Colony.
695. You have mentioned cobalt—what is its value? From 5s. 6d. to 6s. per lb. for the metal contained, its value being regulated according to the per centage found in the ore.
696. Have you found an abundance of that? I have found some with indications of abundance.
697. What is the per centage of the cobalt in the ore? It varies in various tests that have been given. The Mint assay upon some that was submitted by Sir William Denison for examination produced 6 per cent. of cobalt—six pounds of cobalt to the hundred pounds.
698. What is the average per centage of cobalt obtained in other countries? It will pay well at 5 per cent.
699. This is a very large per centage? Yes, sufficiently so to be remunerative. The ore at present discovered is called earthy cobalt. There are several species, some that yield a very large per centage, the greater portion of the mineral being cobalt itself. We have not discovered that yet in this country; the only kind at present known here is the earthy cobalt, and I believe none have found that but myself.
700. That which you have discovered yourself, from the average per centage it yields, would be a source of wealth to the country? Yes.
701. And could be a source of constant employment? I have no doubt of it. This has not been sunk or mined into, and it will depend upon what may yet be the result of mining operations; but as far as external appearances go, I have reason to believe it is abundant.
702. With the imperfect means at your command you had no difficulty in finding large samples? No.
703. You mentioned manganese? It abounds in various parts of the Colony, and is also associated with earthy cobalt. In the earthy cobalt is a large per centage of manganese, amounting to as much as 22 per cent.
704. When these two substances are found in the same stratum are they easily separated from each other? It is a chemical process attended with some expense.
705. Have you a knowledge of this process? Not a perfect one.
706. From the imperfect knowledge you have, would it be a line of industry likely to yield a good remuneration to those employed in it? I think so; it would be a branch of manufacture at Home, where cobalt is used in the manufacture of smalt.
- 707.

707. You think it would be of value chiefly as a raw material? Yes.
708. Have you mentioned any other minerals of which I have not asked you the particulars? You have not asked me respecting the new mineral—that to which I have not given a name, and which is to be found in great abundance.
709. To that, as a dye, you attribute great value? Yes.
710. You mention chrome and this new mineral as of great value as pigments? Yes, this new mineral can be used as a black paint.
711. What tint of dye do you obtain from this new mineral? The yellow, and also brown.
712. Is the brown obtained by admixture? By admixture it yields a great variety of tints, and when manufactured into a pigment it is black.
713. You have spoken of vegetable dyes and gums—is it the gum of the wood of the bloodwood that is valuable? The gum.
714. The tree itself is valueless as a dye? Yes, so far as I know.
715. Is it the gum of the grey gum that is valuable? The grey gum is not its proper name—it is a mottled gum; it is the gum that is used.
716. Can this gum be extracted from the tree, or should the wood be prepared as logwood, in chips? The gum would have to be extracted from the tree at a certain time of the year, by making incisions in the bark.
717. So that that would be a useful pursuit for the settlers? I have no doubt that if incisions were made in the bark of these trees, at a proper period of the year, a considerable quantity of this gum might be collected, as the trees are very numerous.
718. The same process is followed in America with regard to the sugar maple? Yes.
719. Are the whole of these vegetable dyes obtained from the gums? No, both the wood and the gum of the turpentine tree yield the dye.
720. The yellow cedar—is it from the gum or the wood itself that the dye is obtained? From the whole of the timber.
721. Fustic? The whole of it.
722. Logwood? The whole of it.
723. Is fustic a common production? It grows abundantly here, but it is completely rooted up wherever the settler goes.
724. Does it attain a large growth—is it a shrub or tree? It is rather a clematis or climbing plant, from four to six inches in thickness. This would be used in chips as logwood, but would be sent Home in the log, as occupying less bulk.
725. Yellow cedar—in what quantity is that to be obtained? Considerable.
726. Is it also of easy access? Yes, to water.
727. To what size does it attain? It is a large tree.
728. Logwood? That I cannot speak of.
729. That is what you have only heard of? Yes, but from the best authority. I cannot doubt that it is to be obtained here, although I have not seen it myself.
730. Indigo? Is indigenous to the Colony, but whether it would answer to the same extent as the Indian I am not prepared to say.
731. *By the Chairman*: Does it not grow something like the spirea? No, it is more in the leaf like acacia; it has a beautiful purple flower.
732. How high does it grow from the ground? About four feet.
733. Is not the leaf of a bluish cast? Yes, a bluish green.
734. *By Mr. Dalgleish*: Phytolacca—is that a plant or tree? A plant.
735. Of what size? It depends altogether upon the richness of the soil. It grows from eighteen inches up to five, six, or ten feet.
736. Is it indigenous? I am inclined to think it is not; I believe it has been introduced into the Colony from South America; it has now become a troublesome weed.
737. To what family does it belong—what is its species? That I cannot give.
738. It is now very common? It is now very common.
739. Is the dye it yields very valuable? Very valuable.
740. What colour? Mauve and blue.
741. Is this dye obtained from the plant itself or the fruit? It is the production of the fruit of the plant.
742. The berry? Yes.
743. Is it the berry commonly called the dye berry? The berries grow in bunches on a stem.
744. You do not know the common name? Some call it "Parramatta weed."
745. It grows upon a very fibrous stem? Yes, and has a long broad leaf.
746. You spoke of the minerals cobalt and manganese as very valuable for colouring glass? Yes.
747. There are very few minerals that enter easily into combination with glass and give it a colour? Very few indeed.
748. So that, I suppose, they have a separate and individual value on that account? Yes.
749. What colours do they produce? A beautiful blue called "Queen's blue."
750. That is from cobalt? Yes.
751. Manganese? A sort of violet colour.
752. Have we the other requisites for the manufacture of glass in the Colony in great abundance? I believe we have, and kaolin in abundance, for the manufacture of porcelain.
753. Will the same substance answer for the colouring of earthenware as for glass? Yes.
754. So that the manufacture of glass, with these special advantages, might be carried on, you think, with benefit to the Colony? Yes, but that is merely a matter of pounds shillings and pence.
755. You have spoken of the gum of the bloodwood as being useful in medicine? Yes, decidedly so.

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756. Are you a medical man? I have had considerable experience, although I am not a medical man.
757. You have obtained your knowledge of the value of the gum as a medicine from actual experience? Yes.
758. Have you had the opportunity of learning the opinion of medical men as to the quality of this gum? Yes, it may be called gum pine.
759. Ironbark gum you have found useful as a varnish? Yes.
760. Have you tried that to any extent? I have tried it, but not to any extent; its properties I have no doubt about. I sent a specimen of the varnish to the Exhibition.
761. Can you state what is the cost of the manufacture of this varnish from ironbark gum as compared with other? I imagine it would be about equal; it dissolves readily in spirits of wine.
762. There is no special advantage in ironbark gum? No farther than that, as a home manufacture.
763. Is it a superior varnish? It is very good.
764. Does it give a harder surface when dry than other varnishes? The surface is quite hard.
765. It is not at all sticky or clammy when finished? Not at all.
766. You have mentioned that this phytolacca is also a vegetable for the table? Yes, it may be used very safely in the spring, when it is from a foot to eighteen inches from the ground, and snaps off readily like asparagus.
767. Before the strong fibre is formed in the plant? Yes.
768. In this condition it is palatable and wholesome? Quite so; we have used it in my family to some extent, finding we could not cultivate the cabbage for the insect now so fatal to its growth in the Colony, and we found it perfectly wholesome, as well as being very palatable.
769. Is there any peculiarity in the mode of preparing it? It is simply boiled in two waters, the first being thrown away.
770. It is very easy of propagation? There is no difficulty at all about it, it is very prolific.
771. You have mentioned the nettle tree—to what size does that attain? It grows to an altitude varying from 100 to 150 feet; its diameter varies from six inches to seven or eight feet.
772. What portion of the tree is valuable for its fibrous quality? The whole substance of the tree.
773. Not merely the bark? Not merely the bark; but the bark I have special reference to.
774. Is it a fine fibre? The bark yields a tolerably fine fibre, but not particularly so; but it may be made fine by passing through the manufacturing process.
775. Have you experimented on the fibre of the bark to any extent? I sent some Home to England, but I did not hear the result.
776. The value of vegetable productions that are fibrous in their nature depends upon the ease and rapidity with which the other matter can be separated from the fibre—have you reason to suppose that this can be quickly and easily separated? Very easily.
777. Are you aware whether the fibre of this nettle tree is used by the aborigines of the Colony for their purposes? They do use it.
778. What do they make from it? They chiefly use it as a sponge for dipping into honey and conveying it about; they do not use it as kurrajong, for their cords or nets.
779. I have observed the aborigines, in using what they call bull, from a wooden bowl, manufactured apparently from timber, and hollowed out,—into this receptacle they dip a piece of fibrous material, and then convey it to the mouth and suck it—is that the same thing? Yes.
780. It has the appearance of a bunch of thread tied to a stick—this is the material to which you allude? Yes. I would just mention that I believe the fibre of the nettle tree would be of advantage in the manufacture of paper, that is the fabric I have supposed it to be best suited for.
781. Is it very strong? It is not very long in its fibre, but tolerably strong; by concussion or blows it separates into fine particles, which would render it suitable for the production of the pulpy matter from which paper is made.
782. What description of plant is the kurrajong? It bears more the character of a shrub than of a tree; it is, I believe, a species of hibiscus.
783. Is the bark or the wood of the tree valuable? The bark.
784. What length is the fibre of the bark? You can run it off to almost any length you like.
785. This would be very valuable for rope or cord? I have seen excellent rope made from it.
786. Is the fibre fine? It is fine and silky.
787. Do the aborigines use it in any way? Yes, for their dillies and their nets.
788. Those nets are sometimes very fine? They are both fine and strong. I doubt if it could be made as fine as flax, although it is a very fine fibre.
789. Is it as fine as hemp? It is not quite so coarse as some of our hemp.
790. A fabric equal to linen could be made from it? I think so; I could not speak positively, but I think it is capable of reduction into as fine a fabric as is requisite.
791. Is there a large quantity of it to be obtained? I have no doubt, if it were thought worth while to cultivate it, it could be grown to a large extent.
792. Is the fibrous part of the bark easily separable from the vegetable? Very easily.
793. This would be another advantage? I think so. During the time that the late Major Sullivan

- Sullivan was commanding at Port Macquarie, he employed the prisoners in manufacturing rope from kurradjong, and I have seen of their manufacture very fine specimens of cord.
794. As an article to be used in the employment of prison labour, you think the bark of the kurradjong could be very usefully and economically employed? If there were a sufficient quantity. E. W.
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795. I understood you to say that it was easily obtainable? I think it is a plant easily propagated; it grows very rapidly indeed.
796. You have also spoken of flax—is the flax you have spoken of indigenous to the Colony? It is.
797. Is this a very prolific plant? I think not; but I think if it were cultivated here as in England the result would be equally satisfactory. It appears to grow best in moist situations.
798. In swamps? On the borders of swamps.
799. There are immense tracts in this country called swamp lands? Yes.
800. The borders of these are more particularly suitable to its production? It grows better in what may be termed intermediate land, not precisely swampy, but on the margin of swamps.
801. Is this particular land valuable for other farm purposes? No, it would not be saleable at all.
802. So that if it were utilized by the growth of this flax, that would be an additional source of wealth to this Colony? Yes, I imagine flax could be grown upon land where you could grow nothing else now to advantage.
803. Is this of the same nature as the flax of Britain? I see no difference at all between the plants. I have grown the English flax as a flower in my garden, and I could see no difference between the plant thus grown, from seed brought from England, and that which is a native of the Colony.
804. Have you seen the New Zealand flax? Yes.
805. Is there any difference between that and the English flax? They are different plants altogether.
806. This is not related to the New Zealand flax? Not at all.
807. It would be a great addition to the wealth of the Colony if this vegetable production were cultivated? Yes.
808. And would bring into use land that is at present valueless? Yes.
809. Have you examined the plant yourself with respect to its fibre? I can see no difference between the texture of the plant, or its external characteristics, and those of the English production.
810. Had you known that this plant had been indigenous, it would not have been necessary to have sent to England for seed? Yes, it would be necessary, because the cost of collecting the seed here would be greater than of getting it from England.
811. I think I have seen your name in connection with the production of gold in this Colony? Yes.
812. I think you claim to be one of the original discoverers of the gold fields of this Colony? Yes.
813. I think, in a pamphlet published by you, you lay claim to be one of the earliest discoverers of alluvial gold? I was the first to announce it to the Colony at all.
814. Your attention was called to it from having been engaged in the manufacture of machinery for separating or amalgamating gold? Yes, exactly.
815. Was the machine you made in the Colony at that time brought into extensive use? It was not; it was not found suitable to the kind of gold washing in this Colony.
816. As a branch of manufactures that would not tend to develop the resources of this Colony? I think not.
817. *By Mr. Stewart:* Can flax be produced without any considerable amount of labour? That is a question I am not prepared to answer, for I have never cultivated flax.
818. Then it would be a question whether the cultivation of flax would be as profitable as the procuring the dyes you have alluded to? Yes; it all depends upon the cheapness at which these articles could be procured, whether it would be profitable to undertake their cultivation.
819. You have stated that you have resided near Port Macquarie? Yes.
820. Tobacco was grown for some years in that locality? Yes, I grew it myself.
821. Are you aware whether tobacco can be grown in large quantities there, equal in quality to a great deal that is used? Quite so, I am satisfied. I grew some, some years ago, which came into the hands of Mr. Dixon, a tobacconist in Sydney, and his report upon it was that it was some of the finest quality tobacco that ever came into the market.
822. Can you account for the bad character colonial tobacco has generally—do you conceive that it arises from neglect in the manufacture, or some defect in the quality of the soil? I believe there has not been sufficient care observed in procuring the right seed, and it is also very probable that there has not been sufficient care taken as to the character of the soil upon which tobacco has been grown.
823. You think tobacco could be grown, and of the best quality? I have not the least doubt of it—in fact, I have given particular attention to it.
824. Have you manufactured it for your own use? No; I do not smoke now, although I did some years since.
825. Have you ever twisted and pressed it? Yes, and it seemed quite equal to foreign tobacco.
826. *By Mr. Dalgleish:* In what way did you press it? I prepared it in flat cakes by simple pressure.

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827. *By Mr. Stewart*: Considerable care is necessary in the growth, to keep the leaf up to the proper quality? Yes, it requires considerable care.
828. And also in the process of drying and sweating? Yes.
829. Any neglect in any part of the preparation would injure the flavour? Very materially.
830. You believe that it is attributable to neglect in some of these particulars that the bad character colonial tobacco may have obtained is caused? I think it is owing in a great measure to the want of skill in the preparation.
831. You think if there were a greater consumption of colonial tobacco, a larger demand would ensure the production of the best class? I imagine so; I do not see anything whatever to prevent it. About six or seven and twenty years ago, I wrote some letters in the *Commercial Journal*, upon the production of tobacco, and I have always had reason to believe that the want of a good article in this market originated from the want of skill both on the part of the grower and of the manufacturer.
832. Your attention has been principally directed to the growth? I have given attention to both, but only in the way of experiment.
833. And you have proved that it can be grown of the first quality? I have not the least doubt of it.
834. Can you account for the falling off in quality of the tobacco produced of late years? I believe, judging from myself and from those of my own district, that it has been owing to the lowness of the price; we could not get more than 3d. a pound for it when I grew it. But I believe if the price were sufficient to pay the cultivator a superior article would be grown.
835. Do you think there is a prejudice against it on account of its being colonial, rather than on the ground of its actual quality? At one time I thought so, but latterly I have had reason to believe that there is a defect in the article itself. I place a great deal of dependence upon the character of the seed made use of.

TUESDAY, 28 OCTOBER, 1862.

Present:—

MR. ALLEN,	|	MR. HARPUR,
MR. DALGLEISH,	|	MR. STEWART,
MR. SUTHERLAND.		

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. John Fletcher called in and examined:—

- Mr. J. Fletcher.
28 Oct., 1862.
836. *By the Chairman*: You have been engaged in business as a manufacturer for many years in this Colony? Yes.
837. You are now in business in George-street? Yes.
838. As a boot and shoe maker? Yes.
839. When you commenced business, were not most of the boots and shoes that were used here manufactured in the Colony? Yes.
840. There was very little imported work, I believe? Very little at that period, and for many years after.
841. In what year did the importation of boots and shoes largely commence? Shortly after the discovery of gold took place; previous to that there was a very small quantity imported.
842. How many men were the most you ever employed? Some fourteen or fifteen years ago I used to employ about thirty-two, sometimes thirty-five.
843. How many apprentices were the most you ever had? I never had above two at the same time.
844. The men who worked for you generally took their work home, and worked piece work? Yes.
845. And they had apprentices? Very rarely; I recollect in two instances that my workmen had apprentices.
846. Had they not often children of their own who were so employed? If you calculate them as apprentices, nearly the whole of them had.
847. How many men have you at work for you now? Not above seven.
848. Do you sell more boots and shoes at the present time than you used to do when you had so many men employed? Yes, I sell a much greater quantity.
849. But not nearly so many of colonial manufacture? Nothing approaching to it.
850. The seven or eight men you now employ, are they engaged chiefly in making or in mending? In making; I have only one whom I employ in repairing.
851. The imported boots and shoes do not stand mending? Yes, they do stand it, for they very soon want it.
852. I suppose your business is one in which you could employ a great number of young people? Yes, we could, provided we could get employment for them.
853. Do you think, considering that the population has increased threefold, that there are more boots and shoes manufactured in the Colony than there were twenty years ago? I believe not, although the population has increased to such a wonderful extent.
854. Then you think the manufacture of boots and shoes has fallen off? Yes.
855. Notwithstanding that we have the raw material, in the shape of hides? Yes.
856. And all the labour? And all the labour.
857. Do you notice a large number of youths in the streets in apparent vagrancy? I am sorry to say I do.
- 858.

858. Have you found any difficulty in getting apprentices? None whatever; I am besieged by applications. If I advertise for a lad, my place is besieged by applicants, to come at any wages, even as errand boy.

Mr.
J. Fletcher.

859. Then you do not believe there is any indisposition on the part of children to learn trades, or of parents to have them taught? Not at all, for it appears to me that parents are most anxious to get them into any situations to keep them out of the streets.

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860. Have you any idea of the proportion of boots and shoes manufactured in the Colony as compared with those imported? I have never turned my attention to it. I should say, to make a rough guess at the matter, that for every *£100 worth manufactured in New South Wales there are probably £10,000 worth imported.

861. At the same time, youths and others who might be employed in manufacturing them are running about the town idle? A great number.

862. There really is no occupation for the rising generation? It has often occurred to me, what is to become of the 25,000 or 30,000 young men springing into manhood?—I do not see any prospect of employment for them.

863. It has been stated that the youth of the Colony are not at all disposed to learn any trade? I entirely disagree with that opinion, for I have never found it the case. I have had a great many apprenticed to me, and I never found more industrious and willing people in any part of the world.

864. Suppose a parcel of goods which it costs you £100 to manufacture in the Colony, what would the same quantity of goods, of the same quality, manufactured in England, cost, including the charges of freight, brokerage, agency, and so on? I hardly understand the question.

865. How much would it cost you to import the same quantity and quality of goods that it would cost you £100 to manufacture in this Colony? I suppose a pair of boots that would cost me 12s. to make could be bought in England for about 6s.; but then they would not be of the same quality, because all the goods made for this Colony are what we consider slops; although, if you went into a manufacturer's in England to have a pair of boots made for you, you would get a good article, but it would cost you nearly as much as it does here. But this latter description of goods is never imported here. If you take slops, what I pay 12s. for putting a pair of bottoms to, you would pay about 6s. for there; but then they are most inferior, both as regards material and workmanship.

866. How much would it cost you to import them? About 25 per cent.

867. Do you mean that a pair of boots which would cost you 6s. in England would cost 1s. 6d. for importing? I am thinking of the cost supposing you gave an indent to a merchant.

868. So that the boots when delivered in your shop would cost 7s. 6d. a pair? Yes.

869. But then they would be much inferior to your own manufacture? Decidedly, because they are all slop manufacture we get out here.

870. Can you tell us what has become of the persons who used to be employed in boot making? Nearly all have turned their attention to other pursuits.

871. Do you know of any young men or lads learning the business now? Very few. I have had many applications, but I have refused to take them.

872. Why? Because I could see no prospect of future employment for them after serving their time.

873. You mean that they would be driven from their occupation by the importation of goods? Yes, and a man cannot earn so much at any other occupation as at his legitimate trade, if fully employed.

874. Do you think there is a disposition on the part of the people to buy colonial manufactures if they could get them? If they could get them at a reasonable price.

875. If they could get them even paying something more? —

876. What do you think would put you in a position to compete with imported goods? I hardly know. I think, to make a rough guess, about 15 per cent., or perhaps 20.

877. You say you now employ about seven persons in your establishment? Yes.

878. Suppose you manufactured the whole of the boots and shoes you sell, how many persons do you think you could employ? I think very little short of 120,† at the very lowest calculation, if I manufactured the whole of the boots and shoes that go through my establishment.

879. Where you now only employ seven? Yes, and cannot give them full employment.

880. At the same time the labour—for instance, youths—you could employ in manufacturing these goods remains idle about the streets? To a certain extent it is, no doubt; that is, they would render a good deal of assistance.

881. You say there is no occupation for the youth of the country? I do not see any.

882. If you were to take eight or ten apprentices, in the course of twelve or eighteen months you might employ a still larger number, and thus you might ultimately give employment to 120 persons who are now unemployed? Yes, if there were employment for them.

883. What do you consider the raw material of a pair of boots to be worth—I am speaking of it before it is manufactured into leather? I have not the slightest idea.

884. Do you think it is worth 1s.? I could give no answer to that question.

885. Suppose you manufactured £100 worth of goods, how much of that £100 do you calculate it would cost you for leather? That would all depend upon the description of goods; some would be dearer, some cheaper.

886. You could not give any idea of the average;—of course you have to include profit to yourself, the cost of wages, leather, thread, &c.? We do not find the latter. I may mention,

* Revised:—£500.

† Revised:—Eighty or ninety.

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mention, that this morning I had sixty pairs of boots brought in, which cost me 9s. 6d. a pair.

887. What would the material cost out of that? I think the material would come to about 3s. 6d.

888. Then the labour would come to 6s.? Yes; I am not including the hemp and other nick-nacks.

889. You think the labour would be fully 60 per cent. upon the value of the goods? Yes, I think so.

890. Then, by importing the articles which you now sell in your shop, and which could be manufactured by the labour now unemployed, the country loses 60 per cent.? As a matter of course it does. I think I made an error in stating 7s. 6d. I think the same goods that would cost me 12s. could be imported for 8s. 3d., but then they would be inferior to my own manufacture.

891. Then the country, although it obtains inferior goods, saves only 15 per cent. by importing instead of manufacturing? Yes.

892. You say you think 15 or 20 per cent. would put you in a position to compete with the English manufacturer? I think even less than that would, in time, because it would encourage manufactures, and in course of time a less duty upon foreign manufactures would be sufficient. All manufactures here have almost ceased; there is nothing going on in comparison with what there was fourteen or fifteen years ago.

893. You say that if there were a duty of 15 per cent. put upon imported goods it would place the manufacturer here in a position to compete with the foreign manufacturer? I think so.

894. And that the country would only lose 15 per cent. by importing, without reference to the inferiority of the goods imported to those produced by home manufacture? I do not think it would lose at all, for I think it would be the greatest benefit to the Colony.

895. What wages do you pay your men? We pay for piece work, we never pay by day labour.

896. If the whole of the goods which are now imported were manufactured in the Colony, I suppose you would bring machinery generally into use? I am not an advocate for machinery. I do not know what improvements may be made, but at present it does not answer.

897. It does not turn out such good work as the hand? No; if you look at ladies' goods from England you will see that. They are all done by machinery, and the work is easily disturbed; if one stitch goes—it is like a knitted stocking—the whole work goes.

898. If you had the manufacture of the whole of the boots and shoes used in the country there would be some who would manufacture very largely, and who would, therefore, be able to produce them at a cheaper rate than they can at present—if you manufactured a hundred pair of boots where you now make only one, you could supply them cheaper? Yes, it is in that way that the English manufacturer can sell his goods so cheaply.

899. If there were a duty put upon boots and shoes, do you think it would tend, after four or five years, by which time the youth of the country could have learned the trade, to increase the price of boots and shoes? Quite the reverse.

900. There is a large quantity of goods consigned by merchants and others in England, which is sold really below the market value? During the last two or three years I question whether there has been a sale that has left a margin of profit (I mean at auction, where nearly all the goods are disposed of) to the importer, and more particularly at the present period.

901. Then, in that case, you have more to contend with from consignments than you have from legitimate importers? No doubt.

902. Is it not the fact, that large houses in England consign and get off their shelves a large quantity of old stock, that they then draw upon the invoices, and are satisfied even if they sell at a loss? They are not particular how they sell them—a great part of the goods are hypothecated.

903. That system interferes materially with manufacturers? That is the thing that does interfere.

904. That is one great reason why manufacturers in this country do not take apprentices? There is no inducement for a young man to be put to skilled labour or mechanical business, because after he has learned it there is no employment for him.

905. Have you yourself known persons who have been brought up to your business leave that business? Yes, nearly the whole of those I formerly knew to be engaged in the business. There is no employment for them, except for a few who are employed in making settlers' strong boots for stations; but in the finer descriptions of work there is no employment, and those who do stick to the business cannot get full work.

906. *By Mr. Allen:* You think £10,000 worth of imported boots and shoes are sold in the Colony for every £100 worth made? That is my opinion; I may be wrong. For instance, the importation to Sydney two years ago was, I think, £780,000—that was for one year; that is what I read in some statistical account.

907. Do you think it would employ 120 men to furnish the goods you sell in your shop? Yes; I think the whole that pass through my hands, wholesale and retail.

908. Suppose these 120 men were employed at the average present rate of wages, how much would they earn per week? I think, if I could manufacture the whole of the goods that pass through my hands, the wages would be something considerably lower than they are at the present time. I think it would be the means of wages decreasing instead of increasing.

909. Supposing they earned the present rate of wages? I think, on the average, these men would not be able to earn above £2 or £2 5s. a week; but if you take the whole establishment, there are a number of young people who would not earn above 5s., 6s., or 10s. a week.

910. Do you think, upon the average—some earning more, some less—they would earn £2

a week? Not the whole; for you would not require first-class men, for a great deal of the work would be performed by persons unconnected with the trade.

911. Do you think they would average 30s. a week? No, I do not; that is, if you take the whole establishment; for instance, there would be a great many errand boys and others.

912. You said you would require 120 men—do you think they would average £1 a week, some more, some less? I could not state. I have never carried on such an establishment. I was speaking merely of the number that would be employed.

913. At any rate you would pay a large amount of wages weekly? No doubt about it.

914. This amount of wages would go in circulation among the different tradespeople? Yes.

915. By having these goods manufactured in England instead of here, our shopkeepers and other tradesmen are robbed of the wages which would be spent among them? Yes; at present we are employed only in opening and nailing up cases.

916. The tailor would get a little, the cabinet-maker or furniture dealer, and other tradespeople would get a little of that wage that would be sent into circulation, provided you made the goods you now import? Yes.

917. By importing these goods instead of making them, all these wages are circulated among the tradespeople where the workmen who make them reside? Yes.

918. And the Colony loses that? Yes.

919. That would be at least £120 a week for 120 men? Yes, more than that.

920. Suppose there were 15, 20, or 25 per cent. placed upon imported goods, would that have the effect of keeping up the rate of wages? I think it would act as a stimulus for parties to engage in manufactures; at present there is none—there is no hope.

921. What effect would it have upon immigration? I am not prepared to give an opinion upon that.

922. Do you not think, if there were a field of steady labour open to the people at Home, it would promote immigration? I imagine it would be an inducement for people to come to the Colony when they found they could get regular employment; as it is, I do not see any inducement for mechanics to come to New South Wales, for the very goods come in the vessels in which they immigrate that they ought to be engaged in manufacturing when they arrive here. I have heard a number of my own mechanics say, that they were better employed, and on the average could earn more money—that is, first-rate mechanics—in their own country than they can in New South Wales.

923. If the Government would extend the protective policy, generally speaking, to all classes of tradesmen—to leather-workers, wood-workers, and iron-workers—do you think it would be beneficial to all classes? I do; it is my belief, and has been my thorough conviction for years past, that nothing would tend so much to the benefit of all classes in New South Wales as a protective duty.

924. Do you think if there were a duty of 25 per cent. laid upon leather goods, upon cabinet-work and iron-work, that the people who would consume those goods would require to labour more hours to purchase them than they do now? I know this, that seventeen or eighteen years ago, when we manufactured the whole of our goods—that was cabinet-ware, cooper's-ware, clothing, boots, and shoes, and so on—that all classes of the people were better off and more satisfied than they now are, although they had to pay higher prices for colonial articles.

925. They had to pay a little more, and they earned a little more? Yes. I will take as an instance one of my journeymen, a first class-mechanic: Some seventeen or eighteen years ago I could give him more work than he could do, and he could earn £3 10s. a week; now he is not fully employed, and, taking the year round, he does not earn above two guineas. I come to the conclusion, that if a man got £3 10s. a week formerly, he was then better able to buy, and to pay more for his goods, than he is to buy now that goods are cheaper.

926. Do you think that example would apply generally? I do think it would apply to every man, woman, and child in New South Wales.

927. *By Mr. Dalgleish:* I think you complained of the gluts to which this market was subject from being overstocked with refuse goods? There are a great quantity of old and inferior articles sent to this Colony, but that is not the principal evil we have to contend with. Speculators go into the market, hit or miss, and risk any amount of goods, so long as they can keep their credit up; we know it makes no difference to them what quantity they sell, for they have only to do what a great many others have done, to wipe their old liabilities off and start again. I believe if we had a protective duty it would stop this reckless importation.

928. When you say 15 or 20 per cent.—? When I say 15 per cent., I have not studied the matter, but I think 15 per cent. would stimulate people to commence manufacturing; but as it is, there is no inducement.

929. If 15 per cent. were placed upon goods as an import duty, would that have the effect of raising the price of the commodity to the general consumer? As a matter of course it would be the means of raising the price of imported goods, but I do not think it would raise the price of colonial manufactured goods.

930. What am I to understand by your answer? Probably I do not understand your question—you asked me if an import duty of 15 per cent. would be the means of raising the price of English goods.

931. And you say that the price of English goods would be raised? Yes.

932. Would not the speculator then have the same inducement to speculate that he has now? Decidedly not.

933. If the goods produced this 15 per cent. extra, would not the speculator receive the same return? But he would have no inducement to bring these goods out here, for we should be in a position to compete with him.

Mr.
J. Fletcher.
28 Oct., 1862.

- Mr. J. Fletcher.
28 Oct., 1862.
934. You think 15 per cent. would enable you to compete with the English manufacturer? I think so; it is a rough guess—it might be 20.
935. *By the Chairman*: Perhaps 10 might do? Perhaps 10 might do.
936. *By Mr. Dalgleish*: Have you followed any trade in England? No.
937. Do you know anything of the rate of wages in England? Yes.
938. What rate of wages does a journeyman in England receive? In England, the same as here, he is paid by piece work. If a man can get full employment in England at respectable shops—I am not speaking of such houses as Homan and Hearne's, or Davis', or Bostock's, for there wages are nominal—if they go to a first class shop like Duncan's in Edinburgh, or other shops in London, they could earn 5s. a day.
939. Do you know the Edinburgh prices? I know Duncan's prices.
940. About what rate is a first class mechanic in other trades paid in Edinburgh? I do not know; but I have a journeyman, who at one time was working for Duncan, and he has told me that he could earn 5s. a day.
941. You do not know of your own knowledge what wages are paid there? I speak from what I was informed by my journeyman.
942. If a first class joiner is paid only £1 a week, do you think it probable that a shoemaker would receive 5s. a day? I know Duncan's prices are very high; he charges 24s. a pair for ladies' cloth boots, which is more than we could get here.
943. This is a shop, by your own showing, where extraordinary prices are given and taken? Yes, I believe it is.
944. Then you acknowledge that that is not an average rate? I am speaking only of the wages men get who are working for a first-class establishment.
945. Beyond that you know nothing of the wages given to an average tradesman? No, I never was there, and cannot give an answer to that question.
946. Have you heard what are the average wages? I have not.
947. What wages does an average tradesman get here? I cannot say; I know what wages my men get.
948. Are they paid by piece work? Yes, all boot and shoe makers are paid by piece work—by the pair.
949. *By Mr. Stewart*: I think you said you have been engaged in trade the last thirty years? Yes.
950. Have you any reason to doubt the capability of the Colony to supply its own consumers? I think in the course of time it will be able; at the present time there would be a difficulty.
951. If an import duty of 20 per cent. were enforced upon goods in your business, do you think that would stimulate those engaged in the business to a sufficient extent to enable them to supply a great part of the demand? I think even 10 per cent. would have an effect; of course 20 per cent. would have a better effect.
952. Do you think with a duty of 20 per cent. you would be able to compete with the importer? I am quite certain of it.
953. Is it not possible for a very large portion of the labour to be supplied by the youth of the country, both male and female? Yes, a great deal of the work might be done by them.
954. The more the demand for goods in your trade of colonial manufacture, the greater would be the proportion of that description of labour which would be taken in? No doubt, and which is perfectly useless at the present time.
955. Do you think the want of sufficient employment by trained mechanics causes them to perform work which if there were full occupation for them would be done by this untrained labour? Yes.
956. If your demand were increased, employment would be extended to the untrained? No doubt, and it would bring them into training, so that in the course of time they would be qualified to follow the occupation.
957. In your trade, I suppose, like others, the greater the demand the cheaper can you supply? Not the slightest doubt about that; it is the quantity that pays, and not the extra price we get for a few articles.
958. If you have to make one article to order, the cost to you is perhaps 20 per cent. beyond what it would be if you had an unlimited number to produce? Yes; if I could manufacture the whole of the goods that pass through my establishment I could reduce the prices of colonial manufactured goods 20 per cent. at the least, and make a very handsome profit. It is because we make only a few colonial goods that we have to charge higher, and pay a higher rates of wages.
959. Then, in fact, the present price is not a fair guide as to the cost, if we had an unlimited consumption? No; if we could fully employ our people, I think we could reduce the prices considerably.
960. Do you think if there were an import duty the trade would be more likely to be limited to regular importers? Yes; as it is, it is almost in the hands of reckless speculators.
961. If it could be so regulated as that you had only the regular importers to compete with, the market would not be glutted? No, we should have the prices more regular.
962. You think the tariff would have that effect? Yes.
963. I think you said that there are not so many mechanics employed in your trade now as there were some years ago? That is my opinion.
964. Although the population of the country has more than doubled, and of course the number of mechanics in proportion has increased, the demand has been reduced? Yes. I am speaking of actual mechanics, not of those who sell boots and shoes, for half of them were not brought up to the trade. I believe there are not half the men now working at the trade there were twenty years ago.

965. Are apprentices equally reduced? I do not know of any apprentices; I have had applications made to me, but I have not taken apprentices for the last three or four years, and I have persuaded parents who have applied to me not to apprentice them. There is no inducement held out to them; there is no occupation for them.

966. Even with the present unlimited supply, do you think, taking into account the differences in the quality of the article, the imported article is much cheaper to the consumer? I think quite the reverse; so much so, that I have no hesitation in saying, that if I were out of the trade and had a large family, by buying colonial goods I could save £4 or £5 a year, even at the present low price of English goods. All the goods that come to New South Wales are slop, even the very best.

967. You think the goods in the market are got up principally for export, or that they are the clearing off of old stock? I do not think they are the clearing off of old stock, but they are goods made up for export. It does not pay the manufacturer to get up the best description of goods for export.

968. Are they used in the Home trade? I believe they have establishments in London for the sale of these goods.

969. Manufacturers' or dealers? Dealers.

970. They are sold as cheap goods, without any manufacturer being responsible for their quality? There is no responsibility about it.

971. Some fifteen or twenty years ago you employed more than double the number of men you now employ? Five times; I used to employ thirty-two—I now do not fully employ seven.

972. You found it necessary, in order to compete with the trade, to buy imported goods? Yes; where I sell £10 worth of colonial manufactured goods, I think I sell £50 of English.

973. Do you suppose if an import duty were put upon boots and shoes, these articles produced in the Colony would be much dearer after the first twelve months? I think not; I think it would be the means of reducing the price.

974. It might in the first instance affect the price for a time? I think it would not even at first increase the price of colonial manufactured goods.

975. Have you ever given your attention to the manufactures of America—how they were established? No, I never paid any attention to that. I know they send a large quantity of goods here.

976. You are not aware that in all cases where the tariff was imposed, within two years the goods were sold in America at a cheaper rate than previously? I have heard, and I believe it is perfectly correct, that when America took off the tariff she got into bad ground, and that the moment she put it on she rose again. My opinion is that nothing will benefit New South Wales so much as that.

977. You think a tariff would not have the effect of raising the prices of home productions, but that it would rather reduce them? That is my opinion.

978. *By Mr. Harpur*: Are there many shoemakers out of employ in the Colony? Yes; when I say so, I mean that they are obliged to turn their attention to some other occupation.

979. They are not fully employed? No.

980. How much would a good shoemaker, fully employed, be able to earn in a week? It all depends upon the class of mechanic. It would take one man as long to make a pair of boots as another to make a pair and a half. I have one man who works short hours—that is short hours for a shoemaker, from sunrise to sunset—and he can earn £3 10s. a week; but he is an exception to the rule. I dare say an average workman, if he got full employment, could earn from £2 5s. to £2 10s. a week.

981. Do shoemakers leave Sydney and go to the gold fields, for want of employment at their trade? They do go to the gold diggings; there is no employment for good mechanics.

982. Parents are not much disposed to bind their children apprentice to shoemaking? No, nor to any other trade, because there is no inducement.

983. You attribute that to the excessive importation of cheap goods from abroad? Yes.

THURSDAY, 30 OCTOBER, 1862.

Present:—

MR. ALLEN,	MR. HARPUR,
MR. FORSTER,	MR. STEWART,
MR. SUTHERLAND.	

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Richard Cooke called in and examined:—

984. *By the Chairman*: You reside in George-street, in this city? I do.

985. You have been engaged in manufacture in this city? Yes.

986. What description of goods do you manufacture? Boots and shoes.

987. Were you so engaged before you came to this Colony? No. I have been here three and twenty years, and served my apprenticeship before I came to the country.

988. Have you been so engaged since you have been in the country? Yes, with the exception of some six or seven months.

989. How many men do you now employ in the manufacture of boots and shoes? Eighteen.

990. In making colonial work? Yes.

Mr.
J. Fletcher.

28 Oct., 1862.

Mr. R. Cooke.

30 Oct., 1862.

Mr. R. Cooke. 991. What is the largest number of men you have employed? Eighteen or twenty—the average is about eighteen. Sometimes a man or two leaves me, and then I have less than that number, and at other times I employ a man or two extra.

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992. Eighteen then is the largest number you employ? That is the average number.

993. Can you give the Committee any idea of the relative quantity of imported goods that are sold in your trade, as compared with those manufactured in the Colony? I can only speak for myself, and I have paid from £8,000 to £10,000 a year for goods imported that have passed through my hands. This is only a rough guess. If I had known that I should have been asked this question, I would have taken from my books the exact quantity of imported goods that have passed through my hands.

994. And what may be about the value of the goods you manufacture in the course of a year? I could not tell exactly without looking over my books.

995. We only want a rough guess, just to give us an idea of the comparative amounts of the two kinds of goods? You may reckon the twenty men's wages for the year; but then a great many of them do not work regularly all the week through, and then again some of them work for other people as well as for me. The wages average about 50s. a week.

996. Can you find full employment for the eighteen or twenty men who work for you? I can.

997. And they are fully employed either by you or others? Yes.

998. Have you any apprentices? No; I have had none since the gold diggings. Before the gold fields were opened I had three or four boys as apprentices, that I used to clothe and feed, and treat like myself; but since the gold diggings there has been so large an importation of goods that we cannot take boys on as apprentices.

999. There is no work for them? There is no trade to give them occupation. The importation of goods has completely ruined the trade now, and there are not above half-a-dozen manufacturers in the city—not regular tradesmen. The greater part of those now in the trade are what I call pedlers and not bootmakers.

1000. Have you any difficulty in getting boys as apprentices? No, I could get them, but I would not take them; and the reason why I would not take them is just this, that I would be too conscientious to do so; and I should say to any father who brought his boy to me as an apprentice, not to do anything of the kind, because now-a-days everything that can be imported from England is brought out here, and he would be only bringing his boy up to a trade in which there would be no occupation for him.

1001. But supposing you were inclined to take apprentices, and were to put an advertisement in the papers to that effect, do you think you would have many applications? I dare say I might get one or two. I could get shop boys in any quantity at from 9s. to 10s. per week, but I do not think there would be many apprentices.

1002. And why? Because everything that can be made is brought out to the Colony ready made; and it is no use having an apprentice in any trade, because there is no work for him.

1003. Can you give the Committee any idea of how many men you would be able to employ if the whole of the work you now sell were manufactured by yourself? I think, at the very least, I could employ a hundred men.

1004. Have you ever noticed a large number of the youth of this city running about the streets in a state of vagrancy? Yes, I am very sorry to say that I have—a very large number. Whenever there is a fire in the city, I see as many boys running to it as would make all the boots and shoes required in the whole country.

1005. Do you know of any occupation that these boys can turn to? No, without they go as 'bus boys; that is the only game they can be put to, unless the parents are well off, and then they make lawyers of them. But there is such a number of young men now being made lawyers of that I do not know what they are going to do to get a living—especially now that 'Torrens' Act is likely to be passed, that will cut off a great deal of their business; and yet they keep on making them, as I see by the papers, at the rate of about seven a month.

1006. Is the manufacture of boots and shoes a description of labour that would be likely to give employment to a large number of young persons? It is.

1007. It is an employment, also, very suitable for young persons? Yes; it would give immediate employment to the youth of the city; and afterwards, when they came to be men, there would be employment for a great number of them here. There is a very great deal of shoe leather worn in this Colony, and the supplying it would find work for a large number of persons.

1008. Have you ever given your attention to the fact, that there is now a large number of young persons growing up without occupation, because of the inutility of apprenticing them to a trade at which they cannot get employment? Yes, I have children of my own, and I really do not know what to put them to; and yet I am in a different position from those who work for me and have not the same chance that I have of doing well for their sons.

1009. Then if manufactures were largely carried on in this country, the benefits would not be confined solely to the working classes, but capitalists would be able to send their children to learn a trade, previous to setting them up in business for themselves as masters? Yes. I am not a very great man, certainly, but I cannot conceive how anyone can think it a disgrace for an employer to be put to a trade, in order to learn it before he goes into it. It is no disgrace to any man, whoever he is, to have a trade to his hands.

1010. And these remarks apply not only to shoemaking but to all other occupations? Yes; for instance, I would put one of my sons apprentice to a cabinet-maker, if I saw any chance of his being able to get a living; but everything in the shape of cabinet-work is now sent out from England, and I know it is no use.

1011. Then, though you wish to apprentice him to a cabinet-maker, under the present state of

of things you will not do so? No; I would sooner put a pick and a spade in his hands, and Mr. R. Cooke. tell him to go to the diggings.

1012. Is there now no occupation to which young people can be put? None that I am aware of; at all events, none that I would put my sons to. 30 Oct., 1862.

1013. Then, according to your computation, reckoning a man's wages at 50s. a week, you now pay between £40 and £50 a week for wages? Say from £30 to £40.

1014. You pay now from £30 to £40 a week for wages, whereas, if all the goods you sell were manufactured in your shop, you would have to pay in wages from £200 to £250? No, not so much—say £150 a week.

1015. I want you now to give me the relative value of imported and colonial manufactured goods. Taking £100 worth of boots manufactured in the Colony, and taking into consideration the difference in the rate of wages here and in England, as well as the difference in the value of capital by reason of the higher rate of interest paid here, and also the cost of importing and paying all charges upon the importation up to the time of delivery at your shop,—what would it cost you to import from England the same quantity and class of goods which cost you £100 to manufacture in the Colony? There is a little more money probably paid for what is manufactured here than for that imported from England; but it is mostly great rubbish that is sent out here—old stock, or articles made expressly for exportation. People who do not understand the business, and do not know a good article from a bad one, think they get the goods very cheap because they are low priced; but they do not do anything of the kind, as the goods are worth nothing. The only argument that ever I have heard against encouraging colonial manufactures is just this—if you have protection, you will have to pay more for every article protected. Now that I deny. In the first place, I employ eighteen men now; with these few men I have to get out of the work of each of them 2s. 6d. per day in order to cover expenses; if I had 100 men at work, 6d. a day out of each would pay my expenses, and in fact give me more money; so that if we had protection, in my opinion the competition would soon be so keen, that before very long you would have articles produced in the Colony at a cheaper rate than they are now imported. Eighteen men at 2s. 6d. would give me £2 5s. per day; whilst 100 at 6d. would turn in £2 10s. The greater number of men employed, the less it requires on each man's work to cover expenses.

1016. So that where a large quantity of any article has to be manufactured, it can always be produced at a cheaper rate to the public? Yes; and not only cheaper, but better.

1017. Then you believe, that though it would be apparently injurious to the consumer to place a small import duty of from 10 to 15 per cent. on articles brought into the Colony, yet in a short time, by the competition that would be called forth, the consumer would actually receive his goods cheaper than he now does under present circumstances? Yes, I do.

1018. You have not, however, answered the question I put to you, as to the relative value of imported and manufactured goods. Suppose we take 100 pairs of Wellington boots, manufactured in the Colony, and that they cost you £100 to make here;—taking into consideration the rate of wages, the value of capital, and the cost of importation, what difference would it make to you to import instead of to manufacture them—in other words, how much cheaper could you import them than you could manufacture them? That requires a great deal of explanation, and it is useless to mention to those not accustomed to the trade all that has to be taken into account.

1019. But I speak of the actual cost? Those made here will cost more money than those imported, but you will find that by using the imported article it will not cost you less for boots and shoes at the end of the year. There is a difference in the price, certainly, but that difference is not so great when all things are taken into account. And then there are so many different qualities of goods that it is very hard to say.

1020. But taking one particular class of goods,—supposing a lot of boots, of a particular kind and quality, to cost you £100 to make here, what would it cost you to import boots of the same particular kind and quality? There are, as I say, so many different things to be considered that I cannot answer this question directly. It depends upon the kind of boot, as well as upon other things. As an instance I may state, that I could manufacture 100 pairs of shepherds' boots at as cheap a rate as they could be imported from England, and a better boot into the bargain.

1021. *By Mr. Allen:* Taking the general trade, and without confining the question to any particular article, could you import from England for £75 the same quantity and quality of boots as cost you £100 to produce in the Colony? Yes. You might get what they would call boots and shoes, but it would not be anything like so good as the colonial production.

1022. *By the Chairman:* This £75 would include the whole of the costs and charges—freight, insurance, and everything? Yes, but they would not be half so good. I could import for £75 what would cost me £100 to make here, but the imported goods would not be half so good as those made in the Colony.

1023. In your opinion they would not be worth £50 to the consumer here, as compared with the colonial made article? No; and perhaps the very boots you get out here will be made of colonial leather, tanned in this country and sent Home. There will be freight paid on the leather going to England and freight on the boots coming back.

1024. Suppose the Parliament were to sanction the imposition of an import duty, how much per cent. would it require to put you, as a manufacturer, in a position to compete in price with the manufacturer of England? I think, with the costs and charges, that 10 or 15 per cent. would do it.

1025. Then you think that by being driven to use the colonial manufactures instead of the imported article, the consumer would apparently lose 15 per cent., or the amount of the duty? No, I deny that he would; he would be a gainer by the better quality of the article.

- Mr. R. Cooke. 1026. But I say apparently—apparently he would be a loser to the extent of the import duty, by being driven to use the manufactured instead of the imported article? He might fancy he was paying more. And even if he did pay more for a single pair of boots, he would find that his boots cost him less in a year.
1027. And you say that if such a duty were imposed, a great quantity of labour that is now unemployed, or only partially employed, could be remuneratively engaged upon this work? Yes; and not only that, but all the boys who are now running wild about the streets for the want of occupation would have something to keep them out of mischief.
1028. According to your evidence, as there are no apprentices now taken there are none learning the trade, so that in a short time, when the present generation dies out, there will really be no practical shoemakers in the Colony? None.
1029. And now those who may go into the trade, and in a few years become competent workmen, together with those who come casually into the country, will, if the whole of the articles required continue to be imported, be left entirely unemployed? Yes. I had three or four apprentices before I was married, and these are now competent workmen. There was a great call to learn the trade at that time, but now I have not had an apprentice for the last ten years.
1030. Can you give the Committee an idea of the cost of the labour required in the production of your goods;—taking a quantity of manufactured goods of the value of £100, how much of that will go for labour, and how much for material; or rather—supposing the goods to cost you £100,—how much out of that will you have to pay for labour? It would depend upon the kind of goods.
1031. Well, suppose them to be 1,000 pairs of strong boots? Good boots, such as would sell at 12s. per pair. That would be £600 for the 1,000.
1032. How much out of that would you have to pay for labour? I can get them made at 5s. per pair.
1033. Then out of the £600, £250 would go for labour? Yes, exactly.
1034. So that about 40 per cent. of the cost of the article goes for the labour necessary to produce it? Yes.
1035. So that by importing the article, instead of making it in the country, 40 per cent. is lost to the community, because the persons in the country who can produce it if they had the opportunity, are forced to allow their labour to remain idle and unproductive? Yes, I think so.
1036. Consequently, though the country may apparently lose the 15 per cent. duty on the imported article, it really gains 40 per cent., in consequence of the labour that is now unproductive being employed and made remunerative? Exactly.
1037. But you have no doubt that if the whole of the goods you sell were manufactured by yourself, you could then, in consequence of the large quantity you would produce, be able to give them to the public much cheaper than you do now? I do not say much cheaper, but certainly cheaper.
1038. But you say it would pay you to get 6d. a day out of your men's labour then, instead of 2s. 6d. now, by reason of the larger number you would employ? Yes.
1039. That would enable you to sell 2s. cheaper to the public, and 2s. on a pair of boots is a considerable saving? Yes, I may say much cheaper.
1040. And there can be no question about the article you produce being a much superior article to that imported? No question at all. I state this confidently, as a practical man and a tradesman who has served his time to the business.
1041. And you think that an import duty of 10 or 15 per cent. would put you in such a position that you would be enabled to compete with the foreign manufacturer? Yes.
1042. Do you know that there are persons in England who consign goods to this country on speculation, without having any order for them? They do.
1043. Is it not a fact, that there are persons in England who when they are short of ready money, collect the goods that have been lying idle on their shelves, old stock and unsaleable articles, and send them out to this Colony on speculation, for a purpose of getting an advance from the banks on their consignments? I have heard so. I have been engaged on several surveys of goods which have been as great rubbish as one could well see. They have been sent out by the parties without any care of what they may fetch here, but solely to get the 75 per cent. which the bank advances on the invoice.
1044. And when the goods come out here they sell at a very low price? Very low; they just go for what they will bring.
1045. And the goods are quite useless—great rubbish, I think you say? Yes, they are of no use to anyone; they fetch nothing in fact.
1046. Not even the 75 per cent. advanced on them? No, they are not worth that in the first instance.
1047. Does not this species of consignment interfere with the manufacturer much more than the regular import trade does? Most certainly it does; it brings into the trade a lot of men that I call peddlers, and not tradesmen; they have not been brought up to the trade, and do not know what a good article is, and they buy up this rubbish and bring it into consumption. They are dealers more than anything else; and that is just what I complain of, that the trade has been made into a system of dealing instead of bootmaking.
1048. As regards these importations—they are much more injurious to the manufacturer than the regular and legitimate importations are? Certainly. I am not at all afraid of the legitimate import trade. If a fair and open import trade were carried on, I could compete with it with my own manufacture. It is these parties who are hard up, and, in order to get the 75 per cent. advance from the banks, send out all their old and worthless stock, that injure the manufacturer. After they get the 75 per cent. advance they do not care what

what becomes of the goods, for they know they are not worth half the advance they have received. I have seen these goods sold here in Sydney at 50 per cent. reduction on the invoice price.

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1049. Would not a small import duty of 10 or 15 per cent. serve to check this unwholesome speculation? I am sure it would.

1050. And manufacturers complain of these speculative consignments more than they do of the legitimate importations by regular merchants? They do. If these parties had to pay a duty of 15 per cent. before they could bring their goods into the market, there would not be anything like so many consignments of this kind as there are now. Now they get 75 per cent. advance from the banks, and the goods come in here duty free, and the parties having already had more than the value advanced on them, do not care what becomes of them here. If they had to pay 15 per cent. in cash before they could be brought into the market, they would think twice over it, because they know that would be about as much as they would get for them by auction, after paying expenses.

1051. I suppose you would have no objection to get rid of some of your old stock that has been lying on your hands idle, even at something less than prime cost? Yes, or even at 30 per cent. reduction on prime cost.

1052. And tradesmen in England adopt that course in some of the consignments made to this Colony? No doubt.

1053. *By Mr. Sutherland:* If the Parliament were to impose a fiscal duty of 10 or 15 per cent. upon all articles imported into the Colony, would that be calculated to much increase the manufactures of this country? Yes, I am sure it would.

1054. And consequently it would tend to advance the country, and to cause a great deal of machinery requisite in many manufactures to be erected in different parts of the country? I have no doubt it would; but I may say that I should not like to see this done at once—I should wish a notice of twelve months or so to be given. I am saying now only what I think in the matter, and I hope the Committee will not consider that I am trespassing on their time and attention. I should like to have twelve months' notice given of the intention to impose this duty, so as to give some of the manufacturers in England an opportunity of knowing some time beforehand of what was going to be done. If that was done, I am sure you would have plenty of manufacturers coming to this country to carry on their business. I believe myself, that if you put on a 15 per cent. duty, that some of the manufacturers of Northampton and other places would be only too glad of the opportunity to send out machinery to the country, with men to work it, and everything requisite, without any expense to the country for immigration. They would send out a lot of people and machinery, and you would have manufactories starting up all round Sydney, at Liverpool, and Parramatta, and Campbelltown, and such like places, where a man may go now and fire through the main streets without shooting anyone; and you will have plenty and abundance where now you have nothing but pinching and contriving to get money to make up remittances. Now, if you go to a man to pay you an account, the answer always is, "You must wait till after the mail has gone." Everybody is making up money for transmission by the mail; all the money of the Colony goes Home.

1055. This sending money Home to pay for articles that might have been produced here is inflicting a great injury on the country? A very great injury. To me it seems a sin and a shame that it should be so, when there is so much that we can produce ourselves. I especially think it so when I see the number of boys that are running about the streets idling and vagabonding, and often thieving. There is no occupation for them, and they roam about the streets till they fall into bad company, and then they get to thieving. Our goals are crowded with them—boys who, from having nothing to do, have fallen into bad courses, when if manufactures could have been carried on, they would have learnt a trade, and have been able to have supported themselves instead of being thrown a burden upon the country.

1056. Then, as I understand you, it is not in the present alone that the Colony would benefit, but in the future also, by reason of these lads who are now growing up in idleness and crime being provided with useful and remunerative occupations, through the manufactures that would be established? Yes. Now these boys are vagabonding about the streets, and there is not a thing that they can lay their hands on that they will not steal, if they get the chance; in fact, they are actually being reared up as criminals, and as occupants of our goals, instead of having a legitimate and honest employment.

1057. From your knowledge of this city, and of the country generally, does what you state apply equally to other branches of manufacture as to your own? It does. For instance, we have the credit of having the best wood in the world for cabinet-making purposes, and yet all our articles of cabinet-work are imported from England, although we have excellent workmen in the country. We have the best wool in the world, and yet we do not use it, but send it Home to England, and get back in its place a lot of rubbish—soldiers' old coats, and rags of every description, torn up and made into cloth. If we began manufacturing our own wools here, you would soon find that the manufacturers of England would send out and establish themselves here. And if they did not, and if we could not procure as good machinery as they have in England, we might not perhaps be able to produce so good-looking an article as they do, but we should, at all events, have a much better one. But if this duty was imposed, we should soon have some of the manufacturers of England sending out men and machinery, as they would be only too glad of finding an opening for establishing their sons, or of investing their capital that is now lying idle. There are plenty of places round Sydney—at Parramatta, Liverpool, and Campbelltown—with everything ready to hand for the establishment of factories. And then, again, look at the Nepean, the finest river in the country, and much larger than some of the rivers in England on which factories are established,

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1058. *By Mr. Harpur:* Is there much labour in the shoemaking trade which at present is not fully employed? There is.

1059. I suppose it is almost impossible to arrive at an approximate estimate of the value of the labour that is said to be thus lost to the country? Any man now who works from eight in the morning until six in the evening can earn 50s. a week, if not more, at shoemaking.

1060. That is as regards those who are fully employed—but with respect to those who are not fully employed, or who are not employed at all, does their want of employment arise from their not being able procure suitable work at their trade? The fact is this, that when the diggings were opened, a good many of these men left the trade and went to work upon the wharves or in stores, where they got higher wages than in their trade, and regular work.

1061. But in ordinary times—for those were not ordinary times that you allude to—a tradesman surely cannot make so much money as a labourer upon a wharf or in a store, as at the trade to which he has been brought up? No; a tradesman generally makes a bad labourer, particularly a shoemaker.

1062. However, there are some of these men who are only half employed? Yes, a great many.

1063. And thus, to a great extent, they are burdens on the community? Yes.

1064. Is that owing to the large importations of manufactured articles from abroad, or to a disinclination on their parts to keep steadily at work? As to the importations, I am sure that there are more boots and shoes imported into the Colony in a year than the people could wear if they wore nothing else but imported articles. And the half of the goods that are thus imported are never paid for. Just look at the consignments in the course of twelve months, and you will see that they speak for themselves.

1065. Do you think that if an import duty were imposed, employment would be given to all those tradesmen who are now either wholly or partially without it, and that the country would consequently grow rich? I do; and I am sure, moreover, that it would benefit the country in this way—that it would give employment to thousands of boys who are now knocking about the streets, learning nothing but evils. It would be the means of giving them a trade, and preventing them from being a burden upon their father or mother, who now has to support them. They would, at all events, be trained to work, which now they do not do, except maybe it is thieving; and then they are caught and sent to gaol, where the country has to pay for their maintenance.

1066. Then, according to your showing, under the present system of free trade there is a great deal of skilled labour in the country that is not employed? There is.

1067. In all trades? I speak of my own trade particularly; but I have been a long time in the Colony, and am a good deal about town. I know many men in other businesses, and I have heard them complain of the very same thing that I have stated here to the Committee.

1068. These persons, although unemployed, are still consumers; and being unproductive, they are thus a charge upon the community? They are.

1069. Whilst the country benefits nothing by their labour? Nothing.

1070. *By Mr. Sutherland:* If manufactories were started to such an extent as to give employment to the large number of persons who want it, would not other trades be benefited by the increased employment they would have in consequence of the others being fully employed? Yes, certainly. For instance, they would want houses, and bricklayers, masons, and carpenters would get additional work.

1071. In fact, one trade is so intimately connected with the other that one cannot be benefited without the benefit being felt through the whole of them? Exactly; as I say, they would want houses to live in, and then they would give increased trade to butchers and bakers and others, even to publicans.

1072. Then if a protective duty were imposed upon boots and shoes, it would not be the shoemakers alone who would benefit by the increased work they would get? No. I may perhaps be permitted to state here, that I am not exclusively a manufacturer, but that the greater part of my business is in imported boots and shoes; therefore, if I was to study my own interests alone, I should give evidence against the imposition of an import duty. But I see this,—that I have a family of my own rising up round me, and that I have no occupation to put them to; I do not wish them to be pedlers—for, in my opinion, I am nothing more than a pedler myself. It is nothing more than a pedling business, to get your goods as cheap as you can, and to sell them at as high a price as you can get for them. It is not a fair and honest trade, such as a regular trade ought to be; for I confess it, we have often to tell lies in order to get our goods off. And when I say we are obliged to tell lies, it is just this, that I can see when an article is good, because it is my business and I have been brought up to it, but you cannot do so; and therefore if I sell you an article that is not so good as it ought to be, I consider that I am telling you a lie in recommending you to take it.

1073. *By Mr. Stewart:* Were you engaged in the trade before the diggings opened in the Colony? Yes; I am now sixteen years carrying on business on my own account. I worked at my trade as a journeyman before that.

1074. How long is it since you went to the trade first? It is twenty-six years since I first went to the trade. I served my apprenticeship before I came to the Colony.

1075. During that period have you ever known workmen at your trade involving themselves in criminal cases to any extent? I do not know of any. I know of one apprentice who committed a criminal act.

1076. But I speak of those who have served their apprenticeship and become regular tradesmen—have any great number of them committed criminal acts? No, they have not.

1077. You recollect no instance of the kind? I do not.

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1078. Then, after a man has served his apprenticeship, it is a kind of guarantee to the community that he will continue to be a good member of society? Yes. I believe that if these Sydney boys, these street Arabs, could be bound to a trade, it would be fifty times better than allowing them to knock about the streets as they now do, blackguarding and thieving. 30 Oct., 1862.

1079. Then you think that there would be some advantage to society at large if the youth who are now unoccupied were trained to a trade, and that if they passed through the term of their apprenticeship it would be almost a guarantee to society that their future conduct would be better than it would have been had they learnt no trade? I do not say anything about their future conduct—that I can know nothing about; but I know this, that they would be better members of society, for it must be better for them and for society that they should work than that they should probably become robbers and vagabonds.

1080. Did you find any difficulty in keeping up the supply of boots and shoes to meet the demand of the public, before the diggings disturbed the ordinary labour of the country? None whatever. I had enough of men and boys to do all the work I required, and I could earn about £12 a week, without buying a single English article; in fact, at that time I had none in stock. And now, since I have taken to this peddling business, I sometimes find myself losing as much as £10 a week on the sale of these English manufactures.

1081. Would the consumers have to pay more for an article of your own make than for an imported article? No, they would have to pay a great deal less than they do now.

1082. That is because your article was more durable than the English one? Yes; it would be dearer in first cost, but would last longer than the English one.

1083. Then, consumers are now paying more for a year's wear of boots and shoes than they had to pay when they purchased articles of colonial manufacture? Yes, much more.

1084. How did it happen that the trade fell off;—had the advance in wages consequent upon the gold diggings much to do with it? Yes; the advance in wages was very great at that time, and since then wages have kept up rather high.

1085. Are wages higher now than they were before the gold diggings? Yes; but the trade is fast dying out in face of the importations that beat it out of the market.

1086. Do you think that the system of importation, such as you have described in answer to the Chairman, tends to encourage frauds upon the consumer, by bringing into the market goods that the regular tradesmen would never think of offering? Yes, I do; I consider it as much a fraud as those cases that the Inspector of Nuisances has to look after. It has come to such a pitch that it would almost require to have a man to go round and see and condemn the goods that are unfit for sale. I consider myself to be a conscientious man, and yet I am obliged to do what I feel is wrong; but others, who have no such scruples, carry on most glaringly and improperly. I consider in my own conscience that it is just as bad to sell to a customer a spurious article for a good one, as it is to sell with false weights and measures, and yet those cases are prosecuted at the Police Court.

1087. It is as bad as a jeweller selling a second-hand article for a new one, or a gold-washed article for one that is all gold? Yes.

1088. And there being no test for the value of boots and shoes, as there is for gold, parties are often deceived? Yes, very often.

1089. *By Mr. Forster:* You have paid great attention to this subject, I believe? Not practically; but I am a man of the world, and of course have considered this amongst other questions. In fact, I have been forced to do so, for I am now rearing a family of my own, and I am entirely at a loss as to what to do with them, or what to put them to.

1090. You wish to have protective duties imposed? Yes, I think the Parliament would do well to consider the question.

1091. Do you propose that that system should be carried out through all articles imported? Yes, I would have it applied to everything that can be manufactured in the Colony.

1092. Is there any limit to what can be manufactured in the Colony—may we not manufacture anything, if only a sufficient duty be imposed to protect the article against foreign competition? There is a limit; for instance, you cannot manufacture paper in the Colony.

1093. Yet if there were a duty on imported paper sufficiently high to be prohibitive, I presume it would pay even to make paper in the Colony, and that paper would be made? Yes, possibly it would under those circumstances.

1094. And you would like to see these protective duties established? I should, certainly.

1095. And would you put no limit to them? Not on the articles; anything that could be manufactured in the Colony should pay the import duty. But the amount of duty I would limit; about 15 per cent. is my idea—that is, 15 per cent. on the declared value of the goods when landed here.

1096. And how are we to find that value out? That is easy enough done.

1097. In what way—would you allow the manufacturer to settle the value? No, but the Legislature might do it.

1098. And suppose the Legislature declined to interfere in the matter? Then the people would have to decide it.

1099. But the Legislature, who represent the people, would have declined to interfere? It would then have to be seen which party were in the majority amongst the people.

1100. On what principle do you fix upon 15 per cent. as the amount of duty to be imposed? On this principle, that it would bring the article manufactured here just about to a balance with the imported article, so that the tradespeople would be able to get a living.

1101. Do they not get a living now? They exist, but as to living, that is another question; and with regard to the children who are now growing, you will see in twenty years time what kind of a population you will have.

1102. Then you consider that, to prevent all these evils, it is necessary to encourage manufactures, by the imposition of an import duty? Yes.

1103.

- Mr. R. Cooke. 1103. And you are of opinion that if such a duty be imposed it will be for the benefit of the whole community? I am.
- 30 Oct., 1862. 1104. And that the consumer will benefit as well as the manufacturer? Yes.
1105. But the manufacturer always looks for a profit? Of course.
1106. Would you be inclined to limit that profit? No, the competition will soon settle that. If the manufacturer makes large profits there will soon be others come in to share them with him, and the competition will reduce the price of the article to a reasonable rate.
1107. But are not your views opposed to the principle of competition—for instance, you will not allow the English manufacturer to compete on an equal footing with you? I do not look at it in that way. The thing is this: There is a man with six or seven children growing up; what is he to do with them? He cannot make anything of them, even with free selection; he cannot find them occupation, for he can only take up his 320 acres, and no more; and with the expenses he will be put to, he has no more money to buy land. Well, then, he naturally looks round to put some of them to a trade;—I will not say anything of my own business in particular, because there are various trades, for instance, cabinet-making, or some other legitimate trade. He naturally likes to have his children brought up respectably,—and I look upon the legitimate tradesman as being as respectable a man as any in the community, and I know that is the general feeling.
1108. You speak of free selection;—might not these men who had made money by free selection, send out their sons to free select in their turn? Yes, but he wants money to give them a start, and free selection is of no use without capital to begin with.
1109. But the man has made a fortune for himself by free selection—why should not his boys do the same for themselves? Because he has not capital enough to start them.
1110. You believe in free selection, I imagine? Yes, I do.
1111. Do you not think that it enables a man to start for himself, and in time to make a fortune, even though the quantity of land is limited to 320 acres? I do not—not free selection of itself. It wants money to begin with. A man must have capital or he can do nothing with the land.
1112. Then would you recommend the Legislature to give money to persons settling on land, as well as the right of selecting the land where they chose? No; and although free selection does not do all that some people thought it would, I am happy to say that it does this much—that it enables a man to go and take up 320 acres of land by paying down a fourth part only of the cost, instead of having to pay it all as he had to do formerly, besides the difficulty of getting the land at all.
1113. What benefit would the free selector derive from the imposition of these import duties? It would give him this advantage, that if he had six or seven boys he would be able to put them all to a trade, instead of having them on his hands as he now has, with nothing for them to do.
1114. But if he can get on so well under free selection as to be able to maintain himself and to rear a large family, why should not the boys, in their turn, be able to do the same? It does not always follow that a man would wish to apprentice his children to the same occupation as that which he himself follows. I have six or seven boys, and if I was making a fortune at my business I would not put them apprentice to the shoemaking business.
1115. Yet surely, if a fortune is made in any particular trade or calling, that must be an encouragement to others to follow that calling;—thus, if the country is opened up by the free selectors, and they make large fortunes by farming pursuits, it must surely be an inducement to them to put their children to follow the same occupation? I speak for myself, and I would not put my children to my business. And yet if I was a selfish man I should not ask for protection, as my trade lies principally with imported articles. But I do not think of my own individual gains, for I look at the large number of children that are now running about thieving and blackguarding upon the wharves, and I ask myself, what is to become of the country if this is allowed to continue?
1116. Then, as I understand what you now say, you do not desire this import duty merely for the purpose of securing a profit to the manufacturer? No.
1117. So that I assume from that, that you think it quite possible that the manufacturer can now make sufficient profit without this duty? No, I do not think that; as I say, he may exist—he will not make a fortune, that is clear; and when any little difficulty occurs that he cannot meet his bills, he has only to take a walk up to the top of King-street, and that settles everything.
1118. I do not understand you;—what do you mean by taking a walk up King-street? Going insolvent—that wipes off all accounts.
1119. Is that the effect of the present situation of affairs? It is.
1120. That it leads men to incur debts that they can never hope to pay, and then, when those debts are demanded, causes them to relieve themselves by means of the Insolvent Court? That is the way a great deal of the business is done now-a-days.
1121. So that, from what you say, it would appear that the Colony is not in a prosperous state? Not in our line, certainly.
1122. Then if the Legislature imposes an import duty on boots and shoes, and so makes the shoemakers of the Colony prosperous, it will at the same time make the whole Colony prosperous? No, I do not say that; but what I say is, that the advantage will not be confined to the shoemakers alone, but will be distributed amongst the community at large.
1123. Do you advocate this import duty in order that tradesmen may make more profit than they do now? No, I do not.
1124. As a matter of fact, would not import duties give the tradesmen and manufacturers of the Colony larger profits than they now have? No. They might at first, as I have already said, but the competition would soon bring that down. 1125.

1125. Then you leave the consideration of profit to the manufacturer entirely out of the question? Yes; I do not look at the question of profit at all; I put it upon this ground only, that by having manufactures in the country we should be able to give employment to the large number of youths, who are not merely unproductive, but are a source of absolute loss to the country, by the expense that their thieving brings upon it. Mr. R. Cooke.
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1126. And you attribute these vagrant thieving habits of the youth of this city to the absence of protective duties? I do, because there is no employment they can be put to.
1127. It is entirely upon moral grounds, then, that you advocate these protective duties, those grounds being the benefits that would be conferred upon the rising generation? Yes, entirely upon that account, as I can just as well sell English goods as manufactured.
1128. Then other tradesmen, in other trades besides shoemaking, can do the same? Yes, just the same. Cabinet-makers or others can sell English goods as well as colonial, and get their profit out of them.
1129. I think I understood you to say that the present system compels men to tell lies? Yes, it does; I am bound to acknowledge it.
1130. Is that a practice in all trades, under this system, to tell lies? There are very few in our line that are tradesmen; there are not above one dozen or so real tradesmen in the city, the rest are all jobbers and dealers.
1131. Because I thought that, probably, if men were compelled to tell lies in the way of business—that it was, in fact, a custom of the trade to do so—that those youths who were put to them to learn the trade would learn to tell lies also? If they are put to learn the trade they will have nothing to do with the shop. It is what takes place in the shop that I speak of, and the apprentices are all away in the work-room, and are never in the shop. Where you have boys about the place, as we have now, as messengers to run of errands or do odd jobs, they may learn something of what is going on, for the young rascals have always got their ears cocked for any mischief.
1132. Do you think the Legislature could establish protective duties in such a way as to give employment to all the youth of the Colony who are now without occupation? Yes, I am sure of it.
1133. But suppose that, after the Legislature had done this, these boys would not avail themselves of the opportunity offered, and would not take to any settled occupation, what would you do then? I do not imagine that. I think, if the opportunity was given them, that 75 per cent. of them, at the least, would be glad to go to work of any kind if they had it.
1134. Do you mean to say that these boys cannot get employment of any kind? There is a little employment to be had as 'bus boys, or to run of errands, or to sell newspapers, but that is about all, and it does not employ many of them. The rest run about the streets half naked, and are of no use whatever to the community.
1135. Do you think any of these boys would take wages to go up the country, or even in Sydney, to do small jobs, and make themselves useful about a place or on a farm? Some of them might, but these are not all that I allude to. It is principally amongst the sons of respectable men in business that the want of employment is felt; and I do not think that any respectable man would wish to see his son going to wash out a kitchen, or doing such like work, with no chance of learning a business.
1136. Then a respectable tradesman would object to see his son occupied in this way rather than remain idle? Certainly he would.
1137. Do you think that respectability consists in following any particular occupation? I think there is a greater degree of respectability attaching to some occupations than to others. I know I should not like to put my children apprentice to a sweep.
1138. Then, according to your view, the labouring man who works honestly, and brings up his family in decency, is not so respectable as the tradesman who has a large shop and makes a good income? I do not say that—I think he is quite as respectable.
1139. Then it is possible that a man may be respectable, whatever the occupation he may follow, even though it be that to which you have alluded—a sweep? Yes, he may.
1140. So that if a lad is put to any occupation at which he can obtain an honest living by his work, he will be a respectable man, even though he may have to wash out the kitchen of a settler? He may; but I would sooner see my children drowned than have them compelled to do work of that kind.
1141. Why so, seeing that by working honestly for his living, he is being brought up to be a respectable man? I do not say that he is not, but that is not what I look for for my children. Let me ask you how you would like to send your son to be a 'bus-boy?
1142. What I wish to know is not with regard to your boys, but to those for whose moral welfare you require the imposition of protective duties, and I ask you whether they could not be got to engage themselves in such occupations as offer. According to your account, they and their parents prefer that they should go vagabonding and thieving about the streets, as you express it, rather than avail themselves of occupations which you say are not respectable? No, because the Legislature will not allow them to go to trades that might suit them, and it is not every boy that would choose to go as servant to a settler.
1143. What do you mean by that, that the Legislature will not allow them—in what way does the Legislature interfere to prevent them? By allowing goods to come in duty free and beat them out of the market.
1144. And do you mean to say that there is no work to be had—can they not go to the diggings? They are mostly children and boys of from eight to twelve years old, and I certainly would not recommend that children of that age should be sent to work on the diggings.
1145. Then, as I gather it, what you say is this—that it would be so unprofitable to the boy in

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30 Oct., 1862. 1146. Are there not occupations of another kind, plenty of which are open to the parent to select from for his boys—is not the country open, for instance? You may possibly know more about what chances there are for occupation in the country than I do; but I have seen a good deal of the country myself, and only lately I was down in the Illawarra District, and there were plenty of men there that did not know what to do with their boys, and asked me what trade they should put them to.

1147. Then your wish is, first to put your boys to a trade, and then that the Legislature should interfere to make that trade profitable? Yes, I think so.

1148. So that, in point of fact, it is not so much the moral effect that you look to, as that some trades should be made more profitable than they now are? No, it is the moral effect only that I look to, and I would have the trades made more profitable only that a living may be made at them. Now these boys are growing up in idleness and crime solely because they can get no work to do, and I wish to give them work that they can get a living at.

1149. But if you look only to the moral effect of giving a boy occupation, you will put him to a trade whether he can support himself at it or not? That is all very well; but who is to keep him afterwards, when he has served his time?

1150. There you come to the pecuniary advantage again, and I thought it was the moral effect only that you looked at? I speak for myself, and I say that it is the moral effect only that I look to. I am astonished and grieved at the large number of boys I see going about the streets doing nothing, whilst we are sending home to England for articles that they could be taught in a few years to produce in the Colony.

1151. And you would wish to see all these boys brought up as tradesmen or mechanics? Yes, I would. In a Colony like this I would have every boy taught a trade, that he might turn his hand to if it was required.

1152. Have you considered what proportion the tradesmen and manufacturers ought to bear to the rest of the community—would it be possible for a nation to exist if the population consisted of nothing but tradesmen and manufacturers? I do not know; on the Continent of Europe they call England a nation of shopkeepers.

1153. As a matter of fact is it so—is it a nation of shopkeepers exclusively, or is there not rather a large and wealthy class by which the shopkeepers are supported? You will tell better than me about that, if you look at the returns that I dare say you have before you, of all that is produced in England. Taking this Colony alone, they send out here so much of their manufactured goods, that even with all our gold, we cannot send Home money enough to pay for them; and whilst we are doing this we have thousands of boys running about our streets idle, consequently useless to the Colony.

1154. Do you not think that many of them might find employment upon the gold fields of the Colony, if they were sent into the interior? No, I do not.

1155. Do they not offer plenty of employment for many more persons than are now on them? I do not know, but you would not surely wish to send boys of twelve years of age to seek their fortunes upon the diggings.

1156. What necessity is there for sending them at that age? If you do not, it must cost their parents something to keep them in idleness up to the age at which it would be fit to send them.

1157. Then you come to the profits again, and lose sight of the moral question. As it appears to me, you want a trade to be so profitable that it will enable you to keep your children, and in order to do this, you want the Legislature to impose a duty upon imported articles that come into competition with you in your trade, so that it may be made more profitable than it is at present? What I want is this—I want a man to be put in such a position that he will be relieved of the great burden of maintaining the whole of a large family in idleness; I want to see manufactures established here, so that if he has six children, he may be able to take three of them and apprentice them to a trade at which they would be able to get plenty to eat, and good clothes to wear, instead of being half naked as they now are, and where they would soon earn wages to assist their parents in bringing up the others. But now, if a man has six children he has to keep them all in idleness, because there is no trade that he can put them to.

1158. Is there absolutely no occupation here? None; you cannot even go for a soldier here.

1159. Supposing the system you advocate would give employment to all the boys in the city who are now running about the streets, might it not possibly happen that a lot of boys might be brought in from the interior of the country, who would still be beyond the number you could provide work for; or could you, under your system, employ all the boys in the country as well as in the city? Yes, in the different trades we could employ them all. If you look at the amount of money that goes home to England to pay for the articles we import here, you will see that the amount would afford profitable employment to a very large number of persons; or if you take our population, and then take the different commodities that could be manufactured here for their consumption, you will find that there would be plenty of employment for all the boys in the Colony. I am sure, if you look into the matter in this way, that you will say the same.

1160. But if you put protective duties upon manufactured goods coming into the country, would not the farmer, or the free selector, as you have spoken of him, who does not produce a manufactured article, be placed at a disadvantage by having to pay something more than he now does for the manufactured articles he consumes; or would those articles, as I think you have said they would, be produced cheaper and better under a system of protection? Yes, I think they would; they would obtain them at a lower price, and have better.

1161. That you consider to be the effect of protection—to produce a better article at a lower price? Yes.

1162. Would you be inclined to advocate a protective duty upon flour? My notion about flour is just this—that when wheat was selling at over 6s. or 7s. a bushel, I would allow flour to come in duty free; because 7s. is the price that pays the farmer to grow wheat. Mr. R. Cooke.
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1163. But if the effect of protection is to make the articles protected cheaper and better, would you not have wheat cheaper and better under a high protective duty? But then there would be so much competition, and so much wheat would be grown, that the farmer would not be able to pay the money he owed to his tradesman if the price went too low.
1164. The effect of protection being to make articles cheaper and better, surely it must apply to corn the same as to all other articles? Not exactly. There are men now who will not put corn into their ground, because they pretend that it will not pay at the present price. If they were sure of getting 7s. a bushel for their wheat there would be plenty put in. And as to the capability of the country to grow corn, Mr. James Macarthur, who is a good authority, has declared that in one district of the Colony alone, I think the Camden district, they could grow enough corn to feed the whole Colony.
1165. Then you would advocate such a scale of duty on wheat as would give the colonial grower 7s. a bushel? Yes.
1166. Thus, if the effect of protective duties be to make the articles protected cheaper and better —? When I say that, I speak only of the effect it will have in my own line of business.
1167. Yet, if that is a principle of protection, as I think you have said it is, surely that principle must apply equally to all articles? It is the competition that would ensue in my trade that would cause the articles to be produced cheaper and better.
1168. Is there no competition in your business now? No regular competition, such as I refer to; our business now is nothing more than dealing and peddling.
1169. Then protection would make this regular competition that you now say is wanting? Yes. If you had a 15 per cent. duty you would have parties sending out men and steam engines and machinery, and establishing manufactures in all the towns round Sydney.
1170. And the effect of all this would be to give better and cheaper articles to the public? Yes, it would tend to do so, though they might be a little dearer at first.
1171. And this would be the effect in all cases, the principle being a general one, and applicable to all trades and occupations? Yes, I think it would.
1172. Then, of course, that being the principle, the higher the duty imposed, the better and cheaper will be the article? No, I do not say that.
1173. That being the principle, where is the limit to be drawn? I think that it ought to be drawn at 15 per cent., but of course that is my own private opinion, and is open to correction.
1174. Then you would stick to that duty, no matter what the article might be, or what the probability of our producing it in this country? No, I would impose it only on articles that can be manufactured in this country.
1175. Suppose we take the flour that is produced in this Colony, and that a 15 per cent. duty is placed upon every article imported, then if we can grow flour as cheap as they can send it from Valparaiso, with the 15 per cent. duty added, we shall of course keep the market, but if not, the Valparaiso farmers will still undersell us. Supposing the latter to be the case, and that even with the 15 per cent. duty, Valparaiso flour can be brought in here cheaper than we can grow it, would you advocate the imposition of a still higher duty? My experience is that they cannot do so. I do not think that any article can be imported to undersell our own manufacture, if it bears a 15 per cent. duty—not unless somebody is robbed, and the goods are not paid for. They cannot supply us here 15 per cent. cheaper than we can produce ourselves—that is, not by a legitimate trade.
1176. With regard to these boys, do you not think that the want of education has something to do with their vagabond habits? No, I think not. The boys here are educated as well as I see them educated in the old country. A great many of them go to school, and then afterwards they ramble about the streets, and get up to all manner of devilment.
1177. And protective duties, you think, would stop this devilment? If they were bound apprentice to a trade, they would have the eye of the master always on them.
1178. They cannot get any work now? Not unless they get into Darlinghurst Gaol, and then they are made to work, picking old ropes and making mats.
1179. But there is really no employment to keep them out of gaol? No.
1180. Can you assert positively that there is no employment of any kind for them? There are plenty of them employed selling newspapers about the streets, or running of errands through the city, but there is no regular employment. If I put an advertisement in the newspaper saying I want a boy, I should have fifty applications for the situation the same morning.
1181. How then does it happen that the settler who wants a few boys to work on his place cannot get them? I will tell you about that. I went down to the southward in a steamer the other day, and the captain had two boys on board that were going down with him to Eden to look for work. One of them was twelve years old and the other ten. The captain took a good deal of interest in them, and asked the passengers if they could do something for them. There were five or six settlers amongst the passengers, and they could neither themselves employ the boys nor tell them where to go to get employment. That is only about six weeks ago, and the fact came under my own observation. The boys had given the captain £1 for their passage to Eden, and they had got the money from their mother, in order to try their fortunes and relieve her from the charge of supporting them. It does not seem from this that there is much employment for boys to be had amongst the settlers.
1182. If there is any great want of employment, to such an extent as to become a great social question, might not employment be very properly found by the Government? No, I think

Mr. R. Cooke. think not. The Government have got too many of those kinds of things on hand already. They have the Randwick Asylum and the two orphan schools, all full of children, and what do they do with them?—just keep them all doing nothing. I never hear of any of them being sent out to work, or being apprenticed to a trade.

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1183. Is there not a large class of persons who, although they want employment, will not take any at a rate of wages lower than what they consider to be the regular wages that they ought to receive; for instance, will men employ themselves now under £30 a year and the regular rations? No; but if you take a case of that kind, I do not see why one man should be asked to take less wages than another.

1184. Not even if he is starving? That I will not say; of course it is a different matter if the man is really so bad off as that.

1185. But as a general rule, will not a man, even though he professes to be starving, refuse to accept occupation at a less rate than £30 a year and rations? A lot of them are fools, and do not know what they are doing half their time, or what is for their own interest.

1186. But will learning a trade make them know their own interest better than they do now? If you make them tradesmen I think it will. It is very seldom that you see good tradesmen fools.

1187. Then is our whole population to be converted into tradesmen? A great many of them would be, under the system I propose.

1188. If the whole of these boys you speak of are to be employed, is it by converting them all into tradesmen? No, I would not wish that; but what I wish is, that every parent should have an opportunity of doing something for his children, by either putting them to a trade or sending them up the country. Now he can do nothing; there is no opening anywhere.

1189. However, there is a certain number of boys now employed? Yes, a few; but nothing like so many as there used to be before the diggings opened. I used to have three or four boys as apprentices, and now I only keep one in the shop to run of errands and messages.

1190. And you wish to see the rising generation employed, without any reference to the profits of your trade? Yes.

1191. Must there not always be an immense proportion of the population that you cannot make productive, in the way you describe, in trade? I have answered that question before. If you take the amount of money that is sent out of the country to pay for articles imported into it, you will find that it is more than sufficient to pay all that can be employed good wages.

1192. But I am speaking of a large class of persons that must be employed upon productive operations other than those you advocate;—for instance, your protective duties would not beneficially affect the large producing classes up the country? The country, by the inducements it holds out to them, brings out these men to work for it, and it is their children that I wish to provide for. The most valuable class of men that come out here are those who go up the country, and work in different ways in developing its resources. In six years these men are generally able to get a piece of land of their own, and have farms, and a family soon springs up round them. It is for that family that I would provide the employment that they cannot get now.

1193. What would you do, then, with the children of the interior? Bring them down to Sydney to learn trades.

1194. Are all the young children in the country to be brought down to Sydney, and to be made tradesmen in the city? No, certainly not.

1195. Then how is your plan to affect the children of those classes whose employment lies in the interior? In this way: They all want boots and shoes in the interior as well as they do in Sydney. Well, they send their boys down to Sydney to learn a trade, say, shoemaking, and he goes back into the country, when he has served his apprenticeship, and sets up in business there.

1196. Would you make them all shoemakers then? No; there are other things wanted besides shoes—there are clothes, and furniture, and many other things.

1197. And are none to be employed as labourers? Some would be, as a matter of course. It would be the same as in England—men would go to what they found suited them best.

1198. Did you ever hear of any great distress amongst the manufacturing classes in England? I have.

1199. What, in your opinion has been the cause of it? Over-population, and we shall not have that complaint to make here for many years to come.

1200. How do you know that the same causes may not operate here as have operated in England to bring about a re-action against protection? I do not think it, at all events, not for a long time to come. It took England a very long time to consider before she took protection off one article alone—corn, and even then she had to pay for it by the distress that followed on it. And since then they have had to pass a Bill for the sale of encumbered estates in Ireland, to send those people who owned property and could not pay their debts into the Courts.

1201. You say that one of the effects of the present system is, to produce inferior articles which are sold to the consumer as good, and he is deceived? Yes, I am sure that such is the case.

1202. Did you ever hear of bad milk being sold in Sydney? Yes, I have.

1203. How is it with regard to that article, which is not affected by competition with the imported article—that cannot be the cause of the bad milk? There is milk imported into the Colony, but that has nothing to do with this. The Corporation ought to look after that, for I believe they pay a man to go round and see that all the articles that are offered for food are such as ought to be eaten. He will go into a butcher's shop in the market and take away meat

meat that ought not to be sold; but he will not go into tradesmen's shops and prevent the public from being robbed in other ways, by having articles sold to them that are not worth wearing. I can sell cotton for wool if I choose to do so, and there is no one to look after me and bring me to account, though I perpetrate a greater swindle than the man who waters his milk. And yet no man is allowed to sell milk with more than a certain quantity of water in it.

1204. Take the article of cheese;—if foreign cheese were altogether excluded from our market, do you think we should make better cheese here and sell it at a lower price? I do not know about that.

1205. Do you know the difference between the two? I do.

1206. You can tell English cheese from colonial? Yes.

1207. And which do you prefer? Well, I like the colonial best; but I am no cheese-eater, and perhaps I may not be considered to be a judge of cheese.

1208. Would you like to have to pay the same price for the two articles? I hardly know how to answer that question. I am told by judges that the English is the best article, but I prefer the colonial.

1209. *By Mr. Allen:* Suppose that a large number of boys were offered to be apprenticed to different trades, would masters be found to take them? Yes, and very glad to take them upon terms.

1210. As things are now? No, but if the 15 per cent. duty were imposed. I would not take a boy now as an apprentice. If you get a boy now, he wants 12s. a week, and nothing less will suit. I used to have boys at £5 a year, with board and lodging, and then I used to teach him the trade, or if I was too busy I used to pay a man to do it for me.

1211. In the event of a protective policy being established, with a moderate duty of, as you suggest, about 15 per cent. on imported articles, would full employment be given to all the tradesmen now in the Colony? Yes.

1212. What would then be the effect upon the general prosperity of the country, on the trading portion of the community, if all the workmen were earning good wages? I think that his Honor the Commissioner of the Insolvent Court would not have so much to do as at present —

1213. Then the occupation of the industry of the country would be sufficient to keep the trading community in a state of solvency? Yes, I think so.

1214. And with respect to manufacturers—the competition amongst the manufacturers would be likely to keep the prices as low as, under all considerations, it would be possible to have them? Yes; but as I said, I should not like to see a new system come into operation before twelve months had elapsed, so as to let the manufacturers of the world know what we were going to do. Because in the crowded parts of the world it is a great object with capitalists to find an opening for their children to set up in business, and I believe there are many of them who will send out machinery and men to give a start here to their children. Those who are now exporters of goods to this Colony would, instead of sending out the goods, send out men and machinery to make them in this country.

1215. With reference to some questions asked you by the Honorable Member for Sydney East, allow me to ask you what you call productive operations—do you not call a tradesman who makes his own goods a producer? Certainly I do; but I understood the honorable gentleman, in his remarks, to refer to the country people or farmers.

1216. *By the Chairman:* With reference to the degree of respectability, I suppose there are various degrees of respectability, ranging through all shades, from the Governor down to the sweep? Yes, there is considered to be some difference; but, for my part, I have Burns' notion on the subject, that "a man's a man for a' that."

1217. Speaking generally, however, I suppose the Governor would not like a son of his to learn your trade? No, I suppose not.

1218. Nor would you like your son to learn the trade of a sweep? No, that is about the feeling.

1219. Every person has his own particular notion or feeling as to his standing in society, and it is consequently only natural for a parent to look upwards for his child, and instead of apprenticing him to something beneath him, to put him to something better? Yes, that is generally the feeling amongst men in business; and if a man happens not to be particular in that respect, the wife has always to be consulted, and she would no doubt be averse to any lower occupation.

1220. When a youth is brought up to a particular trade, as suggested by Mr. Forster, merely to keep him out of harm's way, he would be unfit for any other occupation than that which he has learnt, after having served five or six years to that trade? Yes, he would certainly not make so good a labourer after having learnt the trade as he would have made before.

1221. Then, bringing a boy up to a trade would, in effect, spoil him for a labourer? Yes; there are some trades—such as shoemakers, and weavers, and tailors—that are never fit for anything else. They always laugh at tailors, or shoemakers, or shopmen, when they see them going off to the diggings, because it is known that they are not fit for hard work.

1222. Speaking of reduced wages and reduced profits, is it not the case in every business, that the person selling expects to get a certain price, and a certain profit on what he has to sell—and if he is a producer he likes to get as high a price as he can, and if he thinks the price offered is beneath what the article is worth, he will not sell? Yes.

1223. Tradesmen and shopkeepers have generally a certain fixed rate of profit, below which they will not sell their goods? They ought to have, but in Sydney they do not stick to that rule.

1224. As a rule, such ought to be the case? Yes, if tradesmen are honest and wish to pay their debts.

Mr. B. Cooke. 1225. And as regards the mechanic or the labourer, the only article he has to sell is his labour? Yes.

30 Oct., 1862. 1226. Do you think that the mechanic or labourer has less right to sell his labour at what he conceives to be its fair remuneration, than the tradesman or shopkeeper has to receive the full value of the goods he offers for sale? Certainly not; he has quite as much right as they have to get full value for his labour.

1227. And to exact whatever price he can get for it? Yes.

1228. With reference to the employment of youth, do you think it possible to find employment for the whole youth of the Colony? Yes.

1229. Under the present system? No, not under the present system.

1230. Yet if there was such an import duty as 10 or 15 per cent., that would place you in a position to compete with the foreign manufacturer of goods, and enable you, in your establishment, to give employment to at least 100 boys? In my own establishment?

1231. Yes? I can hardly say what would be the effect of it.

1232. But you have said that 100 persons would be required to produce the boots and shoes you now sell? Yes.

1233. And you could employ that number? Yes.

1234. Twenty years ago, I believe, the whole of the boots and shoes worn in the Colony were manufactured here? A great portion of them.

1235. In fact, there was very little imported? Not much.

1236. The population then was not a third of what it is now? No; and I remember that the first sale of imported boots in Sydney, was held by Mr. Lloyd twenty-one years ago.

1237. Then, if with a population of 80,000 we could manufacture all the boots and shoes we required, which we did, I believe? Yes.

1238. I suppose you can see no reason why, when we have increased our population to 350,000, we should not manufacture for ourselves just the same? No; but in those days people were not so particular as they are now; but there were plenty of men who could do good work, even in those days, and everybody almost wore colonial boots and shoes.

1239. So that, if it was possible for a population of 80,000 to manufacture for themselves, it must also be possible for a population of 350,000 to do the same thing? I should think so.

1240. Great Britain manufactures not only for her own population, but also for three times her own population? If you only look at the amount of money sent Home for boots and shoes, you will soon see what will be required here.

1241. And with reference to the question of bringing boys from the country to learn trades, even if they did not learn trades they would be benefited by the employment of the Sydney youth? What I look at is this: They will learn a trade in Sydney, and then go up the country and work at it, and so save the carriage of the articles from Sydney to the interior. The cost of carriage to the interior brings up the price of the goods very high, especially in bad seasons; and if there were tradesmen scattered over the country all this would be saved. They have plenty of hides and bark, and could make their own leather, and use it up. As things are now, I have seen a man go seven or eight miles just to get a piece put on his boots.

1242. *By Mr. Stewart:* And you think that if a protective duty were imposed, people in the interior would get supplied with manufactured articles as cheaply as at present? Yes, and cheaper, because they would save the cost of carriage. They send bullock hides and bark down the country to Sydney, whereas if they had tradesmen on the spot they could tan their own leather, instead of sending the hides and bark to Sydney and fetching back the tanned leather, and, as well as this, they would save the cost of carriage for the manufactured article.

1243. *By Mr. Forster:* You would not protect one class of producers only, so as to give them an advantage over others? No.

1244. Because you speak of shoemakers, and the advantage it would be to them? I give them as an instance, because I am better acquainted with that trade than with the others.

1245. Would you, then, put an import duty upon all articles, generally? I would put it upon everything that could be manufactured in the Colony.

1246. Then I suppose you would also put a duty upon imported bulls? I do not think you could manufacture imported bulls in the Colony.

1247. *By the Chairman:* With reference to the employment of the boys of the interior, of course your great object in recommending an import duty is to employ the boys of the city, who are now running about in idleness, in the manufacture of some useful article? Yes. I have no interest of my own to serve, but when I look at these boys I cannot help saying to myself, what a pity it is that they should be allowed to run about idle, when so many of them might be employed in providing for the wants of the community.

1248. You would also put a duty on wheat, on a sliding scale, so as to cease when the price reached 6s. or 7s. a bushel? Yes.

1249. And such a system as that you recommend would give employment to all the boys in the country? Yes.

1250. To the children of the free selector as well as to the children of others? Yes.

1251. So that it would not only be a benefit to boys in the town, but also to those in the country? Yes.

1252. Because it would open up for them a number of pursuits that they have not now? Yes; the people of the interior would get orders for wheat, and oats, and corn, and other produce that they will not grow now, because there is no market for them.

1253. *By Mr. Stewart:* You have been asked about cheese; let me now ask you if you have seen any colonial bacon? I have.

1254. And used it? Yes.

1255.

1255. Do you consider it to be equal to the English? Yes, I do.
 1256. And there would be no difficulty in supplying the whole Colony with bacon of our own production? No.
 1257. And of a quality equal to that which is imported? Yes, and better. I would sooner have the colonial.
 1258. If there were an import duty could it be supplied at as low a rate as at present? Yes, lower; because more would be produced. It would be worth a man's while to do so when he had a market for it.
 1259. Can you account for how it is that so large a quantity of bacon should be imported from England in the face of the large supply we can produce in the Colony? It is just as I say in my own trade, over-done by speculation. Parties send out the goods on speculation. If they make money by the venture, then it is all right; but if they do not they have the advance from the bank, and do not care twopence about the goods.
 1260. Having got, as an advance from the banks, as much as the goods are worth, they do not care what becomes of them afterwards? Exactly.
 1261. Then, if a duty of 15 per cent. were imposed upon imports, would it tend to regulate the supply of articles, and cause the trade to be carried on more equally than at present? Yes, I am sure it would.
 1262. It would have the same effect upon these and other goods, as what you have alluded to in reference to your case? Yes, precisely the same.
 1263. And of course it would be the same as regards bacon and other farm produce? Yes. And there is another thing to be considered, that if the farmer knows he can get a price for his goods that will pay him, he would rear pigs in much larger quantity than he does now, for where you have one pig now you would have a thousand then. Colonial produce is always considered to be sold for cash, and there is no great amount of speculation in it.

Mr. R. Cooke.

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TUESDAY, 4 NOVEMBER, 1862.

Present:—

MR. DALGLEISH,

MR. STEWART,

MR. SUTHERLAND.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. James Vickery called in and examined:—

1264. *By the Chairman:* Are you a native of the Colony? No.
 1265. You have been here many years? Yes, twenty-nine years.
 1266. You are engaged in manufactures in the Colony? I am.
 1267. Of what description? Boots and shoes.
 1268. How long have you been so engaged? On my own account about ten years.
 1269. I believe you were engaged with your father previous to that? Yes, I was.
 1270. Do you manufacture many boots and shoes now? I do.
 1271. How many men have you employed? In making boots and shoes, thirteen men and fifteen apprentices.
 1272. Do you sell any imported goods? I do.
 1273. Any large quantity? Yes.
 1274. Could you give the Committee any idea as to the proportion of imported work you sell with that you manufacture yourself? I think I sell about three times as many imported as I do colonial manufactures.
 1275. How long is it since you first turned your attention to the manufacture of boots and shoes? I have been at it more or less for three or four and twenty years.
 1276. Was there much imported work in those days? No, very little.
 1277. I suppose the imported work, as compared with the colonial work, was very small? The imported work in those days was not above a fourth.
 1278. The people in the Colony could manufacture for their own consumption in those days? They could.
 1279. Do you know any reason why they could not manufacture for their own consumption now? No; I could easily manufacture twenty times the quantity I do.
 1280. If you had the manufacture of a larger quantity, I presume you could produce them somewhat cheaper? Yes.
 1281. Can you give us any idea of the number of men and boys it would require to manufacture the whole of the boots and shoes you now sell? Boys and men, I could employ a hundred readily.
 1282. Have you noticed a number of children in the street in apparent vagrancy? I have.
 1283. Do you think if the whole of the boots and shoes now consumed in the Colony were manufactured here, it would tend to give employment to a large number of these children? I am sure it would, for I have many applications from parents who wish to put their children apprentice to me; but I cannot take them, as I have not employment for them.
 1284. You find a disposition, both among parents and children, to learn a trade, if they had an opportunity? Yes; I do not doubt that I could get a hundred boys in a fortnight, if I wanted them.
 1285. Have you ever turned your attention to the probable future employment of the youth of this country? I can see little probability of the majority of them being employed, except

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as shepherds, or in occupations of a similar kind; there does not seem to be much chance of manufactures extending or increasing at present.

1286. The persons whom you could give employment to, if you had facilities for extending your manufacture, are now idle? Yes, unemployed.

1287. Suppose the Parliament were inclined to place an import duty upon goods, can you give the Committee any idea as to the amount of duty you would require to put you in a position to compete with imported goods? I should speak of my own manufacture. the manufacture of what are called rivet goods (in making which we are aided by machines.) In all articles that consume a good deal of leather, such as men's heavy kip boots, bluchers, long boots, and knee boots, 10 per cent., I think, would enable us to compete with any English goods.

1288. Where they do not take up a great quantity of leather? They have not been tried in the Colony, to any extent; I could hardly say—perhaps 20 or 25 per cent.

1289. Then it all depends upon the quantity of labour bestowed upon the article? Yes.

1290. In anything where but little labour was required, you think 10 per cent. would enable you to compete? Yes.

1291. And where a great quantity of labour was required, you think it would take 20 per cent.? It would take quite 20 per cent.

1292. Do you think colonial manufactured goods are superior to the imported goods? Yes.

1293. Then, although imported goods are apparently cheaper, if the public were to pay even 20 per cent. more for colonial made goods they would be gainers, inasmuch as they would obtain a better article? They would be cheaper than English goods, because the English goods are made of very common leather, such leather as we would not think of using, except to put in as lining or inside where it was not exposed to wear.

1294. Could you give the Committee any idea of the rate of wages you pay? The average of my men's earnings is about £2 7s. a week.

1295. Boys? Boys are apprenticed for five years, and the parents find everything; I give them 8s. a week the first year; 10s. the second; 12s. 6d. the third; 15s. the fourth, and £1 the fifth.

1296. If you were to manufacture the whole of the goods you dispose, I suppose you could give employment to fifty or sixty apprentices? Quite that number.

1297. And you say you have no doubt you could get a hundred boys in a fortnight? Yes; if I were to advertise for an errand-boy to-night, I should get fifty applications in the morning.

1298. And if you were to advertise for an apprentice, you would get as many? I should get as many. I think I should be able to employ, say about sixty boys and forty men if I did not sell imported goods and sold the same quantity of colonial.

1299. And by manufacturing large quantities, you would reduce your own profits? Yes.

1300. Which would give the goods to the public so much cheaper? Yes; the more I could get to make, the cheaper I could make them; for instance, in the last three months, by an alteration of my plan, and making the shoe pass through five or six different hands, I have been able to save 25 per cent. upon the labour.

1301. By the division of labour? Yes; formerly one man began and finished every article.

1302. Are there not a large quantity of goods consigned to this Colony? Yes, large quantities.

1303. They are sold very often much below the cost price? They are.

1304. Generally they are the old stock of manufacturers and tradesmen in England? Very often they clear out their old stocks, take them to a merchant, ship them, and get an advance upon them; and directly they come here they are sold for whatever they will fetch.

1305. And very often they do not bring the amount advanced? Very often.

1306. That causes a glut in the market, does it not? Yes, it does.

1307. Do these gluts interfere with the manufacturer more than with the merchant or importer? They do, to a great extent, because, as a rule, it is not the importer's loss; he is simply the agent for the parties at Home.

1308. The manufacturer has his men to employ, and his boys to teach their trade, and if they are idle for any time it is ruinous to him? Yes.

1309. Whereas the merchant needs only to store his goods until there is a rise in the market? Yes.

1310. Is it not the fact, that after a glut, which causes goods to fall below their fair value, there is a corresponding high price caused by a scarcity? Yes, that was particularly the case in one article two years ago—children's boots, when we were able to make them at a lower price than the English goods were selling at.

1311. Then the public generally are not gainers by these temporary reductions in price? Not in the long run.

1312. But they interfere materially with manufacturers? Very much.

1313. You have no doubt that in a short time you could get sufficient labour of boys and men to manufacture the whole of the boots which you dispose of? I could; a large number of shoemakers are now out of employment in Sydney.

1314. What do they generally engage in when they cannot get employment in their own business? They turn to any kind of employment; at present many of them are engaged in making up boots very cheap, and in going about selling them. Some work on the roads.

1315. There they interfere with the labourer? Yes. I have known some to turn bricklayers or plasterers.

1316. There they interfere with bricklayers and plasterers? Yes.

1317. I presume very few shoemakers would turn stonebreakers, or bricklayers and plasterers, if they could get full employment at their own business? I think not.

1318. *By Mr. Stewart:* The principal part of the selling trade is carried on by persons who have not been brought up to the business, is it not? Yes.
1319. You think that in many cases these persons dispose of goods very much inferior to what a manufacturer would produce? Very much.
1320. No tradesman would manufacture and dispose of goods of so inferior a quality? If we did for a short time we could not sell them afterwards.
1321. Though apparently these goods are supplied to the customer cheaper than the average price of colonial goods, do you think, even at the present rate, there is much saving by buying imported goods? I think there is none.
1322. It is a mere apparent saving in price? It is simply an apparent saving.
1323. The goods being of so inferior a quality are not durable? They are not.
1324. The heavier goods you have spoken of—are not they the description of goods most generally used in the Colony? They are used to a large extent by mechanics, labourers, and people in the country.
1325. With an import duty of 10 per cent. you would be able to supply a superior article of this description, of colonial manufacture, and could compete with the importer? I could. This, perhaps, would not apply to sewn work; but I believe sewn work would be entirely superseded by rivet work.
1326. You are assuming that the manufacturer would take advantage of the new appliances such as are now occasionally used here? Yes.
1327. Is the importation here chiefly from trade orders—indents—or is it speculative? I think principally speculative; very few indents are sent Home now.
1328. And these speculative importations are sold without reference to the cost to the English purchaser? Yes; I should say half the goods that come here are consignments from Home to be sold as they arrive.
1329. Do you think an import duty of 10 per cent. would check that casual importation? I think it would; the fact of having to pay £10 cash down upon every £100 worth of goods when they arrived would, I think, tend materially to check it.
1330. Are there many American goods imported? A large quantity at one time, but not many since the war commenced.
1331. Do the Americans use machinery to a great extent in manufacturing? They do.
1332. To a greater extent than the English? I am not prepared to say; latterly it has been used to a much greater extent in England.
1333. It was generally used by Americans before it was resorted to by England? Yes.
1334. Are you aware that colonial goods are not allowed to be imported into America free of duty? I am, but I am not aware what the duty is.
1335. Are you aware whether leather goods, indiscriminately, would be admitted into England? I am not sure whether England would charge a duty upon colonial goods, but she would upon foreign.
1336. If there is a distinction, it is a discrimination in favour of the Colonies—but there is a duty? I think there is.
1337. You think there would be no difficulty, if the Colony were thrown back upon its own resources, in a short time of securing sufficient labour to supply the demand? I think not.
1338. At a moderate rate? Yes, for within twelve months boys might be taught to do almost everything in plain work.
1339. Could not a large number of women and children be employed upon light work? Yes, in closing.
1340. Is that labour now lost to the Colony? To a great extent it is lost.
1341. There is no permanent occupation that will fully engage women and children? Not that I know of.
1342. In addition to training the boys, increased demand would give employment to women and girls to a great extent? It would.
1343. Have you ever known men in your trade go wandering about the country, digging and engaging in other pursuits, because they could not secure permanent employment at their own trade? Yes, I have known many.
1344. Do you think, on the average, men could earn higher wages by following other occupations than those to which they have been brought up—for instance, could a shoemaker permanently secure equal wages at any other employment to those he could earn at his own trade? I can scarcely say; it would take him some time to get into any other kind of work; he would be employed only when skilled men could not be obtained.
1345. That would necessarily reduce the value of his labour? Yes.
1346. He would not be able to work so well as a common labourer? No.
1347. Then, although a trained mechanic, his services to the Colony would not be equal in value to those of an ordinary labourer? No.
1348. Do you think that can be an advantage, that a trained mechanic should not be of so much value to the Colony as an ordinary labourer? It ought to be of greater value, else of what use is it to learn a trade?
1349. It is the fact, that some of the men in your trade are not worth so much to the Colony as ordinary labourers? Yes, it used to be the case till lately, that an ordinary labourer would earn more than a shoemaker would.
1350. That was assuming that the shoemaker had full employment? Yes.
1351. Then a trained mechanic would do well, in such a case, to give up his business and to fall back upon ordinary labour? It was so some time back, but at present there is a difficulty in getting employment at ordinary labour in Sydney.
1352. Do you think there are now a number of persons who are unable to obtain employment for the rising youth of the Colony? A very large number.

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1353. In your business a quantity of work is taken by the men, and done at their own houses? Not in my particular business—the work is done on my premises, but it is generally done in the trade.
1354. In those cases where workmen had large families, their children could assist them? Yes, they could.
1355. The want of employment in his business to the father would prevent his being able to employ his children? Of course if he has no work he will have nothing for his children to do in his trade.
1356. Do you not think it would be much better for boys growing up, after school, to be employed in that way, in preference to their being allowed to wander about the streets in the loose way they do at present? No doubt of it.
1357. Do not many fill up their time now in that way? Yes.
1358. And many of these would be employed if permanent employment were given to their parents? Yes.
1359. And they would be trained to business? Yes. Shoemakers who work at home would not earn the wages my men make, and would have to work a much longer time. My men begin at half past 7, and leave off at half-past 6, with an hour for their dinner.
1360. Are your workmen employed by day, or by piece work? By piece work; in the first instance we employed them by day work, but latterly it has been all by piece work.
1361. It is usual for those mechanics who work at home to work for very long hours? Yes, they work from 7 in the morning till 9 or 10 at night.
1362. That will make fourteen hours a day? Yes.
1363. At the present rate an ordinary workman would not be able to earn more than how much? £2 a week; that is a man who takes work home, and he would have to work longer hours than my workmen.
1364. Then you do not conceive that the wages are extremely high? Looking to the prices of provisions, and taking into consideration the rate of wages of other mechanics, and other things, I think shoemakers' wages are low.
1365. Could they, if they had four or five children, subsist upon less? No.
1366. They could not maintain and give schooling to four or five children, and save a penny out of that? No, they could not.
1367. When children are grown up a little, after they are ten years of age, they are an incumbrance if the father cannot employ them in his trade? Of course, if he cannot employ them in some way.
1368. They are a trouble to him? Yes.
1369. If they were employed they would be an advantage to their parents and to the whole of the community, from their labour being made available? Yes.
1370. *By Mr. Sutherland*: You say there is little to employ the youth of the Colony at present, except in shepherding? Yes, I do not think there is much to employ them at present.
1371. Do you think that is likely to be a profitable or proper occupation for a large number of the youth of the Colony? If they were all sent there I fancy there would be too many of them.
1372. Are there not a large number of respectable citizens who would be glad to put their sons apprentice to you? Yes. I said before, that if I wanted them, I had no doubt I could get a hundred respectable lads as apprentices.
1373. Their parents are in a position almost to maintain them—all they want is to keep them out of the streets? Yes; of course they would want something to pay for their clothes; as I say, I give 8s. a week the first year, and increase the amount afterwards.
1374. *By Mr. Dalgleish*: How long have you employed machinery at your establishment? About two years and a half, but not so much as I have now. I may say I have been eighteen months in full work.
1375. Are you in a better position to compete with the English market now than you were previously? Yes; as I have stated, I have been able to reduce the price nearly 25 per cent.
1376. Would the introduction of machinery generally tend to place the Colony in a better position to compete with England? It would; it would tend to give the men shorter hours, better wages, and more employment.
1377. Are there many men in your trade who employ machinery? No, only one other.
1378. Does he employ it to so large an extent as you? I cannot be certain; I think not; I could not speak positively.
1379. Is that in the city of Sydney? Messrs. Alderson and Sons; I am speaking of their shoe business.
1380. You say closing could be done by women and children? Yes.
1381. That is performed by machinery? Yes.
1382. By the sewing machine? By the sewing machine.
1383. So that if the manufacturers of Sydney were to turn their attention to improving the means they have at their disposal, they would be in a better position to compete with English imported goods than they are now? Much better.
1384. Do you think it would be right for any Act of legislation to be passed to prevent the importation of English goods to this market? I would not say prevent, but I would certainly say, put a duty upon them. We want a larger revenue for various purposes, and I think it might advantageously be obtained in this way.
1385. If the duty that were put upon these goods would have the effect of preventing their importation, would you still think it necessary to have that duty imposed? Yes, I think it would, for it would enable us to sell more of our colonial work. English work would be sure

sure to be imported for a certain time, to a greater or lesser extent, and a revenue would be derived from it for that time.

1386. I think you stated that the great cause of distress to the manufacturer here was the gluts in the market? Yes.

1387. In what way would you legislate to prevent those gluts? I do not know that you could prevent them altogether, but I fancy if the parties consigning them understood that they were to make cash payments of 10, 15, or 20 per cent. directly the goods were landed, they would not be so ready to send them, and I do not think merchants would be so ready to advance upon them.

1388. Are not gluts at times experienced in the English markets—do you not see accounts of great slackness in business in consequence of the accumulation of goods, which affects the whole trade? Yes.

1389. These gluts are experienced in England as well as here—what is the effect in England, to reduce prices? To reduce prices; and then the goods are shipped off to the Colonies, because they will realize more here than they would at Home.

1390. If this duty of 10 per cent. were placed upon English goods, would it have the effect of increasing the price of colonial goods 10 per cent.? It would act in this way—it would raise the price of English goods 10 per cent., and bring it close to the price of colonial goods.

1391. Would it not have the effect of increasing the prices you now obtain for your goods? I think not, but I should sell more. I do not want to increase the price; if I can get a larger consumption, I can sell cheaper.

1392. What is the tendency of a large demand? Naturally to raise prices.

1393. Have you the means at present of increasing your business to a great extent? Yes; in six months I could increase my colonial manufacture to ten times the present amount. The principal thing I should want would be extra labour, which I could get; and in twelve months I could bring boys to work well for ordinary purposes.

1394. Do you think the branch of business in which you are engaged is at present pushed as much as it could be with advantage to yourself? Of course I am trying to sell all the goods I can at as low a profit as I can afford to do.

1395. Could you sell more than you at present manufacture? No; I generally have a full stock on hand.

1396. Do you think it would be possible for other people to start with advantage when you are unable to dispose of more than you at present manufacture? Yes, if English goods were not admitted so freely.

1397. What is the difference between the price of English goods and yours at the present time? Certainly not above 10 or 15 per cent., if you take quality into consideration.

1398. Without taking quality into consideration? You cannot make a comparison if you do not take quality into consideration.

1399. Take a pair of strong blucher boots, which are the kind, as I understand you, that you especially make, sold in England at 8s. a pair, what would be the price of colonial made boots of a similar description, which you know to be better, but which to the casual purchaser would not seem to be so? The Home price wholesale of such boots would be about 8s., and I could manufacture them to cost me about 8s.

1400. Then you could sell them at the same price as a merchant could sell English goods? Yes; if he got a fair profit on them, and they were not forced into the market, I could sell them within a trifle of the price of his. That is an article which, in proportion to its value, has not very much labour bestowed upon it.

1401. Have you been in England? When I was seven years old—not since.

1402. Then you do not know of your own knowledge the English prices, except from invoices? And from what I have heard.

1403. Do you know of your own knowledge the condition of shoemakers in England, and as to whether they can earn more there than here? Only from letters and from what I can learn from others. My brother was in England a year or two since, and he informs me that the average wages of shoemakers there is 15s. a week.

1404. And here? About £2.

1405. How much per cent. difference is that? About 170.

1406. What is the price of leather in England and the price here? The price of sole leather here is from 9d. to 10d. per lb.; in England, from 8d. to 18d., according to quality; kip here is worth from 16d. to 20d.

1407. The leather from which these strong boots are made? Yes; in England it is from 18d. to 2s. 2d.

1408. Calf and other leather in proportion? Calf is as cheap in England as here. We do not get so much calf here, and it is imported to some extent. I do not know whether there is any need for importation.

1409. So that leather of an average quality is as cheap in England as here? Light leather, but not heavy leather; leather suitable for strong boots is cheaper here than in England.

1410. Then if you take the average price of leather, it will be about equal in both places? Yes.

1411. In England they use machinery to the best advantage and to a great extent? Yes.

1412. That has the effect of cheapening the article in what ratio? I save almost half in wages.

1413. That would be 50 per cent.? Yes; for instance, I used to give 12s. for making bottoms of wellingtons—I now get them done by machines for 5s.

1414. So that, at the present time, there is in England a clear gain in the wages of operatives of 170 per cent., and, by the application of machinery, of labour 50 per cent., and you suppose

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that an import duty of 10 per cent. would enable you to compete with the English manufacturer? I do not understand your way of putting it.

1415. You have stated that an import duty of 10 per cent. would enable you to compete with the English manufacturer? Yes.

1416. You state that the wages of journeymen in England are 15s. a week, and here are £2? Yes.

1417. Then there is a difference of 170 per cent. in favour of England? Yes.

1418. Then, by the general employment of machinery in the production of these goods, there is a saving of 50 per cent.? Yes.

1419. In New South Wales, with the exception of those made by yourself and another manufacturer, boots and shoes are made by hand labour? Yes.

1420. Consequently there is a disadvantage to the extent of 50 per cent. by the employment of that labour in New South Wales? Yes.

1421. If hand labour were done away with, and the whole of the work were performed by machinery, there would still be a difference of 170 per cent. in the cost of labour, and the price of leather on the average is the same in both places? I am speaking of 10 per cent. upon heavy goods, and I say that, leather for that kind of work being cheaper here than in England, it would nearly counterbalance the difference in the price of labour.

1422. You have stated, with regard to leather, that taking the average of the heavy and the light, the price in England is about the same as here? Yes; but there are light goods where a great deal of Cashmere and cloth are used, and a great deal of work, and I said 10 per cent. would not enable us to compete with that class of goods.

1423. What would enable you to compete with them? I could scarcely tell—it would require 20 or 25 per cent.

1424. If 25 per cent. were placed upon them, would it have the effect of increasing the price of that description of goods in the Colony? It would have the effect of increasing the price of English goods in the Colony.

1425. Consequently, upon that class of goods that are not now manufactured in the Colony, it would increase the price to the consumer? I do not think it would, for people would then say, "If the English cost so nearly the price of the colonial I will take colonial, for I know they are the best."

1426. What is the difference between English and colonial? The fact is, I have made very few Cashmere or fancy goods, except in rare cases.

1427. Then it will increase the price to the consumer of English goods? Yes, and then, as a natural consequence, colonial goods will be made of that class. I would rather sell colonial than English goods, for if I did so, what I made one week I should sell the next, instead of having ten, fifteen, or twenty thousand pounds worth of goods on hand.

1428. Do you know, on an average, how many pairs of boots a working man's wife, if she wore boots, would wear out in a year? If she took the common description of English boots sent out, she would want a pair every fortnight—what they call light Cashmere boots.

1429. What is the price of such an article? From 3s. 6d. to 6s. or 7s.

1430. Would these from 3s. 6d. to 7s. last only a fortnight? I suppose not longer—they might last three weeks.

1431. With the duty you propose, the cost of these would be increased 25 per cent. at least? Yes.

1432. Do you think a colonial workman could manufacture these goods at the same price? At the increased price.

1433. That would be about 12s. 6d. for the higher priced goods? There would be scarcely any women's heavy colonial boots so high as 12s. 6d.

1434. Would they last more than a month? Yes, I believe they would wear out two pairs of any of the English that are sent out here, as a rule. If you go to a respectable shop in London, and give an order for a pair of boots, you will be charged the colonial price for them.

1435. To what do you attribute the increased length of time that the colonial made boots will last over the English? Because better leather is put in.

1436. Is the English sole leather inferior to colonial? No, it is not.

1437. Is it not considered superior? Yes, generally.

1438. If you make a superior pair of colonial boots, do you put in English or colonial leather? All colonial.

1439. Does English sole leather bring a higher or a lower price than colonial? It is not imported, I have not seen it the last three or four years, for we send leather Home; but in the goods sent out here the manufacturers do not put the best leather, they put the commonest they can, to manufacture them at a low price, to get them as cheap as possible.

1440. Do you think the people of the Colony should be forced by the Legislature into buying colonial goods, even though they may wear longer? I do not know that they have a right to force them, but the Government want a revenue, and they might as well derive it from these goods as from anything else. Then there is another question that has been a long time in agitation, the taking off the tea and sugar duty; if that were to be taken off, I, as a total abstainer, should not contribute anything directly to the revenue.

1441. You think the country has a right to expect these duties to be taken off? If I had a vote in the matter I should vote against it, unless they put it on something else to make up for it.

1442. Have manufactures in this Colony, during the last ten years, decreased or increased? I do not think they have increased; certainly they have not increased in proportion to the population.

1443. Was any boot and shoe making done by machinery in 1852? No, I was the first to introduce it.

1444.

1444. The effect of your introducing it has been to decrease the cost of goods manufactured by yourself 25 per cent. ? Fully 25 per cent.

1445. Are there many English goods imported of the same quality as those you manufacture at the present time ? There are a large quantity of goods imported that answer a similar purpose.

1446. What am I to understand by answering a similar purpose ? I cannot say that English boots would be of exactly the same quality, but they are made for the same purpose—as for instance, shooting boots, and boots of a stout description.

1447. You mean boots of the same name, or of a similar description ? Yes.

1448. Are they as readily saleable as they were before you commenced the manufacture by machinery ? I do not think they are quite ; I have been able to sell more since I reduced the price.

1449. You have been able to reduce the price of colonial manufactured goods 25 per cent. ? Yes.

1450. And you think if 25 per cent. import duty were imposed, you would be able to secure the whole trade to the colonial manufacturer ? Yes on heavy goods 10 per cent. would do.

1451. Have you any idea how many men could be employed in the manufacture of the boots and shoes used in the Colony ? I rather think £300,000 or £350,000 worth are imported ; say half that amount is the cost of leather and materials, that would give £8,000 a week, which at £2 a week would employ 1,500 men.

1452. And the revenue that would be derived from the consumption of dutiable articles by those men is now lost to the country ? Yes.

1453. I presume that this Colony pays the taxation which is levied upon those 1,500 men in England at the present moment ? Yes.

1454. To that extent we are paying taxation, or contributing to the revenue of the English Government ? Yes.

1455. Do you think, looking at the question in this light, we should be justified in passing a law to put an import duty on articles of this description ? I think so.

1456. Would you look upon the question in the same light if it were to embrace other trades ;—for instance, do you think that the same or a proportionate rate of duty should be levied upon all articles — ? All articles that could be possibly manufactured here.

1457. Not all that are manufactured here, but all that could be ? Yes.

1458. For instance, what are called slop articles of clothing—woollen goods ? Yes.

1459. You think it would be no injustice to levy a duty of 25 per cent. on them ? I think not.

1460. You think the public generally would have no reason to complain ? No. I think the country would be benefited ; far more men would be employed, a greater number would come out here ; many men would come out here if they thought they could get regular employment at a rate of wages that would keep them properly.

1461. You have stated that a great number of boot and shoe makers are employed in the Colony ? Yes.

1462. A great number, I suppose, are recent arrivals ? I think not ; I have not met with many recent arrivals.

1463. Do you know whether, as a rule, they are persons likely to have connections in England, or who carry on correspondence with England ? I cannot speak as to that.

1464. If it were so, and they were to write Home that they could not get employment, would not that injure the Colony ? It would injure the Colony, and tend to check immigration. My father, twenty years ago, employed more men than I do.

1465. Was any duty then levied upon imported goods ? No ; there was not then that rush of consignments—in fact, there were scarcely any consignments. Two or three years ago I had not above half the hands employed I have now.

1466. It is only since that period, since you have had machinery, that you have been able more successfully to compete with the English market ? Yes ; there is a class of shoes required for the prisons and public institutions, and for the police, that I am sure I could manufacture as cheaply as they are imported ; but the Government are so stringent in their regulations that the manufacturer hardly has a chance ; for instance, a short time ago tenders were called for for 1,000 pairs of Napoleons for the police, and it was required that the top lining should be red, they must not be blue, and if samples were not exactly like the pair exhibited it was of no use sending ; they must not be pegged boots, they must not be riveted, they must be sewed ; and the consequence was that they had to pay one-third more for what they purchased than they would have had to pay for a boot that would have answered equally well.

1467. From your knowledge is a sewn or a riveted boot the most durable and profitable to the wearer ? A riveted.

1468. Is a riveted boot as easily mended as a sewn one ? No, not so easily ; but it can be mended, and at the same price, but not quite so easily.

1469. Can it be mended as effectually as a sewn boot ? Quite so.

1470. So that the Government could not have been influenced either by a consideration of the durability of the article, or of the ease with which it might be repaired ? No ; I take it that it is the Government routine.

1471. Could these boots be easily repaired in country districts ? Yes, by anyone who chose to keep an iron last ; of course it could not be sewn.

1472. You are speaking of the sole ? Yes ; the inside of the boot being already secured need not be interfered with.

1473. Is there any welting ? No ; the in-sole is first put on the last, and the upper drawn over the edge of it and tacked on with small-headed tacks, then the middle solé (if for stout work),

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work), and the outer sole placed over all, and the rivet nails pass right through the whole, and clench inside on the iron last. The nails used are brass, or copper and zinc, made on purpose for this work.

1474. It is equally as neat as a sewn boot? Yes.

1475. So that it was the true interest of the Government to use the riveted boot? Yes. I offer to give persons a guarantee if the work comes undone to repair it, or else to give a new pair of boots in exchange.

1476. And you would be prepared to give the Government a similar guarantee? Yes; I did so the other day. I sent some samples to the Asylum at Parramatta; they wanted some shoes of enormous size for men with gouty feet, and I sent them some at 7s. a pair, offering to guarantee them, and recommending that the Asylum should be supplied generally with goods of a similar description. I have not heard since how they have turned out, but I shall perhaps by-and-by. They had previously paid 6s. 9d. and 7s. 3d. a pair for imported shoes, which they complained had come to pieces.

1477. You could supply them at lower prices than they could be imported at? Yes; they had previously had bluchers, and I sent them high front laced shoes, which I think more suitable for old people. I made these few shoes and sent them at 7s. a pair; they pay me fairly at that price, and are rather lower than the ordinary English blucher, which I could not send under 7s. 6d.

1478. Do you know what the Government pay at present for boots for the police—the contract price? No, I do not.

1479. Still you are convinced that you could supply boots for the police force at a cheaper rate than that at which they are imported from England? Yes. My brother, who has not long returned from England, told me that while he was in England a man named Manfield showed him boots, and said, "These are for your Government," at 15s. or 16s. a pair, and at the same time the same kind of boots could be bought here at about 11s. 3d. I could make similar boots and supply them at from 13s. to 14s. a pair.

1480. *By the Chairman:* Which you would warrant? Yes, I would give a guarantee.

1481. *By Mr. Dalgleish:* Is your brother in Sydney at the present moment? Yes.

1482. He has, I presume, been through the large workshops in England? Yes, about twelve months since.

1483. He would be able to give the Committee some information respecting the state of the business there? Yes.

1484. *By the Chairman:* You say the labour costs about 50 per cent. and the material about 50 per cent? Yes.

1485. Of course, we have to derive our revenue from some source? We must have a revenue I suppose.

1486. It matters not to the public generally how they contribute to the revenue, whether by a duty upon tea and sugar or upon boots and shoes? No.

1487. It would be an advantage to the public generally if the revenue were collected from the importation of those articles the manufacture of which would tend to employ people? I think so. We cannot, or do not, grow tea, and I therefore do not see why the duty should not be removed from it and placed upon those articles which we can produce—boots and shoes or anything else.

1488. It would be a great advantage to the manufacturer if the revenue were so collected as to give an impetus to manufactures? Yes, I think we should put it on things that we can manufacture and take it off things we cannot.

1489. In a question of Mr. Dalgleish, with reference to the rate of wages and the cost of production in New South Wales, he omitted to ask the cost of importing English goods? The cost of importing boots and shoes is not great. It is an established rule with manufacturers at Home to allow a discount of 5 per cent. for cash, and that covers the interest of money while the goods are on the voyage, and 5 per cent. would meet the expenses of freight, insurance, brokerage, &c.

1490. With reference to the saving caused by the application of machinery, there is nothing to prevent the manufacturer here from employing machinery to save the cost of labour? Nothing.

1491. Supposing there were two families, each consisting of the same number of individuals, of about the same ages, one using English manufactured boots and shoes, and the other colonial, even at the present high price of colonial goods, which would it cost most for boots and shoes? If I had to contract to supply a family with boots and shoes I would supply them with colonial.

1492. Supposing we went so far as to prohibit the importation of English boots and shoes, do you believe that in less than twelve months there would be plenty of competition among colonial manufacturers? I am sure there would be people engaged in business who would reduce the prices to the lowest remunerating point.

1493. Which would be the more likely to tend to monopoly—the prevention of importation or the prevention of colonial manufacture? The prohibition of colonial manufacture, because two or three large merchants could club together and buy up all the boots and shoes in the market; but if there were fifty or sixty boot and shoe manufacturers in the country they could not buy them all up.

1494. So that free trade is more likely to create monopoly than a small duty and competition? We have an example before us lately, where a few merchants in Sydney and Melbourne bought up all the tobacco in the Colonies.

1495. Do you remember an attempt to do the same thing with flour and rice on two or three occasions? Yes, I do.

1496. And it was effectually carried out? Yes; it is not everyone who can import, but every man in the trade can produce.

1497.

1497. *By Mr. Sutherland*: With reference to the monopoly of tobacco, is it not the fact, that the colonial manufactory of tobacco that was started has prevented the speculators from getting the enormous price they had expected? I think so; I do not know much of tobacco or of the tobacco market.

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1498. Is it not the fact, that since there was that attempt at monopoly in tobacco, two or three tobacco manufactories have been started? Yes.

1499. And that they have reduced the price, or prevented the monopolists getting the price they expected? Yes, I believe so.

1500. Is it not also the fact, that since flour mills and manufactories have been started, speculators have not been able to monopolize that article? It has not been done much lately—not as it used to be.

1501. Then would it not be the same with the manufacturers of boots and shoes, or any other article—if a number of manufactories were started would it not prevent monopoly? Yes; if you depend upon imports it is possible for a number of merchants to club together and buy up an article, but if manufactories spread all over the country you cannot buy them up; the manufacturer will say, "I have my regular customers to serve, and must supply them."

1502. Was it not the case, that the merchants clubbed together and bought up all the tobacco in Sydney and Melbourne? I believe so.

1503. *By Mr. Dalgleish*: Did the Government interfere at all with the tobacco duty in favour of the colonial manufacturer? No.

1504. You are not aware that Government reduced the duty upon the raw leaf 50 per cent.? I remember that now.

1505. That was the same, in effect, as putting a duty upon the manufactured article? Yes.

1506. If, as a matter of fact, the manufacture of tobacco has been so greatly increased by this slight protection, or differential duty, on tobacco, you argue that the same result would be obtained, and the necessary revenue would be derived for the purposes of Government, by imposing a duty upon articles that could be manufactured in the Colony? I think so; I am certain if 10 per cent. were put upon boots and shoes, say what we call heavy boots and shoes, in twelve months none of these would be imported, for the importer would not be able to sell them as cheap as we could.

1507. *By the Chairman*: And it would give employment to a number of people who are now unemployed? Yes.

1508. *By Mr. Sutherland*: By encouraging people to come to this country, and by the increase of our manufactures, would not the whole of the people of the country be benefited? Yes, they would be benefited in many ways. The shoemaker who is now idle, who cannot get work, of course has no money to spend; if he had £2 a week coming in, he would be able to pay his baker, his butcher, and grocer, and to get a coat to his back.

1509. He is not able now to educate his children, and to bring them up as they ought to be brought up, and as they would be if he were employed? No.

1510. When he is not employed he has not the means of paying for their food and clothing, or of giving them education? Of course not.

1511. Then the country benefits morally, as well as in other ways, by giving employment to these people? Yes, the country benefits in every way by having the people fully employed.

1512. You have made reference to the Government importing boots and shoes for the police and for paupers in this country, and you have stated that you think you could make them cheaper here than they are supplied from England? Cheaper than the cost of them laid down here.

1513. Do you mean including the cost of agency, shipment, storage, and all other charges? I say I would supply the Government with an article as good, and at as cheap a rate, as the imported article when laid down here with all charges.

1514. Is it not known to you that the principal part of the boots and shoes imported here from England is made from the worst leather—leather that they could not use for the manufacture of boots and shoes for home consumption, as it would not stand the wet of the English climate? The manufacturers buy up all the cheap kinds of leather to make up goods for exportation. In England a working man, when he has a pair of boots made for him, expects them to last twelve months; but in this country there is a taste for cheap boots and shoes, and these goods are made up to suit it.

1515. If colonial goods were supplied to the Government, they would have better articles at cheaper prices? They would be better than any they get.

1516. They would require no stores for keeping these goods in? No.

1517. They would have in quantities as they required them for use? Yes.

1518. They would require no clerks for looking after these goods? No.

1519. The goods would not be depreciated in value, as they now are, by lying in a store for years? No.

1520. You would be able, from your knowledge, to give them a more suitable article—an article that would mend? Yes; twenty years ago my father supplied the prisoners with about 4,000 pairs of boots in six weeks.

1521. Would not, in your opinion, the imposition of a duty of 10 or 20 per cent. upon imported goods be the means of encouraging the more general application of machinery to manufactures in the Colony? I think so; people would then say, "There is some chance of competing with the English manufacturer, and we will try."

1522. Is it likely that capitalists would employ their capital in manufactures when they had to compete with reckless speculators, as at present? Of course people would not go into it under such circumstances. I would not have entered into it had I not, in connection with

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my own trade, had a certain sale for colonial goods, and found there was a cheaper way of making them than that previously followed by me. This led me to send for the machines; but no person would think of entering upon the manufacture of colonial boots and shoes, excepting in connection with an established trade, because a sudden influx of goods must upset his sale.

1523. *By the Chairman:* It might ruin him, and throw all his men out of employment? Yes.

1524. *By Mr. Sutherland:* Then you think, by the imposition of a certain import duty, you would encourage the capitalist to invest his capital in machinery and the necessary buildings for manufacture? Yes, for they would then be induced to enter into colonial manufactures.

1525. By the encouragement of colonial manufactures in your trade and others, would it not lead to the employment of children from the Destitute Children's Asylum, and other institutions of a like nature, in these manufactures? Yes; as I said before, if we employed a hundred hands we could employ sixty boys to forty men.

1526. Then, instead of keeping the children in these institutions, they would be apprenticed at an early age to various kinds of business? Yes.

1527. Would it be to the benefit of the country to reduce labour to the price paid for it in England? No; if it were, a man could not live upon his wages here.

1528. He could not exist here? No.

1529. Can we induce people to come to this Colony if the rate of wages is not higher here than in England? Of course not; they would say—"If we cannot get higher wages there than here we will stay at home, because we can live cheaper here than in Australia."

1530. Has it not come to your knowledge that many tradesmen in your business have been forced to go to the diggings, and to other branches of industry in the country, in consequence of not being able to get employment at their own trade? Yes, scores have been obliged to leave their trade.

1531. Has it not also come to your knowledge that these persons, not being well suited to their new business, have not been able to earn a living at it? Where a person has been brought up to a business he is not so well able to earn his living at another.

1532. Has it not also come to your knowledge that many of these persons have left large families in Sydney, and have not been able to supply them with the means of living? Yes, I have known many such cases.

1533. In many of these instances have not the families been forced to follow occupations degrading to themselves and to society? Of course the children have been allowed to run about the streets, and have fallen into crime.

1534. *By Mr. Stewart:* Are you aware that twenty-nine years ago, manufacturers of furniture and other goods in the Colony were able to supply the demands of the Colony for those goods? To a great extent; but wages were then very much lower than they are now.

1535. The gold diggings interfered with the usual manufactures, and broke up the various establishments? Yes.

1536. Since then we have been dependent upon imports for many articles? Yes.

1537. Do you think, now that labour has become more regular, a moderate import duty would lead to the re-establishment of those manufactures? I think it would.

1538. You think a large amount of labour is available? Yes.

1539. You think an import duty would have an effect not only upon the manufactures in which you are immediately concerned, but upon other manufactures? I think it would have an effect upon all the manufactures we could carry on here.

1540. Have you, in your experience among persons of your trade, found trained mechanics as subject to fall into crime as other men employed in casual work? I do not think they are more so; in fact, I do not think it is often shoemakers are taken up for particular crimes.

1541. Do you not think that generally those who fall into crime are those who have not served their time to any trade? I think, taking shoemakers as a rule, very few tradesmen have been punished for crime.

1542. You almost take it as a guarantee for the conduct of a man, that he has been brought up to a trade? Yes, I think so.

TUESDAY, 25 NOVEMBER, 1862.

Present:—

MR. HARPUR, | MR. STEWART,
MR. SUTHERLAND.

JOHN LUCAS, ESQ., IN THE CHAIR.

Edward Hunt, Esq., called in and examined:—

E. Hunt, Esq. 1543. *By the Chairman:* You have been in the Colony a great many years, have you not? I have.

25 Nov., 1862. 1544. At what time did you arrive here? In 1814.

1545. You were engaged in manufacturing, were you not? Yes.

1546. In cabinet manufacturing? Yes, in manufacturing cabinet-work.

1547. Were you so engaged immediately after your arrival? No, I was engaged partly as a joiner in fitting up houses.

1548. How long after you arrived here did you engage in cabinet manufacturing? About two years, I think.

1549.

1549. You have retired from business, I believe? I have.
1550. How long? About fifteen years, I think.
1551. Then you were engaged as a cabinet manufacturer about thirty-two years? Near 25 Nov., 1862.
upon it.
1552. How many men were the most you ever employed—have you any idea? I think about twenty; from fifteen to twenty—less than that in my early days. I had a number of apprentices; I began with apprentices, in fact.
1553. How many apprentices used you to employ? I have had five or six at a time, perhaps seven. I think, altogether, I have had about twenty-eight apprentices.
1554. Do you mean during the whole of the time you were engaged as a cabinet-manufacturer? Yes.
1555. You taught twenty-eight young men your business? Yes.
1556. Of course, as you were engaged in business, you had an opportunity of knowing how the young men behaved themselves as apprentices? Yes. I was apprenticed in England, in London.
1557. From your experience in England, and your experience in New South Wales, do you think there is any greater difficulty in the youth of this Colony learning your trade than in the youth of England? I think the youth of this Colony learn it in a shorter time.
1558. They make as good mechanics? Equally so, no doubt.
1559. And as to their moral and general character, do you think it stands as highly as the character of the youth of England? I think it stood as high at the time I took them as apprentices, especially in the early times of the Colony. I recollect only one youth who turned out badly; but generally speaking, they were free from the vices of drunkenness and pilfering. I always found them honestly and soberly inclined.
1560. Temperance is somewhat characteristic of the youth of this Colony, is it not? Yes, I think so.
1561. What was the character of the work then performed in the country—was it equal to the English work of that date? I think it was, excepting the higher works which were executed in London, and which it was impossible for us to do here. However, we had to make furniture to suit the tastes and likewise the pockets of the colonists.
1562. Has your attention been directed latterly to the employment of the youth of this Colony—since you left business have you given attention to it? Yes, I have; I have seen there is no such occasion for the youth of this Colony to be apprenticed; that is to say, I do not think there is the same prospect for them—there are so many mechanics in the trade that I do not think there is the same chance; although I observe that there are a great many apprentices about, still not so many in proportion to the population as there were in those times.
1563. Do you not think there is a great want of employment for the youth of the country at the present time? I can hardly say.
1564. Has your attention been directed to the numbers of the youth of both sexes wandering about the streets in a state of apparent vagrancy? There is a want of employment in the towns for them, but in the country parts I think there is sufficient for them.
1565. Have you been residing in the country? No, not what I should call the country; I was living at Parramatta for some time.
1566. Then your knowledge of the employment for youth in the country is derived merely from what you have heard? From general observation.
1567. What you have gathered from hearsay? And reading.
1568. Not from practical knowledge? Not from practical knowledge.
1569. Do you think there are as many youths, taking into consideration the population of the country, who are learning trades of skill now, as there were twenty or five-and-twenty years ago? No, I think there was a greater desire in the youth of the Colony to learn trades then than there is now.
1570. Do you think that is caused by the want of suitable work for the youth, or merely the want of inclination on the part of youth to learn trades? The want of suitable work and of suitable masters. I think the same inclination exists in youth now as did then, and that there is the same desire to learn trades, and to be independent, but there are not the same facilities.
1571. During the time you were manufacturing, twenty or thirty years ago, was it a general thing among parents to have their children apprenticed to a trade? They were most anxious.
1572. In the majority of instances the young men were learning trades? Yes, in the towns.
1573. The exceptions were very few indeed? Yes, very few.
1574. I believe now, if you walk the streets you will see in them, on the wharfs, and in the back-yards, a large number of boys and girls lounging about, who should be learning trades? I am sorry to say I have seen more in London than I have seen in Sydney.
1575. How long is it since you returned from London? Five or six years.
1576. Still, there are great numbers of the youth of both sexes in a state of vagrancy, who might be profitably employed in manufacturing? I believe so; if manufactories were established I believe these youths would be found to have a desire to learn.
1577. Have you ever thought of the future condition of the people of this country, with reference to the employment of the rising generation? I have thought they might be usefully employed in production. We have many useful productions in the country, such as copper, iron, coal, and vine-growing.
1578. Do you think such employments as these would be suitable for children? Not for very young children.
1579. Say from fourteen years of age—do you not think they would be more profitably employed in boot and shoe making, in woollen manufacture, or in cabinet-making? I think it

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E. Hunt, Esq. it would be more profitable to the Colony if they were employed in the production of the raw material, so far as they could be employed.

25 Nov., 1862. 1580. Yes, so far as they could be employed; but do you think there is full employment for youth in these mining pursuits? No, I should not think there is full employment for any large number of persons at present, for we are in a state of stagnation; we have not the means, we have not the same facilities as the old country—as our fatherland; if we had such means we could develop the natural resources of the country, and should be in a position to supply all the world, figuratively, with our native productions.

1581. Could you give us any idea of the cost of manufacturing in this Colony general furniture that, imported from England, with all the expenses of importation, would cost £100? No, I cannot.

1582. Your nephew succeeded you in your business? Yes, he did.

1583. *By Mr. Harpur*: You think we have mines of various kinds, which, if we had labour and capital, would enable us to supply the world? To supply the raw material.

1584. Of which do you think we are most deficient—capital or labour? We are deficient in labour.

1585. But would not our having large capital to be invested in this pursuit draw labour to us, or how could the country be proved to be deficient in labour if the wages of labour are not at a very high rate—is it not capital of which we are deficient? I think there is sufficient capital; but, of course, that will only be applied where there is a prospect of a return; and suitable labour is scarce, because it is dear labour. I do not mean to say that it is overpaid, probably not; but it is so dear, and other things are so against us—as, for instance, we have no roads—that we cannot compete with other countries in manufactures.

1586. You observe that mining speculations prevail very much at present—for instance, we are continually passing Bills for new coal mining companies? Yes, coal mining is succeeding; there is a demand for coal, and also for iron.

1587. Do you think the turning of our labour into this channel would be more profitable to the country than engaging in manufactures generally? I do think so.

1588. Do you think there is a sufficient opening at present in this way for the employment of our idle population? I am not aware that capitalists would advance capital without seeing a prospect of a return, unless we had an abundance of cheap and willing labour. Now, if we look at our fatherland, we see labourers crowded there, and they work willingly, and work at a moderate rate of wages—such wages as they can live upon—and there are facilities for mining purposes we do not possess; large capitals have been acquired, so that they have mounted the high horse, and they ride on. This question, I perceive, has a bearing upon protection.

1589. Do you not think, if a want of labour were felt, and a profit could be made by capitalists, that labour would be brought into the country by capitalists—do you think they could not make calculations to know whether they would gain or lose by the importation of labour? I think they might do so after a little practical knowledge; they would ascertain first.

1590. You think the importation of labour, with the assistance of Government, would be beneficial to the country? I think the importation of labour would be beneficial to the country.

1591. Notwithstanding that we want to stimulate the trade of manufacturers by protection, or other means, so as to find employment for the idle population at present, you believe that the importation of new labour would be beneficial to the country? I think the importation of miners would be beneficial to the country.

1592. Do you think we should introduce miners at the expense of the public? I do not see why miners should not be introduced as well as other labour, because they would give employment to other labourers and mechanics.

1593. At whose expense do you suppose they would be introduced, supposing their passages were paid out of the general revenue—would it not be at the expense of the community at large? I see other countries offering premiums in land.

1594. Do you know any country that introduces labour? Yes, Queensland.

1595. Exactly, British Colonies, they are founded by a number of capitalists for their own benefit? Yes; in Canada also they give largely.

1596. Does it not strike you as being a rather anomalous proceeding, that we should recommend protection with the view of giving employment to labour, and yet should pay large sums of money for the purpose of introducing fresh supplies of labour into the country? I do not understand the question.

1597. A large sum of money is being voted for the introduction of labour into the country, and yet the object of many of our Members is, to show that some encouragement, either by the imposition of duties upon imported goods, or in some other way, is necessary, is requisite in order that people may find employment here? Unless you make things here equal with those of other Colonies you cannot expect people to come here; they would sooner go to Canada, for that is a short voyage, and they offer a hundred acres of land to an immigrant.

1598. Are you aware whether there is much unemployed labour at present in the Colony? I find there is less application for labour—there are fewer persons inquiring for labour.

1599. Is there any distress, do you know, in Sydney, among the poor people, from want of employment? I do not hear of it.

1600. Not at present? No, except that, as is always the case in large cities, there are a number of very indigent people, who are lame and almost worn out.

1601. Able-bodied persons, able and willing to work, you think, are pretty fully employed at present? I think so.

1602. Is the rate of wages high or otherwise? Rather high, both for males and females—I speak of servants.

1603. For labourers? For labourers, not so high as they were; I believe you can obtain *E. Hunt, Esq.* labourers for about 6s. a day.
1604. A labourer with a wife and children, might generally be supposed to be at the head of a family of four? Yes. *25 Nov., 1862.*
1605. Do you think 6s. a day a sum sufficient to enable him to live in moderate comfort, and to educate his family? Not unless his wife assisted him. It would depend upon the number in family; for if there were a large family, the wife would be fully occupied in attending to them, and it would be very hard for the man to keep them. When I speak of a labourer, I refer to unskilled labour.
1606. So that whoever might benefit by coming to New South Wales, a person in that situation could scarcely hope to benefit by it? It would depend upon circumstances a great deal.
1607. He, as one of a class, could not hope to benefit by coming to this new country? Perhaps he might manage to live here as well as he had done in England.
1608. But after having broken up the ties of family and of old associations, do you not think he should have some prospect of better success here to compensate him? I think people generally ship with that idea.
1609. Do you not think that a just expectation? I think it is.
1610. Do you think it is an idea we should endeavour to dispel, or that we should make use of it in order to induce labourers to come here? There is a certain class of labour—I do not speak of unskilled, but of skilled labour, such as that of a miner—that I think might be introduced with benefit to the Colony.
1611. For whose benefit—the benefit of the labouring portion of the people, which I suppose includes the greater number? I think ultimately.
1612. Ultimately—can you point out reasonable grounds? It might be for capitalists in the first instance.
1613. Why not in the last also? If they did not see a return for their capital they would not lay it out; but if they could obtain labour, such as mining labour, that would give rise to persons coming here who would be employed in other ways, because a number of merchant vessels would be employed in carrying coals, and these would give work to a number of men on the wharves in loading and unloading.
1614. If people cannot engage in any kind of trade or manufacture at a profit unless the Government enter into the business of supplying labour to the country, there is very little prospect for a labouring man to come to this country at all? I think there should be some little encouragement held out, and that if people could have their passages paid there would be an abundance of labour here, both skilled and unskilled.
1615. That is, paid by the public out of the general revenue? To be paid by land.
1616. In effect it is the same? Yes. The capitalist would come here as well as anywhere else, if he could bring his servants and labourers with him with their passages paid; and they did do so formerly; persons who arrived here brought out servants or large families of children with their passages paid.
1617. By the State? Yes.
1618. In other words, their passages were paid out of the general revenue, mainly contributed by the taxation of the labouring population? Principally by the British Government at that time.
1619. I think not? In the very early days of the Colony, yes.
1620. *By Mr. Stewart:* You spoke of the want of labour to give a sufficient return for capital invested in manufacture? I think we do not stand upon equal terms with England; I think if the mines we have were in England they would make her very wealthy; from the facilities she has, and the abundance of labour at her command she would be enabled to employ any amount of capital in this way.
1621. Do you know the comparative rate of wages given to miners in England and to miners here? No.
1622. Do you think the wages are double here? I cannot say; I have no experience of miners' wages.
1623. Does the capitalist here expect double the return for his capital that the English capitalist does? I should think not.
1624. Do you know what a capitalist would expect here? I think he would expect 10 per cent.
1625. Is not that more than double what the English capitalist would expect? Yes.
1626. If the capitalist is entitled to expect double the rate of interest, do you not think the labourer is entitled to double the wages? Yes.
1627. Do you know whether he gets double? I do not think he does.
1628. Labour being considered the first movement in capital, is there any reason why the labour should not get the same proportion of profit as the capitalist? We have seen strikes occasioned by the want of a sufficient amount of skilled labour, which prevents capitalists embarking their capital in undertakings where labour is involved.
1629. Have you not seen strikes in England continued for a number of months, which shows that they may take place in a thickly populated country, where there is no want of labour? Yes.
1630. You have stated that you employed to the number of twenty persons; that did not include the whole number employed in your establishment—you were alluding, I presume, to some particular branch of your trade? I was speaking generally.
1631. During the time you were in business did you not give employment to a larger number than twenty? I might have done, but I think not generally. There was no very great demand in those days.

- E. Hunt, Esq. 1632. Are you limiting your remarks to those engaged in mechanical employments? Yes, principally.
 25 Nov., 1862. 1633. Had you not in your establishment a larger number than that—nearly double? Taking males and females, probably so. I do not think double—still, of course, they sometimes exceeded that number.
1634. During the time you were in business did you ever find a deficiency in the mechanical capabilities of your men to turn out any description of wood work? Yes, in the higher kinds of work.
1635. At the earlier period? Yes.
1636. Did you find that that difficulty was removed at the latter period? Yes, the demand was so small, comparatively, that a few overdid it.
1637. Are you aware that a number of trades, which do not now exist in the Colony, were carried on a few years ago—such as coopering, boat-building? Yes, I am aware of that. There used formerly to be a large number of whaling vessels out of the port, and of course they required whaleboats and other appliances.
1638. There is scarcely employment for those branches of trade now? No, we cannot manage to send out whalers to fish off our own coast, but vessels come from America and other parts of the world, and engage in this business before our face.
1639. Did that give employment to various branches of trade that do not exist now—rope-making for instance? Yes, we cannot compete with the older countries.
1640. How do you account for our not being able to compete with America—a young country? As far as the principal furniture is concerned we do, but they still send out chairs; we cannot compete with them in that respect, but other furniture can be imported from England. With regard to chairs, they are made of pine, which is as plentiful in America as sandstone is with us, and convicts are employed in making them. Shippers take them and send them at their own hazard to find a market. The first quantity of American furniture that was brought here was offered to me by the captain, who was surprised when I told him that the duty was only 5 per cent. *ad valorem*, and said he had expected to have paid 20 per cent. He sold what he had, was encouraged, and went and fetched more, and we were supplied with these goods until we were able to compete with them. They have now given up supplying us with general furniture, and confine themselves to chairs.
1641. Do you recollect by what means the country competed with American furniture and kept them out of the market? I think the country has competed with them, except as regards chairs.
1642. You stated that other countries had imported cheaper than they could? I am not aware I said that—I said England had.
1643. Then we did not compete with them; it was England that put them out of the market? Yes.
1644. They found that goods could be imported from England at a less rate? Yes; I think we can compete with them in furniture, from the prices at which I have seen furniture selling.
1645. Why, then, is furniture still imported? The taste of parties is improved; the people now require the best of furniture—they cannot get it too good.
1646. A great deal is imported of a character that could be made here? Yes.
1647. Quite equal to that imported? Yes.
1648. And more suited to the climate? Yes, and many persons prefer it.
1649. Is not the cedar equal to any other wood for furniture? Not equal to mahogany.
1650. With that exception you think no wood is more durable? I think what we manufacture is quite as durable as that made in England. What we make is more solid; for instance, this table is pretty well solid; if it had been made in England it would have been veneered. The articles made in the Colony would be more durable, but they would not please the taste of many persons. There are many things we have not the same facilities for getting up that they have in England; for instance, drawing-room suites in rosewood and walnut. They have superior skill in abundance, and have also facilities for importing woods from France and other countries to suit the public taste.
1651. That is the higher class of fancy furniture? Yes.
1652. How do you account for the Americans beating us in the way of business? I account for it in this way—that their naval men are much superior to ours; they go as partners in adventures; they are men who have their homes and wives, and they leave these in America while they go to accomplish a certain work, and return to their wives and families. Our sailors are a different sort of people—they live from hand to mouth, and have neither wives nor families, the majority of them; they have not the same subordination among them—they have not the same laws to keep them in order; they mutiny, and are fond of grog, and will not work while there is any in the hold.
1653. Then you think the American mercantile marine are superior to the English? Yes.
1654. *By the Chairman*: Are you an advocate for low wages? Not particularly so; I am an advocate for what is fair. I make a calculation that a working man should pay for his rent only one-sixth or one-seventh of what he obtains; if he obtains £2 2s. a week, he should not pay more than 7s. a week for rent.
1655. Taking the rate of rents in New South Wales, do you think, according to your own standard, mechanics in New South Wales are overpaid? I do not.
1656. A mechanic with a wife and three or four children, I suppose, would require a house with at least three rooms? Yes.
1657. Can he get such a house, in any place fit to live in, for less than 12s. a week? No, not for less than from 10s. to 12s.
1658. Then, according to your theory, a mechanic in this country should get 72s. a week? Yes, 10s. a day; and I dare say they do get it, or perhaps 72s. a week. 1659.

1659. Then you think they are fairly paid, according to your own theory? Yes.
1660. Do you not think the great want of New South Wales is population? It always has been, no doubt of it.
1661. Do you think, taking the rate of wages in England and the rate of wages here for mechanics, they are better off here than in England? Yes, if they get 10s. a day here they are equally as well off here as they are in England at 5s.
1662. Taking the mechanic in England who gets 5s. a day, what would it cost him for the rent of three rooms? I cannot say.
1663. It is not likely, I presume, that people will come to a new country, and leave their friends and home, without trying to better their own position? No doubt they do; here they have no frosty weather, while in England during frosty weather, the bricklayer, the carpenter, and the gardener are thrown out of employment.
1664. Is the cabinet-maker? Yes, he suffers a little, but not so much as others.
1665. In a builder's yard there is always work kept for a certain time? Yes, for a certain class of men; the rest are discharged.
1666. With reference to strikes—there are strikes in England as well as in New South Wales—have you not heard of men in England striking for many months? Yes, I have, on account of wages, but very little satisfies them.
1667. Masters have been ruined in consequence of strikes? Yes.
1668. There is another system of interrupting trade, what are called “lock-outs,” where masters lock-out their men? Yes.
1669. Many masters have ruined themselves by these lock-outs? Yes.
1670. With regard to the chairs which are introduced from America here, made in American prisons—are you aware that these are not allowed to be sold in America because they interfere with free labour? Yes, I believe so.
1671. Do you think it fair that we should tolerate the importation of these goods to throw our men out of work, when the Americans will not allow them to be sold at home? The captain I mentioned was surprised that they should be allowed to come in under a duty of 20 per cent.
1672. Supposing we were to send a cargo of chairs from New South Wales to America, have you any idea what they would charge as duty? In Peru and other parts of South America they charge a very heavy duty.
1673. Something like 100 per cent.? I believe it is very large indeed. Many persons took down houses ready to put up, and the duty was so high that they had to let them lie on the beach at California.
1674. To throw them overboard? Yes. With respect to North America, I do not know.
1675. Do you know whether England would charge any duty upon a cargo of furniture if it were sent from here? I am not aware of that.
1676. Would you believe that a person living in New South Wales, who sent a chest of drawers made of colonial wood as a present to his mother in England, had to pay £2 5s. duty on it? When I went to England from here we took two chests of drawers, and they were passed as passengers' luggage—they were in use.
1677. They contained your wearing apparel? Yes.
1678. Nevertheless, they would not have passed them unless they were passengers' luggage? Perhaps not.
1679. As they passed them as passengers' luggage, that implies that there was a duty upon articles of this kind? I hardly know; they were new chests of drawers, made on purpose. They were wrapped and tied up, and addressed as passengers' luggage; they asked no questions about them, but merely passed them. I am not aware whether they charge duty or not.
1680. *By Mr. Stewart:* Are you aware that in California duty was charged upon goods sent from here? Yes.
1681. A very high duty? Yes.
1682. You are not aware that that is the case in the old States? No.

E. Hunt, Esq.
25 Nov., 1862.

Mr. John Hill called in and examined:—

1683. *By the Chairman:* You belong to the firm of Hill, Son, and Co.? Yes.
1684. You are engaged as a cabinet manufacturer and upholsterer? I am.
1685. How long have you been so engaged? Twenty-two years.
1686. Are you a native of the Colony? No.
1687. You learned your trade in the Colony? Yes.
1688. You were apprenticed to Charles and Thomas Roberts? Yes.
1689. You import very largely? I do.
1690. How many men do you employ in the various branches of your trade, from the sawyer up to the polisher, including women and all? I think I have about sixty or sixty-one persons.
1691. How many apprentices have you? Altogether, I think, twenty-four; eighteen at the cabinet business, and six at the upholstering.
1692. Are these included in the sixty? They are.
1693. Do you find any difficulty in obtaining apprentices? None whatever.
1694. If you were to advertise in one of the daily papers to-morrow that you wanted apprentices, would you have many applications? No doubt I should have half-a-dozen.
1695. Have you ever tried that means? Some time back—not lately.

Mr. J. Hill.
25 Nov., 1862.

- Mr. J. Hill. 1696. Do you know how many applications you had? I could not tell you exactly. I have had as many as five or six at a time, after inserting the advertisement in the paper.
- 25 Nov., 1862. 1697. So that there is no difficulty in obtaining apprentices? None whatever.
1698. Do you find the moral character of the young men of this Colony generally good? Generally speaking; I have had some little difficulty occasionally.
1699. That is always the case with young men? Yes.
1700. Do they generally acquire the trade as readily as the same class of youth in the Mother Country? From what I have seen in England during the short time I was there—and I have been there twice within the last six years—I should say our boys are quite as quick as any I have seen there.
1701. You say you employ somewhere about sixty persons; now suppose you were to manufacture the whole of the goods you sell in your establishment—I refer to cabinet-ware and upholstery—I do not speak of carpeting, rugs, and so forth—to how many persons could you give employment? I should think at least ten or twelve more; but we cannot do it in the Colony.
1702. Then you sell much more colonial-manufactured furniture than you do imported? I think we do rather more; I can tell from what business we do—I can get at it pretty nearly.
1703. You say you employ about sixty persons, and that if you were to manufacture all you sell you could employ about twelve more, therefore you must manufacture five times as much as you import? I allude principally to cabinet-making; if I manufactured the whole of the frames that we stuff here I should require about half as many more men.
1704. I want to know how many extra sawyers, upholsterers, frame-makers and polishers you would require if all the goods you sell were manufactured in the country? I do not think I could employ more than ten or twelve more cabinet-makers, for there are many goods we could not make here.
1705. Why could you not? For instance, carpets and articles of that kind, they belong to the upholstery trade.
1706. I am not speaking of the material you use up—of carpets, silk, gimp—but of the labour you would require to put these things together? The material, in a great measure, forms the piece of furniture, which we could not make at all.
1707. Why could you not make it? We could not make the material; I think we could employ twelve men, but we must still import the drawing-room furniture.
1708. You have no doubt of the capability of the workmen in this country, or of the youth of this country to acquire the trade? Not at all.
1709. You think we have workmen in this country that could manufacture these articles? I think so; in fact, I am sure they could.
1710. The youth of the Colony are quite as capable of learning as those of England? Quite as capable, and generally speaking they are quicker.
1711. Do you notice the large number of the youth of the country who are wandering about the streets in apparent vagrancy? I have seen a great number of idle youth and children in some of the lower parts of Sydney.
1712. Would it not be much better for society if they were engaged in some kind of manufacture—I am not alluding especially to your particular class of manufacture, but to shoemaking, tailoring, woollen manufacturing—would it not be better for the youth and for society at large if they were employed? Yes. It would perhaps be as well for me to state that I was six months in London, during which time I was travelling up and down the lower part of that place, and I saw much larger numbers of children unemployed there than here.
1713. Although that may be the case in an old country like England, it does not follow that it should be the case here? Certainly not.
1714. Have you ever given your attention to the probable future condition of society in this country, in consequence of the want of employment for the rising generation? To a certain extent, having employed so many lads—I have never been without seven or eight. During the time I have been in business I have always studied the boys' interests in every sense of the word; so much so, that when I have hired a boy, and have found that he would not turn out well, I have parted with him rather than have any bother with the Courts.
1715. You say there are certain works you import in frame from England;—now we require a revenue; suppose the Parliament thought it right to look to the future employment of the people of the country, what duty do you think would put you in a fair position to manufacture these articles you now import—I allude to these frames—to come in competition with imported goods? I am afraid no duty you could impose would put us in a position to do so; the only means by which we could compete with them would be by doubling the men's wages in England. Even if you were to put 20 per cent. upon them the buyer would suffer, but we could not compete with them, and I do not believe we shall be able to do so in my lifetime—I speak with reference to drawing-room furniture.
1716. Nevertheless, you say we have tradesmen who are equal to the performance of this work, or if not we have youth who could soon acquire the art? I do not think we could get any men to make that class of work by piece work, and to give it them by day work would cost more than double what we can import them for. Even at the present day we have a great many men who are working at 50s. a week and a great many at £3, and if I were to attempt to take off a shilling they would go to the diggings—they say they can get £3 a week there.
1717. *By Mr. Stewart:* Have you seen any of the better class of American work? I have not of late years seen it here; some twelve or fifteen years ago there was a good deal of American furniture sent here; it was a very good class of furniture.
1718. Have you any reason to doubt their capability of getting up furniture equal to English?

- English? I have seen in England some very beautiful work from America, and I have also in the Colonies seen some very passable work, but not so good as I have seen in England. Mr. J. Hill.
1719. Have you seen their iron-ware work? Yes, quite equal to the iron-ware from England. 25 Nov., 1862.
1720. Are you aware that some five-and-thirty years ago their manufactures were not upon an equality with those of Sydney? Yes, at the time I was apprenticed, about seven-and-twenty years ago, when Mr. Hunt was the leading man here. I went there the first place after I had served my apprenticeship, and he had some very good workmen there at that time. Since then I have found some American workmen quite as good as the workmen are in England.
1721. Are you aware that the iron-work brought here from America has been manufactured there only since an import duty was imposed upon goods, not above twenty years ago? I cannot say that I have paid any particular attention to that.
1722. If America could rise to such a state of perfection in so short a time, can you see why, under similar circumstances, we should not? I do not see why we should not, if we had sufficient immigration.
1723. If a man could manufacture in England these superior articles, could he not, if he came to the Colony, manufacture the same description of goods here? The increased wages would make the difference.
1724. Are you aware what is the rate of wages in the better shops in London? I went through nearly all the large shops in London, Birmingham, and Wolverhampton.
1725. I wish you at present to confine yourself to London? About 24s. a week, day wages.
1726. The same class of workmen as that to which you pay 50s. here? Yes.
1727. What would be the difference between the value of mahogany in England and of cedar here? To the best of my recollection—I am not positive—mahogany is about double the price of cedar.
1728. If furniture were made of solid mahogany in England, it would be almost as high in England as furniture made of cedar is here? Yes, very nearly; it is the labour in England that makes things cheaper there.
1729. Labour is about half the price there that it is here? Rather less.
1730. What proportion does it cost to import packages of furniture? If you take the thing upon the bulk, it is about 30 per cent.
1731. *By the Chairman:* That covers all charges? We allow that upon everything that comes. We import about £12,000 worth in the year, and we charge that upon the bulk; that is as nearly as we can arrive at it.
1732. *By Mr. Stewart:* Do you think a better class of workmen would be induced to come to the Colony if there were an import duty upon goods? Nothing would induce them but higher wages.
1733. That, to some extent, could be met by the amount you have had to pay for the expense of importing? Yes, it might; however, people are not satisfied here. I brought out a man here who was getting very small wages indeed in England, and ever since he has been getting £4 a week, and he now complains that he does not get enough; he says he cannot do so well here as he did in England with less than half.
1734. Are you aware, from your long connection with business in the Colony, that there are trades which do not exist now which formerly flourished? Yes, there are some.
1735. Rope-making? Yes; and anyone who has been long in the Colony will recollect that some thirty years ago there were boat-builders all round the harbour when we used to fit out whalers.
1736. That used to give employment to a number of lads? Yes; that seems now to be shut up entirely.
1737. In proportion to the population, do you think there are now so many openings for lads to be put to trades as there were formerly? I think so.
1738. For the same number? Yes.
1739. In what trades? Builders, cabinet-makers, blacksmiths, wheelwrights; I think it is rather better now than it was in our time.
1740. Do you think there is so much employment, in proportion to the population, as there was at that period? I think there is more.
1741. Do you think, with the exception of your own establishment, there is one in Sydney, at the present time, where there are so many men employed as there were in the establishment were you were apprenticed? I suppose Mr. Lenehan comes next to me in the number of hands he employs.
1742. Excepting your own place and Lenehan's, do you think there is any establishment so large as the one the Robertses were carrying on for a number of years? Not as manufacturers, I do not think there is.
1743. Are you aware whether there were also several others larger than any now existing, with the exceptions you have named? Yes, there was Mr. Bell, Mr. Hunt, and the one next to Bell in George-street. There were three or four.
1744. Then there were as many as four or five large establishments? Yes.
1745. With the exception of your own and Mr. Lenehan's, there are not so many large establishments as there were some five-and-twenty or thirty years ago? There are a good many shops in Pitt-street—I do not know how many men they employ.
1746. From the appearance of those shops, should you form an idea that they were carrying on so large a business with respect to the training of the youth of the Colony to the trade? I do not think there is one. So far as the training of youth is concerned, I do not think there is one in Pitt-street that has more than two or three lads.
1747. When the population of Sydney was 20,000 we had double the number of establishments,

- Mr. J. Hill. 1748. And youths had the opportunity to learn their trade in a fair way? In Roberts' and Hunt's they had every opportunity of learning their trade.
- 25 Nov., 1862. 1749. *By the Chairman:* The style of work in those days—the description of work then—was even better than it is at the present time? The boys in those days were encouraged to put as much work as they could into a job.
1750. *By Mr. Stewart:* From the general character of the work that was then turned out, a workman, trained in one of those shops at that period would be suitable to go into any kind of employment now? Yes, a man could always make a plain article if he could make a better.
1751. Then, from five-and-twenty to thirty years ago, with the exception of two of the present establishments, there were a larger number of manufactories, and a larger number of apprentices being trained, than there are at the present day? I think there were; Bell had eight or ten apprentices in those days.
1752. How do you account for the falling off? Really I cannot; I do not see how it is to be accounted for.
1753. All these appeared to be fully employed at that time? Yes.
1754. You are aware that the population is now fivefold the number it was then, and fivefold as wealthy? Yes, I should imagine that to be the case.
1755. As a matter of fact, population has increased in that proportion, and wealth in that proportion, and it is reasonable to suppose the consumption of furniture in the same proportion? Yes.
1756. And the employment of youth is less? Not in all cases. I should say there are now more apprentices, taking the town through, than there ever were before.
1757. There is only one establishment besides your own where a large number of persons are employed? I am sure we are the largest employers of labour.
1758. *By Mr. Sutherland:* Suppose you were sending furniture from this to England, would it be admitted free of duty? Yes, I think so.
1759. *By the Chairman:* Are you sure of that? Yes, if it were sent Home as cargo. I must answer your question in two ways. If I took a lot of furniture in my cabin, and attempted to take it on shore in the docks, I should have to pay duty for it; but if I took it Home in the ship as cargo I should pay nothing for it.
1760. If you were to send a cargo of furniture from your establishment to England for sale, do not you believe you would have to pay duty on it? I think not. I am not sure of that; I have never tried. I have heard of a gentleman who sent Home some little samples of furniture, and when it got there he had to pay duty. I thought they did not charge duty in London for cargo.
1761. Have you paid duty for anything you have taken Home? Yes; all I had in my cabin was a chest of drawers, and I think I had to pay 17s. 6d.
1762. That was all the furniture you took Home with you? Yes.

Mr. Charles Hunt called in and examined:—

- Mr. C. Hunt. 1763. *By the Chairman:* You are engaged as a cabinet-maker and undertaker? Yes.
- 25 Nov., 1862. 1764. Have you taken up the business of Mr. Edward Hunt, who has just been examined before this Committee? Yes.
1765. How long have you had the business? I think I have had his business about sixteen years, but I have been in the business about thirty years.
1766. Were you manufacturing upon your own account previous to taking up his business? No, I was merely under my uncle for some time, acting as his foreman.
1767. Have you any apprentices? No actual apprentices, though you might call them so; they are a kind of improvers; they are not indentured, but could leave at any time.
1768. You have no indentured apprentices? No.
1769. How many improvers have you? I have only five.
1770. These are persons who have picked up a smattering of the business elsewhere, and have come to you to finish learning the trade? Yes, they have learned the rudiments as it were.
1771. Have you never advertised for apprentices? No.
1772. What is your reason for not advertising—it is usual in large establishments in the old country to employ a number of apprentices? It answers my purpose better to take improvers—young men who have learned the rudiments; it is the least trouble.
1773. Do you import furniture? Not a great deal; it is necessary to import chairs and drawing-room furniture. We cannot make up drawing-room furniture to compete with English.
1774. How many men have you employed? Three men and five young men—eight hands altogether.
1775. In the same business—we have it on the evidence of your uncle—there were formerly employed, pretty regularly, twenty hands? Yes, we used then to make chairs and drawing-room furniture.
1776. Why do you not now make chairs and drawing-room furniture? We can import them cheaper.
1777. Have we not tradesmen competent to make drawing-room furniture? Yes, we can do it, no doubt of it.
- 1778.

1778. We have the skill? As far as the woodwork is concerned, we have the skill in the *Mr. C. Hunt.*
Colony to do it.
1779. And according to the evidence given by your uncle and by Mr. Hill, the youth of 25 Nov., 1862.
the Colony are very sharp? Yes.
1780. And acquire the skill very readily? Yes, they pick it up very fast here.
1781. Are not our colonial woods equal to any others for manufacturing purposes? Yes; I
have recently had a wood brought to me admirably adapted for drawing-room furniture. I
have brought a specimen. (*The witness produced the same.*)
1782. What wood is that? I cannot find out the name.
1783. *By Mr. Stewart:* It can be procured if there is any demand for it? Yes, there is a
large quantity up the country.
1784. It is something like walnut? Yes, but it is gayer; a lighter wood.
1785. It would look quite as well as walnut? Yes, it would put our walnut-tree drawing-
room furniture into the shade.
1786. *By the Chairman:* You mean to say that it is superior to walnut? That is a matter
of taste; it is quite equal.
1787. You said it would put your walnut-tree furniture into the shade? Yes, that is
the opinion of manufacturers. I had a person who had been with Messrs. Broadwood and
Sons, and he said they would value it highly for pianoforte cases.
1788. That can be obtained for a reasonable price? Yes; there is plenty of it up the
country.
1789. That could be obtained in this country cheaper than the woods for drawing-room
furniture could be obtained in England? I think we ought to get it as cheap; the only
difficulty is the rate of wages.
1790. Do you agree with Mr. Hill, that the cost of importation is about 30 per cent.? I
think he is right.
1791. Then a lot of furniture which would cost £100 in England, would cost £130 here
when landed? Yes, no doubt.
1792. How much would it cost you to manufacture the same quantity and quality of furni-
ture in New South Wales, taking into consideration the price of the wood, which you say
could be obtained here as cheaply as in England? Marble and glass are always connected
with drawing-room furniture, and these we must always import, I think.
1793. At any rate, for some time to come; but taking into consideration those things that
it would be absolutely necessary to import—as silk, satins, gimp, and so on—what would it
cost you to manufacture this quantity of goods in the Colony? I have no doubt 25 per
cent. on the price would cover it.
1794. That would be about £155? Yes.
1795. That would be upon the whole about 16 per cent.? Yes.
1796. You have no doubt you could always get plenty of boys to learn the trade? I could
always get as many as I want.
1797. *By Mr. Stewart:* Would there be any difficulty in your manufacturing the wood part
of any description of work that is now imported? No.
1798. You could find workmen equal to any description of work, if a better price were paid
for it than the ordinary wages? I find no difficulty in that respect.
1799. The difficulty is the matter of wages? Yes.
1800. You have been importing for some time, and have seen a quantity of furniture
imported and sold by auction? Yes, but we are fast driving it out.
1801. Do you think the quality of that furniture equal to what you would manufacture?
No; the larger portion is inferior, and not so cheap to the consumer.
1802. It is not so sound? It is not so sound.
1803. For an advance of 25 per cent. you could make a sounder article, better suited to
the climate? Yes, but I have been speaking of drawing-room furniture.
1804. *By the Chairman:* Which would in reality be 25 per cent. better and sounder? Yes.
1805. Then the consumer—the purchaser—would lose nothing? No, I do not think he
would.
1806. *By Mr. Stewart:* You think cedar is adapted for the purposes of furniture generally?
I cannot say that cedar is a good wood for chairs—I never did think so.
1807. What wood do you think is better? Mahogany.
1808. You think cedar would come next to mahogany? Yes.
1809. In the general description of furniture made in this Colony there is no deficiency of
mechanical skill? I do not think there is.
1810. Do you not think there is a large amount of mechanical skill, in the branches of trade
with which you are connected, unemployed or turned off to other trades? I know there are
many carvers who are doing very little.
1811. Competent workmen? Yes.
1812. Have you had any experience of London? Yes, I was apprenticed in London.
1813. Have you not met with workmen here who are pretty nearly on an equality with those
of London? I think the class of men here are generally fully equal to those you get in
England; besides, I consider that it is easier to carry on our business here than in England.
1814. From what you have seen of our youth, should you say they could be made equally
good workmen? No doubt. I have a great opinion of our youth.
1815. If you had an increased demand for a better class of work, you could train a larger
number of youth? Yes.
1816. And give employment to men who are now employed in other ways, or not employed
at all? Yes.

- Mr. C. Hunt. 1817. Those of a better description—such as carvers? Yes; at present we import our higher class of carved furniture.
- 25 Nov., 1862. 1818. The present position of the better class of workmen is, that they cannot get employment because they cannot work at a rate of wages to compete with these imported goods? Yes.
1819. Where is this wood obtained? In the neighbourhood of Albury; it is about twenty-two or twenty-four inches in diameter.

TUESDAY, 2 DECEMBER, 1862.

Present:—

MR. STEWART, | MR. SUTHERLAND.

JOHN LUCAS, ESQ., IN THE CHAIR.

Mr. Edward Arthur called in and examined:—

- Mr. E. Arthur. 1820. *By the Chairman:* You are a coach builder? I am.
- 2 Dec., 1862. 1821. How long have you been so engaged in this Colony? Nineteen years.
1822. Were you so engaged in England? Yes, all my life.
1823. Were you carrying on business in England on your own account? Yes.
1824. Have you ever had any apprentices in England? Several.
1825. Have you also had some here? Yes.
1826. Do you find the colonial youth ready at learning the trade? Some are very quick, and others altogether the other way. Taking them generally they are pretty quick at learning it.
1827. Equally quick as in England? Far quicker.
1828. What is their behaviour generally? Some are very well-behaved, others not.
1829. Would they bear a favourable comparison with lads in England? Yes.
1830. Have you ever found any difficulty in obtaining apprentices if you wanted them? Not the least; I could get as many as I liked; but I object to have them because I have not sufficient room.
1831. Have you sufficient work? Yes, plenty.
1832. Do you think the timber of this Colony is as good for your business as the English timber? Quite as good, only it requires more seasoning—for a greater length of time.
1833. Is colonial ironbark as good for shafts as lancewood? Equally as good.
1834. And also for spokes? It is superior to oak.
1835. Is it equally as good for all other parts? Yes, it is equal to any English timber; it is more durable considerably.
1836. Do you manufacture carriages and every description of vehicles of a light kind? Yes.
1837. Could you give the Committee any idea of the quantity of carriages and other vehicles imported, compared with the quantity made in this Colony? No, I could not indeed.
1838. Do you think there are as many made in the Colony as are imported? No, nothing like it.
1839. Are there one-tenth as many made in the Colony? There may be one-tenth as many.
1840. You think that is about the proportion? That is about it.
1841. Then there are nine carriages imported for one made here? Yes, at the present time. At one time there were more made in the Colony, considerably—nearly the whole of them, until within the last few years. Importation was entirely stopped until latterly.
1842. How do you account for the change? In consequence of wages getting up with the gold.
1843. Before that most of the carriages used in the Colony were manufactured in the Colony? Yes, most of them.
1844. Taking the quantity imported against the quantity made in the Colony, I suppose there were eight or ten manufactured to one imported? I should say a dozen to one.
1845. Do you think we have the mechanical skill in the Colony to produce the best class of work? We can make anything, it does not matter what.
1846. Then we have the workmen? We have workmen capable of doing anything in the trade.
1847. And the raw material? And the raw material, no question about it. There was a carriage built here for the late Mr. Hyndes that cost five hundred guineas, equal to the most expensive carriages built at Home. Mr. Tooth drives it at the present time.
1848. How long since was that? Just before Mr. Hyndes died—about seven years ago.
1849. Do you think there are as many men engaged in the manufacturing business now as there were seven or eight years ago? No, many have turned their hands to other branches, wheelwrighting for instance.
1850. Can they earn as much money at wheelwrighting? More.
1851. Then they have not been thrown out of work? No.
1852. But by turning themselves to the wheelwright business they interfere with men of that class? Yes, of course.
1853. And also prevent many youths from going into that business? Yes. There is no importation to any extent of waggons, drays, and those things—they are mostly manufactured in the Colony.

1854.

1854. Could you give us any idea of the comparative cost of a carriage manufactured in England and one manufactured in this Colony, both being of equal quality;—say a carriage costs £150 to make in this Colony—what could the same carriage be made for in England? For about £135.

Mr.
E. Arthur.

2 Dec., 1862.

1855. What would it cost to import it? With case and all together, about £20.

1856. Then it would cost more to manufacture it in England and import it, than to make it here? Certainly. There is no advantage gained by getting it from England. You can get cheaper carriages here than imported ones.

1857. How do you account for the importations then? In this way: Gentlemen who want carriages like to see the article they buy before their eyes, but it would not answer our purpose here to manufacture at our own risk. We cannot afford to keep a large stock, because of the competition with a lot of inferior English carriages that are sent out. People also have an idea that an English-made carriage must be superior to a colonial one, though that is a great mistake.

1858. Then you have no doubt that carriages can be manufactured in this Colony as cheap as they can be imported? I am certain of it. What I term good carriages, I mean; I do not mean to say we can compete with carriages of inferior quality.

1859. But the importation of inferior carriages decreases the value of your good carriages? Yes; very few good carriages come here from England; they are nearly all what we term "job" carriages, done up again, with fresh tires and fresh lined.

1860. *By Mr. Stewart:* It is the exception to have new carriages come out? Yes; indeed I have relations myself who send out these "job" carriages. Gentlemen in England hire them and use them for a time, and they are done up, and shipped out to the Colony.

1861. *By the Chairman:* Has your attention been drawn to the number of youth in the Colony who are without occupation? It has, considerably.

1862. Do you know of any occupations suitable for the growing youth of the Colony, sufficient to keep them employed? There would be plenty, provided manufacturing establishments were encouraged, such as nail-making, boat-building, carriage-making, and so on.

1863. In your own branch, I suppose, if the whole of the vehicles which are used in the country were manufactured in the country, it would give employment to an immense number? I dare say it would give employment to two or three hundred youths. There is a constant stream of different things required in the different branches of the business, which might all be manufactured in the Colony. For instance, the making of nuts and roller bolts is a trade alone, the making of springs, joints, steps, and fifty different things are all so many different trades; and if there were sufficient encouragement, men would follow each branch separately, and then they could be manufactured much cheaper than they can be by a man going all through the business himself.

1864. Then what interferes with your business in this country, and of course prevents a great number of the youth of the Colony being employed, is the importation of inferior articles? It is.

1865. Second-hand carriages, nicely lined and done up, are sold at much less than you can make good ones for? Yes; I have an imported one now in my yard that has been a second-hand carriage.

1866. You find a disposition existing amongst gentlemen in the Colony to purchase imported carriages, although you, as a mechanic, know they are much inferior to colonial? Yes, and they find it out too, after a time. There is a general idea that colonial-made articles are not so good as English. They fancy the timber is not so good, but it is a great mistake; for even ash shafts, if you keep them too long, get the grub in them, and when you come to cut them they are all powder; iron-bark you may keep for twenty years.

1867. How would you stop this importation? By putting on a duty to a certain extent, in proportion to the difference of wages in the Colony.

1868. What amount of duty would prevent the importation of inferior articles? I should say about 20 per cent.

1869. Do you think a duty of 10 or 15 per cent. would be of any benefit? No, I do not think it would.

1870. There are large numbers of American carriages coming here now? Yes, almost every week; they are coming in continually.

1871. *By Mr. Stewart:* There is no description of carriage imported of a quality that you could not get up in the Colony if you had the order? Not one of any description.

1872. Then you attribute the ready sale of these carriages more to the fact of their being placed before the eye of the customer, than to any superiority over those of colonial workmanship? Yes.

1873. In addition to the advantage in sending out second-hand carriages, as you state is the usual description of carriages imported, capital can be obtained at a lower rate of interest in England? Decidedly.

1874. Money can be got at 4 per cent. in England? Less than that.

1875. So that a carriage kept twelve months, and the interest of money, would not be as much as it would be here by keeping it four months? Nothing like it.

1876. Then, in fact, the period occupied in importing a carriage is not so much against the capitalist as merely manufacturing and keeping it here three or four months? Not one quarter of it.

1877. Many of these carriages could not be so readily sold in the places they originally came from? No, they would be kept on hand.

1878. Or broken up for other purposes? Yes, and altered.

1879. If an import duty of 20 per cent. was levied on carriages, would that be an inducement for you and other manufacturers to keep carriages in stock? It would, decidedly, because then we could compete with the Home market, and entirely shut them out.

Mr.
E. Arthur.

2 Dec., 1862.

1880. That would induce you also to extend your business? Yes, certainly, and to take apprentices.
1881. You think there would be no difficulty in increasing the number of your apprentices? Not in the least; I could get twenty in a day.
1882. And there is no difficulty in getting efficient workmen? None.
1883. What rate of wages just now, on the average, would a good workman receive? I am just now paying superior workmen about £3 10s. per week.
1884. And from that downwards? Yes.
1885. The man you speak of must be a man who has served some years to the trade? Yes, he must be a good workman.
1886. Such a man as would be able to get employment in any coachbuilder's establishment in England? Yes. I have some as fine workmen, as I have met with in England. We have had some workmen out here, who, after emigrating to this country, have gone Home again, in consequence of not getting sufficient employment.
1887. Would not that operate as a check upon lads endeavouring to gain a knowledge of the higher qualities of work, if they could not afterwards obtain sufficient employment in the better branches? No; boys learn here more than they do at Home; they get a general knowledge of the work, in consequence of the different branches not being so separated here as in England.
1888. Is it not a fact, in your trade, that rougher workmen, capable of getting through more work, can earn better wages? No.
1889. The best workmen can get the highest wages? Yes.
1890. But there is a limit to the number required? Yes.
1891. Then it becomes necessary for a workman, in order to secure constant employment, to lower himself in the scale of quality? Yes, because there is not sufficient good work to keep him.
1892. You think there are workmen enough in the country to supply to a considerable extent beyond the present demand? Yes, there are workmen to supply all that is required.
1893. What would be the proportion of the finishing portions of carriages that you would require to import—some of the trimmings, for instance? We made that out here about eight years ago, but the man could not get a demand for his labour, and went into the police.
1894. Are there any portions of carriages that would require to be imported if a duty were imposed on imported carriages? There is not a single article that ought to be imported.
1895. You think a duty of 20 per cent. would be sufficient to establish manufacturers in the different branches of your trade? Yes.
1896. It would be worth your while, as a practical man, to train lads to the business, if security was given you for a market? Certainly; indeed I have had four apprentices myself, and they turned out as fine workmen as ever took a tool in hand. One was a smith, two painters, and one a wood-worker. However, they could not get sufficient employment in the trade, and one kept a public-house in Market-street, one went to Ballarat, and the others shifted about.
1897. *By the Chairman:* The whole cost of the imported vehicles is a direct loss to the Colony, in consequence of their not being manufactured in the Colony, considering that the labour that would be employed in manufacturing these vehicles is now unemployed? Yes; for instance, the quantity of iron that is thrown away and destroyed in this Colony is immense, whereas if encouragement were given to manufacturers, parties would start rolling mills and puddling mills, and this would be worked up into bar iron of the best quality, and that would give employment to a great number of hands.
1898. *By Mr. Stewart:* Have you met with many good workmen who are men of bad character? There are a few exceptions amongst the smiths; they are fond of what they call a spree for a day or two.
1899. I am speaking of thieving, or anything of a criminal character? I never knew one.
1900. Do you think, as a rule, a man trained to any business becomes a permanently good member of society? I do.
1901. Is it not an exception for a man to serve a regular apprenticeship to afterwards become a criminal? I never knew but one in my life that had served his regular time in the trade and afterwards became a criminal.
1902. Then in the event of encouragement being given to manufactures, the amount of crime in the Colony would be reduced? No question of it; not one-sixth part of the depositions would be committed that there is at the present time.
1903. To that extent there would be a saving to the State? Yes, no doubt. We are making the American carriages now, and we can do it within, I believe, about £5 of what they are imported here for.
1904. Then an import duty would enable you to compete with importations from any country, even America? Yes, taking freight and everything into consideration.
1905. Are you aware what you would have to pay for sending a carriage into America similar to those imported here? No, but I know they charge very high.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON THE

TANNERS AND CURRIERS BILL OF 1859-60;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND CERTAIN

MINUTES OF EVIDENCE.

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

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

[*Price*, 11*d.*]

580 (511)—A

1859-60.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 68. TUESDAY, 28 FEBRUARY, 1860.

34. Tanners and Carriers Bill:—Mr. Parkes moved, That this Bill “be” now read a second time.

Debate ensued.

Mr. Byrnes moved, That the Question be amended by the omission of all the words following the word “be,” with a view to the insertion in their place of the words, “referred to a Select Committee, consisting of Mr. Atkinson, Mr. Broughton, Mr. Byrnes, Sir Daniel Cooper, Mr. Dickson, Mr. Jenkins, Mr. Lucas, Mr. Nott, Mr. Parkes, and Mr. Pemell.”

Debate continued.

And the Committee continuing to sit till after Midnight,—

WEDNESDAY, 29 FEBRUARY, 1860, A.M.

Question,—That the words proposed to be omitted stand part of the Question,—put and negatived.

Question,—That the words proposed to be inserted in the place of the words omitted, be so inserted,—put and passed.

Whereupon Question,—That this Bill be referred to a Select Committee consisting of Mr. Atkinson, Mr. Broughton, Mr. Byrnes, Sir Daniel Cooper, Mr. Dickson, Mr. Jenkins, Mr. Lucas, Mr. Nott, Mr. Parkes, and Mr. Pemell,—put and passed.

VOTES, No. 79. FRIDAY, 13 APRIL, 1860.

5. Tanners and Carriers Bill:—Mr. Byrnes, *with the concurrence of the House*, moved, *without previous notice*, That the several Petitions from certain Tanners and Carriers, presented to this House, respectively, on 29th November, 1859, 25th January, and 28th February last; from certain Inhabitants of Sydney and Suburbs, praying for the removal of Slaughter-houses and other Nuisances from the precincts of the City, presented, respectively, on 24th and 31st January last; and the Petition from Owen Joseph Caraher, presented on 13th December, 1859; be referred to the Select Committee now sitting on the Tanners and Carriers Bill.

Question put and passed.

6. Member of Legislative Council as Witness:—Mr. Byrnes 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 Tanners and Carriers Bill, and that Committee being desirous to examine the Honorable James Robert Wilshire, 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, 13th April, 1860.

Speaker.

Question put and passed.

VOTES, No. 81. WEDNESDAY, 18 APRIL, 1860.

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

MR. PRESIDENT,

The Legislative Assembly having appointed a Select Committee to inquire into Tanners and Carriers Bill, and that Committee being desirous to examine the Honorable W. Bland, 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, 18th April, 1860.

Speaker.

Question put and passed.

VOTES,

VOTES, No. 82. THURSDAY, 19 APRIL, 1860.

1. * * * * *
 Members of Legislative Council as Witnesses:—The Speaker reported the following Messages from the Legislative Council:—

(1.) MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 13th instant, requesting leave for the Honorable James Robert Wilshire, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, on the Tanners and Curriers Bill, the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

Legislative Council Chamber,
 Sydney, 18th April, 1860.

W. W. BURTON,
 President.

(2.) MR. SPEAKER,

In answer to the Message from the Legislative Assembly, dated the 18th instant, requesting leave for the Honorable William Bland, a Member of the Legislative Council, to attend and be examined before a Select Committee of the Legislative Assembly, on the Tanners and Curriers Bill, the Council acquaints the Assembly that leave has been granted to its said Member to attend and be examined by the said Committee, if he think fit.

Legislative Council Chamber,
 Sydney, 18th April, 1860.

W. W. BURTON,
 President.

[Further Proceedings stopped by Prorogation.]

1860.

VOTES, No. 16. FRIDAY, 19 OCTOBER, 1860.

10. Tanners and Curriers:—Mr. Byrnes moved, pursuant to notice,—
 (1.) That a Select Committee be appointed to consider and report upon the expediency of amending the Act 13 Vict., No. 42, so far as the same relates to Tanners and Curriers, and that the several Petitions in favour of, and in opposition to, the Tanners and Curriers Bill of last Session be referred to the said Committee.
 (2.) That such Committee consist of Mr. Atkinson, Mr. Broughton, Mr. Egan, Mr. Farnell, Mr. Jenkins, Mr. Laycock, Mr. Lucas, Mr. Lyons, Mr. Parkes, and the Mover.
 Debate ensued.
 Question put and passed.
 Mr. Byrnes then moved, That the Minutes of Proceedings of, and the Evidence taken before, the Select Committee on the Tanners and Curriers Bill of last Session, be laid before the House.
 Question put and passed.
 And the Clerk of Select Committees having presented the same at the Bar of the House,—
 Mr. Byrnes 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 Dissolution.]

1861.

VOTES, No. 43. TUESDAY, 26 MARCH, 1861.

27. Tanners and Curriers Bill:—Mr. Lucas moved, pursuant to notice,—
 (1.) That a Select Committee be appointed to consider and report upon the Evidence taken before a Select Committee of the Legislative Assembly, appointed on the 29th of February, 1860, on the Tanners and Curriers Bill.
 (2.) That such Committee consist of the following Members, Mr. Atkinson, Mr. Dickson, Mr. Parkes, Mr. Sutherland, Mr. Egan, Mr. Love, Mr. Flett, Mr. Driver, and the Mover.
 Question put and passed.

[Further Proceedings stopped by Prorogation.]

1862.

1862.

VOTES, No. 41. TUESDAY, 5 AUGUST, 1862.

12. Tanners and Curriers Bill of 1859-60:—Mr. Lucas moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to consider and report upon the Evidence taken before a Select Committee of the Legislative Assembly, appointed on the 29th of February, 1860, on the "Tanners and Curriers Bill."
- (2.) That such Committee consist of Mr. W. Forster, Mr. Sutherland, Mr. Love, Mr. Dalgleish, Mr. Bell, Mr. Cunneen, Mr. Harpur, and the Mover.
- (3.) That the Petition from Mr. Hercules Watt, presented on the 16th of April, 1861; the Petition from Mr. John Page, presented on the 23rd of April, 1861; the Petition from Mrs. M. L. Watt, presented on the 13th of September, 1861; and the Evidence and Proceedings of the Committee appointed on 29 February, 1860; be referred to such Committee.
- Question put and passed.

VOTES, No. 68. FRIDAY, 19 SEPTEMBER, 1862.

2. Tanners and Curriers Bill of 1859-60:—Mr. Lucas, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of, the Select Committee to whom this subject was referred on the 5th August, 1862, together with certain Minutes of Evidence.
- Ordered to be printed.

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1862.

TANNERS AND CURRIERS BILL OF 1859-60.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 5th August, 1862, “to consider and report upon the Evidence taken before a Select Committee of the Legislative Assembly, appointed on the 29th of February, 1860, on the ‘Tanners and Curriers Bill,’” and to whom at the same time were referred the Petition from Mr. Hercules Watt, presented on the 16th of April, 1861; the Petition from Mr. John Page, presented on the 23rd of April, 1861; the Petition from Mrs. M. L. Watt, presented on the 13th of September, 1861; and the Evidence and Proceedings of the Committee appointed on 29th February, 1860,—have agreed to the following Report:—

Your Committee have carefully considered the Evidence taken before a Select Committee of the Legislative Assembly, appointed on the 29th day of February, 1860, on the “Tanners and Curriers Bill.”

Your Committee have also considered the Petitions of Hercules Watt, John Page, and Mary Louisa Watt—referred to your Committee.

Your Committee are of opinion that it is undesirable to have the business of Tanners and Curriers carried on within the limits of the City of Sydney; and are, therefore, not prepared to recommend any relaxation of the provisions of the Act 13 Vic., No. 42.

JOHN LUCAS,

Chairman.

*Legislative Assembly Chamber,
Sydney, 18 September, 1862.*

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 11 APRIL, 1860.

MEMBERS PRESENT:—

Mr. Byrnes,	|	Mr. Lucas,
Mr. Parkes,		Mr. Jenkins,
Mr. Pemell.		

Mr. Byrnes called to the Chair.

Order of the House, dated the 29th February last, appointing the Committee, read. Committee deliberated as to their course of procedure.

Motion made (*Mr. Parkes*) and *Question*,—That the Chairman do move in the House, that the several Petitions relative to the Bill before them, be referred to this Committee,—*agreed to*.

Committee further deliberated, and decided to receive the evidence of certain parties as well among those in favour of as those opposed to the measure.

The following witnesses were suggested, whom it would be desirable to examine in the course of the inquiry, viz.:—

Mr. Hercules Watt,
 Mr. W. Pawley, Mr. R. Cavanough (Windsor),
 Mr. A. F. Wilshire,
 Honble. J. R. Wilshire, Esq., M.L.C.,
 Mr. W. M. Alderson,
 Honble. Wm. Bland, Esq., M.L.C.,
 I. Aaron, Esq., M.R.C.S.L.,
 H. Graham, Esq., M.R.C.S.L.,

Committee *Resolved*, That summonses be issued in the four first names of the above list, for their next sitting, and that the usual steps be taken to procure the attendance of the Honorable J. R. Wilshire, Esq., a Member of the Legislative Council.[Adjourned to Tuesday next, at *Eleven o'clock*.]

TUESDAY, 17 APRIL, 1860.

MEMBERS PRESENT:—

Mr. Broughton,	|	Mr. Lucas,
Mr. Jenkins,		Mr. Parkes,
Mr. Pemell.		

In the absence of Mr. Byrnes, Mr. Jenkins called to the Chair.

Order of the House, dated 13th instant, referring to the Committee the several Petitions relating to the Tanners and Curriers Bill—read.

Petitions produced, and laid before Committee.

Mr. H. Watt called in and examined.

Witness withdrew.

Mr. W. Pawley called in and examined.

Witness withdrew.

Mr. R. Cavanough called in and examined.

Witness withdrew.

Mr. A. F. Wilshire called in and examined.

Witness withdrew.

The Honorable J. R. Wilshire, Esq., M.L.C., was not in attendance, in consequence of indisposition.

Committee deliberated.

It was Resolved, That Mr. W. M. Alderson, I. Aaron, Esq., and H. Graham, Esq., be summoned to give evidence at the next sitting, and that the usual steps be taken to procure the attendance of the Honorable W. Bland, Esq., a Member of the Legislative Council.[Adjourned to Friday next, at *Eleven o'clock*.]

FRIDAY, 20 APRIL, 1860.

MEMBERS PRESENT:—

Mr. Broughton,	|	Mr. Lucas,
Mr. Jenkins,		Mr. Parkes,
Mr. Pemell.		

In the absence of Mr. Byrnes, Mr. Jenkins called to the Chair.

I. Aaron, Esq., M.R.C.S.L., called in and examined.

Witness withdrew.

Mr. W. M. Alderson called in and examined.

Witness withdrew.

H. Graham, Esq., M.R.C.S.L., *Health Officer for the City*, called in and examined.

Witness withdrew.

Committee

Committee deliberated, and Resolved, That the attendance of the Honorable W. Bland, M.L.C., be again invited, and that Messrs. J. E. Begg and R. A. Hunt be summoned to give evidence at the next meeting.

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

WEDNESDAY, 25 APRIL, 1860.

MEMBERS PRESENT :—

Mr. Broughton,	|	Mr. Lucas,
Mr. Jenkins,	|	Mr. Pemell.

In the absence of Mr. Byrnes, Mr. Jenkins called to the Chair.

R. A. Hunt, Esq., called in and examined.

Witness withdrew.

Mr. J. E. Begg called in and examined.

Witness withdrew.

The Chairman brought under the notice of the Committee, certain substantive alterations made in the evidence of Mr. W. Pawley, the same having been transmitted to witness with the usual letter permitting verbal or grammatical corrections.

Alterations proposed in answers Nos. 248 and 249 read, and ordered to be noted separately, with a reference from the text.

The Honorable W. Bland, Esq., M.L.C., attending by permission of the Legislative Council, examined.

Witness withdrew.

[Adjourned to Friday, 4th proximo, at *Eleven o'clock.*]

FRIDAY, 4 MAY, 1860.

MEMBERS PRESENT :—

Mr. Broughton,	|	Mr. Lucas,
Mr. Jenkins,	|	Mr. Parkes,

Mr. Pemell.

In the absence of the Chairman, Mr. Jenkins called to the Chair.

The Honorable J. R. Wilshire, Esq., M.L.C., attending by permission of the Legislative Council, examined.

Witness withdrew.

The Chairman drew the attention of the Committee to certain alterations and additions made, in his evidence, by Mr. R. Cavanaugh, whilst in his hands for revision in the usual course.

Corrected answer to Question No. 300, further reply to Question No. 310, additions to certain answers and concluding *addendum*—read.

Addendum and further reply (310) ordered to be *appended* to the Evidence. (*Vide Appendix A. B.*)

Remaining corrections and insertions allowed.

Committee deliberated.

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

FRIDAY, 11 MAY, 1860.

MEMBERS PRESENT :—

Mr. Broughton,	|	Mr. Parkes,
Mr. Lucas,	|	Mr. Pemell.

In the absence of the Chairman, Mr. Broughton called to the Chair.

The Chairman brought under the notice of the Committee, the MS. Evidence of the Honorable W. Bland, a witness examined on the 25th ultimo, in which when transmitted to that gentleman for revision, each several answer as taken down by the Short-hand Writer, was proposed to be omitted and in lieu thereof, the answers as re-written by witness, to be inserted.

Committee deliberated, and deeming such extensive alterations inadmissible, unless regularly presented to the Committee upon a re-examination of the witness ;—

Motion made (*Mr. Lucas*) and *Question*,—That at the next sitting of the Committee the Honorable W. Bland be examined, in order to afford that gentleman the opportunity of amending his former evidence—*agreed to.*

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

WEDNESDAY, 16 MAY, 1860.

MEMBERS PRESENT :—

Mr. Broughton,	|	Mr. Jenkins,
	|	Mr. Parkes.

Mr. Byrnes in the Chair.

The Honorable W. Bland, Esq., M.L.C., attending by permission of the Legislative Council, re-examined.

The

The Honorable W. Bland, Esq., M.L.C., further examined.

Witness withdrew.

Committee deliberated.

(The Witness (Dr. Bland), upon his re-examination, having amended the former Evidence given by him on the 25th ultimo, the Committee allowed the several answers, on that day, as so revised.)

[Adjourned.]

FRIDAY, 18 MAY, 1860.

MEMBERS PRESENT:—

	Mr. Byrnes in the Chair.	
Mr. Lucas,	|	Mr. Nott,
	Mr. Parkes.	

Committee deliberated.

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

WEDNESDAY, 23 MAY, 1860.

MEMBERS PRESENT:—

None.

A Quorum of the Committee not being present, the meeting called for this day *lapsed.*

[*Further proceedings stopped by Prorogation.*]

1862.

THURSDAY, 7 AUGUST, 1862.

MEMBERS PRESENT:—

	Mr. W. Forster,	
Mr. Lucas,	|	Mr. Dalgleish,
Mr. Sutherland,	Mr. Bell.	

Mr. Lucas called to the Chair.

Order of the House appointing the Committee,—on the Table.

Committee deliberated.

Ordered,—That printed copies of the Minutes of Evidence taken before the Select Committee on the Tanners and Carriers Bill, in the Session of 1859–60, together with copies of the three Petitions referred, be circulated amongst the Members prior to next meeting.

Chairman to prepare Draft Report.

WEDNESDAY, 17 SEPTEMBER, 1862.

MEMBERS PRESENT:—

	Mr. Lucas in the Chair.	
Mr. Sutherland,	|	Mr. Harpur,
	Mr. W. Forster.	

Printed copies of Minutes of Evidence and Petitions referred to the Committee, *circulated* during the interval of adjournment.

Motion made (*Mr. W. Forster*) and *Question*,—That the proceedings referred be adopted as the Proceedings of this Committee,—*agreed to.*

The Chairman laid before the Committee a Draft Report.

The same read, amended, and agreed to.

Chairman to report.

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1859-60.

Legislative Assembly.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

TANNERS AND CURRIERS BILL.

TUESDAY, 17 APRIL, 1860.

Present:—

MR. BROUGHTON,	|	MR. LUCAS,
MR. JENKINS,		MR. PARKES,
		MR. PEMELL.

RICHARD LEWIS JENKINS, ESQ., IN THE CHAIR.

Mr. Hercules Watt called in and examined:—

1. *By the Chairman*: What are you? I am a tanner and currier.
2. Will you state where you reside, and where your tanyard is? In Phillip-street.
3. *By Mr. Parkes*: Did you petition the Legislative Assembly? I did.
4. *By the Chairman*: Is that your petition [*handing a petition to the witness*]? It is.
5. How long have you been a tanner in Sydney? About forty-five or forty-six years.
6. How long have you occupied the premises in Phillip-street? Upwards of forty years.
7. During the whole of this time you have been surrounded by population, and have had houses close up to your yard? Close up to the yard all round.
8. Will you state the process of your business from the time of your receiving the hides? When the animals are slaughtered the hides are taken off and sent to us by the butchers, and they are then thrown into water.
9. Immediately they are slaughtered? Immediately we get them.
10. Do you receive them in a fresh state? Sometimes they do not come exactly in a fresh state, but generally they come fresh.
11. Sometimes they do not? Sometimes, but very seldom.
12. You take them in, in whatever state they are sent, whether they are fresh or otherwise? Yes, we take them; but those that are not fresh, of course we are interested to put them to work at once, to prevent any smell from them.
13. How long do you allow them to remain before you begin to work them? We never allow them to remain, we put them to work as soon as we get them.
14. Are they not first of all allowed to remain dry,—are they not thrown one upon another? No, we put them to work as soon as we get them, and the sooner we do so the better they are preserved.
15. You put them immediately into water? Yes.
16. What water do you put them into? Into clean water, and then into lime water.
17. How long do they remain in the water without lime? Perhaps they may remain all night, or if they come in in the morning they might remain till after dinner; we then brush them over, and put them into lime water.
18. During this time does any smell arise from them? There cannot be much smell from them, for as soon as they are put into the lime the smell is taken away.

Mr. H. Watt.

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- Mr. H. Watt.** 19. Previously to being put into the lime, have they any smell? Very slight; we take out the hides and throw away the water, and as the water passes away the smell goes away also.
- 17 April, 1860.** 20. What becomes of the water they are first thrown into? We throw it away, and it passes through the yard, and into the common sewer.
21. What color is that water when it leaves the pit? The alteration of color may be small; but it does not cause any smell to any disagreeable extent if it is put away at once.
22. But some of the hides you receive are not in a fresh state? Sometimes; we cannot at all times get them fresh.
23. Is there no smell arising from the tanyard? No smell to have any effect upon any person. I have never had any complaint since I have been in that place of a disagreeable smell, and I have been there a great number of years; and as for the healthy part of the subject I think I am a pretty good sample; and I was born in a tanyard, and have been in one ever since I was born.
24. Are your workmen in a pretty good state of health? I never heard them complain.
25. *By Mr. Parkes:* What is your age? 65.
26. Have you enjoyed uninterrupted health? I have never had any ailment except the gout, and that may have been my own fault—I may have been a little lazy, perhaps.
27. *By the Chairman:* From having been born in a tanyard perhaps you do not notice the particular smells which other persons do? If other persons had been in any way affected by my yard I think they would have complained of it.
28. But you do not think that you, having been born in a tanyard, and lived in one so many years, would be so likely to notice these smells as others would who had not been accustomed to them? Perhaps not, but I have felt no disagreeable smell.
29. *By Mr. Parkes:* How far is your tanyard from Mr. Jenkins's back premises? I do not think it is more than eighty or ninety feet.
30. *By the Chairman:* You say you have never had any complaints from your neighbors? No, not at any time.
31. Are you aware that an Act was passed in 1849 to amend the law relating to the licensing of slaughter-houses? Yes; I have read it, and I considered it was a very oppressive Act. My opinion is that that was done purely out of malice to some individual—I thought so then.
32. *By Mr. Parkes:* When you say it was done out of malice, you mean the introduction of the words "tanners and curriers" into the report of the Committee? Yes.
33. What your observation refers to is, not the Act itself, but to the including of tanners and curriers among the other descriptions of trades objected to? Just so.
34. *By the Chairman:* Did you at the time protest against it? No, I did not, except by speech; I never made any written application.
35. *By Mr. Parkes:* There was a petition against it I believe? I do not recollect signing any petition at that time; I might have done so, but I cannot recollect it.
36. *By the Chairman:* You are aware that the time has now arrived for that Act to take effect? Yes.
37. Do you complain of that Act? I do.
38. Do you consider that it will be an injustice to you if that Act be brought into operation? It will be a great sacrifice to me, so much as to deprive me of my living. The rent of my yard brings me in £7 a week, and it would deprive me of the whole of that.
39. While you consider that it would be depriving you personally of a living, it would not, in your opinion, be conferring any great benefit upon the city to remove the yard? I do not think it would confer any great benefit upon the city.
40. You are aware that it is a trade which some persons consider to be offensive? I have heard some people say they felt vexed about it, but I never heard any complain of me.
41. *By Mr. Parkes:* In your intercourse with other residents of the city, do you often hear the opinion expressed that these tanneries ought to be removed? I have heard one or two parties say so; but generally speaking I never heard any complaints. I have heard only two persons say so.
42. Now the matter has been before the Legislature some time, probably attention must have been attracted to the subject—have you heard any opinions expressed respecting it within the last few months? Only by two persons.
43. Have you heard contrary opinions expressed? Yes, I have heard my own neighbors say they were not dissatisfied with my business being carried on there.
44. Are you aware that a number of your neighbors signed a petition? Yes; and I do not know that one of my neighbors refused to sign that petition.
45. *By the Chairman:* I suppose you do not deny that some offensive odour arises from the practice of the business of a tanner? It may be unpleasant to some, but I do not think it is generally.
46. When hides are brought into the yard in a putrescent state there must be something offensive? It may be disagreeable for a time, but as soon as they go into work no smell can arise.
47. *By Mr. Parkes:* Is it a fact that the hides are ever in course of putrefaction in a tanyard—if the business is properly managed does putrefaction ever set in? Not when it is in the lime; the lime saves the hide, it opens the pores, and loosens the hair. The lime entirely destroys all unpleasant smell.
48. If putrefaction commences, does it not damage the leather. Where it has set in is the hide in a fit condition for being made into leather? No.
49. So that it is one great care in your business to see that the hide does not become putrid, that it is immersed in the tanning liquid before putrefaction sets in? Decidedly; were putrefaction to set in it would spoil the leather.

50. *By the Chairman:* I suppose you will allow that the best test as to whether putrefaction has set in or not is by the odour arising from the tan-yard? We can tell as soon as we put our hands on the hide the state it is in; and if anything is the matter with it, we preserve it at once. Mr. H. Watt.
17 April, 1860.

51. What offensive odour arises from the tan-yard must arise from the decomposition of the hides? If any such thing takes place at all.

52. You take care, as soon as you get the hides, to stop the putrefaction? Yes, for our own interest; for if the hide becomes putrid it reduces its weight and value.

53. What odour does arise from the hides must arise from the submersion of them in fresh water in the first instance? Yes; if there was any thing wrong it would take place then.

54. It is at that time they do give off those unpleasant odours? Yes, if any.

55. *By Mr. Lucas:* What time transpires from the receipt of the hide until it is put into the lime? We do not let it remain any longer than we can possibly help. We put the hide into the water in the first instance, to get it into its natural state; we then throw it over the beam, and rub a brush over it to take any disagreeable matter from it, and then we put it in lime.

56. Then, if there be anything disagreeable in the trade of a tanner it is that portion which precedes the putting the hide into the tan-pits? Yes, I think so; I do not think any one would complain much of anything after that.

57. Is the process of liming and preparing for the lime pit carried on in your yard? No.

58. Where is that done? Out of town.

59. Then if that process be carried on out of town, there can be no nuisance to the city arise from that? No; and, in fact, when the liming was done there I never heard any one complain.

60. Still there is some disagreeable smell arises from the hair and other matter when you remove it from the hide, before you put the hide in the tan-pit? Yes.

61. That is not now carried on in your yard? No.

62. I suppose, then, it would not interfere with your business to require the liming business to be carried on out of town, while the other portion was carried on in the city? It would interfere with the business, because it would be an extra expense, as a man carrying on business has a difficulty in looking after two establishments, and this requires a great deal of attention.

63. Then has this liming process been carried on out of the city in connection with your business? Yes, since I have left the business; and the reason of it is, that the man who took my yard had also a small yard out of town, the lease of which had not expired, and he has therefore used both yards.

64. *By the Chairman:* Will you state the date when he took your yard? I think he has been there three or four years.

65. Have you not lately had a lot of hides in a fresh state taken into your yard? The hides come every day in a fresh state into the yard, but they are sent out to this other yard, or are salted in the yard.

66. *By Mr. Lucas:* The hides salted are for exportation? Yes.

67. Are you aware of any tan-yards in the city where the liming portion of the business is done? I am not in the habit of visiting the yards, and do not know how the process is carried on in any of them with the exception of Mr. William Pawley's.

68. How is the process conducted there? Both operations are conducted together.

69. *By Mr. Broughton:* Does the refuse liquor from your tannery escape over the surface of your yard to the street drainage? Out of the yard to the street drainage.

70. Through the yard and then on to the surface drainage, immediately along the street? Yes, and then into the main sewer.

71. Where does it enter the main sewer? I think at the corner of Phillip and Bent streets.

72. What distance is it from your establishment to where the stream enters the main sewer? I should think perhaps two hundred feet.

73. What is the length of its course over your yard? The depth of my tannery is about a hundred feet; so that the water would pass over about eighty feet.

74. Then, altogether, the refuse from the tannery goes over the surface for a distance of from 280 to 300 feet? Yes.

75. There is no immediate connection with the sewers from your tannery? Not nearer than Bent-street.

76. Do you not think that this refuse water lying on the surface of the soil would be injurious to health, or offensive? I do not know, I never had any complaint about it; some people might complain about it, but I do not think I look very unhealthy, and I am there every day.

77. I understand you that you do not carry on the business yourself, but let the premises to some other person who does? It has been let before, and is let now; altogether it has been let to one person or other about ten years.

78. You have been living on the premises although you do not carry on the business? Yes.

79. Has your establishment ever been the subject of inquiry in the Law Courts as a nuisance? No.

80. Neither during the time you carried on business nor since? No.

81. Is the business of salting hides carried on at that establishment? Yes.

82. Is that business less or more offensive than tanning? I should myself think if there is any offence at all it would be more likely to arise from the salting than from tanning.

83. Do you think any unpleasant smell arises from the process of salting? Not after salting.

84. When you commence the process? That depends upon the state of the hide when it comes in.

- Mr ^v Watt. 85. *By Mr. Parkes*: Have you read the Act 13 Victoria No. 42? No.
86. You are not aware whether the salting of hides is included in the list of businesses prohibited within the city? No.
- 17 April, 1860. 87. Have you heard that it has not been included, and that it could be carried on to any extent? I cannot say I have heard any thing of it.
88. *By Mr. Lucas*: You spoke of the salting of hides as being a greater nuisance than the process of tanning—I presume you mean the process of tanning itself, not that of preparing the hides? I think the only nuisance is at the time the hide comes in, whether it is salted or tanned.
89. I believe if the hide is at all gone you cannot save it by salting? You may save it by plenty of salt, but it is very seldom; they are generally put in to work.
90. *By Mr. Pemell*: Are not most of the hides sent to England salted on the wharfs? No; the hide is cured before it goes to the wharf.
91. *By Mr. Parkes*: At many of the butchers' shops they are salted, are they not? Yes. When the hide is taken on board ship it is generally opened out in order that it may be packed more closely, and salt is then thrown over it.
92. *By Mr. Broughton*: Do you admit that offensive odours do arise from tanneries? It would depend entirely upon peoples' feeling; I do not think so myself.
93. *By the Chairman*: It would depend upon the nicety of the olfactory nerves? Yes.
94. *By Mr. Broughton*: Do you admit that unpleasant smells arise from a tannery? Not to me.
95. And if they do arise, do you consider them injurious to health? I do not consider them so.
96. Do you admit the first question? I say they are not offensive to me, they might be to you.
97. *By Mr. Parkes*: Are there not many kinds of business carried on in Sydney which are attended by unpleasant smells,—is not a druggist's shop, for instance, a very unpleasant place? Yes; I should think so; I should think it a far greater nuisance than my own yard.
98. Is not a butcher's shop an offensive place? Yes, very frequently.
99. Is not frequently the smell from a common butcher's shop so strong as to be really painful, and to make one glad to get away from it, where cleanly habits are not observed on the part of the butcher? I have often felt it.
100. Is it not the case that an ordinary provision store, if the proprietor is not cleanly in his arrangements, is frequently very offensive? Yes; and I one day went into the stores in the Custom House and was glad to get out.
101. With regard to the tanneries—suppose the tanneries were kept in a cleanly state, in such a state as the law, if it were put in force, would compel the proprietors to keep them, would they then be offensive? I think there would be no offensive smell if they were properly kept clean; there would be nothing to injure the finest feeling.
102. What I want to arrive at is, whether the smell does not arise from the want of due care in keeping the place clean? There is a great deal in that.
103. Whether it arises in the necessary process or from neglect in allowing filth to accumulate? There is a good deal in the neglect of keeping the yard clean.
104. You are aware that for any nuisance a person can be indicted by the common law of England? Yes; and I thought the law was in my favor, never having been called forward to answer any complaint of that kind since I have been there.
105. What age were you when you arrived in the Colony? Eighteen.
106. Your experience in the Mother Country then was very limited? I knew as much of the yard then as I do now.
107. What part are you from? The North of Ireland—from Coleraine, a large town as large as this.
108. What was the number of inhabitants? I do not remember; but it was as large or larger than Sydney is now.
109. Was your yard in the centre of the town? Yes.
110. Were there others in the centre of the town? There were three yards. I may say I was born in the centre yard of them, and there were eight or nine in the town.
111. Will your recollection serve to tell you whether the persons employed in these tanneries were healthy persons? I never heard any complaint from persons brought up in a tan-yard.
112. Have you learned, from reading or conversation, anything respecting tanneries in the large cities of Europe—in London or Paris? Yes.
113. You are aware that Paris is a city remarkable for its cleanliness—that a great deal has been done of late years for promoting its sanitary condition? Yes.
114. Are you aware that there are still tanneries in the heart of Paris? Yes, I have heard so; and also in London; and I have read that, in Liverpool, during the cholera, not a single tanner died, nor any person in the neighborhood of the tanneries.
115. Have you heard, in the course of your long life, of any instance of tanneries being forcibly removed from any city? I never heard of one.
116. You have heard of many other nuisances having been removed? Yes.
117. Is the business of a currier in any respect offensive? I should think the business of a currier is just as inoffensive as this room.
118. Is it more offensive than the business of a saddler or shoemaker? No.
119. Do you not, as a man of the world, think, that if the business of a currier has been included in this Act for removing nuisances, that business being as inoffensive as any, and much more inoffensive than that of a baker—do you not think the including this business of a currier shews that those who included it either knew nothing about what they were doing, or else that they acted from some very improper motive? I could only imagine from the first that it was from a malicious motive.

120. According to your notion of the law of England, if any Act of this kind stepped in and interfered with the proper operations of persons engaged in the trade of a currier, without establishing the slightest ground of nuisance, or injury to the public health, do you not think it would be a gross spoliation of property? Yes. Mr. H. Watt,
17 April, 1860.
121. Would it not, unless some injury or nuisance to the public could be established, be contrary to the spirit of the law? It certainly would. No nuisance can arise from carrying on the business of a currier.
122. *By the Chairman*: You make a wide difference between the business of a currier and that of a tanner? I certainly do, because when the hide comes out of the pit it is so perfectly cured that there can be no nuisance from it.
123. When you first receive hides into your yard you admit that some give off offensive smells? Yes; some of them may.
124. It is from those hides the offensive smells of the tan-yard arise? Yes, if any, as I said before.
125. Some of your hides are used for the purpose of being salted? Yes.
126. From the heaps of hides you keep for that purpose offensive smells arise? I do not keep them.
127. During the process of salting offensive smells arise? When hides come into the yard the tanner looks at them to see their state; he does not allow them to remain any time—it would be against his interest.
128. *By Mr. Broughton*: In your native town of Coleraine, where there are so many tanneries, is there an abundant supply of water? There is a river called the Bann, which runs through the centre of the town.
129. Then it is supplied with plenty of water, and the river runs through the centre of the town? Yes.
130. Do you know any instance in the town of Coleraine where the refuse matter is allowed to escape over the surface of the soil? The offensive matter is carried away in carts.
131. I mean the liquid? The liquid is carried away in carts from the yards.
132. All the offensive matter? Yes; sometimes it lies in the yard for a week or a fortnight.
133. Was the refuse liquor allowed to escape through the yard and under the water channels of the street? No, I do not know of any that was in that state; still, the yard was in the centre of the town; I suppose there were a thousand houses round the yard.

Mr. William Pawley called in and examined:—

134. *By the Chairman*: What are you? A tanner and currier.
135. Do you carry on business within the precincts of the city? Yes, just inside the boundary at Bourke-street, Surrey Hills. Mr. W.
Pawley.
17 April, 1860.
136. Have you petitioned the Assembly against enforcing an Act passed in 1849 for the removal of the business of tanner and currier out of the precincts of the city? Yes.
137. How long have you carried on business in your present premises? Between seven and eight and twenty years.
138. Are you in the immediate neighborhood of human habitations? Yes. The place was very thinly populated when we moved there. I do not think there was a house within half a mile.
139. At the present time are there many houses there? Not many.
140. Can you give us some idea of the number in your immediate neighborhood? I do not think there is one within sixty or seventy yards of our work.
141. Within an area of say five hundred yards how many do you suppose there are? There might be forty or fifty; but on two sides, the east and south, I do not think there would be above three or four within that distance.
142. In what state do you receive your hides? When we get them from the butcher we get them fresh, but we tan a great many salted ones.
143. Do you receive any hides from any other persons besides butchers? Yes, from people up the country; and sometimes we buy at auction.
144. In what state are the hides generally when you get them? They must be pretty good or we would not buy them, they would not be fit for tanning.
145. For what time must the unsalted hides you receive be off the animal before they come into your hands and are put into the pit? Sometimes not more than three or four hours, sometimes they remain till the next morning, that may be twelve hours, and if the beasts are killed on Saturday evening the hides do not come in till Monday.
146. Do any of the hides arrive at your yard with any offensive smell about them? No.
147. You do not recognise any offensive smell about those you receive, whether salted or otherwise? Sometimes we may get one or two that may smell a little.
148. *By Mr. Parkes*: They do not smell like roses? No, but good salted hides smell sweet enough.
149. *By the Chairman*: How long do the hides you receive remain before they are put into lime? They are put in directly they are rinsed in water.
150. How long do they remain in the first water? Not long.
151. Do they sometimes remain all night? Sometimes they do if they are taken in in the evening. They are then put into the lime, and remain there until they are sufficiently limed to take the hair off.
152. Does no smell arise previous to putting the hide into the lime? No, none, unless it is when they are first soaked; if they are allowed to remain any time in the water that will smell a little.

Mr. W.
Pawley.

17 April, 1860.

153. Perhaps you do not recognise any smell in any part of the tanning process? The first water, if allowed to remain, has not a very pleasant smell, but I am used to it.
154. Have any of your neighbors complained at all? Never.
155. *By Mr. Parkes*: Did not your neighbors sign a petition to the House the other day, stating that they did not consider your tannery a nuisance? Yes.
156. *By the Chairman*: Where does the refuse water from the process of your manufacture empty itself? Into a large hole, where the old bark is thrown, it runs into that.
157. Does it run on the surface? No; it runs into a large hole, perhaps a quarter of an acre in extent, where the old bark is thrown, and it goes into that and dries up directly.
158. Does anything besides this refuse water go into that hole, any lime water? Yes.
159. You think that lime water might correct the offensive smell of the first water in which you soak your hides? It might do so.
160. You say the water soaks through the ground? Yes; through the old tan bark.
161. You have no sewerage there? No; but if there comes a heavy rain, our yard is all filled, and everything is swept away.
162. Where then would the drift go? It would go into the street.
163. You distinctly say that none of your neighbors have ever complained of you, and that you do not recognise any offensive smell in the tanyard? Yes.
164. *By Mr. Parkes*: You live in the tanyard do you not? Yes.
165. How long have you lived there? For about forty-five years.
166. Are you a-sickly man? No; I never had a day's sickness in my life.
167. You never had a doctor? Never one.
168. Are your work-people sickly? No; and I have brought up a family in the tannery.
169. With regard to the Act, 13 Victoria, No. 42, are you aware how that Act originated? Yes.
170. There was a Committee of Inquiry in 1848 or 1849, as to the propriety of removing certain nuisances from Sydney? Yes.
171. Were you examined before that Committee? I was not.
172. Have you ever looked over the proceedings of that Committee? Yes.
173. Have you noticed whether there was anything given in evidence as to tanneries being nuisances? No; there never was anything of the kind stated.
174. Can you state from your recollection whether there is anything in the evidence against tanneries? Not a syllable.
175. The Act, which was recommended by the Report of that Committee, does include tanning among the businesses to be removed after ten years? Yes.
176. Have you ever heard how the words were introduced so as to bring you within the meaning of the Act? No.
177. Have you never heard that they were introduced out of personal ill-feeling for a particular person engaged in the trade? Yes; I do recollect something about that.
178. That they were suggested after the inquiry was closed, and the report was ready for adoption; that they were suggested at the last moment, have you ever heard that? Yes.
179. Have you reason to think that was the case? Yes, I think it was through Hall and Alderson allowing their filth and dirty water to run into the street—in fact, I know it was.
180. A member of the Committee living near? Yes, he told me so himself.
181. That is the member of the Committee told you so? Yes.
182. Have you any knowledge of the regulations of other cities in his respect, either in the Colonies or in England? Only from what I have heard.
183. I believe you are a native of the Colony? Yes.
184. Have you ever heard that tanneries were excluded from other towns of the Colony or of England? No.
185. With regard to the business of currier, is that business in any sense offensive? In none.
186. Is it more offensive than that of a saddler, shoemaker, or any other whatever? I think you might as well object to a shoemaker's shop as to a currier.
187. With regard to the tanning business—if a tannery is kept clean, is it more offensive than many other businesses—a butcher's, for instance? No.
188. If a person carrying on the tanning, the butchering, or provision business, be so filthy as to create a nuisance, cannot he be indicted at common law—have you not heard that that is the state of the law? Yes.
189. Does not this very Act make provision for any person who may feel aggrieved, without banishing such kinds of business from the city? Yes; if I were any annoyance to my neighbor he could indict me.
190. Have you ever been indicted? Yes, when I carried on my business in Sydney.
191. You mean when you conducted it more in the centre of the city? Yes.
192. Who lodged the information against you? Mr. Chambers.
193. Was he a near neighbor? Yes, my next neighbor.
194. What was the result? He could not prove it a nuisance; other neighbors came forward to state that they did not feel it to be an annoyance, and so the case was dismissed.
195. With regard to this process of salting hides—is it not the fact that one large tanning establishment which has removed its tanning operations outside the city still carries on within the city, at the town establishment, the salting of hides? Yes.
196. Have you read the Act 13 Victoria, No. 42? Yes.
197. That Act does not provide for salting hides? No.
198. Is not the salting of hides, which is carried on at various places—at some butchers' shops and at merchants' stores—more offensive than the business of tanning, and more calculated to produce an ill effect upon the health? I think a greater nuisance arises from the salting of hides than from any part of the business of tanning.

199. Would you think it equitable to be forced to remove your establishment from Sydney, if a gas manufactory were to be allowed to remain? No.

200. Do you think the various smells that proceed from a drug shop are less offensive or injurious to health? No. I would prefer the smell of a tannery.

201. Do you think you would have as good health as you enjoy at present if you lived in a drug store? I am sure I would not.

202. *By Mr. Lucas:* I believe the portion of the business for which you were indicted by Mr. Chambers was the liming process? Yes.

203. And then you removed the liming portion of your business out of Sydney? Yes, long before the boundaries of the city were defined.

204. After you removed that portion out of the city there was no further complaint? No.

205. You have spoken of rinsing the hide in water—is not that for the purpose of removing the blood and filth from the hide? Getting the blood from it.

206. And other matter that might be on it? Nothing but the blood.

207. You have spoken of a member of the Committee of the late Legislative Council telling you that he had introduced the words "tanners and curriers" into the Bill in consequence of filth from Hall and Alderson's yard finding its way into the street? Yes.

208. I believe that place was kept by you for many years? Yes.

209. You were in occupation of that place when Mr. Chambers indicted you? Yes.

210. And you then removed to your present place? Yes.

211. You believe if there be any nuisance connected with tanning and currying it is that portion of the business which relates to preparing the hides for the tan liquor? Yes, if any.

212. But you removed your lime-pits out of the centre of the city? Yes.

213. *By the Chairman:* Are you aware that there are other tanners who conduct that portion of their business out of Sydney now? Yes.

214. Influenced by the same reasons? It may be so.

215. *By Mr. Lucas:* Do you know how many tanneries there are in Sydney now? Yes, three, I believe.

216. Are there any of them carrying on the liming process now in the city? Yes.

217. Can you name them? Mr. Wilshire and myself.

218. You are just on the boundary of the city? Yes.

219. Would it be any great loss to persons in your business if they were required to carry on the liming process in the country? I think it would be an inconvenience to them.

220. How do you account for persons who have establishments in Sydney doing that portion of their business in the country now? I think it may be for want of room; it requires a great deal of room to do that.

221. *By Mr. Broughton:* How long have you been carrying on the business of a tanner and currier in the city? Since 1822.

222. Where did you commence business? In Castlereagh-street.

223. Was there more than one legal proceeding on the part of Mr. Chambers against you when he was your next neighbor? Only one; the case was tried twice.

224. Was it the subject of inquiry at the Police Office? Yes, only once; when it failed he said he would try it at the Supreme Court.

225. Was not the decision come to, that as the nuisance had existed there before Mr. Chambers went there he had no remedy—that in fact he had gone to the nuisance and not the nuisance to him? I will not be certain about that.

226. Was there any decision at all come to in the Court as to whether it was a nuisance or not? I cannot recollect; I know I got a verdict.

227. Because he went to the nuisance? He came there I know.

228. You were in possession of the property long before he came to live there? Yes, some years before.

229. Does the so-called refuse liquid from Hall and Alderson's tannery run into the street and along the surface drains? Yes, it did.

230. Does it now? I do not think they are tanning there now. I have seen it from Castlereagh-street down as far as Market-street, and I have often wondered that the authorities allowed it.

231. Do you think the smell from that would be offensive? Yes.

232. Is it injurious to health? I do not think it is; but it is not a pleasant smell.

233. You consider this might be prevented if there were proper drainage and sufficient water to cleanse the premises? Yes, if the premises were well cleansed I do not think there would be any nuisance.

234. Do you think it possible to keep the premises so cleansed that they would not produce offensive smells, nor be injurious to health? I do.

235. *By Mr. Parkes:* The nuisance described, caused by the running of this refuse water along the surface of the ground, could be put down by the ordinary law against nuisances as in any other case? Yes, the inspector could go on the premises when he thought proper.

236. *By the Chairman:* The atmosphere is a little contaminated, I suppose, by the smells arising from the tanyard? Not from the tanyard.

237. From the decomposed hides—the hides previous to their being put into the tan water? Very little from them.

238. From what does the smell of the tanyards arise? From the rinsing of the hides. If the soak is allowed to remain till it gets old.

239. It is owing to the bloody fluid remaining in the first water? Yes.

240. From whatever source, the tanyards are not supposed to be very sweet smelling? To some.

241. Although you yourself do not feel any offensive smell from them? Nor do I think you would in a tanyard.

Mr. W.
Eawley.

17 April, 1860.

- Mr. W. Pawley.
- 17 April, 1860.
242. If others think it offensive would you think it right that you should be allowed to contaminate the atmosphere? No.
243. That you should interfere with the natural rights of your neighbor? Certainly not.
244. *By Mr. Parkes*: But do you admit that you do contaminate the atmosphere? No, I do not.
245. *By Mr. Broughton*: What is the distance from Hall and Alderson's to Market-street—four or five hundred yards? I should think it is.
246. And you have seen the soak flowing on the surface drain four or five hundred yards from Hall and Alderson's tannery? Yes.
247. You believe that it was owing to that circumstance that the member of the Committee of whom you spoke made the recommendation to exclude tanners and curriers? Yes; he told me so himself more than once.
248. Would it pay any tanner to carry on the business of tanning separately, that is, to have two separate establishments, one for tanning and the other for currying? Yes, I think so; for curriers want a great deal of room—a great deal of shed room.*
249. You think it would pay to have the establishments separate? Yes.†
250. *By Mr. Lucas*: Are you particularly alluding to the tanning or to the liming process? To the liming.
251. Does not the offensive smell arise from the hair and ears when taken off? No, I think not; for that is saved by the lime. When that is taken off it is put out on the grass and dried.
252. Is there any grass about the tanneries in Sydney? I am speaking of my own place.
253. In a close and thickly populated place, do you not think an offensive smell arises from this? No, I do not think so, for the lime would preserve it.
254. *By Mr. Parkes*: You are a family man I believe? Yes.
255. Your family is very large is it not,—how many children have you? I think nearly thirty children and grandchildren in my own domestic establishment.
256. Your domestic establishment is a large one? Yes.
257. As a family man, and of great experience of that kind, is it not within your knowledge that in ordinary cases in a family, filth may be accumulated of a much worse description than any that could arise in a tannery, by leaving mixed vegetable and animal matter to ferment and become in a state of putrefaction? Yes.
258. So that from a private house, an infectious poison might arise, unless habits of cleanliness were enforced, of a much worse character than could arise from a tannery? Yes.
259. *By the Chairman*: Do you believe that with every possible care you could prevent offensive smells being given out by some of the hides you receive to manufacture into leather? If you take proper care there will be no smell from them.
260. Do not some of the hides you receive come into the yard having an offensive smell? There may be some, but they are put into work directly.
261. Some of them arrive in an offensive state? Some of those we receive from the country might.
262. No possible care could prevent those giving out an offensive smell? If care were taken the smell could soon be stopped.
263. *By Mr. Broughton*: Have you any other means of carrying off the liquid refuse from the tannery other than soakage and evaporation? No; but then the tan liquor is never thrown away, only what you call the soak.

Mr. Richard Cavanaugh called in and examined:—

- Mr. R. Cavanaugh.
- 17 April, 1860.
264. *By the Chairman*: What are you? A tanner and currier.
265. Where do you carry on your business? In Windsor.
266. In what part of the town? In Macquarie-street.
267. Are you surrounded by neighbors? Yes.
268. Who live close to you? Yes.
269. Are there many houses near you? Yes, with only a fence between on one side; and there is a little distance between on the other side, and the street in front.
270. How long have you carried on business there? Twenty years in Windsor.
271. *By Mr. Parkes*: Have you petitioned the Legislative Assembly? Yes.
272. Is that petition signed by your neighbors as well as by yourself? Yes.
273. Is that your petition? (*Handing a petition to the witness.*) Yes.
274. That petition was signed by seventy-two persons, I believe? Yes.
275. Are those all persons residing near your tanyard? Not exactly; some are a little distance off.
276. Does it include all those who do reside near it? Yes, except where there were only female residents.
277. Does it include all the male residents near your tanyard? Yes, with no exception. It is signed by seventy-two persons, including all in the immediate neighborhood.
278. The petition states that the tanyard, in petitioners' opinion, is not a public nuisance, and that they have felt no inconvenience arising from it? Yes.
279. *By the Chairman*: In what state do you receive hides? In various states; sometimes fresh from the butcher, sometimes salted from the country.

280.

* Corrected by witness upon revision thus:—It would not pay to separate tanning and currying.

† Corrected by witness upon revision thus:—No.

280. How long elapses from the time they are taken from the carcase until you get them? I cannot tell.
281. Generally speaking? Those that have been salted may have been taken off for months.
282. I refer to fresh hides? Sometimes one day, sometimes two, and sometimes more.
283. In what state are the hides you receive, which have been forty-eight hours off the carcase? It depends upon the weather, whether it is winter or summer.
284. Do any of the hides arrive in a partially putrid state? Sometimes when they come in the hair will slip off.
285. When that arises, does it not take place from the skin being partially decomposed? No, the hair will come off before the hide decomposes; all hides that the hair will come off are not partially decomposed, they have lain in pickle, and then the hair will come off, and the hide be perfectly sound.
286. But the other portion of the skin, that portion in which the hair is fixed, the cuticle, is not that decomposed? When it is decomposed more or less it is called damaged.
287. Some hides arrive in such a state that the hair will come off? Yes.
288. From such hides, do you not perceive any offensive smell? From some there may be an offensive smell, that is, when they are folded together, there will be a smell from the heat of the hide; that is, any hide thrown in a heap without salt will heat, and that hide must smell when opened; but no one would get the smell of it except he was over it, not a passer by.
289. Are the hides washed before you receive them, or do they arrive with the blood on them? We wash them, and put them into the pit directly.
290. What proportion do you receive in this partially decomposed state? Sometimes more, sometimes less; it depends upon the quantity we can get from the butchers; sometimes we get a greater quantity from the butchers than we do at other times.
291. What do you do with the hides you receive in that state? Put them in soak.
292. Into fresh water first of all? Yes.
293. What becomes of that water? We throw it away.
294. Into a what? We have a place in the ground to receive it, covered over with bark.
295. And then it soaks into the ground? Yes.
296. It evaporates and soaks? We throw the bark over the yard, and the water runs into a hole.
297. Does any offensive smell arise from that place? No, I do not observe any.
298. How long do you keep hides in that first water? Sometimes two or three days; if it is a hard hide it requires to soak longer.
299. From these hard hides there is no smell? No.
300. It is from fresh hides that the smell arises? Fresh hides cannot smell, it is hides that are kept until they heat, and then lime soon stops all that may be any way offensive.
301. What is the next step? We put the hides into lime.
302. After the hides have been in lime do they smell? No, it prevents the further progress of decomposition.
303. Then any offensive smell there may be arises from the first operation? Yes; if you allow the soak to be too long it will become offensive; but if you remove it at once it is not offensive.
304. Then you have no smell from the curing portion of your business? There would be no smell in the currying.
305. *By Mr. Lucas:* The only offensive smell in your business is from preparing the hides for the tanpit? If once we get the hide into the lime then all offensive smell is stopped, and if you do not allow the water in which the hide is soaked to stand too long that is not offensive.
306. *By Mr. Parkes:* In other words, if a tannery is kept clean it will not be offensive? No.
307. If you allow the water to stand it will smell whether hides are in it or not? Yes.
308. *By Mr. Lucas:* You say you have a hole into which you throw the water, and that it is covered over with bark; what bark is it covered with? The tan bark—the waste bark.
309. You say you yourself find no offensive smell from it? I find none.
310. Have you ever heard your neighbors complain of an offensive smell from your tannery? There is a place to which the water flows from the yard; it is a hole in the hollow of a street, and the water there becomes offensive, for it lies there some time; and of course any water, even soapsuds, if you allow it to stand, will smell. (*Vide Appendix B.*)
311. *By Mr. Parkes:* The Act 13 Victoria, No. 42, does not affect you in any way? Not at present.
312. You are aware of that? Yes.
313. How is it, then, that you petition the Legislature in the matter? I thought probably if it became law our town might ultimately become incorporated, and then probably it would affect me. I, therefore, thought prevention was better than cure.
314. Do you enjoy good health yourself? Yes. I was brought up as a farmer in the early part of my life, and during the last twenty years I have been following tanning pursuits.
315. Have you enjoyed better health of late years than formerly? Yes.
316. Have your men generally good health? I never had a man about me who complained of sickness from tanning pursuits; sometimes they get drunk.
317. The business of a currier is in no way offensive, is it? I think if one branch of the trade is more injurious to the health than the other it is currying.
318. How so? From using oil and lampblack. I would rather be among the tanning than the currying.
319. Is it offensive to strangers? No.

Mr. R.
Cavanaugh.
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Mr. R.
Cavanaugh.
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320. You mean the process is more injurious to the workpeople? Yes.
321. *By Mr. Lucas*: How many residents are there in Windsor? Some hundreds.
322. I see in this petition the names of a number of people living in Richmond? Yes, it is a petition from the people of Windsor and Richmond; and there is tanning carried on in Richmond as well as in Windsor.
323. *By Mr. Broughton*: I suppose it was thought the Act might ultimately effect the tanners of Richmond as well as those of Windsor, and, therefore, signatures were obtained from both places? Yes.
324. *By Mr. Parkes*: You consider such an Act would be an unjust interference with your private business? Yes, for I have laid out my capital in a tannery.
325. *By the Chairman*: Would you consider it unjust if it were felt to be a nuisance to your neighbor? Without compensation I should, for my neighbors came to me, I did not go to them.
326. If you had gone to your neighbor would you think it unjust? I should think it a hardship to my neighbors for me to settle down and pursue any business annoying to them; but if my neighbor sees me pursuing a certain business, and chooses to come and settle down beside me, I do not think he has any right to complain. I do not think my business is either offensive or unhealthy.
327. *By Mr. Broughton*: You think that if it is deemed desirable or necessary that your business should be removed, you would be entitled to compensation? Yes.
328. *By the Chairman*: Inasmuch as your neighbor has come to you? Yes; I see that the Government made provision for slaughter-houses, and I think tanners are at a far greater outlay in preparing places to carry on their business than butchers. A tannery cannot be commenced without considerable capital, but a butcher can settle down anywhere and put up a place suitable for slaughtering purposes at a very small expense. I know it would be ruinous to many families if this law were carried into effect.
329. You do not think you have any right to poison the atmosphere you breathe in common with your neighbors? I think if the atmosphere were poisoned, I should not enjoy such health as I do.
330. You do not look a very stout man? I have never been, but I have enjoyed much better health since I have been a tanner than I did when I was a farmer.

APPENDIX A.

If hides that come to a tanner having any smell were taken to a salting establishment, would there be any complaint, and would they be any less offensive or less injurious to health? My Petition was signed by one doctor and three chemists, who live immediately in the neighborhood of tanyards, who are pretty good judges of the business, if evidence is required in favor of tanning being healthy. The lime will stop or prevent any taint or bad smell, the tan will do the same; and none having ever been unhealthy in a tannery should be a good standing evidence, while none can be brought to the contrary. Medical men often send to me for tan water for various complaints, both external and internal.

Windsor, 28th April, 1860.

RICHARD CAVANOUGH.

APPENDIX B.

Question 340.—This place is a hole in the paddock at the bottom of the street in which I live, into which hole all the water from this part of the town runs and stagnates, and sometimes passers-by think it comes from my yard, but there is no water runs into the street from my tannery.

Mr. Austin Ferrest Wilshire called in and examined:—

Mr. A. F.
Wilshire.
17 April, 1860.

331. *By the Chairman*: Do you carry on the business of a tanner and currier? Yes.
332. Within the city of Sydney? Yes, on Brickfield Hill, George-street.
333. Is your tannery surrounded by a large population? It is.
334. Have you petitioned the Legislature against the enforcement of an Act passed in the year 1849—"An Act to amend the Law relating to the licensing of Slaughter-houses within the City and Suburbs of Sydney, and for the prevention of other Nuisances within the same"? Yes.
335. How long have you carried on business in your present premises? It has been carried on by my father before us, and by my brother and myself, since 1805.
336. Long before there was any population in that neighborhood? Yes.
337. Then what population you have in that neighborhood have come to you? Nearly all; within my recollection there were very few houses there.
338. Do you carry on the business of tanning as well as of currying? Both.
339. In what state do you receive hides—I refer to them being offensive or otherwise? Sometimes they are offensive, if they are not properly cured.
340. I presume you take them to convert them into leather,—are any of the hides when they are received by you in a partially-putrid state? Yes, partly so.
341. In such a state as that the hair would come out? Yes.
342. I suppose you are aware that the outer skin is called the epidermis or cuticle, to which the hair is attached,—do any of the hides arrive in such a state as that the hair may be easily removed from that outer skin? Yes.
343. When hides are in that state will they not give rise to an unpleasant smell? Undoubtedly.

344.

- 344. What do you do with those hides when you receive them? The first process is to put them into water to cleanse them.
- 345. To cleanse the blood from them? Yes, to cleanse them; for they are generally partially salted, and the salt requires to be extracted from the hides.
- 346. Partially salted hides you receive from the country are more offensive than those you receive from the butchers? Yes; those from the butchers we receive daily.
- 347. With regard to the first, or cleansing process—how long do the hides remain in the water? An hour or two perhaps.
- 348. What becomes of the water—is the water in which they have been cleansed, is it in a very turbid state? It is in a filthy, dirty state.
- 349. In a bloody, filthy state? Yes. The hides that come in fresh undergo a somewhat different process from those that come in the salt. The salted hides require to be reduced to the same state as the fresh to make them lissom.
- 350. What becomes of this dirty fluid? It is thrown away immediately.
- 351. How do you get rid of it? It passes into the drainage of that end of the city.
- 352. Have you a common sewer there? Not on the new system.
- 353. Does this water run under ground? Under Liverpool-street; I do not know how far it is covered over, but there is a natural watercourse midway between George and Pitt streets.
- 354. Is it in part an open drain? Part of the way I think it must be. It flows through our premises in a covered drain to Pitt-street, and I think it must empty itself at a distance of a hundred yards or more into an open watercourse.
- 355. Where does that watercourse empty itself? It is open as far as Goulburn-street; it there runs under a bridge through other premises under the market, and then into a drain that passes by the burial ground, and empties itself into Darling Harbor.
- 356. Along the side of this open drain are there any residences? They are chiefly the back premises of the houses in Pitt-street and George-street. There is a great space between those two streets.
- 357. Have any of your neighbors along the course of the drainage complained of your place as a nuisance? We were once indicted by Mr. Roger Murphy, but that was in consequence of a rather cantankerous neighbor who would not allow us to open this covered drain between our premises and Liverpool-street, and as it was stopped up the drainage overflowed. The magistrates at the time, when we stated we could not abate the nuisance unless the drain were opened, required this man to allow us to go upon his premises for that purpose, and the proceeding was quashed.
- 358. Do your neighbors complain? I have never heard of a complaint but that once, and that is some fifteen or twenty years ago.
- 359. Do you reside near the tanyard? Not now, I did formerly, from my youth up, until I was twenty-eight years old.
- 360. You were born there, were you not? Yes.
- 361. Are you aware to what distance the smells arising from your tanyard extend? No, I am not.
- 362. Do they at all to your knowledge? Not to my knowledge.
- 363. Do you not think if the atmosphere were laden with effluvia arising from your premises, it would extend to your neighbors? No doubt, and I think it very possible an unpleasant smell may at times be experienced by my neighbors.
- 364. You are not aware whether it is of such a character as to be considered a nuisance by them? I am not.
- 365. *By Mr. Parkes*: Do your tenants complain, those who live in the houses in front of your tannery? No.
- 366. *By the Chairman*: I presume you would not consider it an interference with your personal rights, supposing your neighbors regarded your business as a nuisance, that such nuisance should be abolished? I rather think I should.
- 367. Would you not rather think it an interference with the personal rights of your neighbors that they should be inconvenienced by offensive smells for your personal benefit? Certainly not, when they come to it.
- 368. Do you think you have a right to poison the atmosphere which others, in common with yourself, imbibe? I have no right to do it, and I do not think I do.
- 369. Supposing your neighbors find a smell arise from a tanyard, is not that *good prima facie* evidence that you do? I suppose it would be, but they never have that I am aware of.
- 370. Your establishment I presume is very extensive? It was at one time, but in consequence of this law, we have denuded it of everything almost. We have almost given it up in fact.
- 371. Would it interfere much with your private business if the first process of tanning were carried on outside the boundaries of the city, confining the business in Sydney to currying? It is quite a mistake to suppose that currying is any more a nuisance than the business of a shoemaker. There is nothing offensive used by curriers.
- 372. You are quite certain that premises where currying is carried on are not a nuisance? Yes.
- 373. But you are not certain that it is so in the case of tanning? The process is as simple as possible. There is no necessity to use the filth that is used in England.
- 374. But there is the bloody fluid which is thrown away, and the partial decomposition of the hides, which cause unpleasant smells? You might prevent the carriage of the hides, for they are a nuisance wherever they go.
- 375. You are aware that all nuisances must be sources of contamination to the atmosphere to some extent? Yes.
- 376. *By Mr. Parkes*: You are aware that an Act was passed in 1849, 13 Victoria, No. 42, providing

Mr. A. F. Wilshire.
 17 April, 1860.

- Mr. A. F. Wilshire.
17 April, 1860.
- providing for the removal of certain nuisances after the expiration of ten years, and that that Act ought to have been put in force, according to the time proscribed, on the first of this year? Yes.
377. Have you ever had your attention directed to the manner in which that Act originated—to the proceedings of the Select Committee appointed to inquire into various nuisances, slaughter-houses, &c., in the city? Not particularly.
378. Are you aware that the Act originated in a recommendation by that Committee? Yes, I have seen the Act.
379. Are you aware personally, or have you heard that, in the course of that inquiry, no evidence was given affecting tanners and curriers? I have heard so, but I have never read the evidence.
380. Have you ever heard that the business of tanner and currier were introduced into the Report at the last by a member of that Committee from some personal feeling he had against some person engaged in the trade? Yes, I have always understood so.
381. You are aware of the fact that it was so introduced at the last moment? I believe it was.
382. Did you not petition the Legislative Council against the passing of the Act at the time, and was not that petition presented by Mr. Lowe, then Member for Sydney? Yes.
383. As far as your experience and means of information go, are you aware whether the business of a tanner is prohibited in any large city of Europe, or in any part of the world? Not that I am aware of.
384. Should you consider that the stepping in of the law to interfere with you as to the manner in which you should carry on your private business a most unjustifiable interference, unless good grounds could be shewn, such as that you were injuring the public health? I do.
385. And you assert positively that the business of a currier can in no way be injurious? It cannot.
386. Do you not think, as a man of the world, that the circumstance of this harmless business of currier being included in such an Act proves that those who drew it up knew nothing of the matter or had some improper motive,—might they not as well have included shoemakers, carpenters, or any other business? Certainly the business of shoemaker is more offensive.
387. Is not that one circumstance a reason why the Act should be reviewed—the circumstance that there is one harmless business included among the nuisances which are to be excluded from the city? I think it is one very good reason.
388. As a citizen of Sydney are you not aware that there are many businesses carried on in the city than those of tanner and currier,—for instance, if proper cleanliness were not observed in a butcher's shop would there not be the same accumulation of putrid animal matter as in a tanyard, without the counteracting influence of the tanning matter? No doubt.
389. What do you think of gas-works,—do you not think them as offensive as tanyards? Yes, and sugar-works, nothing I think can be more offensive than sugar-works; and I believe the slaughter-houses have come in for a great share of the blame which should have been laid to the sugar-works.
390. Is not a common provision store, if not kept clean, very offensive? No doubt.
391. *By Mr. Lucas:* From your evidence it appears that whatever is offensive in your business is before the liming process? Yes.
392. You consider that whatever is offensive is before the hides are put into the tan liquor? Certainly, there is nothing offensive after they are put into the tan liquor—there cannot be.
393. In answer to Mr. Parkes' question you said there was a personal ill feeling on the part of a member of the Committee—was it a feeling against the individual or against his manner of conducting the tanyard? I do not know.
394. Supposing tanners and curriers were compelled to carry on the first processes of preparing the hides out of town, would that be a great interference with their profits? No doubt.
395. *By Mr. Broughton:* Has your business been injured by the passing of the Act 13 Victoria, No. 42? It has been neglected, in preparation for abandoning it.
396. That must have been an injury to other persons? No doubt.
397. Do you carry on your business so largely now as you did before the passing of the Act? Nothing like it; instead of employing thirty or forty men, we now employ in the tannery only about four.
398. Are your premises extensive—what area do they cover? I do not know exactly—I suppose about three quarters of an acre; but the quantity of land occupied gives no idea of the extent of a tannery.
399. Are there any expensive buildings upon the land? Not very expensive.
400. Will you sustain any serious loss by having these tanneries removed from the city? No doubt; the buildings are quite suitable for that purpose and for no other, and the expense of laying down a tannery is very considerable.
401. *By Mr. Parkes:* Your loss in reality would be just in proportion to the expense of laying down a new tannery and constructing new pits? Yes; the actual loss, of course, and the loss of position. In town the market is at our doors—if we were driven out of town we lose that advantage.
402. *By the Chairman:* If this business were removed, probably the land would become more valuable for building purposes? As it is situated I do not think so, for it is at the back of the houses in Pitt and George streets.
403. *By Mr. Broughton:* You think, with an abundance of water, and underground drainage, the business of a tanner and currier may be carried on without proving offensive to any one? Yes; perhaps not to any one.

404. Generally? Not so offensive as to be considered a nuisance.
405. Do you consider the business of a tanner and currier injurious to health? Certainly not.
406. *By Mr. Parkes*: Did you enjoy good health during the time you resided on the premises? Yes; neither myself nor my brother have been ill.
407. Your brother lived on the premises till lately? Yes; until lately he lived close by.
408. His premises communicated with the tannery? Yes.
409. *By the Chairman*: Are you aware of any modern changes that have taken place in the sanitary arrangements of the cities of Europe? I occasionally read some of the reports.
410. Do you read the reports of the health officer of the City of London? I do not think I have read them all. I do not remember, if you allude to anything in connection with tanneries, having seen anything on that subject.
411. The reports referring to sewerage and offensive trades? I have glanced over them.
412. Are you aware that there is a tendency of late years to remove all trades at all connected with the decomposition of organic matter from towns? Yes, I am aware of that.
413. *By Mr. Parkes*: Are you aware whether any sanitary provisions have ever excluded tanneries from towns? I am not.
414. *By the Chairman*: Would you not include among those trades that of tanner, as tanners have something to do with the decomposition of organic matter if, as you state, organic matter becomes decomposed in your tanyard? I would not. I think most people have very erroneous ideas with reference to the nature of our business. If tanning were conducted properly it might be carried on under the windows of this room without offence to the Legislature.
415. Do you not think if cart loads of hides were received within the precincts of these premises we should have a very unpleasant smell? Not a bit more so than from a cart load of beef when left in a butcher's shop. A tanner will not receive hides in a putrid state; if they are ever offensive they are only partially so. The meat we eat may be sometimes partially decomposed, and so may hides, but not in such a state as to pollute the atmosphere, though sufficient to cause a smell. If there be any offensive smell it is after the process commences.
416. *By Mr. Lucas*: During the washing of the hide and clearing off the hair? Yes.
417. *By Mr. Parkes*: If you should be compelled to remove you would, in accordance with the terms of this petition, consider yourself entitled to compensation? Yes.

Mr. A. F.
Wilshire.
17 April, 1860.

FRIDAY, 20 APRIL, 1860.

Present:—

MR. BROUGHTON,
MR. PARKES,

MR. LUCAS,
MR. PEMELL.

RICHARD LEWIS JENKINS, ESQ., IN THE CHAIR.

Isaac Aaron, Esq., M.R.C.S.L., called in and examined:—

418. *By the Chairman*: You are a medical practitioner in Sydney? I am.
419. And held office for some years as Health Officer to Sydney? Yes, for two years.
420. How long have you practised your profession in Sydney? For fifteen or sixteen years.
421. During the latter period of which time you have been acting as Health Officer? For two years, up to this time last year; I have also been upwards of ten years district surgeon to the Dispensary.
422. This Committee is here for the purpose of making inquiries as to whether it is necessary to carry out, in its integrity, an Act passed in 1849, "To amend the Law relating to the licensing of Slaughter-houses within the City and Suburbs of Sydney, and for the prevention of other nuisances within the same." We are desirous of obtaining evidence from you whether the businesses of tanner and currier are offensive, so as to be a nuisance, or prejudicial to the health of the city? I understand that is the object of the inquiry.
423. Perhaps you will be good enough to favor the Committee with your opinion upon that subject? My opinion is, that they are prejudicial to health; not that I believe, or that any one would say, that they produce any specific disease, but that they are prejudicial to health by being offensive. That the emanations from these places produce in those not accustomed to them, disgust, nausea, sometimes vomiting, loss of appetite, headache, and so on, and thereby interfere with the general health of those who live in the neighborhood; and in addition to that these other results operate again by reducing the vitality—the tone of the system—of those subject to these causes, and render them less able to resist the effect of epidemics or contagious diseases when they occur; so that I have no hesitation in expressing my opinion, that they ought to be removed. I look upon the matter in this light, that there are sanitary disadvantages enough inseparable from the aggregation of a large number of people in towns and cities; it is, therefore, in my opinion, the duty of Government to take care that there are no unnecessary disadvantages added to those which are inseparable from those conditions. I consider that these trades are not necessary to be carried on in towns, and therefore, I say the people who are obliged to live in large towns and cities have a right to look to the Government to secure them from those nuisances, and to take care that they have—what they have a perfect right to have—as much pure air as possible. I wish distinctly to be understood that I do not attribute to these places the origin of any specific diseases

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diseases in themselves, but I may add, that the debility or want of tone produced by them may render persons who have any weak organ more liable to have disease lighted up in it than otherwise they would be. The people in towns want as much oxygen as they can procure, and if anything interferes with a sufficient supply of it it must be injurious. That is my opinion as briefly as I can express it, and I think it expresses what I mean.

424. Have you been accustomed to visit these tanyards? Not accustomed; but I have been to them, and I know theoretically the process.

425. In passing these tanyards, have you noticed any particularly offensive effluvia? Always more or less. In passing the tanyard in Elizabeth-street, which I have occasion frequently to do, I have noticed that the effluvia is particularly offensive. From cursorily looking in, it appears to me to arise from a number of hides lying there—some in a semi-decomposed state; or, at all events, the fluid from them being allowed to remain is sure to produce an offensive smell.

426. Would it be your duty, as Health Officer, to inquire into the sanitary state of these places? Yes; and I reported upon the necessity of their being removed in conjunction with all other nuisances—slaughter-houses, and so on.

427. Are you sufficiently acquainted with the process of the manufacture of hides to be able to separate the business of tanner from that of currier? No, I cannot say that I am. I only know what the process is from cursory observation. I have never seen it carried out thoroughly.

428. As a pathologist of many years' experience, I would ask you whether the organic refuse matter, which is necessarily the result of the process of manufacture of these green hides into leather, is not the cause of the effluvia you have referred to, and is not a prolific source of disease according to the amount of this refuse matter accumulated? No doubt, if there is any accumulation of refuse animal matter in a state of decomposition, it must be injurious in its effects, particularly in such a climate as this; but I do not think the exhalations from animal matter so injurious as those from vegetable, or as when both are combined.

429. As a pathologist, you would consider the effluvia arising from the decay of either unwholesome—prejudicial to health? No doubt about it.

430. I presume it is in consequence of the decomposed fluid which comes from these places, as well as from the decomposed organic matter connected with this manufacture, that you form the opinion you have expressed of the unhealthiness of the tanneries? Decidedly.

431. We have it in evidence that all the offensive part of the effluvia arises from the first process—that of tanning—and that, after the hides have been steeped in the lime-pits, all effluvia ceases; in your opinion, supposing that to be the case, do you think it necessary that the business of a currier, as well as that of a tanner, should be removed? Taking the statement for granted I should say not, that is, if it be true, but I confess that I have no practical experience; but if it be true, that there is no decomposition after the hides pass into the hands of the currier, there is no necessity for the removal of that business. I am not, however, prepared to give evidence upon that subject.

432. We have it in evidence that all the decomposition takes place in the preparatory steps, before the hides go to the currier? *A priori* I should think that is likely to be the case.

433. You think the business of a tanner should not be tolerated in the city? I do, and I believe the two businesses are generally combined.

434. Supposing that the trades may be separated, might not the currier on that supposition remain in town, although the tanner should be obliged to remove? I am quite satisfied that the latter should be removed.

435. *By Mr. Broughton:* Supposing the wash from a tannery to flow over the surface of the ground for a distance of some sixty yards, into the surface drainage of the city, and to pass over that in the street for two or three hundred yards, would that be prejudicial to health? No doubt of it.

436. Prejudicial in any great degree? In the same degree as I have already stated. You could not separate the effluvia from this fluid, and wherever it went it would be likely to produce the results I mentioned before. The flowing over the streets ought, under any circumstances, to be prevented.

437. Is it particularly objectionable that it should flow on the surface? Yes.

438. If the business were carried on at all should not this wash, or soak as it is called, be taken away by underground drainage? The premises should be drained by sewers, of course. There is a tanyard in Philip-street which I have noticed repeatedly.

439. Did you ever notice this matter flowing from Elizabeth-street into Castlereagh-street? No; I do not know that I have observed that.

440. In the course of your practice, have you ever had to attend patients in the vicinity of these tanneries? I cannot call to mind that I have ever. I cannot call to mind any specific cases. My dispensary district extends down from Dawes' Point along the eastern side of George-street to Liverpool-street, and includes Messrs. Wilshire's tannery. I have had patients in that neighborhood; but I cannot call to mind that I can trace any direct connection between these cases and the tanyard.

441. Have you found sickness to exist in any greater degree in the neighborhood of these tanneries than in any other district? I could not undertake to say that positively unless we had an epidemic, then I should expect naturally to find a large number of cases in such neighborhoods.

442. *By the Chairman:* Such as cholera? Such as cholera, or any other epidemic—but more particularly cholera. The diseases, or rather the complaints likely to be induced by these effluvia, are not such as cause persons to apply to a medical man. The parties themselves in such cases generally take a little medicine which they think likely to relieve them, and the symptoms may be attributed by them to other causes.

443. Have you found persons engaged in the business of tanning or currying less healthy than other individuals? That I cannot say, for I do not know that I have ever had any of them under my care. I. Aaron, Esq.,
M.R.C.S.E.
444. *By Mr. Parkes:* Is not that some evidence that they are a healthy set of men that they never fall into your hands? I do not know that it is. Most medical men have a sort of specialty in their practice. One may have an immense number of cases of a particular kind, and others none at all of that kind. 20 April, 1860.
445. Have you seen this petition from the neighbors of a respectable tanner in Phillip-street (*a petition was handed to the witness*)? No.
446. That petition is signed by the whole of his neighbors, with one exception—Mr. Hunt, of the Post Office—it is signed by the whole of the residents in the immediate neighborhood of the tannery? I should place very little reliance upon that; you can get people to sign anything.
447. *By Mr. Lucas:* By drainage or other sanitary arrangement, do you think it possible to make tanneries unobjectionable? There must always in such a business be a large accumulation of refuse matter, solid and fluid, and unless there are very stringent regulations adopted for compelling the people to carry this away daily I do not think it desirable that they should remain.
448. Taking the climate into consideration, even supposing this matter were removed daily, do you think it possible to keep these places in such a state as not to injure the health of the city? It would require very close superintendence and an enormous supply of fresh water.
449. I understood you to say that you know nothing of the practical arrangements of a tannery? I have seen portions of the operations. I have gone into the yards repeatedly.
450. We have it in evidence that the whole of the offensive smell which arises from the tannery is caused by the first process, that of washing the filth and blood from the hides directly they arrive in the yard, and of allowing the water to remain until it becomes foetid? I do not think that argument will stand good, because in the very process of tanning odours arise from the tan-pit itself which are offensive.
451. Do you think the smell of the tan-bark itself is offensive? To many people it is, decidedly.
452. You think the whole business until the hides are thoroughly cured is offensive? Yes.
453. *By the Chairman:* Till the process of decomposition is stopped? Yes, decidedly so.
454. Have you read the petition which was handed to you just now? Yes.
455. Does it alter your opinion in any way? No, not in the least.
456. *By Mr. Parkes:* You have paid attention to sanitary questions for some years past, I believe? I have.
457. Not only with reference to their bearing in this Colony, but as to what is going on in England? Yes.
458. Is it within your knowledge that the manufactories of tanners and curriers have been excluded from any town in the Mother Country? It is not—I am quite aware that in the last Act passed—the Health of Towns Act—these trades are omitted from the prohibitory clauses.
459. You are aware that in Bermondsey nearly all the tanners of London are gathered together? Yes.
460. Do you not know as an historical fact that during the great plague, that part of London was more free from disease than any other? I know that it has been so stated, but there might have been other causes to which that circumstance should have been attributed. We have heard many such statements, but I think they all require to be taken *cum grano salis*.
461. Your knowledge of what has been going on in Europe for the last few years informs you that great efforts have been made in the city of Paris with reference to sanitary arrangements, and that they have there been brought almost to perfection? Except as to sewerage.
462. Do you know that the business of tanner is carried on almost in the heart of Paris? I am not aware.
463. You rest your objection to the business of a tanner chiefly on the ground of the offensive smell caused by it? I have stated that offensive smells of any kind are apt to produce various kinds of indisposition.
464. What part of the inhabitants of the city would these influences arising from the smell affect—only the residents in the immediate neighborhood of a tannery? Yes.
465. Taking the case of Sydney where there are three tanneries, the persons resident in the neighborhood of which have all testified against feeling any annoyance—how can it in that case affect the general public health? I mean within the range—it is the same with regard to the slaughter-houses.
466. The present case is very peculiar—quite different from that of the slaughter-houses—in Sydney the whole of the neighbors of the tanneries, almost without exception, have testified to the absence of any complaint, while in Windsor, the residents in the neighborhood of a tannery have voluntarily come forward and testified to the same thing. The evidence given before the Committee shews that the persons engaged in the business themselves enjoy uninterrupted good health? We have it also in evidence that the men engaged at Montfaucon, the enormous knackerie in the neighborhood of Paris, are upon the whole longer lived than many other classes of people; but that after all proves nothing with regard to the general question.
467. But you have not in evidence that persons resident in the neighborhood are satisfied with the business, and do not desire its removal, which we have here—persons who have no pecuniary interest, who live contiguous, and who testify that the removal of this business would be a wanton injury to the proprietors? It is removed from the city there.

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468. Here you have the testimony of very respectable persons, who could not be supposed to be influenced by improper motives? I do not suppose they are; but I can attribute their signing such a document to a want of knowledge. It is a difficult matter to judge how much of the indisposition they suffer is attributable to this cause. I contend that, as the inhabitants of a city have enough sanitary evils to contend with inseparable from their collecting together in large numbers, it is the duty of Government to protect them from those which may be avoided.

469. But it must be the duty of the Government to ascertain beyond doubt that it is necessary to remove places of business before they do remove them? Of course. It is my opinion that it is so still, in spite of the evidence of these petitioners.

470. And the evidence of the good health of the persons immediately concerned? Yes.

471. With regard to other businesses, such as that of a common flesher's—a common butcher's shop,—is it not within your knowledge, as a practical man, that if these places are allowed to remain in a filthy state, that a mass of matter will be accumulated which will be a source of nuisance, and poison the atmosphere around? No doubt; but inspection is much more easy with regard to these places, and the removal of the offensive matter is much more easily managed.

472. With reference to that under the Act 13th Victoria, No. 42, the Act passed in 1849, which provides for the removal of slaughter-houses, tanneries, and currieries, within ten years, there is a clause that the magistrates can give notice that unless persons keep them in a state of cleanliness, the evil may be remedied by process of law? I am aware of that state of the law, and while Health Officer I endeavored to carry it out with regard to certain nuisances; but I found much trouble and annoyance in doing so, and so much indisposition on the part of the magistrates to convict, that I gave it up.

473. You are aware that any person creating a nuisance can be indicted at common law? Any private person may indict.

474. Any person complaining—filing an information—it is a principle of common law? People are generally unwilling to incur the trouble, expense, and annoyance necessary.

475. With regard to this Act, are you acquainted at all with its history? No.

476. Perhaps you will allow me to state briefly the history of the Act. A Committee was appointed, of which Mr. John Lamb, a nominee of the Crown, was chairman, to inquire into the desirableness of removing slaughter-houses from the city. Before this Committee as many as twenty-five witnesses were examined, but in the course of the examination not a single word was said with respect to the business of tanner or currier. When the report was brought up, I am given to understand—but there is no record as to whether it was so or not—that there was no word said about these businesses, but it was suggested by a member of the Committee that the words "tanner and currier" should be inserted, and these words were interpolated in the report without being based in any way whatever upon the evidence. Now, the evidence received before this Committee proves, and every Englishman well informed as to his native manufactures knows, that the business of a currier is as harmless as that of a shoemaker, or saddler, or any other handicraft whatever—that it can be in no way hurtful to any body unless it may be to the person who bends over the article in the process of manufacture —? That is to say the process of decomposition is stopped after the tanning, and nothing remains to be injurious?

477. Just so, like any other working in leather. Now, I ask you, does not the including this business of a currier in the Act operate unjustly,—is a business such as this to be ruthlessly interfered with, to be removed wherever the law thinks fit—is it not quite contrary to our notion of an Englishman's privilege—does it not shew a great deal of inconsiderateness or wantonness? I can only conceive that it has arisen from the simple fact that the businesses of tanner and currier are generally carried on in conjunction.

478. That will not the less shew a great want of care and consideration,—there ought to be a good case made out as to the necessity for the benefit of the public that a business should be removed before such removal should be insisted upon? If two businesses are carried on in conjunction it can scarcely be desirable for the proprietor of them that they should be separated. You were asking me about the Health of Towns Act; in that Act fellmongering is one of the prohibited trades.

479. Have you read Mr. Chadwick's sanitary report? No.

480. I believe you are a native of Birmingham? Yes.

481. Have you read his report upon the condition of Birmingham? No, I do not think I have, unless I met with it in a volume I found in the Town Hall, in which there were various reports of sanitary Committees, of one of which Mr. Chadwick was a member.

482. His inquiry was instituted about ten years ago; and the report contains a complete mass of information upon the subject, and the result of the most thorough inquiry. Do you remember Cheapside in Birmingham? Yes.

483. There is a large knackery near the Beardworth's Depository? Yes.

484. That is alluded to in the reports presented by Mr. Chadwick to the Government; and the report states (I am quoting from memory) that there is pretty good evidence that this establishment is not detrimental to health, but grounds the desirableness of its removal upon its extreme loathsomeness? Upon that I found the removal of the tannery.

485. But a knackery is much more offensive than a tannery.—I allude to that as shewing that it is doubtful whether it is detrimental to health. It is on account of its extreme offensiveness that he recommends its removal? Mr. Chadwick is not a medical man.

486. Do you remember the Pershore road or street—was that a populous place when you left Birmingham? Not very.

487. There are a number of catgut and similar establishments there, which I should think are very much of a similar nature to those of the tanner, without the counteracting influence of

of the tanning process, and they are distinctly stated in these reports not to be injurious to the public health? That is altogether contrary to what I have understood, or read, or believed before. I understood these to be among the worst businesses.

488. You find it stated in Mr. Chadwick's reports upon the town? I do not feel myself bound to believe every thing Mr. Chadwick may state, although he is a superior authority in your opinion.

489. You think the tanneries ought to be removed? I think so.

490. And persons who live in the immediate neighborhood ought to have no voice in the matter? Not if scientific opinion is against them.

491. With regard to the separation of the business of tanner and currier, are you aware that Messrs. Hall and Alderson have carried on those businesses separately for some years past? All I can say is, that I have frequently occasion to pass his yard, and my nose is very frequently offended by the odours from it.

492. He carries on only the business of a currier in connection with his original business of a tanner, but he is extensively engaged in the exportation of hides, and the smell you are offended by arises from the immense quantity of hides he receives for exportation? That is precisely what I said.

493. That business is in no way interfered with by the Act, so that if you banish tanneries to-morrow this business may still be carried on. At present many butchers and merchants, who are engaged in a miscellaneous trade, do carry on the process of salting hides, which I imagine you would think much more detrimental to health than even tanneries? Quite as bad, probably more so.

494. *By the Chairman:* You do not think it any argument because fellmongering is allowed in the City, that therefore tanning should be? Certainly not; two bads do not make one good.

495. The Act is defective in not including fellmongering? Yes; that is decidedly included in the Expurgatorial Act in England—the last Act passed there included fellmongering.

496. Do the smells arise from the decomposition of organic matter, whether animal or vegetable? Yes.

497. So that so far the air is tainted with the effluvia from animal matter, even in the tannery? Yes.

498. With regard to effluvia from the slaughter-houses, is it not the fact that persons engaged in those places have generally good health? I believe it is so stated; I doubt the fact, however, to a certain extent. I think the assertion must be taken with some limitation. Butchers pass a large portion of their life away from that immediate occupation; they have a great amount of exercise in the open air, and the business itself is carried on in open sheds; they are, therefore, not so likely to have their health injuriously affected as the people who live in the immediate neighborhood.

499. You consider that the counteracting causes of exercise and living are sufficient to prevent the injury which might otherwise arise to them? Yes. Yes; but there is another point which seems to have been overlooked in regard to this matter. When these men receive mechanical injuries, no doubt from their living a considerable portion of their time surrounded by this effluvia, those injuries are more serious with them than with other classes of persons.

500. Tracing the effect to a cause, I ask you, as a pathologist, is it not a difficult thing to trace the immediate effect to a cause in case of malaria? Yes.

501. Is it not the fact that armies in travelling, if they camp on low ground, will become subject to fever of all kinds, whereas, if they find a ridge only a few feet higher, the fever ceases? Yes, there are many cases of that kind on record; one of the most remarkable is that of Lieutenant Kennedy, who, having to take charge of a detachment of troops from either Calcutta or Bombay into the interior, found repeatedly, during the journey, a number of men attacked with cholera in one portion of his camp only, and that on the march no cases occurred.

502. So that it is difficult, in cases of malaria, to trace the effect to the cause, although we know from an accumulation of facts what is the cause? We may in the case of ague, which we know is the result of dwelling in a fenny, marshy, district, because the disease does not occur elsewhere.

503. So that, applying what I have said to the present case, although you cannot immediately trace disease to the offensive odours with which the atmosphere is charged, still you consider that they are often the cause of disease? Precisely; in accordance with the statement I have first made—that it does interfere with the bodily health of persons living in the neighborhood, by depriving them of a portion of the pure air they ought to have, renders the tone of the system low, and less able to resist attacks of disease from other causes.

504. *By Mr. Broughton:* Would not persons in the immediate vicinity of a tannery consider it an unkind and unneighborly act to be the cause, or in any way to contribute to the injury of their neighbor the tanner? I think that is very likely; a great amount of feeling of that kind very often exists, and that prevents people proceeding in cases of most palpable nuisance.

505. Do you think the existence of that feeling would account for neighbors signing a petition in favor of the continuance of tanneries in the city? Yes.

506. *By Mr. Parkes:* Is it not within your knowledge that it is a very difficult thing to find all your neighbors without exception well affected towards you? No doubt.

507. *By Mr. Broughton:* Is the town of Sydney as well supplied with water as Birmingham or Bermondsey, where tanneries are carried on in England? So far as I can judge, not.

508. Is it as well provided with underground drainage for the purpose of cleansing those tanneries as either of those places? Certainly not.

509. Do you consider it to be more objectionable to have tanneries in the City of Sydney than

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than it would be in any of the towns referred to? Yes, and for another reason, namely, the greater rapidity with which decomposition goes on in this climate, especially in such a season as we have had lately, the heat having been intense and the atmosphere loaded with moisture.

510. *By Mr. Lucas*: I understand you to say, that what may not be a nuisance in London may in consequence of the climate be so in Sydney? Yes; you may go so far as to say that what may be comparatively harmless in England may, by change of climate, be exceedingly objectionable.

511. Is not the indictment of individuals at common law an expensive process? It is expensive, troublesome, and annoying; and I have frequently known difficulty in getting a conviction. The difficulty is felt to be so great that this remedy is only adopted at the very last extremity.

512. *By Mr. Parkes*: What do you think of the manufacture of gas in Sydney? I think it ought to be prohibited too.

513. *By Mr. Lucas*: Because the manufacture of gas is not prohibited, is that any reason why tanneries should not be? I can answer all Mr. Parkes' questions of that kind by referring to my first answer.

514. Although butchers appear to be remarkably healthy people, do you not think slaughter-houses an intolerable nuisance? Yes.

515. And although tanners may appear healthy, may not tanneries be nuisances as well as slaughter-houses? Yes. I will refer to the Registrar General's last report, for the first quarter of 1860, from which it appears that the mortality has been as high as 28 or 29 per thousand; comparing that with the corresponding quarter in towns in the Mother Country, excepting Glasgow, that is excessive—as much as eight or nine, and in some cases more, in excess of the towns in Great Britain.

516. *By Mr. Parkes*: You are pretty well acquainted with the city? Yes.

517. In perambulating the city in the prosecution of your professional duties, have you never noticed in the low parts of Woolloomooloo masses of decaying vegetable matter—pools covered with green slime—do you not think it would be much better for the authorities to look after the curing of such places as these than to banish tanneries from the city? I would not say that one thing ought to be done more than another. I think both ought to be done.

518. Do you not think places of that kind in the low parts of the city contribute much more to the ill-health of the inhabitants than tanneries? When I was Health Officer, I reported in a comprehensive form upon the necessity of surface drainage, but no attention was paid to my reports by the Municipal authorities; but I was told by one of the officers that I might as well save myself the trouble, for they were treated as so much waste paper.

519. *By the Chairman*: The sanitary arrangements of Sydney are defective? They are as bad as they well can be; in fact, there are scarcely any, and the sewerage is very limited in its operation, and for want of a proper supply of water to flush the sewers you cannot pass any of the gully holes without observing the offensive smell which arises from them.

Mr. William Maddison Alderson called in and examined:—

Mr. W. M. Alderson.
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520. *By the Chairman*: You carry on the business of a tanner and currier in the City of Sydney? Not in the City of Sydney, but just outside.

521. How long have you carried on that business on your present premises? About six or seven years, I think.

522. Where is your tannery established? In Bourke-street, in the Redfern district, just opposite Baptist's garden.

523. Are you aware that an Act was passed in the year 1849 to prevent tanners and curriers from carrying on business in the City of Sydney? Yes, after the year 1860. That was the reason I removed, I thought I might as well remove at first as at last.

524. Previous to your removing some six years ago you carried on business within the city? Yes, in Elizabeth-street, where it had been carried on for many years before by Mr. Pawley.

525. How many years did you carry on business in the city? I think about seven.

526. During that time were there any complaints made as to the offensiveness or injuriousness of your business? The only complaint made was by Mr. Nichols. He used to feel an unpleasant smell I suppose to him, and sent the Inspector of Nuisances into the yard and two doctors, but they never could find anything that they could say was injurious to health.

527. What was the result of the inspector's visit to your establishment? That he could find nothing. He merely told me to keep the place clean, and he used to come afterwards to see that we did keep it clean, and remove all the offal, which we were very particular in doing.

528. In what state did you receive your hides? We received them fresh from the butchers.

529. Were they washed previous to their arrival in your establishment? No, that would have made them worse. As soon as the butcher had done killing he sent up the hides to the yard.

530. Do you receive hides from any other source? Yes; from all parts of the country, some dry, some salted.

531. Are any of the hides you receive in a state of offensiveness when they arrive in the yard? Sometimes they are—that is a thing we cannot help, but we very soon put a stop to that.

532. How soon do you put a stop to this offensive smell? As soon as ever the hides are put into work.

533. Within what time from the arrival of a load of hides? An hour or two, that is all.
534. You are constantly receiving hides? Yes.
535. Which keep up a constant smell? We receive our hides in the same way as they do for sale at auction, and as they do upon the wharfs, in the town. That it is impossible to remedy unless you debar these things from coming into the city at all to be turned into cash. We cannot guarantee all the people in the country to cure their hides well.
536. What is the color of the water after washing hides in it? The color of any other water, after you have washed any dirty thing in it.
537. Is it of a thick bloody nature? No.
538. Is there no blood on the hides? There is blood on the fresh hides.
539. Then the water in which they are washed becomes bloody? To a certain extent, but there is a large quantity of water and when the water becomes dirty it is thrown away.
540. Will you state what becomes of the water on its leaving your yard? A stream of water runs down, which drains all Surry Hills, which empties itself into Shea's Creek, Cook's River, and there is a drain from our yard which runs into that.
541. Are there any persons residing in your neighborhood? Yes.
542. Are there many houses within reach? Yes; Mr. Richardson, the late Member for Brisbane, lives next door to us.
543. Have any complaints been made by any of your neighbors? None, except by Mr. McGill, and it is only very lately that he has found any fault. The reason of his finding fault, so far as we can judge, was, because a child of his died lately of scarlatina, and he thought it was the smell of the yard which caused it. The doctor ordered him to remove at once, but I believe that was because there were too many living in one house, which was only a little skillion.
544. *By Mr. Parkes*: You believe that the ill-health arose in consequence of the insufficient accommodation of his own place? Yes. Mr. Parkes was in error in stating in the House that I was indicted. Mr. McGill was mistaken in the Act; he thought I had to remove two miles out of town, and sent me a letter to that effect. After that he found he was wrong, and that I was where the Act told me to be. Then he sent a letter to the Redfern Council, to see if they could interfere; they sent a letter to me stating the case, and I invited them to come over and inspect the place, to see that it was kept clean. They promised to come in a body, but they never came, as they saw it was a mere petty annoyance.
545. How far was the residence of this sick child from your yard? I suppose 150 or 200 yards from my yard.
546. Is that the only complaint you have had made? Yes, since I have been out there; and Mr. Nichols was the only one when I was in town. I many times asked Dr. Bennett, out of curiosity, as he was my next door neighbor, if it was a nuisance to him, and he said it was not.
547. Do you carry on any business within the city now in connection with hides? Yes; we receive hides in Sydney in the same way as they are received at the auction yards. There must be a place of reception for them, but we are very particular in sending them out as soon as possible, and all offal.
548. Do you manufacture? Yes; we both manufacture and ship hides.
549. Do you fellmonger within the precincts of Sydney? No; on the Waterloo Estate.
550. Do you salt hides? Yes.
551. Is there a very offensive smell connected with that process? There is sometimes—may be it is offensive to some people, not to others.
552. Have you had any complaints since you have salted hides? No.
553. *By Mr. Broughton*: Is there any connection with the underground drainage from the premises you occupy in Elizabeth-street? Yes.
554. How long has that been the case? Since the sewers were finished in Elizabeth-street. I connected it with the sewer at first, as soon as the sewer was done.
555. Previous to the connection, how did the wash escape from the pits? It used to run out into the street.
556. Over the surface drains? Yes; into Castlereagh-street.
557. Have you an abundant supply of water there? Yes; we always had the water laid on—not always, I used to lead it in from the pipes once.
558. Then you have the means of cleansing your yard with water? Yes; in fact, I have always been very particular about keeping every place clean.
559. What do you consider the most offensive part of your business? The soak where you put the hides first; it is that water which you throw away when it gets very dirty.
560. If that were allowed to flow over a tannery and on to the surface drainage of the street, would it not be likely to be injurious to health? It would be offensive; I do not think it would be right to let it flow over the surface and to be exposed, but I do not think it would be injurious to health.
561. Have you ever seen that offensive state of things? There are some dirty places in the city.
562. Connected with the tanneries? I do not know now, formerly they were.
563. Having removed your tannery and currying business out of the city, in obedience to the Act, you will not be further affected by it? No, I should say not.
564. You being outside the limits of the city the Act cannot interfere with you at all? No.
565. Do you consider it desirable that all tanneries should be removed out of the city? I think in justice to those who have gone out the others ought to go out; but still I maintain that it was not right legislation to put them out in the beginning.
566. But, as you and others have gone outside the city in obedience to the Act, should we not be doing an injustice to you if the others were not compelled to go out also? Yes; and when

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Alderson.

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- Mr. W. M. Alderson.
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- when the other Ministers were in, I had an interview with Mr. Black, and stated to him that if they were allowed to remain I would come on the Government for compensation.
567. *By Mr. Lucas:* Suppose cattle are slaughtered on Saturday, when do you put the hides to work? If we get them up in the morning we put them to work at once, but if they come up too late for that we salt them.
568. But supposing, which is generally the case, that a great number of cattle are killed in the afternoon, when are the hides put in to work? We do not put them in to-work until Monday morning.
569. Do they always come up to you? Yes, and I keep the men at night, who put them into salt as soon as they come into the yard.
570. Do you believe that the business of a currier is offensive in any way? The business of a currier is not offensive in any way, it is the same as the business of a shoemaker or harness-maker.
571. Do you think there is any nuisance in the actual tanning after the process of liming—after the hides have passed through the first stage and are ready to go into the tan-pits? No, it is rather the other thing, it is disinfecting.
572. Are there not pieces of flesh, cuttings, and hair taken off after they come out of the lime-pits? No; after the hides have been put in water they are thrown over a beam, and all the loose flesh is cut off with a knife; after they do that the hide is put into lime. These fleshings, of course, if allowed to remain will stink the same as any other meat, but they are removed. I believe my men take away these fleshings every night to feed their pigs.

Henry Graham, Esq., M.R.C.S.L., called in and examined:—

- H. Graham, Esq., M.R.C.S.L.,
20 April, 1860.
573. *By the Chairman:* You are Health Officer for the city of Sydney? I am.
574. This Committee is appointed to inquire as to the offensiveness or otherwise of the business of tanner and currier—will you be kind enough to state whether in your official or in any other capacity you have been accustomed to visit the tanyards? I have been accustomed to visit the various tanyards in the city, and some short time back I expressed my views in writing to the Municipal Council with reference to the injurious effects they were calculated to have upon the health of the citizens. They are embodied in this report. (*The witness read the same. Vide Appendix A.*)
575. Have you had any reason since writing that to alter your opinion? On the contrary, from inquiries I have since made as to the condition in which the hides are received into the tanyards, I believe they are taken there in all stages of putrefaction—I have myself seen them taken in in that state.
576. The report you have just read refers chiefly to tanyards, does it not? Yes.
577. It has no reference whatever to curriers? I see nothing in the business of a currier calculated to be injurious to health—I think if you send curriers away you might also send saddlers, harnessmakers, and shoemakers, for there is no further decomposition after the hide leaves the hands of the tanner, and as far as the tanning goes it is only the first process that is injurious; but I know that there is a very offensive, nauseous smell arising from tanyards. I happened on one occasion when in the public service to be called upon to report on one which existed in a penal settlement to which I was attached as senior medical officer in Van Diemen's Land. I know that the smell from that at all times was anything but agreeable, but I did not see that it caused ill-health; still, when the matter was referred to Dr. Dawson, he represented to the Government that it should be removed; and it was removed in consequence of its being likely to be injurious to the prison population. It was situated at the back of a large penitentiary.
578. Is it not the fact that it is the present tendency of all sanitary legislation to remove from all cities those businesses in which the decomposition of organic matter takes place? From which there is an exhalation of the gases carbonic acid and nitrogen. They are considered, if inhaled, to produce sickness and fever, and where slight disease exists they are calculated to produce typhoid, or a malignant type of fever—to convert simple disease into one of great danger and malignity.
579. You mean to say that a number of persons living in the neighborhood of these yards would, if an epidemic were to break out in the city, be likely to suffer much more than they would if those places were removed? I am not prepared to say that in Sydney any injurious effects have arisen from the present tanyards, but I look forward to the time when houses will be more crowded together and filled with people, and if these tanyards are allowed to exist they are likely to injure the persons who live in these houses. If small-pox or cholera were to break out these exhalations would be likely to increase the disease, and to cause a malignant type of fever, which would be very fatal.
580. Is it not considered an indisputable fact that the decomposition of organic matter is a fertile source of fever and epidemic disease? The exhalations from decomposed animal and vegetable matter are most injurious to health. I think those from the decomposition of animal matter, far more so than those from vegetable.
581. You think that any business which causes the accumulation of putrid refuse matter should not be tolerated in a city? I think not, and I believe that is the opinion of one of the most eminent sanitary writers, and a lecturer on medical jurisprudence. I think Dr. Andrew Thomson makes use of the same observation. Dr. Ryan, also a lecturer, also Dr. Southwood Smith, and others, condemn tanyards.
582. Have you read the report of Dr. ———, Health Officer of the City of London? I have not in reference to that particular. I fancy there is no such thing as a tanyard in the

the City of London. The neighborhood of London, Bermondsey, where tanning and fell-mongering are carried on, is considered a very unhealthy district in consequence of it.

583. You would include all other occupations of a similar character? All that give forth exhalations such as I have mentioned—deleterious gases injurious to health, all trades which give forth those gases are considered by writers on medical jurisprudence injurious to the public health, and ought not to be allowed in cities. I think in Paris all such occupations are sent out of the city.

584. That is only within the last few years? Since the outbreaks of cholera more attention has been paid to sanitary arrangements than was the case twenty or thirty years.

585. What is your opinion of the sanitary state of Sydney? My opinion is, that the sanitary condition is good, taking it as a whole; I simply refer to the lists of mortality which week by week are registered in the office, there are no cases of an epidemic or contagious nature spreading. But in the absence of sanitary regulations we are liable to great danger if an epidemic such as scarlet fever were to prevail. I believe in such a case the people about the lower part of Sussex-street—all at the back of Darling Harbor, would be in great danger. I think a type of fever might break out there that would be very fatal. At low water there is at the head of Darling Harbor an immense mass of putrid matter exposed to the air from the sewers and slaughter-houses, in fact, the refuse of the town, which sends forth the most poisonous exhalations. At Woolloomooloo there is a flat of much the same character.

586. Have you, under the present Act, sufficient power as Health Officer to enforce the sanitary regulations? No.

587. *By Mr. Lucas:* In the capacity of Health Officer have you had to prosecute persons for nuisances? I have—soap-boilers, since the passing of that Act.

588. Do you find it difficult to get persons in the neighborhood to become witnesses? We have never required them. The inspectors and myself have seen the nuisances, and have given information. A little time back I directed an information to be filed against Mr. Allen.

589. Did you find a difficulty in getting a conviction in this case? Yes, very great. No doubt it was the intention of the law that in such a case there should have been a conviction, but there was some misunderstanding, and it was contended that fat was not tallow, and that the carrying on the business of a candlemaker was not prohibited.

590. Is not the prosecution of a person at common law very expensive? We have done it through the Municipality. I have no doubt it is; anything in the shape of going to law must be expensive.

591. Do you not think the expense and difficulty in such cases deter persons from entering actions? Yes.

592. May not such a business as that of a tanner be carried on in London with little objection, which in this city, in consequence of the difference of climate, might be a very great nuisance? Of course the climate has a great affect in hastening, or otherwise, the decomposition of animal matter.

593. Therefore, better sanitary regulations are more necessary here than in London? Therefore, sanitary regulations in a semi-tropical climate require to be far more stringent than in London or in the North of Europe.

594. Because animal matter may remain three or four days without producing any injurious effect there, while here it could not remain three or four hours without being offensive? Yes.

595. Although persons may have a very healthy appearance, and really be healthy, who work in a factory, that factory may be a great nuisance? Yes; I do not think it any argument because a tanner or a butcher is a strong healthy man, therefore the business is not injurious. We know that tanners and butchers are out a great deal in the open air, and it is to that and the exercise they enjoy that their health may be attributed. We might say that a draper's was an unhealthy business from seeing the unhealthy cadaverous faces we meet in going down Pitt-street, but this appearance is caused by being confined indoors, and inhaling a foul atmosphere.

596. *By the Chairman:* Is the number of cases of preventible disease very large in the City? Yes; I think many, that might by proper rules and regulations be very much relieved if not removed entirely.

597. Such diseases as scarlatina? Scarlatina in its simple form is not dangerous, but from foul atmosphere and ill ventilation it becomes altered, and in consequence assumes a malignant type.

598. All these diseases might be much diminished by having judicious sanitary arrangements? We find it is so in those countries where proper sanitary arrangements have been enforced.

599. In the zymotic class of diseases? Yes.

600. *By Mr. Parkes:* I judge from your report as Health Officer that you think tanneries should be removed as a sanitary precaution? Yes.

601. In your experience have you ever known tanneries to be excluded from a town? I have read that their removal from Paris has been recommended.

602. Do you not know, as a matter of fact, that they have not been removed? I know an effort was made to remove them. Generally all writers upon medical jurisprudence are of opinion that such businesses ought to be removed.

603. Can you quote from one writer on medical jurisprudence who thinks the business of a currier should be removed? No.

604. Of a tanner? Dr. Thomson, the Professor of Medical Jurisprudence at—

605. Can you mention the ground upon which he objects? That incipient decomposition takes place in the first place, and certain gases are evolved, which being inhaled are calculated to produce injurious results. His lecture was published some years back in the *Lancet*.

606. You cannot give the Committee the date? I think the quotation I have read from my paper

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paper is almost word for word what was said by Dr. Thomson. I find also that Dr. Ryan, in his work on medical jurisprudence, makes use of almost the same words as Dr. Thomson.

607. Who is Dr. Ryan? His book is an ordinary class book, generally used by medical students.

608. Does he mention tanneries in his work? He does.

609. Are you aware that in particular cases in Sydney the neighbors of tanners have gone to the trouble to send petitions to the Legislature, expressing their opinion that the tanneries are no source of annoyance to them? I have heard so; but, on the contrary, I have heard people who have been living close to Mr. Wilshire's tannery say just the reverse—that it is most offensive.

610. Have you any objection to state the names of the parties? I was told in confidence by a patient.

611. Can you mention the name of any person whom you think it desirable to summon before the Committee? Not any. I believe the persons who sent in that petition were many of them Mr. Wilshire's tenants.

612. I believe the people in the immediate neighborhood of Mr. Wilshire's tannery have not petitioned? Mr. Wilshire has been carrying on for many years past only a small amount of tanning; in fact, his place of business could hardly be recognised as a tannery. I recollect in old Mr. Wilshire's time, twenty years back, the business was very large.

613. Does he not carry on business as a fellmonger? No. Mr. Wilshire has a large quantity of dry hides.

614. He salts hides? Yes; but I think, so far as tanning goes, for many years past he has been holding back. In fact, I am at liberty to say so, for he told me so himself. He said they were doing little or nothing—I suppose pending the passing of this law.

APPENDIX A.

EXTRACT from Quarterly Report, March 8, on Sanitary Condition of the City.

"An attempt is now made to retain in the city the existing tanyards, on the supposition that such are not injurious to public health. On this subject I beg to state, that in the process of tanning hides incipient putrefaction takes place, for the purpose of removing the hair and other extraneous matter. Animal substances, when deprived of vitality, supplied with moisture, exposed to air of a high temperature, undergo putrefactive fermentation, the products of which are certain deleterious gases and offensive effluvia; and there are numerous instances in the records of medicine of diseases being produced by such gases acting on the human body. The waste water from tanyards is also most offensive—that in which the hides are first saturated. All occupations, therefore, as tanners, soap-boilers, tallow-melters, which engender these gases and effluvia, are considered by writers on medical jurisprudence, as nuisances injurious to public health, and should not be allowed within cities or towns.

"H. GRAHAM,
"Health Officer."

WEDNESDAY, 25 APRIL, 1860.

Present:—

MR. PEMELL, | MR. BROUGHTON,
MR. LUCAS.

RICHARD LEWIS JENKINS, ESQ., IN THE CHAIR.

Mr. R. A. Hunt called in and examined:—

Mr. R. A. Hunt. 615. *By the Chairman:* What are you, Mr. Hunt? I am Superintendent of the General Post Office.

616. Where do you reside? My residence is in Phillip-street, where I have resided for about seventeen years, on my wife's property.

617. The object of this Committee, Mr. Hunt, is to inquire into the working of the Act for the removal of certain trades, including those of tanners and curriers, from the city, and to ascertain whether the trades I have mentioned are a nuisance, or offensive and injurious to the public health of the metropolis? Speaking from my own experience, I think they are a nuisance.

618. Do you reside in the neighborhood of a tannery? Within three or four doors of Mr. Watt's tannery.

619. Speaking from your own experience you believe the carrying on of these trades to be offensive and injurious to health? I have been frequently compelled to shut up the front of my house on account of the smell which came from the water which flowed from the tanyard down the surface drain opposite to the house; and on account of the smoke from the chimney of the tannery, which often filled the whole premises.

620. How far do you reside from the tannery? There are three or four cottages between—about forty or fifty feet.

621. Do you find anything offensive from the tannery, or from the filthy fluid flowing from it by your house? Yes; both from the fluid flowing down the surface drain in front of the house, and from the chimney, which is very low, the smoke from which blows into the house.

622.

622. Both are a nuisance to you—the smoke from the tannery, and the filthy fluid flowing therefrom? Yes.
623. You believe it to be injurious to health? Speaking from my own experience, I do. I have often felt sick, and could not eat my dinner in consequence of the stench.
624. I understand there is no underground drainage at that tannery? No. Although the main sewer is in Phillip-street the drains from the tannery have not been connected with it.
625. Suppose they had connected their drainage from the tanyard with the main sewer, so as to prevent the filthy fluid from overflowing the surface drain, would the existence of this establishment then be offensive or injurious to you? Yes, I think it would still be injurious and offensive; we should still have the smoke from the chimney.
626. Have you ever visited the tanyard? Never further than the gate of the yard.
627. Are you acquainted with the business of tannery? I am not.
628. You would not be able to say whether the business of a currier was offensive? I cannot speak of it.
629. You consider the tannery to be a nuisance to you and all your neighbors? I do.
630. And should not be carried on within the precincts of the City? No.
631. *By Mr. Broughton*: Is the fluid you speak of always flowing from the yard? Not always.
632. Is this tanyard always offensive, or only when the fluid flows over the gutter on to the street? I am not aware of that.
633. The fluid or wash flows right down the surface from the yard? Yes, right across the footpath, by a covered drain, into the street.
634. Where does it flow to in the street? There is a trap at the corner of Bent-street into which it drips.
635. Is your complaint of the fluid matter flowing over into the street, or of the nuisance at the tanyard generally? The fluid, the smoke, and the tannery are offensive.
636. Do you consider the tanning in itself offensive? I cannot speak to that.
637. From your long residence there, and from your personal experience, can you say whether this tanyard is offensive at other times than when this fluid is escaping to the street? When the tanning is going on I believe it is offensive.
638. Have you heard the neighbors complain of it at any time? Yes, I have heard my next-door neighbor complain, and also Mr. Richard Hill of Bent-street.
639. Are you aware whether any of the neighbors in the immediate vicinity of the tannery have petitioned the Legislature on the subject? Yes; I was myself asked by Mr. Watt to sign a petition, but I said I could not think of doing so.
640. Are the persons whose signatures appear on the petition permanent residents in the neighborhood? There may be some who are. Some of the neighbors derive an advantage from the tannery, as they have the refuse bark given to them, which they use as firewood.
641. Do any of the persons whose signatures are attached to the petition derive that advantage from the tannery? Some of them receive the bark, which they burn in their houses as fuel.
642. You believe that almost all the persons signing that petition receive an advantage from the tannery in the shape of the refuse bark, which they use as firewood? Yes; I have seen it on Mr. Rice's premises, and in different other places in the neighborhood.
643. Generally speaking, are these persons permanent residents in the vicinity, or holders of property? A few of them are owners of property. Mr. Mulhall has now left and has gone to Pymont.
644. How many names attached to that petition are permanent residents in the street? I cannot exactly say. Some of them reside a good distance from the tannery.
645. Some of the persons who signed that petition live at a considerable distance from the place altogether? Yes; for instance, Mr. Kellick lives opposite Wentworth-place, Mr. Mulhall has removed to Pymont, and Mr. Clinton, butcher, resides in Hunter-street.

Mr. R. A.
Hunt.

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Mr. John E. Begg called in and examined:—

646. *By the Chairman*: You are a tanner and currier? Yes.
647. Your tannery is in Phillip-street? In Phillip-street; and I have a place at Paddington.
648. Did you send in a petition to the Legislature, praying that the Act 30 Vict., No. 42, should be repealed, so far as tanners and curriers were concerned? Yes.
649. How long have you carried on the business in the Colony? About six years.
650. How long in Phillip-street? About five years.
651. Is it your own business, or do you rent it? I rent it from Mr. Watt.
652. Who carried on the business before you,—Mr. Hayman? I believe so.
653. Have you heard any complaints as to your business being considered a nuisance by your neighbors? No.
654. Are you aware that complaints are made by neighbors? Not that I am aware of, though there may have been complaints of which I have not heard.
655. Will you be kind enough to state what is the process carried on in your business? The hides come from the butchers are not washed in the yard; they are then sent to Paddington to prepare by cleaning them with lime; they are afterwards brought back and put into the tan liquor. My liming and tanning yards are separate.
656. You receive the hides in Phillip-street in a filthy state? Yes, as they come from the butchers. Those which are for export I salt on the premises; the others I send to Paddington to be limed.
657. You do not follow the process of curing hides? No.

Mr. J. E. Begg.

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- Mr. J.E.Begg. 658. You carry on the salting of hides? Yes.
- 25 April, 1860. 659. Suppose you ceased to carry on the salting of hides do you think there would be anything offensive in the other branch of the business carried on in Phillip-street? There is no nuisance in salting hides, but there may be from hides coming from the country unsalted. The hides are generally salted before the meat is consumed. I sometimes receive hides from the country only partially salted.
660. These are offensive? Yes, very frequently. When I get hides from the country in that state I send them to Paddington. All that I do with them in Phillip-street is to receive them and send them away.
661. From what, then, does the offensiveness of your tanyard arise? I am not aware of any offensive odours coming from it, because there is nothing in my yard but what people might readily swallow. Bark liquor will cure some diseases, and has been prescribed by some medical men. I give a good deal of it away to veterinary surgeons, who cure diseases of horses with it.
662. Where is this other yard you refer to? Outside the city.
663. Are there any neighbors residing near it? No, it is away from habitations altogether. But there is no offensiveness that I find arising from the liming of the hides.
664. In your yard in Phillip-street do you wash hides at all? No; there is nothing but the pits full of liquor.
665. We have it in evidence that the liquor which flows out of the yard is offensive? That must be wrong, as a tanner never empties his pits; liquor is never emptied at all. I am not accountable for the water that comes out of the yard, and in very rainy weather the liquor may be driven by the rain out of the pits; that is the only way in which it can take place.
666. You never empty the water out of the pits? No; on the contrary, it will keep for many years if supplied with fresh bark.
667. The water would become offensive by remaining so long? Not if fresh bark is constantly put into it,—it would then never become offensive. There may be an offensive smell in Phillip-street occasioned by the burning of the bark which people take for fuel. It is strange how anything could arise from a tanwork, when there was one of the largest establishments of this kind in the city of Edinburgh.
668. Are the hides you receive in an offensive state from the country sent to your place at Paddington? If I buy any at Mort's and find that they are not right or what they ought to be I send them out of the yard.
669. Do you receive any green hides from the butchers? Yes.
670. Are they washed previous to your receiving them? No; you do not wash hides if you salt them.
671. You salt the hides with the blood on them? Yes, just as other people salt them. Hides are salted at Campbell's Wharf.
672. Is there anything offensive in the process of curing hides? Not if it is properly done.
673. The only hides that are offensive are those which come from the country partly cured? Partly cured, and damp from the rain.
674. Some of these you get into your yard? Yes.
675. And does any offensiveness arise from them? Yes.
676. You do not carry on the preparatory process for currying leather at your establishment in Phillip-street? No.
677. Have your premises any connection with the underground sewerage? No.
678. Is there not frequently fluid matter flowing from your yard into the street? Yes.
679. Flowing down the centre of your yard? Yes; that is, when we draw out the hides some of the liquor may fall from them.
680. Is there not always something flowing? No. And some of the fluid is clean water in which the hides have been washed after they have been taken out of the pits.
681. You say there is no communication between your premises and the underground drainage? No.
682. How do you extract the lime from the hides? You first brush it over them, and in making sole leather you extract no lime.
683. You do not ferment the hide? For upper leather.
684. You do not ferment hides in Phillip-street? I do not prepare hides there at all.
685. You know that some tanners do that? Yes.
686. This is the most offensive part of the process? Yes; but it depends upon what they do it with. Some do it with bran, some with vitriol. If it is done with bran it smells.
687. Do you consider it desirable to have tanners in a large city, in a warm climate, without underground drainage? Tanning is carried on much more quickly in hot countries than in cool countries, and the danger could not be greater or the process more noxious.
688. Do you not think the gases would exist to a greater extent in a hot than in a cool country? I do not see where the gases can come from, if the hides are salted. It is strange that a tannery should be considered injurious to health when medical men have sent children into tanneries when they had hooping cough.
689. Did you procure the signatures to this petition, or did anyone else? I procured them myself.
690. I see there the name of John Kellick—does he live in Phillip-street or at Pymont? In Phillip-street.
691. He has an establishment there, but does not reside there? He resides there.
692. How near to your tannery? Within four or five hundred yards; his house being near the Presbyterian Church, and about the same distance from my tannery as the Assembly Chambers are.
693. Would he be affected by the smells from the tannery if they were bad? No.

694. Is the Mr. Rice who signed that petition still living? Yes; there are three Rices living there. Old Mr. Rice is dead, and had lived there for forty years. They are all live names on the petition. Mr. J. E. Begg.
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695. I understand that most of the parties whose names are attached to the petition receive the refuse bark from your yard? Some of them do. Mr. Leatham and others do not.
696. Most of the others do? Some of them use the bark, and many come all the distance from the Rocks to get it.
697. Were you constrained to erect your establishment outside the city in consequence of this Bill to prevent the establishment of tanners and curriers within the city of Sydney? I had the place at Paddington before I came to Phillip-street.
698. That has been established since the passing of the Act? Yes, but it is out of the city.
699. You were aware of the existence of the Act when you commenced tanning there? Yes.
700. Would it be an injury to yourself and other parties who have removed out of the city if tanners and curriers indiscriminately were allowed to carry on business within the city? I do not know any one, except Messrs. Hall and Alderson, who have removed; but I do not know that it would be an injury to them, because they reaped a profit from the removal. They might look upon it as right, as they could not carry on much business where they were.
701. *By Mr. Lucas:* Are you aware that there is a nuisance—or have you heard it complained of as a nuisance—that people burn the refuse bark as firewood? I never heard it complained of before. I can feel the smell of burned bark myself.
702. Do you think the process of preparing hides for tanning is not offensive? The preparing of the hide is not offensive.
703. The process from first soaking, then liming, and preparing it for the tan—is there not something offensive in that? Some people may find it not pleasant, but when the hide goes into the lime everything is killed. The water in which they are washed is thrown away.
704. Then there is nothing offensive in the slightest degree, in the business you carry on in Phillip-street? No; except that if the yard were kept dirty it would become offensive.
705. Suppose you had no yard out of town, what would you do with the hides that become offensive from not being properly salted before you receive them? I should have to do as Mr. Mort does, keep them on the premises in the city.
706. They would be offensive? Yes.
707. And in keeping the yard out of town you prevent that offensiveness? Yes, with regard to the country hides, not in tanning.
708. You say you wash the hides—is not the washing water offensive? No; the matter in it is pure clean blood.
709. We have before heard in the evidence of a practical man that this was offensive? There is nothing offensive in washing fresh hides; but if you put in dry hides to soak there is an offensive smell.
710. You believe that having your yard out of town, where you take offensive hides, you prevent the existence of nuisances at your establishment in town, where they would be very offensive? They would become very offensive.
711. I suppose there is a difference of opinion as to what is offensive and as to what is not? Of course.
712. What other persons may consider offensive you, from being accustomed to it in business, would not consider offensive? Yes. Some may think the business offensive, but I do not.
713. *By Mr. Pemell:* Not more offensive than the business of a butcher? I do not think a butcher's business offensive at all, unless the place where it is carried on is not kept clean.
714. How many fires do you keep? No fires.
715. We have it in evidence that the smoke from your establishment in Phillip-street is offensive to the neighborhood? We have no fires in my place. All the fire that I have is when I have to melt tallow or glue.
716. *By Mr. Lucas:* There is no fire kept connected with your tanyard in Phillip-street? No.
717. *By Mr. Pemell:* What fuel do you use? Wood and coal.
718. *By Mr. Lucas:* Do you burn the refuse bark? No; some of the neighbors use it for fuel in their houses.
719. *By the Chairman:* I think you state that you sometimes melt tallow or glue? Yes.
720. What do you melt tallow for? For making dubbing; we use pure tallow.
721. Is there any offensive smell arising from that? No.
722. How much tallow do you melt in the course of a week, or how often do you melt it? Not once in three months; I make this dubbing but two or three times a season. I make a good deal at a time. I formerly had a steam boiler to steam my bark, for which bark was consumed, but now I use nothing but wood and coal.

The Honorable W. Bland, Esq., M. L. C., called in and examined:—

The Hon.
W. Bland,
Esq., M.L.C.
25 April, 1860.

723. *By the Chairman:* How long have you been a medical practitioner in this Colony?
Upwards of forty-five years.

724. The object of this Committee, Dr. Bland, is to procure information as to whether or not the business of tanners and curriers is of that offensive nature as to be injurious to public health, and such as ought not to be retained within the precincts of the city? They are, in my opinion, likely to be very injurious, and even dangerous, particularly the preparatory branch—that of the tanner.

725. I may just state, that in the year 1849 an Act was passed by the Legislative Council of the Colony, which enacted that, on the first of January in this present year, the businesses of tanners, curriers, and some other offensive trades, should not be carried on within the precincts of the city? I think very properly, perhaps as to both branches of the trade in question; being each of them offensive, and likely, even with the best management, to be injurious.

726. The Committee would wish to have your opinion, as a medical practitioner of long experience in the city, as to the effects of these establishments upon public health? I infer that they are highly dangerous, and most probably always more or less injurious to health, from their being intimately connected with the existence of putrescent organic matters; but I recollect only two instances in which actual disease in this city was, in my opinion, fairly attributable to the decomposition of organic substances—cases, in both instances, of *typhus gravior* or malignant typhus. These occurred about the year 1820, and again about 1832, at Mr. Wilshire's tannery in George-street, and in 1832, also, in the family of Mr. Philips, in O'Connell-street; the back of whose premises was contiguous to the tanks (or rather, open sewers) in Spring-street.

727. I hold in my hand a petition which was sent to the Legislative Assembly, and received on the 24th January, 1856, to which I find your name attached, as also the names of Dr. Aaron, Dr. Robertson, Mr. Kemp, and also the names of other gentlemen. The petitioners, referring to the sanitary state of the city, asked for the removal of soap boilers, tallow melters, tripe boilers, tanners and curriers, from the city? I am of the same opinion now as I was then. I beg, however, to repeat, that I can bring to my recollection only the few instances above-mentioned, in which, in my opinion, malignant disease was attributable, almost beyond doubt, to putrescent causes. I allude to the two instances in Mr. Wilshire's family; in which, in the first instance (in 1820), there were several cases of malignant typhus of the worst description, though no deaths; and in the second instance (about the year 1832), only one case in the same family, which, although not fatal, was evidently of the most malignant tendency; and which latter was exclusive of the six simultaneous cases in the family of Mr. Philips, in O'Connell-street—all fatal; the last two of which cases I can testify to as being cases of *typhus gravior*, from my having been called in to them, though only just immediately before the death of the patients.

728. The decomposition of animal matter is a fruitful source of disease? Yes. This has been, I believe, long since amply proved.

729. You connect the cases of typhus you have referred to with the existence of putrifying organic matter? Yes; and more especially as no cases of malignant typhus had appeared in any other part of the city than the two localities above-mentioned.

730. Have you, in your long experience, seen much fever of a typhoid character? No; not in this Colony. I recollect only the above few cases of *typhus gravior* in this Colony. Of the milder species of typhus—*typhus mitior*—I have from time to time met with cases, in different parts of the city; though I think almost invariably in ill-ventilated, ill-drained localities. The last case of *typhus gravior* that I attended was at Mr. Wilshire's.

731. Did this case occur in the vicinity of these tanks? No, at Mr. Wilshire's tannery.

732. In hot climates, is it not necessary to be more particular with regard to the drainage, so as to prevent the effects of the decomposition of organic matter? Yes.

733. Are you practically acquainted with the business of tanners and curriers? No. I never till lately knew there was a tannery in Phillip-street belonging to a person named Watt, nor have I heard of any mischief resulting from it; very probably because the ventilation and drainage are both very much better than that at Mr. Wilshire's; the ground is high and the air superior to that of most parts of the city.

734. *By Mr. Lucas:* The natural drainage would no doubt be good? Yes.

735. We have it in evidence that the offensive smells arise from the preparatory process of preparing the hide for the business for the currier—washing off the hides the bloody matter, and scraping them. If that part of the business were performed out of town, do you think the remaining part of the business (that of the currier), after all decomposition has ceased, could be safely carried on within the precincts of the city? Probably. The tanning used in the finishing of the first stage of the operation is a powerful antiseptic. I would, however, utterly exclude the formation of any new tanning establishments, or the continuation of those, if any, which have sprung up since the notice was given, within the precincts of the city; and as to those tanning establishments which existed before the notice of 1849, they ought, in my opinion, to be put under strict inspection, in respect to the manner as to cleanliness in which they are conducted; but should it notwithstanding become necessary that they should be removed, I think their proprietors would—all circumstances being considered, and among these the care taken to prevent their being injurious—be entitled to a fair remuneration.

736. In the petition, you say that curriers ought to be put out of town as well as tanners? Perhaps I went rather too far in saying so, in respect to the currier's branch of the business.

737. I now ask you, as an old political economist and legislator, whether you think it would be an infraction of the liberties of the subject, if tanners were to be prohibited from carrying

on business at these offensive establishments within the city? Certainly not, under the indemnity system above explained.

738. You do not consider the tanners and curriers have a prescriptive right to contaminate the atmosphere? No one ought to be allowed to do what would be offensive to the public, or injure the public health; and the business of the tanner in particular is both offensive and dangerous.

739. The Act when passed gave them ten years' notice? Yes.

740. It is now 1860? Yes.

741. *By Mr. Broughton*: Supposing the wash from the tanneries to flow over the surface of the soil in the yard into the open guttering of the street, would that be injurious or prejudicial to public health? It would be both offensive and dangerous.

742. And should not exist in the city? Yes. The tanneries, in their dangerous effects, resemble the abattoirs, though the latter are no doubt infinitely worse. These, however, have been removed to a spot (the Glebe), where they will be a much greater nuisance than ever in every respect.

743. In the event of having no means of drainage, if this wash were allowed to escape by passing over the soil, would not the stench accompanying the evaporation be dangerous? Yes, both dangerous and offensive.

744. Do you remember the residence of Mr. Charles Henry Chambers in Elizabeth-street? Yes.

745. Do you remember where Mr. Pawley lives? Yes, at the back of the late Mr. C. Chambers's residence.

746. Did not Mr. Chambers complain of annoyance from the effects of that tannery? I do not recollect that Mr. Pawley's tannery was particularly offensive, or that Mr. Chambers complained of it, though no doubt it must at times have been both offensive and dangerous. But the larger portion of the sanitary mischief that occurred in the city at different times had its origin at the southern quarters, near Mr. Wilshire's, where there existed a concentration of injurious and offensive effluvia—though emanating almost entirely from the abattoirs in that vicinity.

747. You conceive, as a medical practitioner, that as a precautionary measure tanneries should be excluded from the city altogether? Yes.

748. *By Mr. Lucas*: With reference to your last answer, you make it on account of the health of the city being an object of consideration? Yes, on the ground that they are not only offensive, but highly injurious to health, and even dangerous; that, however carefully managed and conducted, they ought to be looked at with great suspicion, as liable to render the air more or less impure, and, therefore, unhealthy; as well as to be productive of some of the most dangerous diseases of a putrid character.

749. *By the Chairman*: I understand you to state that you do not trace any direct communication between disease and tanyards; but that being a business in carrying on which those engaged in it have to deal with putrid matter it is likely to become offensive and is liable to cause disease? I think I have mentioned two instances in which I had no doubt that the malignant diseases to which I referred had taken their origin from the putrescent emanations from a tannery. But I have stated that I had no reason to think that tanneries were all equally injurious. I have attended at Mr. Watt's as well as Mr. Pawley's establishment, and did not find anything particularly offensive in either, which I considered principally attributable to their being both better drained and better ventilated, in consequence most probably of the advantages they enjoyed from the respective localities in which they were placed; the one of them on high ground near the Domain, the other on high ground near Hyde Park.

750. We have it in evidence from neighbors that it is offensive? Neighbors must have been more competent to speak on this subject than myself.

751. Do you remember signing this petition? This is my signature.

752. Would you be kind enough to state the number of signatures to it? Seven hundred and forty.

753. Will you be kind enough to state whether it includes tanners and curriers with other trades—and will you say that, having perused the petition, it asks for the immediate removal of tanners and curriers from the city? It does.

754. Were you a Member of the Legislative Council at the time this Bill passed—and do you remember the Bill passing? No.

755. Do you think the tanners and curriers were included among the other offensive trades named in the Bill from any other motive than an impression that they also were offensive and injurious to public health? I have no doubt it was done in compliance with the expressed wishes of the petitioners, and with a conviction that it would be for the benefit of the community, and from no other motive.

756. You do not think it was done with malice by members of the House at that time against any particular tanners and curriers; but most probably in compliance with the expressed wishes of the petitioners? I see no circumstance to justify such a suspicion, and I should, therefore, presume that it was done in compliance with the wishes of the people, and as necessary for health.

757. Do you not think the salting of hides should be included with the offensive trades, and not be carried on within the precincts of the city? Yes.

758. Any business dealing with organic matters liable to decomposition? Yes; and I hope the time will soon arrive when the Legislature will initiate and commence the carrying out of some comprehensive system of sanitary reform, both in respect to those towns and cities which already exist, as well as all towns and cities that may be built hereafter throughout the Colony—but for the present, for obvious reasons, more particularly with reference to the

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City of Sydney—which, if any longer neglected, will become every year more and more difficult of reform; the plans at present acted upon being themselves, in my opinion, for the most part of a highly injurious, rather than a beneficial tendency; while the immense peculiar advantages which the site of Sydney possesses, as it came originally from the hands of the Creator, for sanitary as well as every other desirable purpose, are not only being lost sight of altogether, but converted into the most injurious and dangerous nuisances. Thus things which are utterly repudiated and are being, as rapidly as circumstances permit, rejected at Home, we are laboring, at an enormous outlay, to imitate in their worst forms, and introduce here. For instance, while at Home they have, at a vast cost, removed the shambles from Smithfield, we, at an enormous outlay, by the Government, are laboring to force down the abattoirs at Liverpool, established solely by private enterprise, to Glebe Island; and while, at the same time, not a particle of sewage ought to enter the harbor, particularly such a harbor as ours, with scarcely any tide, and no river current, and in such a climate; but, on the contrary, the whole of the sewage of this city ought to be conveyed away, and, together with the offal from the abattoirs, restored to the soil, whence it was originally derived, for the benefit of agriculture; we, at an enormous expense, have been laboring to fill up the harbor with the offal of our abattoirs, and the putrescent contents of our sewers.

759. You believe that many of the sanitary evils arise from preventible causes? Yes.

760. How do you compare Sydney with other parts of the World in a sanitary point of view? Sydney may possibly bear a comparison, in respect to sanitary matters, with most other cities, but not a remote comparison with what it might be made even now, and infinitely less would it bear a comparison with what, by merely a little attention in the laying out of the ground plot on which it stands, it might have been rendered.

FRIDAY, 4 MAY, 1860.

Present:—

MR. JENKINS,
MR. LUCAS,

MR. PARKES,
MR. PEMELL.

RICHARD LEWIS JENKINS, ESQ., IN THE CHAIR.

The Honorable James Robert Wilshire, M.L.C. (attending by permission of the Legislative Council), examined:—

The Hon.
J. R. Wilshire,
M.L.C.
4 May, 1860.

761. *By the Chairman:* You have a tannery? I carry on the business of leather manufacturing.

762. In the City of Sydney? In the City of Sydney, in the same place where it was carried on by my father upwards of half a century ago. I wish particularly to bring under the notice of the Committee that the ground was granted, for the special purpose of extending the manufacture of leather in that situation, to my father by the Governor at the time.

763. Will you state the name of the Governor? The Governor who granted the land for the extension of the manufacture of leather was Macquarie. The original establishment was before the time of Governor Macquarie, in 1803 or 1805. My father at the time was in the Commissariat Department; and in 1813 or 1814—I am not quite sure as to the year—the time of his service under the Government that would have entitled him to a pension would have expired. Shortly before that time an order was issued by the head of the Commissariat in England that no civil officer employed by Government should be engaged in any private business, and my father then retired from the Government service. He had been at that time thirteen years and nine months in the Commissariat Department, and had he remained fourteen years he would have been entitled to a pension. He retired in consequence of that order.

764. Then the land was given to your father for the express purpose of enabling him to manufacture leather? To extend the manufacture; it was being manufactured on the premises he had purchased before. I may state that I have heard my father say that when he commenced there was no house within a considerable distance—none nearer than the corner of King-street. Since that period we have expended vast sums of money in extending the manufactories.

765. And you have carried on the business uninterruptedly since that period? We carried on the business uninterruptedly until this Act passed for the removal of slaughter-houses and the prevention of other nuisances. I wish to state the circumstances that were brought under my notice at the time I was examined before the Committee to which the Bill was referred, and I believe there was nothing in the evidence given before that Committee that proved or touched at all upon tanneries or currieries being a nuisance; and Mr. Nichols, who was a Member of the Legislature at the time, finding that the Bill would pass with a clause which he had introduced himself, sent for me and told me that it would pass unless I took some measures to prevent it—that he himself had introduced the clause to remove tanneries and currieries, in consequence of some neighbor of his that he was at enmity with about a nuisance, and that he had subsequently found out that it was not occasioned by the tannery opposite to him, but by a butcher's establishment, two or three doors from him, where there was boiling down carried on.

766. Where was that? At the corner of Park and Castlereagh Streets. I asked him what I could do to prevent the passing of the Act, and he told me I could do nothing at that time

time—as he was certain it would pass that evening—but petition the Legislature at once. I asked him what I could say in the petition, and he dictated to me something that I was to say. I went home, wrote the petition, and afterwards went to the Town Hall, where I got Mr. Woolcott, the present Town Clerk, to write it out fair. It was presented by Mr. Lowe, and, I think, the Bill was passed the very same day.

The Hon.
J. R. Wilshire,
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4 May, 1860.

767. The third reading? Not only the third reading, but, I think, it was passed through at once. It was at the latter end of the Session, and, I know, it was all done in a very great hurry—in such haste that no one but my brother and myself petitioned against that clause of the Bill. I had not time to get the signature of anyone else.

768. Since that period, have you ever had any complaints made by any of your neighbors as to the business being a nuisance, or otherwise? None whatever. No complaint has ever been made of its being a nuisance either before or since—during that period of fifty-five years of the tannery or curriery being a nuisance.

769. Will you be kind enough to describe to the Committee the state in which you generally receive your hides into your yard? We sometimes receive hides from the butchers direct, quite fresh—they only smell as meat smells. Sometimes we receive them from establishments in the country, partially salted, and sometimes they come in in a bad state with maggots and smell upon them. In that state they are a temporary nuisance; but they are immediately washed in clean water, and brushed over with a knife on what we call a beam; and they are then put into lime, in order to swell the pores of the skin that we may extract the hair.

770. What becomes of the dirty water in which the hides are washed? It is thrown away directly and runs into the sewer. I may state that our tannery, at the time it was established, was at the head of what we call a blind creek or chain of ponds which empty themselves into Darling Harbor, and there is a natural incline all the way now; and all the unpleasantness that arises from the washing of the hides is taken away by the sewer to the head of Darling Harbor.

771. What distance is that? I suppose it must be upwards of a thousand feet.

772. Does it run in a culvert, or in an open sewer? Some part of the way through a culvert, and part through an open sewer. Where the land is low it is open.

773. Are there any residences where it is open? Yes, there are a few. The back privies empty themselves into it. It carries away the nuisance from the cesspools in the same way as the Tank Stream.

774. The water in which the hides have been cleansed, in the first instance, preparatory to the process of liming—what state is that in; is it in a filthy and offensive state? Yes, sometimes it is—not when fresh hides are washed in it. These country hides which come in partially cured are not very numerous.

775. The water in which they are washed is offensive? Yes, just as offensive, for a time, as the scent from a cesspool; but it is not continuous, it is removed.

776. This offensive water flows in the direction you have indicated? Yes.

777. Have you never had any complaints from your neighbors along the course of that sewage matter? I never had any complaint except that which has been alluded to by my brother, from Mr. Roger Murphy, and that was caused, not by the overflowing of the water which I say is offensive, but by the spent lees from the soap manufactory which we carried on at that time.

778. All the offensive smell which arises from the hides is in the first part of the process? Yes, in the first part. I may state that after the hides are washed they are what we call fleshed; the fleshings are the superfluous meat left upon the hide. If these fleshings are left about no doubt they will occasion a nuisance; but they are always removed from the premises immediately; they are never allowed to remain one day, but are removed from our tannery to the place where they are allowed to deposit night soil.

779. Are you of opinion that, if the fleshing and liming of the hides were carried on out of the city, the remaining process would occasion any offensive smell at all? There is no offensive smell at all after the liming process, nor would there, as I say, be any before if ordinary care were taken in removing the parts that decompose.

780. We have it in evidence, from a medical gentleman of very large experience in this town, that what cases of typhus fever he has met with in Sydney have been in the neighborhood of your tannery and of the Tank Stream? With respect to that I should like the statistics of the time to be examined. I am quite certain that when there was typhus fever in our family it raged all over the country as well as over the city. I can recollect perfectly well that when the typhus fever was first introduced into this country that two or three of our family were laid down with it in the city, and also some of our family who were living at Parramatta, some at Goulburn, and some at Windsor.

781. *By Mr. Lucas:* Do you remember the year—this gentleman says it was as far back as 1818? I think it must have been 1818. I may state that there have been periodical times when certain diseases have raged in this country. I remember, perfectly well, that the influenza raged at a particular season, and that several of our family were ill with the influenza at the same time.

782. Have you any other information that you would wish to give to the Committee? I wish to refer the Committee to the 53rd and 54th sections of the Municipal Act, by which they will see what is declared to be a nuisance by Legislative enactment.

783. Will you state your reason? I think if you declare tanneries a nuisance they cannot be established in the country at all where there is any Municipality, by that Act.

784. "The word 'nuisance' in this Act shall include the following matters—Any premises "in such a state as to be a nuisance or injurious to health; any pool, ditch, gutter, water-course, privy, urinal, cesspool, drain, or ashpit, so foul as to be a nuisance or injurious to health;

The Hon. J. R. Wilshire, M.L.C.
 4 May, 1860. "health; any animal, or the carcass of any animal, or any part thereof, in such a state or so kept or left as to be a nuisance or injurious to health; and any accumulation or deposit which is a nuisance or injurious to health?" That is the clause I refer to—"Any accumulation" I suppose must be a continuous thing to create a nuisance; but anything that is removed and cannot occasion a nuisance, cannot be a nuisance; it is only unpleasant for a short time.

785. In that case the deposit would be a nuisance for a short time? Yes.

786. Are you not in the constant habit of receiving these hides from the country which are in a partly decomposed state? Not in the constant habit; they are mostly received by the auctioneers and sold by auction.

787. From whom you buy them? We sometimes buy them from the auctioneers, but we have not bought them of late.

788. You have not been carrying on the business of late—not this year? Not of late.

789. The 54th clause, to which you have referred, evidently defines what is a nuisance—would you consider that an improper definition? No; but every cesspool, in my opinion, is a much greater nuisance than any tannery in the City of Sydney. I am satisfied that there is a greater nuisance within a hundred feet of where we are than any tannery can be. If you stand opposite Mrs. Burdekin's in Macquarie-street, over a sewer, the smell arising from it, which is continuous day and night, is worse a thousand times than any smell that can arise from any portion of the manufacture of leather.

790. Do you not think that every attempt should be made to remove all nuisances? Yes, every attempt should be made for the benefit of the health of the people. That is one reason why we keep our establishment so clean.

791. *By Mr. Pemell:* From a former part of your evidence, are the Committee to understand that your father waived all right to a pension, preferring to follow his business to retaining the situation he held? Yes.

792. Had he remained three months' longer, if I understand you rightly, he would have been entitled to a pension? Yes, I have heard him say, that a service of fourteen years under Government at the time entitled him to a pension of either a guinea or half a guinea a day.

793. *By the Chairman:* Do you carry on the business of salting hides on your present premises in George-street? Yes.

794. Since the 1st of January you have ceased to carry on the tanning business? We ceased, in a great measure, and are selling out what we have got.

795. Would not the process of salting give rise to an equally offensive effluvia as that of preparing hides for tanning? Precisely the same. Salted hides on any place will give quite as offensive effluvia; and, I believe, in salting meat offensive effluvia arise in a very short time. Sometimes—in certain seasons of the year—the meat is quite putrid.

796. Perhaps it would be hardly fair to ask you whether the salting of hides should not have been prohibited at the same time as tanning? I think you ought to prohibit everything that is a nuisance, and by that means you will get rid of all the manufactories from Sydney, not only tanning and currying, but carpentering and joinery, for these are also nuisances; and I may mention one nuisance that is a thousand time more offensive than a tannery, the sugar manufactory. There is one of these in our neighborhood, and I believe that the blame bestowed upon the slaughter-houses properly belongs to that.

797. *By Mr. Lucas:* Is there not one part of your process which is called "beaming"? It is called "beating."

WEDNESDAY, 16 MAY, 1860.

Present:—

MR. JENKINS, | MR. BROUGHTON,
 MR. PARKES.

JAMES BYRNES, ESQ., IN THE CHAIR.

The Honorable W. Bland called in and further examined:—

The Hon. W. Bland. 798. *By the Chairman:* You were examined here, before this Committee, on the 25th of April last? I was.

799. Since that period you have had your manuscript evidence laid before you? I have.

16 May, 1860. 800. And in looking over that evidence you have seen reasons to justify you in putting it before the Committee in another shape, although without substantial alteration of any portion of it? I have.

801. And this is the evidence you now wish to put in? Yes. (*Revised Evidence, ante 25 April.*)

802. *By Mr. Broughton:* Have you ever visited the abattoirs? I have not; but nothing can be done with them to make them compatible with public health.

803. How do you come to the conclusion that they will be a nuisance, having never seen them? The offal must be removed; it is not intended, I believe, to retain it there, and if so it is quite clear that the offal would go where the sewage goes—namely, into the harbor; thus assisting to fill up the harbor, as well as tending to render the harbor putrid. That also

also would be an exceedingly barbarous system, as it would be depriving agriculture of one of the main means by which it ought to flourish.

804. But without ever having seen the abattoirs, or knowing anything of the regulations, how do you draw the conclusion that they will not be kept clean and wholesome? My answer to that is given in my evidence, and I think is a conclusive explanation. It is a barbarism to bring cattle into the town, and was considered so in London before I left. Children and other persons are liable to serious accident; but exclusive of this there is the destruction to roads, the inconvenience to commerce, and an obstruction to little tours for health. At the same time we have an excellent means of getting rid of that nuisance, without extra expense, by means of the railway from Liverpool, where the country might be made a complete garden if it had the benefit of the abattoirs. Besides, the cattle ought not to be killed with their blood heated by driving into town, but after they had become cool, calm, and in a proper state for slaughtering. They could have a thousand acres of land for paddocks, with plenty of water, in the neighborhood of Liverpool. It is so well suited for the purpose, and so close to the train. The animals, having been kept in the paddocks until they were in a fit condition, could then be slaughtered, and the meat brought down by a night train, without shocking the feelings of anyone, and without the inconvenience of carting it from Glebe Island. There is the nuisance of cattle being driven through the streets, and the nuisance of bad smells which must arise from the offal, and that must go somewhere or into the sea.

The Hon.
W. Bland.

16 May, 1860.

805. *By Mr. Jenkins:* Suppose arrangements were made so as to prevent the nuisance from entering the harbor, as by a plan of deodorisation, which would allow of the offal matter being taken into the country, to give it the desirable sustenance of which you speak—would there then be any danger to health from the abattoirs? There would then be the inconvenience of getting the cattle through the streets; and they would be in a heated rather than the necessary cool state for butchering; neither could they have the requisite supplies of water.

806. As far as the health of Sydney was concerned, it would be sufficient for the impurities to be deodorised, so that they could be taken back into the country instead of being allowed to flow into the harbor? It seems to me an extraordinary way of obtaining the object. And there is a question in the evidence which interferes with it. Speaking politically, I decidedly think it would be a strange thing to bring the refuse and offal to Sydney in order to take it back after it had gone through a dubious process of purification, to take away the stenches and offensive smells which ought never to exist near a city. Besides, we have had no assurance at all that that was intended. I know there is a proposition of that kind with respect to the sewage, but it is a very dubious experiment. It is done, I believe, by means of charcoal, lime, and other preparations, so as to prevent putrescency. There are great doubts as to the success of this process even in London, where it has been tried.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

REPORT FROM THE SELECT COMMITTEE

ON

GIBSON'S ESTATE BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

4 September, 1862.

SYDNEY:

THOMAS RICHARDS, GOVERNMENT PRINTER, PHILLIP-STREET.

1862.

1862.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

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

16. Gibson's Estate Bill :—
- (1.) * * * * *
- (2.) Mr. Wilson moved, pursuant to notice,—
- (1.) That Gibson's Estate Bill be referred to a Select Committee, for consideration and report.
- (2.) That such Committee consist of Mr. Gordon, Mr. Leary, Mr. Dalgleish, Mr. Lackey, Mr. Windeyer, Mr. Garrett, Mr. Cunneen, Mr. Driver, and the Mover.
- Question put and passed.

VOTES, No. 59. THURSDAY, 4 SEPTEMBER, 1862.

1. * * * * *
- Gibson's Estate Bill :—Mr. Wilson, 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 2nd September.
- Ordered to be printed.
- * * * * *

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1862.

GIBSON'S ESTATE BILL.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, for whose consideration and report was referred, on the 2nd September, "*Gibson's Estate Bill*," beg leave to report to your Honorable House,—

That they have examined the 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, in which they found it unnecessary to make any amendment.

*Mr. A. Lenehan
Mrs. C. A. Gibson
Mr. R. Harnett.

And your Committee now beg to lay the Bill before your Honorable House.

J. BOWIE WILSON,
Chairman.

Legislative Assembly Chamber,

Sydney, 4 September, 1862.

PROCEEDINGS OF THE COMMITTEE.

THURSDAY, 4 SEPTEMBER, 1862.

MEMBERS PRESENT :—

Mr. Wilson,	|	Mr. Leary,
Mr. Garrett,		Mr. Cunneen.

Mr. Wilson called to the Chair.

Printed copies of Gibson's Estate Bill, and original Petition for leave to bring it in—before the Committee.

Present :—

Mr. Andrew Lenchan,
Mr. Richard Harnett,
Mrs. C. A. Gibson.

Mr. Andrew Lenchan, *one of the Trustees of the Settlement*, examined.

Original Indenture referred to in the Preamble of the Bill, *produced*.

Witness withdrew.

Mrs. Catherine Anne Gibson examined.

Mr. Richard Harnett, *one of the Trustees of the Settlement*, examined.

Committee then proceeded to consider the Preamble of the Bill.

Motion made (*Chairman*), and *Question*,—that this Preamble stand part of the Bill,—*agreed to*.

The several Clauses then read and agreed to without amendment.

The Chairman read Draft Report.

Motion made (*Mr. Garrett*), and *Question*,—that the Report, as read, be the Report of the Committee,—*agreed to*.

Chairman to report to the House.

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1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

GIBSON'S ESTATE BILL.

THURSDAY, 4 SEPTEMBER, 1862.

Present:—

MR. LEARY, | MR. CUNNEEN,
MR. GARRETT.

JOHN, BOWIE WILSON, ESQ., IN THE CHAIR.

A. Lenehan, Esq., called in and examined:—

1. *By the Chairman*: Your name is Andrew Lenehan, I believe? It is.
2. And you live in the city of Sydney? Properly speaking, I reside in the city of Sydney.
3. You are one of the trustees under the deed of marriage settlement between John Dickson Gibson and Catherine Ann Leary? I am one of the two trustees under that deed.
4. This deed does not give you power to sell the land? No, and I presume that was the reason why application was made for an Act of Parliament.
5. It would appear that you are anxious to sell some of the land under this trust, with a view to invest the proceeds from such sale more profitably for the family? That is the object of the petition.
6. Where is this land situated? At the corner of Castlereagh-street and Campbell-street.
7. In its present condition it is unprofitable to the family? Yes, it has been so for some time. A large sum of money was laid out upon it, and it is still unprofitable.
8. You think that by selling it the sum of money obtained might be profitably invested for the benefit of Mrs. Gibson and her family? Yes. There is no return from the property as it stands at present, and the sooner it is disposed of the better.
9. Such sale of the land and reinvestment of the money would be advantageous to all parties concerned? Very much so.
10. You are one of the petitioners who applied to the Legislative Assembly for leave to introduce this Bill to authorize the sale of the land under this trust? I am, sir.
11. There is a Mr. Wyld mentioned as one of the trustees—has he executed the trust? I think not.
12. He has not acted with you? No; no one but Mr. Harnett.
13. You have read the preamble to this Bill, Mr. Lenehan? I have.
14. Do you find the statements therein contained to be correct? Perfectly correct.
15. *By Mr. Garrett*: You have not the power to sell the land? No, or I presume we should not have sought that power from the Legislature.
16. *By the Chairman*: The document here produced is the original indenture? Yes.
17. Is that your signature at the bottom of it? That is my signature, and I recognize this as the signature of Mr. Gibson. The other signature is Mr. Harnett's. That is the original deed of indenture.

A. Lenehan,
Esq.
4 Sept., 1862.

Mrs. Catherine Ann Gibson called in and examined:—

- Mrs. C. A. Gibson.
4 Sept., 1862.
18. *By the Chairman*: Your name is Catherine Ann Gibson, I believe? It is.
 19. This Committee is appointed to consider and report upon a Bill introduced into the Legislative Assembly, on the petition of Mr. Andrew Lenehan and Mr. Richard Harnett, as trustees in your behalf, asking power to sell certain property under trust—are you aware of that? Yes, sir.
 20. The document produced is, I believe, the original trust deed? Yes.
 21. Will you tell us whether this signature at the bottom of it is your signature? It is.
 22. You are the widow of the deceased John Dickson Gibson, who joined with you in the execution of this deed? I am.
 23. This deed gives the trustees no power to sell the property? No, that is what we want.
 24. Is the property under that trust in an unprofitable state? Yes.
 25. Where is it situated? At the corner of Castlereagh and Campbell streets, and at Woolloomooloo.
 26. Do you desire that it may be sold, and the proceeds invested for the benefit of yourself and family? Yes.
 27. And you think it would be beneficial to you and your family if the property were sold and the money reinvested? Yes.
 28. You desire that Mr. Lenehan and Mr. Harnett should be empowered to sell the property, and reinvest the money for the benefit of yourself and family? Yes.
 29. Have you read the preamble to this Bill? Yes.
 30. Do you find the statements therein to be correct? Yes, quite correct.
 31. *By Mr. Leary*: This property causes you a great deal of expense? Yes.
 32. And is of very little value to yourself and children? Hardly any benefit at present. That is the reason why I wish to sell it and reinvest the money.

R. Harnett, Esq., called in and examined:—

- R. Harnett, Esq.
4 Sept., 1862.
33. *By the Chairman*: Your name is Richard Harnett? It is.
 34. Will you be kind enough to look at this deed, and say whether it is the deed of settlement between John Dickson Gibson and Catherine Ann Leary, under which you are a trustee? Yes, it is.
 35. Is that your signature at the end? Yes, that is my signature.
 36. Is that the signature of Mr. Gibson? Yes, I believe so.
 37. Power has not been given you under this deed to sell the land and reinvest the money? No.
 38. And you, with Mr. Lenehan, have petitioned the Legislative Assembly for power to sell the land and reinvest the money, for the benefit of Mrs. Gibson and her family? Yes.
 39. Where is the land situated? At the corner of Castlereagh and Campbell streets.
 40. Does it return anything for its value? It has not done so for a considerable time.
 41. And for the benefit of the family, you wish to sell the land and reinvest the proceeds? Yes, it would be greatly for their advantage.
 42. Have you read the preamble to this Bill? Yes.
 43. Are all the allegations contained therein true? I believe them to be so.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY BURIAL GROUNDS.

(RETURN, IN PART, RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 5 December, 1862.

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 24 June, 1862, That there be laid upon the Table of this House,—

“ A Return embracing the following particulars in reference to the various Sydney Burial Grounds, viz. :—

“ (1.) Names of all Trustees who have been appointed under the various deeds of grant.

“ (2.) Dates of the appointments of such Trustees, and the dates of resignation or removal of such Trustees, if any.

“ (3.) Names of the present Trustees of each of the several Burial Grounds.

“ (4.) An account of the Moneys levied in name of fees, or other charges, in each year, by the Trustees in connection with each of the several Burial Grounds.

“ (5.) A statement of the various sources whence such fees or charges are usually derived.

“ (6.) A statement of the Disbursements in each case, in each year.”

(Mr. Windeyer.)

RETURN of the Names of Trustees of the various Sydney Burial Grounds.

DATE OF GRANT.	DENOMINATION.	NAMES OF TRUSTEES.
9 May, 1842	Church of England	The Lord Bishop of Sydney, Richard Jones, John Campbell, and John Betts.
18 May, 1843	Church of Scotland	Thomas Brown, Thomas Barker, and Alexander Cuthill.
13 February, 1841 ..	Society of Friends	James Backhouse, George Washington Walker, and John Tawell.
30 January, 1843 ..	Wesleyan	William Matthews, Thomas Wheaton Bowden, John Von Mongerhausen Weiss, John Jones, and William John Munce.
20 October, 1851....	Congregational	The Revd. Robert Ross, M.D., Joseph Thompson, David Jones, Thomas Jones, and Ambrose Foss.
4 July, 1835	Jewish Church	Joseph Barrow Montefiore, Michael Phillips, and Philip Joseph Cohen.
	Church of Rome (no Trustees appointed.)	

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

BLANKETS FOR THE ABORIGINES.

(RETURNS RELATIVE TO THE DISTRIBUTION OF.)

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

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 27 September, 1861, That there be laid upon the Table of this House,—

“ (1.) A Return of the number of Blankets issued annually
“ by the Government, for the use of the Aborigines of this
“ Colony, for the last five years.

“ (2.) The names of the Police Districts, the number of
“ Blankets annually distributed in each for five years,
“ giving dates, and when despatched from Sydney each year,
“ with date of arrival at their destination.

“ (3.) Return of the Blankets purchased in the Colony, or
“ imported, for the Aborigines, for the last five years, stating
“ the cost in each case.”

(*Mr. Dangar.*)

No. 1.

RETURN of the Number of BLANKETS issued annually by the Government, for the use of the ABORIGINES of this Colony, for the last Five Years.

1857.	1858.	1859.	1860.	1861.
2,365	2,679	2,789	3,077	4,720

Government Stores,
5 October, 1861.

ARCHIBALD CAMPBELL.

No. 2.

RETURN of the Number of BLANKETS Annually Distributed amongst the ABORIGINES for the last Five Years, shewing the Names of the Police Districts, the Dates when Despatched from Sydney each Year, and the Dates of their Arrival at their destination.

POLICE DISTRICTS.	1857.			1858.			1859.			1860.			1861.		
	No.	DATE OF		No.	DATE OF		No.	DATE OF		No.	DATE OF		No.	DATE OF	
		Despatch.	Arrival.		Despatch.	Arrival.		Despatch.	Arrival.		Despatch.	Arrival.		Despatch.	Arrival.
Albert	100 rugs	15 Sept.		100	20 July										
Albury				100	1 Apl.	May									
Apsley Mission	50	28 May	No record	30	17 June	No record	80 rugs	6 Apl.	May				40	1 July	July.
Armidale			No record	50	1 July	25 September	50	3 May	25 June	50	29 Feb.	4 May	70	12 Mar.	May.
Bathurst			No record	30	29 Apl.	No record	12	30 Apl.	No record	24	23 Mar.	No record	30	21 "	No record.
Berrima*	25	11 June		5	23 "								30	10 Feb.	
Bombala*				50 rugs	6 May		25	18 Mar.		25	24 Mar.		75	25 June	
Braidwood*				50	1 Mar.		50	31 Jan.		50	24 "		60	23 Mar.	
Carcobar	40	18 Apl.	No record	50	24 Apl.	No record			No record	20	29 "	No record	25	21 "	No record.
Casino			June	50	1 July	July	100	19 Feb.	March	100	13 Apl.	April	100	23 "	April.
Cassilis			10 May			16 May	50	7 "	7 "	50	29 Mar.	20 June	30	13 May	16 July.
Clarence River*	100	30 Mar.		50	24 Aug.		50 rugs	29 Apl.		50	21 "		100	14 Mar.	
Condamine*				50	6 July		150	19 "							
Dalby*				50	6 "		100	19 "							
Dungog	40	30 Mar.	April			June	{ 35	7 Feb. }	April & July	35	13 Apl.	May	50	30 Apl.	June.
Eden*	75 rugs	29 May		100	29 May		{ 15	28 June }		50	2 "		100	20 "	
Gwydir*	60	17 Apl.					50	17 Mar.							
Glen Innes				50	25 July	Sept.	50	7 Mar.	May	100	13 Mar.	50 in June, and the rest on 24th May, 1861.			
Hartley				12	24 Apl.	April	6	21 Apl.		6	23 "	April	12	21 Mar.	April.
Kempsey	100	29 Apl.	21 March	150	8 Mar.	27 February	150	11 Feb.	9 April	188	2 Apl.	14 April	200	15 "	4 May.
Kiama	15	27 Mar.	Received, but no record of date	27	3 "	Received, but no record of date	30	31 Jan.	Received, but no record of date	30	13 Mar.	Received, but no record of date			
Lachlan*	100	11 June					100 rugs	4 Apl.							
Liverpool	6	1 Apl.	7 April	20	5 June	6 June	20	7 Feb.	7 April	20	12 Mar.	12 March	20	20 Feb.	21 February.
Manning River			No record			April	100 rugs	23 May	9 June	100	13 "	2 May			22 June.
Maitland	40	27 Mar.	28 March	40	11 Mar.	17 March	30	15 Apl.	19 April	30	13 "	16 March	55	12 Mar.	28 August.
Maneroo (Cooma)	100 rugs	29 May	17 August	50	19 July	None			None			None	100	12 Feb.	23 May.
Moruya	160	3 Apl.	May	150	4 Mar.	May	150	11 Feb.	May	150	29 Mar.	May	100	26 Apl.	14 March.
Mudgee			No record	50	10 Apl.	No record	30 rugs	9 May		30	23 "	No record	25	21 Mar.	20 April.
Murrurundi				50	11 Mar.	May				50	13 "	May	50	12 "	May.
Newcastle*	50	27 Mar.					25	30 Apl.					20	12 "	
New England*	100	27 Apl.													
Orange	100	19 May	July										100	8 Apl.	July.
Paterston	50	27 Mar.	17 Apl.	55	12 Mar.	12 April	55	28 Jan.	28 January	55	13 Mar.	13 March	60	12 "	17 May.
Ponrith*	6	27 "								6	23 "				
Pieton	45	25 "	25 March	60	8 Mar.	15 March	60	7 Feb.	7 February	60	12 "	12 March	60	14 Mar.	14 March.
Port Macquarie	100	30 "	14 April	100	29 "	3 April	100 rugs	7 Apl.	12 April	100	7 "	9 "	110	20 June	25 June.
Raymond Terrace	10	27 "	7 April	12	12 "	15 March	10	28 Jan.	28 January	12	13 "	14 "	10	12 Mar.	12 March.
Rylstone	14	25 Aug.	27 October			24 Sept.	20	21 Mar.	24 May	20	12 "	30 "	12	4 June	28 August.

BLANKETS FOR THE ABORIGINES.

Scone	20	27 March	Between 1 April & 30 June	....	....	Between April and June.	20	7 Feb. ..	Between April and June.	20	13 March	Between April and June	30	12 March	Between April and June
Shoalhaven	150	27 "	In time	150	9 March	In time	150	31 Jan. ..	In time.....	200	13 "	In time.....	125	22 Apl. ..	Received after 2nd application.
Singleton	40	27 "	10 May	40 rugs	10 May ..	5 May	25	4 Apl. ..	13 April	25	18 Apl. ..	24 March ....	..	23 March	.....
Tabulam	..	..	1 July	50	1 July ..	1 July	50	7 March	.....	50	18 "	.....	100	21 "	Not yet received
Tambaroora	12	3 April. .	No record....	12	24 Apl. ..	No record....	..	..	No record....	9	23 March	26 May	4	21 "	10 February.
Tamworth	..	..	13 March	50	1 July ..	1 April	30 rugs	3 Apl. ..	10 March	30	29 "	10 February..	..	..	30 May.
Tenterfield	..	..	..	50	1 " ..	..	50	..	15 " ..	..	..	..	50	14 March	30 May.
Warialda	..	..	..	50	21 " ..	Received in July, 1859.	..	..	..	60	2 Apl. ..	11 December..	60	13 May ..	30 July.
Wee Waa	..	..	..	100	1 " ..	None received	100	7 Feb. ..	7 April ..	{ 50	26 Aug. ..	5 July }	200	13 " {	12 September.
Windsor	..	..	..	20	24 Apl. ..	27 Apl.	40	15 " ..	17 February..	40	29 Apl. ..	20 October }	30	13 " {	12 October.
Wingham*	70	30 March	..	70	9 March	..	..	..	..	100	29 " ..	14 April	100	21 March	29 March.
Wellington	200	19 May ..	23 May	200	12 May ..	31 May	{ 200 100 rugs }	9 May..	24 May	300	13 March	..	125	14 June }	..
Wollombi	30	27 "	No record	20	21 Apl. ..	June .....	..	..	..	25	10 Apl. ..	3 June	300	8 April	3 May.
Wollongong	40	27 March	31 March	36	3 March	8 March	25	28 Jan. ..	31 January ..	25	30 May ..	June	14	12 March	May.
Port Stephens (Stroud)	150	30 "	31 "	50	5 June ..	11 May	150	4 Apl. ..	19 April	150	6 March	10 March	45	23 "	25 March.
Queanbeyan	..	..	..	26	23 Apl. ..	13 "	27	7 March	24 March	27	13 "	26 March	50	20 June..	4 July.
Ulladulla*	..	..	..	50	8 March	..	50	25 "	..	..	13 "	None applied for.	12	12 Feb. ..	5 March.
Yass	50	11 June..	No record	50	10 August	No record....	25	4 Apl. ..	No record....	25	29 March	No record....	75	22 Apl. ..	..
Sydney	50	25 April. .	..	35 n.p.	23 Apl. ..	..	35	6 " ..	..	35	29 March	..	25	2 "	No record.
Gosford	10	22 May ..	23 May	14	31 March	5 April	15	..	3 May	15	12 Apl. ..	..	25	8 "	..
Camden	..	None applied for	..	15	8 "	16 March	10	7 Feb. ..	9 February..	10	10 May ..	11 May	13	13 June..	18 June.
Murrumbidgee (Tumut)	25	11 Jan. ..	No record....	..	..	No record....	..	..	..	50	12 March	14 March	12	20 Apl. ..	24 May.
Gunnedah	..	..	..	..	..	..	..	..	..	50	5 Sept. ..	No record....	100	2 "	May.
Muswellbrook	30	27 March	18 April .....	..	..	..	34	7 Feb. ..	10 January ..	34	2 Apl. ..	20 June	48	29 June..	None received.
Euston	..	..	..	..	..	..	..	..	22 May	150	13 March	10 April	30	12 March	20 April.
Gundagai*	..	..	..	..	..	..	..	..	..	50	13 Apl. ..	17 July	150	29 June ..	23 October.
Adelong*	..	..	..	..	..	..	..	..	..	..	29 March	..	50	2 Apl. ..	..
Balranald*	..	..	..	..	..	..	..	..	..	..	..	..	25	21 March	..
Dubbo*	..	..	..	..	..	..	..	..	..	..	..	..	60	24 Apl. ..	..
Hay	..	..	..	..	..	..	..	..	..	..	..	..	52	10 " ..	..
Wellinggrove*	..	..	..	..	..	..	..	..	..	..	..	..	100	24 " ..	July.
Lismore*	..	..	..	..	..	..	..	..	..	..	..	..	50	27 June..	..
Molcng	..	..	..	..	..	..	..	..	..	..	..	..	100	23 March	..
Timbarra*	..	..	..	..	..	..	..	..	..	..	..	..	50	8 Apl. ..	3 May.
Wagga Wagga	..	..	..	..	..	..	..	..	..	..	..	..	20	27 March	..
Walcha	..	..	..	..	..	..	..	..	..	..	..	..	50	2 Apl. ..	28 June.
Walgett*	..	..	..	..	..	..	..	..	..	..	..	..	60	24 June..	7 October.
Wentworth	..	..	..	..	..	..	..	..	..	..	..	..	100	13 May ..	..
Uralla	..	..	..	..	..	..	..	..	..	..	..	..	100	9 July ..	None up to 1st November.
Deniliquin*	..	..	..	..	..	..	..	..	..	..	..	..	36	12 March	None received.
Moama*	..	..	..	..	..	..	..	..	..	..	..	..	500	20 Apl. ..	..
Moulamein*	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
TOTAL	2,365	..	..	2,679	..	..	2,789	..	..	3,077	..	..	4,720	..	..

No Returns have been received from the places marked * as to the date of arrival of the Blankets.—2 June, 1862.

ARCHIBALD CAMPBELL.

Government Stores,
5 October, 1861.

BLANKETS FOR THE ABORIGINES.

BLANKETS FOR THE ABORIGINES.

No. 3.

RETURN of BLANKETS purchased in the Colony, or imported, for the ABORIGINES, for the last Five Years.

1857.	1858.	1859.	1860.	1861.
PURCHASED IN THE COLONY.				
Nil. £ s. d.	£ s. d.	Nil. £ s. d.	£ s. d.	£ s. d.
	1,423 } @ 6/9 }	480 5 3	2,139 } @ 10/ }	1,624 } @ 7/ }
			1,069 10 0	568 8 0
IMPORTED.				
2,365 } @ 6/8 }	1,256 } @ 6/8 }	2,789 } @ 6/8 }	938 } @ 6/8 }	3,096 } @ 7/1 }
788 6 8	418 13 4	929 13 4	312 13 4	1,096 10 0

Government Stores,
5 October, 1861.

ARCHIBALD CAMPBELL.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COLONIAL TOBACCO.

(EXTRACT OF LETTER FROM EDWARD HAMILTON, ESQ., RELATIVE TO CULTIVATION OF.)

Ordered by the Legislative Assembly to be Printed, 20 November, 1862.

EXTRACT of a Letter from Edward Hamilton, Esq., dated London, 25 September, 1862, to the Colonial Secretary, Sydney.

I WISH to call your attention to the importance of reviving the cultivation of tobacco in New South Wales. The sample sent home for exhibition was quite equal to the best American negrohead, and fully proves that the climate and soil of the Colony are specially suited to this plant. As in the case of cotton, so in this, the cultivation of it as an article of commerce must depend on the cost of production. Market prices are now exceptionally high, but it is not to be expected that existing rates can be long maintained. It has always appeared to me a great drawback to the attractions of the Australian Colonies, that the occupations of labour were not more diversified, and I should feel that the introduction of a new industry, or the revival of one which was very general some thirty years ago, would be a great gain in adding to the happiness of the working classes.

1862.

NEW SOUTH WALES.

SUPPLY OF COTTON SEED.

(FURTHER CORRESPONDENCE RESPECTING.)

Presented to both Houses of Parliament, by Command.

CONTINUATION of Correspondence respecting a Supply of
Cotton Seed.

SCHEDULE.

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1. Colonial Secretary to Mr. Hamilton, conveying the thanks of the Government to Mr. Bazley for his services, and to the Cotton Association for their liberality in granting a donation of Cotton Seed, &c., to the Colony. 21 January, 1862	2
2. Extract of a letter from Edward Hamilton, Esq., to the Colonial Secretary, forwarding copies of further Correspondence between Mr. Bazley and himself with reference to the purchase of Cotton Seed. 26 December, 1861	2
3. Mr. Hamilton to the Colonial Secretary, transmitting additional Correspondence with the Secretary to the Cotton Supply Association on the subject. 27 January, 1862	3
4. Mr. Hamilton to the Colonial Secretary, transmitting a bill of lading for two packages containing Cotton Seed shipped in the "Brierly Hill." 26 February, 1862.. .. .	4
5. Extract of a letter from Mr. Hamilton to the Colonial Secretary, enclosing further Correspondence with the Secretary of the Manchester Cotton Supply Association, respecting the supply of Cotton Seed and Cotton Gins. 26 March, 1862	4
6. Colonial Secretary to Mr. Hamilton, in reply to his letter of 26th March, 1862. 20 May, 1862	5

SUPPLY OF COTTON SEED.

No. 1.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
Sydney, New South Wales,
21 January, 1862.*

Sir,

I have the honor to acknowledge the receipt of your letter of the 26th of November last, communicating the steps which you have taken for the purpose of obtaining a supply of American cotton seed for this Colony.

2. The course which you have pursued for meeting the wish of this Government on this subject appears to be the one best calculated to effect it; and whilst tendering my thanks to yourself, I request that you will express the acknowledgments of the Government of this Colony to Mr. Bazley for the service which he has rendered in this matter, and also to the "Cotton Supply Association" for the liberality with which they have granted a donation of cotton seed and gins.

I have, &c.,

CHARLES COWPER.

No. 2.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

*5 Cannon-street, London, E. C.,
26 December, 1861*

(Extract.)

Sir,

I have the honor to forward copies of further correspondence between Mr. Bazley, M.P., and myself, with reference to the purchase of cotton seed ordered. By next mail I hope to be able to report that it is on its way to New South Wales.

* * * * *

I have, &c.,

EDWARD HAMILTON.

[Enclosures in No. 2.]

*New Bridge Mills, Manchester,
26 Nov., 1861.*

My dear Sir,

I will take care that the wishes and instructions of the New South Wales Government are correctly carried out; and beyond the free grant of the Cotton Supply Association, I will see to the judicious application and investment of the £200 sent to you. The seed sent shall be of proved vitality, but fresh or new American seed cannot at this juncture be obtained. I believe that Egyptian seed would best flourish in New South Wales, and would also yield the most profitable and marketable crop. Shortly I will write to you again.

Yours faithfully,

THOS. BAZLEY.

Edward Hamilton, Esq.

*5, Cannon-street,
London, 29 Nov., 1861.*

My dear Sir,

Pray understand that my instructions are to expend the £200 in the purchase of cotton seed of this year's growth, to be shipped direct from New York to Sydney; and I was advised to seek the assistance of yourself and the Cotton Supply Association in the execution of this commission. Unless, therefore, I am informed on good authority (*e.g.*, your own or that of the Cotton Supply Association) that under existing circumstances the commission could not be executed in New York by your agent there, I should hardly feel at liberty to sanction any appropriation of the £200 not authorized by my instructions. You will not, I hope, misunderstand me or think me punctilious in a case in which I ought to express nothing but the warmest acknowledgments for the liberality of the Cotton Supply Association; but the gift may stand, and will not be the less appreciated because an attempt is made to execute the commission. If you tell me that there are insuperable difficulties in the way at the present moment, I shall be quite satisfied, and take no further steps in the matter, leaving you unfettered to do what you think best with the £200.

I am, &c.,

EDWD. HAMILTON.

T. Bazley, Esq., M.P.

*New Bridge Mills, Manchester,
30 November, 1861.*

My dear Sir,

At present neither cotton nor its seed can be obtained from the States of America. In a very short time a supply of new or this year's growth seed will be received from Egypt. We have on hand some "American" or "New Orleans" seed of last year's crop, 1860, some of which we intended to have sent to New South Wales as part of the grant made to you, its vitality having now been proved; but as your orders or instructions are to procure seed of this year's growth, I think it will be more satisfactory to send Egyptian instead. I need not remark that cotton seed cannot be obtained in any of the ports of the States of America of the growth of the current year. Irrespective of these considerations, I believe that it would be safer and ultimately more profitable to send Egyptian seed to New South Wales than New Orleans seed. Usually New Orleans cotton is worth 6d. per lb., Egyptian 9d., and Sea Island 1s. to 2s. 6d. My conviction is that New South Wales would produce as large a quantity of cotton per acre from Egyptian seed as from the seed of New Orleans, and the result would probably be a pecuniary advantage of 50 per cent. in favour of the Egyptian. I think that New South Wales ought to yield a class of cotton in the range of value of 9d. to 1s. 6d. per lb. I will complete the free grant as best I can, and wait your decision as to the rest.

Yours faithfully,

THOS. BAZLEY.

E. Hamilton, Esq.

To-day's, or the speculative prices:—

New Orleans cotton are.....	1s. to 1s. 1½d.
Egyptian	1s. 1½d. to 1s. 4½d.
Sea Island	1s. 8d. to 3s. 6d.

*5, Cannon-street, London,
2 December, 1861.*

My dear Sir,

I am in receipt of your letter of the 30th ult. The opinion therein expressed will justify me in accepting, under existing circumstances, Egyptian seed of this year's growth, in lieu of American seed of this year's growth. I will therefore authorize you to apply the £200 in the following way:—

1st. To defray charges of package, freight, and insurance, on the donation from the Cotton Supply Association.

2nd. To purchase a certain quantity of Egyptian seed of this year's growth, and to defray the charges of package, freight, and insurance. As to freight and insurance, that can be arranged for here in London, by Messrs. Devitt and Moore, and to meet this charge it will be as well that you should leave me a small balance of £20.

With renewed thanks,
I am, &c.,

EDWD. HAMILTON.

T. Bazley, Esq.

No. 3.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

*Cannon-street, London,
27 January, 1862.*

SIR,

I have the honor to enclose some further correspondence with the Secretary of the Cotton Supply Association, with reference to the order which I have been requested to execute. The delay, however vexatious, appears to be unavoidable.

I have, &c.,

EDWD. HAMILTON.

[Enclosures in No. 3.]

*5, Cannon-street, London,
2 January, 1862.*

Sir,

You will much oblige me by informing me whether any progress has been made in the execution of the order of the New South Wales Government for the purchase of cotton seed of this year's growth.

You will not, I hope, deem me troublesome in pressing upon your attention a matter in which you have acted with so much courtesy towards the Colony, but I am very anxious to be able to write out by the mail which leaves on the 20th instant, as the Government will expect to be informed of the probable time when the seed will be forwarded from this country.

I am, &c.,

EDWD. HAMILTON.

To the Secretary of the
Cotton Supply Association.

Manchester, 3 January, 1862.

Sir,

I have duly received your letter of yesterday's date. I regret that any delay has taken place in your receiving the seed for the Government of New South Wales. The delay has arisen from the fact that we were awaiting the arrival of some fresh Egyptian seed, which has now arrived in Liverpool per steamer, and is being landed; that granted you, will be immediately packed in tin cases and forwarded as you request, as well also the New Orleans seed. The latter is not of the growth of 1861, as of course none of that has reached England. It is, however, quite fresh, having only left New Orleans a few days before the closing of that port.

On

SUPPLY OF COTTON SEED.

On receipt of your letter of 25th November, urging the importance of your having a quantity of Sea Island seed, the Committee doubled their grant of that kind, making it 100lb instead of 50lb. The gins have not been received from the maker at present, but I hope that you will receive the whole grant in a very short time.

To E. Hamilton, Esq.

I am, &c.,
S. O. SUTTON.

No. 4.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY

5, Cannon-street, E. C.,
London, 25 February, 1862.

SIR,

I have the honor to enclose bill of lading for two packages shipped on board the "Brierly Hill," and containing 20 tin cases of cotton seed, as described in the accompanying letter from Messrs. Moseley, Hunt, & Co., of Liverpool. The cotton gins have not yet come to hand. This parcel of cotton seed is the donation to the Colony from the Manchester Cotton Supply Association. That which I was instructed to purchase has not yet been forwarded to me.

I have, &c.,
EDWD. HAMILTON.

[Enclosure in No. 4.]

Liverpool, 20 January, 1862.

Dear Sir,

By the instructions of the Cotton Supply Association of Manchester, we forward to your address this day, per London and North-western Railway, 10 tin cases, each containing 50 lbs. of New Orleans, and 10 tin cases, containing 50 lbs. of Egyptian seed, which we hope will arrive in good order. For their disposal we beg to refer you to the Cotton Supply Association of Manchester.

We remain, &c.,

MOSELEY, HUNT, & Co.,
(per J. D. F.)

Messrs. Devitt & Moore,
9, Billiter-street,
London, E. C.

P.S.—For your guidance, the large cases contain New Orleans, the small ones Egyptian seed—the value of the former 25s., the latter 12s. 6d. per cwt.

No. 5.

EDWARD HAMILTON, ESQ., to COLONIAL SECRETARY.

(Extract.)

5, Cannon-street, London, E. C.,
26 March, 1862.

SIR,

* * * * *
I enclose further correspondence with the Secretary of the Manchester Cotton Supply Association, and regret that the remainder of the articles promised as a donation, and the seed ordered, are not yet to hand.
* * * * *

I have, &c.,
EDWD. HAMILTON.

[Enclosures in No 5.]

5, Cannon-street, London, E. C.,
18 March, 1862.

Sir,

I shall feel obliged if you will let me know when I may expect the cotton seed, which I was instructed by the Government of New South Wales to forward to that Colony. The boxes containing the donation of your Association are already on their way out, but the gins have not yet been received.

I hope you will not consider me importunate in pressing this matter upon your attention. The colonists are, I know, anxious to try their hands at cotton growing, and very probably underrate the difficulties of obtaining fresh seed under present circumstances. The Australian mail goes out on the 26th, and I should be glad to report progress by that opportunity.

I am, &c.,

EDWD. HAMILTON.

The Secretary of the
Cotton Supply Association.

Manchester,

Dear Sir,

Manchester, 21 March, 1862.

Your favour of the 18th instant is to hand. I am sorry to have to inform you that the cotton gins for New South Wales are not yet ready; the order for them was duly handed to the maker, Mr. Platt of Oldham, whose machines, from what we have seen of them, appear to be the most efficient yet produced. For some reason which he has not explained to our satisfaction, he has not yet executed our various orders, including the gins appropriated to your service for New South Wales.

I will however press it upon his attention, and unless our orders can be completed during next week we will transfer them to his competitor, Mr. Dunlop, whose machinery for cleaning cotton has had a pre-eminence for utility for many years.

The 100 lbs. of Sea Island seed, which we sent to Oldham for enclosure with the gins, shall be recalled and forwarded to you without loss of time.

E. Hamilton, Esq.

I am, &c.,
S. O. SUTTON,
Interim Secretary.

No. 6.

COLONIAL SECRETARY to EDWARD HAMILTON, ESQ.

*Colonial Secretary's Office,
Sydney, New South Wales,
21 May, 1862.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 25th February last, enclosing a bill of lading for two packages shipped on board the "Brierly Hill," and containing twenty tin cases of cotton seed, being the donation to this Colony from the Manchester Cotton Supply Association.

I have, &c.

CHARLES COWPER.

1862.

NEW SOUTH WALES.

LANCASHIRE RELIEF FUND.

Presented to both Houses of Parliament, by Command.

SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR JOHN YOUNG.

Downing-street,

21 September, 1862.

SIR,

I have received your despatch, No. 67, of the 21st July, in which you report the steps which have been taken in New South Wales, in order to raise funds for the relief of the Lancashire operatives now suffering from the stoppage of their supplies of cotton.

I have read that despatch with the greatest possible gratification. The funds thus raised will afford the means of alleviating very severe distress, borne with a calm and reasonable fortitude, which, considering the multitudes affected by it, the circumstances by which it is produced, the length of time during which it has already continued, and the prospect, unhappily, of its further continuance, I may almost call unexampled. Any accession to our means of relieving such misfortunes, so endured, is highly valuable; but the contributions from the New South Wales Colonists are doubly impressive, from the warmth and promptitude with which they are proffered, and from the evidence which they afford of the quick and brotherly interest with which the Colonists of Australia regard the fortunes of their Mother Country.

I particularly desire that you will take the earliest opportunity of informing the inhabitants of New South Wales how much pleasure Her Majesty's Government have derived from their immediate and generous action in this matter.

I have, &c.,

NEWCASTLE.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

GEOLOGICAL SURVEY.

(MR. W. KEENE'S REPORT ON.)

Ordered by the Legislative Assembly to be Printed, 31 October, 1862.

EXAMINATION of the succession of the Strata from the Carboniferous to the Auriferous deposits; the workings for Gold near Bungonia; Fossil Flora at Wesley Vale; Coal Seam near Paddy's River.

EXAMINER OF COAL FIELDS to UNDER SECRETARY FOR LANDS.

*Paddy's River,
5 September, 1861.*

SIR,

I left Bungonia yesterday, having gone there for the purpose of tracking out the succession of the strata from the coal field to the gold field—from the carboniferous to the auriferous deposits—for the section I am preparing, in compliance with instructions from the Honorable the Minister for Lands, to accompany the series of geological specimens collected by me, and about to be sent to the London Exhibition.

2. I have not only been much gratified but much instructed by this examination.

3. The Bungonia Gold Field is the nearest to Sydney, from whence it may be easily reached in twenty-four hours.

4. There was, at most, a dozen men at work, in what is called the Washed-away Creek. The day before my visit a nugget of two and a half ounces was found, and on the second day after another of greater weight was picked up in prospecting. I purchased the first to serve to illustrate the rock specimens which I have collected in connection with the gold deposits.

5. After examination of the locality, I was satisfied that the gold comes from a very coarse conglomerate, which forms high and steep ridges bounding the creek on either side; and is not derived from the creek bed in which the prospecting and digging is mainly carried on; the course of the creek merely serves as a trough to catch the gold as it weathers out and is dislodged from the conglomerate.

6. The bed rock, or the rock on which the waters run, is a shale on edge, probably auriferous, and on this shale the conglomerate is bedded; but it is from the ruin and breaking down, and waste of the conglomerate hills that the gold is derived, and this natural waste may be sufficient to supply and excite the research of the present number of workers for any indefinite period.

7. Gold specks can be found in any part of the creek. I washed my first pan of stuff, and my awkwardness lost me, in all probability, half the contents, but I had many specks remaining, and there was no dish of dirt washed before me which did not leave some specks of gold.

8. I saw many small nuggets in possession of the diggers, and though the conglomerate is composed of a great variety of quartzite rocks, I observed, and the testimony of the diggers confirmed this observation, that the white quartz is chiefly the *contentant* of the precious metal. I did not see any speck of gold in any trenchant colour of pebble, black, red, brown, or grey, but always in the white, or pale rosy white quartz; so that, in this locality at least, I should choose the drift in which the white quartz is most abundant. The whole mass of these conglomerate ridges would probably pay for the application of appropriate machinery to break them up, and perform with rapidity what is now effected only very intermittently, and by slow degrees, from the operation of natural causes. The white quartz could then be separated and crushed apart.

9. Whence came this conglomerate? What is its age? It is older than the coal. If it came from beyond the Shoalhaven gulleys it could not have crossed them; yet it appears from the lay of the drift to have come in that direction. Then the Shoalhaven gulleys are the younger, and the deposit of this quartz drift must have preceded the terrible convulsions which produced the chasms, 2,000 feet deep of the Shoalhaven, and threw up the lowest limestone rocks to the surface. These are questions of geological interest which may be usefully investigated at a future opportunity.

10. I have been able to track the shales which form the bed rock of the Washed-away Creek from the very margin of the Coal Field at Paddy's River, to the Shoalhaven gulleys, and the drift also seems to extend far beyond the locality of the researches in the Washed-away Creek.

11. I was informed that a creek running parallel to the Washed-away, and at some distance, called Spring Creek, presented at least equal prospects, and is bounded by like conglomerate ridges, but as the object of my visit was attained, and being tied to time for my return, I did not push my researches further.

12. I have thought it my duty to report to you, for the information of the Honorable the Minister for Lands, that I had, for the reasons given, extended my examination beyond the Coal Field.

13. I have also been to Wesley Vale, about ten miles west from Gunning, where I found some specimens of peculiar geological interest; and after passing a couple of days here to verify the thickness of the coal seam outcropping in the vicinity of Paddy's River, and which I already know to be six feet in thickness of solid coal, I shall cross the country to Belambi and Wollongong on my return to Sydney, and hope to arrive there by the 16th instant.

I have, &c.,

W. KEENE,

Examiner of Coal Fields.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CULTURE OF FISH.

(PETITION OF ALEXANDER BLACK.)

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

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

The humble Petition of Alexander Black,—

RESPECTFULLY SHEWETH:—

That he has had long experience in the rearing, taking, and preservation of fish in Great Britain and in other countries, and he is desirous of attempting the culture of fish in this Colony, and to that end has surveyed various pieces of unoccupied water and swamp in the vicinity of this city, with a view of making them available for this purpose.

That he has found a certain swamp and pool of water, which are situated about two miles south-east of the Township of Randwick, and about three-quarters of a mile west of Long Bay.

That this swamp and pool of water do not in any way interfere with the Sydney water supply, and are not at present used for any purpose whatsoever.

That your Petitioner having applied to the Government for a lease of the said waters, received a letter, dated 18th ultimo, intimating that his application would not be complied with.

Your Petitioner, therefore, humbly prays that your Honorable House will take such steps as will enable him to carry out his intentions.

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

ALEX. BLACK.

Sydney, 3rd November, 1862.

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPAGATION OF SALMON.

(INHABITANTS OF EASTERN COAST OF AUSTRALIA.—No. 1.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Memorial of the undersigned Inhabitants of the Eastern Coast of Australia,—

HUMBLY SHEWETH:—

1stly. That your Memorialists feel it a matter of deep congratulation that your Honorable House voted during the last Session of Parliament a sum of money to defray the expense of a survey of the Shoalhaven and Snowy Rivers, for the purpose of ascertaining how far they were adapted for the propagation of the Salmon Fish.

2ndly. That your Memorialists are satisfied not only of the adaptability of these rivers, but of the superior advantages of other streams on the East Coast, viz. :—the Clyde, Moruya, Tuross, and Bega Rivers, each having all the requirements necessary for the propagation of this invaluable fish—rapid current, clear stream, gravelly bottom, deep pools and shallow streams alternating, with a temperature highly favourable.

3rdly. That your Memorialists believe firmly in the practicability of the introduction of the Salmon Ova. The transactions of the Government Piscatorial Society of France, under the immediate patronage of the present enlightened Emperor of that Territory, and the late attempt of the Tasmanian Government, afford incontestible proof of the practicability of the scheme.

4thly. That your Memorialists respectfully submit, that a matter which has been the subject of legislation in Britain for hundreds of years, has been before Select Committees of the House of Commons time after time, and has been thought worthy of inquiry by a Royal Commission, commends itself to the attention of your Honorable House.

5thly. That your Memorialists respectfully quote from the Parliamentary Blue Book of 1836, wherein it is shewn that the annual rental of the rivers of Scotland approaches £1,000,000. That some recent returns shew the enormous value of the Salmon as an article of commerce, as well as a luxury and a necessary to the local inhabitants.

6thly. That your Memorialists believe that some fifty thousand pounds is annually spent in the importation of fish, which, seen as interest, would represent a capital of £625,000; and your Memorialists are assured the Salmon might be introduced into this Colony by the outlay of a sum insignificant when compared with the certain results.

7thly. That your Memorialists beg respectfully to urge your Honorable House, that with all the advantages nature has so eminently endowed this Colony, it is its province to take the lead of the other British Settlements in this Hemisphere, in bringing about this most desirable end. And your Memorialists earnestly and respectfully pray your Honorable House to take the subject into your early and favourable consideration.

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

[Here follow 49 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PROPAGATION OF SALMON.

(INHABITANTS OF EASTERN COAST OF AUSTRALIA.—No. 2.)

Ordered by the Legislative Assembly to be Printed, 17 July, 1862.

To the Honorable the Legislative Assembly of New South Wales.

The Memorial of the undersigned Inhabitants of the Eastern Coast of Australia,—

HUMBLY SHEWETH :—

1stly. That your Memorialists feel it a matter of deep congratulation that your Honorable House voted during the last Session of Parliament a sum of money to defray the expense of a survey of the Shoalhaven and Snowy Rivers, for the purpose of ascertaining how far they were adapted for the propagation of the Salmon Fish.

2ndly. That your Memorialists are satisfied not only of the adaptability of these rivers, but of the superior advantages of other streams on the East Coast, viz. :—the Clyde, Moruya, Tuross, and Bega Rivers, each having all the requirements necessary for the propagation of this invaluable fish—rapid current, clear stream, gravelly bottom, deep pools and shallow streams alternating, with a temperature highly favourable.

3rdly. That your Memorialists believe firmly in the practicability of the introduction of the Salmon Ova. The transactions of the Government Piscatorial Society of France, under the immediate patronage of the present enlightened Emperor of that Territory, and the late attempt of the Tasmanian Government, afford incontestible proof of the practicability of the scheme.

4thly. That your Memorialists respectfully submit, that a matter which has been the subject of legislation in Britain for hundreds of years, has been before Select Committees of the House of Commons time after time, and has been thought worthy of inquiry by Royal Commission, commends itself to the attention of your Honorable House.

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6thly. That your Memorialists believe that some fifty thousand pounds is annually spent in the importation of fish, which, seen as interest, would represent a capital of £625,000; and your Memorialists are assured the Salmon might be introduced into this Colony by the outlay of a sum insignificant when compared with the certain results.

7thly. That your Memorialists beg respectfully to urge your Honorable House, that with all the advantages nature has so eminently endowed this Colony, it is its province to take the lead of the other British Settlements in this Hemisphere, in bringing about this most desirable end. And your Memorialists earnestly and respectfully pray your Honorable House to take the subject into your early and favourable consideration.

And will, as in duty bound, ever pray.

[Here follow 67 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

OYSTER FISHERIES BILL.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 3 June, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned, being engaged in the Oyster trade in Sydney,—

RESPECTFULLY SHEWETH :—

That your Petitioners have heard with regret that a Bill is about to be passed in your Honorable House to regulate the Oyster Fisheries of New South Wales.

That before such a measure meets the sanction of Parliament, the following facts may be taken into your honorable consideration :—

The very wide difference between the Oysters taken from the coast of New South Wales and those taken either from the Oyster beds of England, or those of the adjacent Colonies.

Your Petitioners also beg to lay the fact of the Oysters from the various beds of New South Wales having no particular time to spawn, and that they spawn at quite different seasons, and at different places, on the coast, and are therefore never altogether out of season, and that your Petitioners have invariably found the Oysters taken from the Clyde, Hunter, and Port Stephens, and Manning Rivers, to be better during the months of October, November, and December, than at any other time of the year; and we are quite confident that to prohibit the taking of Oysters from these places, at this time of the year, would, so far from being beneficial to the Oysters, be injurious to them, as these Oysters having spawned during the months of June and July, the young fry have not room to grow by themselves, but form in clusters, and never come to either their proper shape or size.

Your Petitioners beg to suggest that the appointment of a competent person to report when the Oysters were fit for gathering, would be the means of rendering it quite unnecessary to stay the taking of the Oysters altogether at any particular season.

Your Petitioners beg to call your attention to the various amounts of destitution which the passing of this Act will cause to some hundreds of persons engaged in, and altogether dependent on this branch of trade, more particularly as during the months of October, November, December, and January, the greater part of the trade is done in these months, being the busiest of any in the year, and also to the fact of such an Act depriving the people of Sydney, at a time when very little meat is consumed, of one of the best substitutes besides sick persons, to whom all medical gentlemen recommend Oysters, as being the most nutritious of all food.

Your Petitioners beg respectfully to state that they are prepared to shew to your Honorable House, that there are no grounds for supposing that any scarcity of Oysters need be apprehended for a great number of years; in proof of which your Petitioners beg to call the attention of your Honorable House to the fact of Port Hunter—one port alone—having supplied both the Sydney and Melbourne markets with the greater part of the Oysters used during the period of twelve years, and notwithstanding continues to afford an inexhaustible supply.

Your Petitioners therefore suppose all the rivers from Twofold Bay to the Richmond contain equally as many as at the Hunter, and that one newly-discovered place alone, Cape Hawke, contains Oysters enough to supply Sydney for at least ten years.

That the formation of artificial Oyster beds, in the humble opinion of your Petitioners, is a matter of great difficulty, as at different times it has been proved that the Oysters of this coast will not bear removing from their original bed or rock, and that as soon as removed to an artificial bed, invariably die after a few months.

Your Petitioners, therefore, humbly pray that your Honorable House will give due consideration to this your Petitioners' humble Petition, and that you will be pleased to appoint a Committee to inquire into this particular branch of trade.

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

[Here follow 7 Signatures.]

Sydney: Thomas Richards, Government Printer.—1862.

[Price, 1d.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

WOOLLOOMOOLOO BAY LAND RECLAMATION BILL.
(PETITION OF THOMAS BUCKLAND.)

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

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

The humble Petition of Thomas Buckland, of the City of Sydney, merchant,—

RESPECTFULLY SHEWETH :—

That the Government of the said Colony, deeming it desirable that the mud flat at the head of Woolloomooloo Bay, in the City of Sydney, should be reclaimed and improved, and a public wharf formed, having frontage to the said Bay, on the 10th October, 1851, by Proclamation in the *Government Gazette*, invited the co-operation of the owners of the lands fronting the Bay, offering to permit such owners as should fill in and reclaim the space between their lands and the proposed public wharf, to retain and have the land so formed as compensation for the expense they would thereby be put to, and for the loss of their water frontage by the formation of the said public wharf.

That, upon the faith of this offer being adhered to by the Government, your Petitioner purchased lands having frontage to the Bay, paying a high price for the same, in consequence of the advantages conferred by the said Proclamation.

That your Petitioner applied to be allowed, in the manner required by the Proclamation, to reclaim the portion of the flat between the lands so purchased by him and the proposed wharf, which was granted to him.

That your Petitioner commenced reclaiming the said portion of the flat, and was engaged in so doing, when, in the month of February, 1856, he was ordered by the Government not to proceed with such reclamation; that your Petitioner submitted to the said order, at the same time protesting that he did not relinquish in any way the rights he had acquired under the permission granted to him, and by his having acted thereunder.

That your Petitioner has repeatedly made application to Government to determine the question as to the compensation to which he claims to be entitled, by reason of his having been prevented proceeding with the said reclamation.

That, for the purpose of providing materials for filling in the land he proposed reclaiming, your Petitioner purchased land, which by reason of the said work having been stopped is of very little value to him; and that, since the time the said works were so stopped, the last-mentioned land and the lands having water frontage, purchased as above mentioned, have remained unproductive, and have become, and are now, unsaleable and of little value.

That your Petitioner would not have commenced reclaiming the said lands if he had not believed the permission granted to him was an irrevocable license; and your Petitioner would respectfully submit to your Honorable House that such in reality was its effect, and in support of his claim that it should be so considered, your Petitioner would respectfully refer to the opinion of the Attorney General, J. H. Plunkett, Esq., and the Solicitor General, Sir W. M. Manning, in their letter to the Honorable the Colonial Secretary, of date 7th June, 1851 (published in a Return to an Address of your Honorable House, dated 28th November, 1856), in which they state,—“ They are of opinion the contemplated arrangements “ can be legally made with the proprietors of land having a frontage to Woolloomooloo Bay, “ and that there will be no practical difficulty in enforcing the fulfilment of the engagement “ which it is proposed that the proprietors should enter into. The permissive extension of “ the frontages of proprietors would not confer upon them a strictly legal title, but they will “ probably be content to accept, as an equivalent for the stipulated work, the really irrevocable “ license which they would receive from the Government.”

That your Petitioner is advised, and believes, that the Bill now before your Honorable House, intituled "The Woolloomooloo Bay Land Reclamation Bill," did not provide for the settlement of your Petitioner's claim, inasmuch as it only provides for compensation to persons who, having the ordinary right to water frontage, may hereafter be deprived of it.

Your Petitioner therefore humbly prays that your Honorable House will be pleased to take the premises into consideration, and afford to your Petitioner such relief, by providing in the said Bill for the settlement of your Petitioner's claim for compensation, on account of his being deprived of the advantage of reclaiming the said land, and of the losses he has sustained by the delay, loss of interest upon the capital expended by him, the deterioration of his property, occasioned by the Government preventing him proceeding with the said works; or that your Honorable House will afford to your Petitioner such other relief as to your Honorable House may seem meet.

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

THOS. BUCKLAND.

[Price, 1d.]

Sydney: Thomas Richards, Government Printer.—1852.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

WATER SUPPLY FOR CAMPBELLTOWN.
(DISTRICT OF CAMPBELLTOWN.)

Received by the Legislative Assembly, 30 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The respectful Petition of the Inhabitants of the District of Campbelltown,—

SHEWETH :—

That in consequence of the long continuance of dry weather, the only available supply of water for the use of your Petitioners and their cattle, viz., the Campbelltown Reservoir, is already nearly exhausted.

That most of your Petitioners are individually unable to procure a supply of water from Menangle, a distance of five miles, and are apprehensive, if some prompt means are not adopted to ensure a supply, in a very short time your Petitioners will be subject to one of the most calamitous afflictions to which they can be possibly liable,—a total want of that necessary article of subsistence.

That your Petitioners would respectfully draw your attention to facility with which water may be brought by railway line, through iron pipes or otherwise, from Menangle, and they earnestly pray the humane consideration of the premises by your Honorable House.

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

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

INTOXICATING DRINKS.

(PETITION RELATIVE TO.)

Received by the Legislative Assembly, 10 September, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the Inhabitants of the Town of Bathurst,—

SHEWETH:—

That drunkenness and crime, disease, accidents, and death, are produced in this Colony to an awful extent, by the sale of Intoxicating Drinks.

Your Petitioners therefore humbly pray your Honorable House to pass an Act prohibiting the sale of these drinks.

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

[Here follow 355 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CARRIERS LICENSING BILL.

(MERCHANTS, TRADERS, AND OTHERS, OF THE CITY OF SYDNEY.)

Received by the Legislative Assembly, 11 July, 1862, and Printed under the Sessional Order of 4 June, 1862.

To the Honorable the Legislative Assembly, in Council assembled.

The humble Petition of the undersigned Merchants, Traders, and others, of the City of Sydney,—

SHewETH:—

That they have learned with pleasure, that a Bill to license Carriers and Carriers' Agents has been introduced to your Honorable House.

That your Petitioners have for many years felt the necessity for a measure of this nature; for under the present system, property exceeding in value a million pounds sterling is entrusted to the uncontrolled possession (often for months at a time) of unknown persons.

That your Petitioners believe the proposed Bill will be a great boon to the trading community throughout the Colony.

Your Petitioners therefore pray that your Honorable House will pass the said Bill.

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

[Here follow 30 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

HAWKERS' LICENSES.

(CERTAIN LICENSED HAWKERS AND OTHERS.)

Received by the Legislative Assembly, 29 May, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

HUMBLY SHEWETH:—

That your Petitioners are for the most part Licensed Hawkers. That they respectfully call the attention of Parliament to the state of the law with reference to their licenses.

As the law stands at present, they are required to make application for a fresh license upon entering any new district; this they humbly submit is a great grievance, occasioning them serious loss of time, and entailing upon them infinite trouble.

In some districts they have to travel twenty or thirty miles to a Magistrate to make the application to, and if he happens to be from home, they are put to great inconvenience thereby.

Under any circumstances, as the law stands at present, the delay, loss of time, inconvenience, and pecuniary loss, are most disastrous to your Petitioners.

They therefore humbly pray that your Honorable House will amend the law, so that any license issued shall have a general application to the Colony of New South Wales.

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

[Here follow 90 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

AMENDED SECRET BILLS OF SALE PREVENTION BILL.

(CHAIRMAN AND COMMITTEE OF THE NEW SOUTH WALES TRADE PROTECTION SOCIETY.)

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

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

The Petition of the Chairman and Committee of the New South Wales Trade Protection Society,—

HUMBLY SHEWETH :—

That, to provide against the recurrence of the losses sustained by the Merchants and Traders of New South Wales, which have arisen by means of persons obtaining from them large credits by the possession and apparent ownership of chattels and merchandise, but which have been secured to one creditor by Bill of Sale, your Petitioners have hitherto been enabled, by the Act nineteenth Victoria, No. 2, intituled "*An Act for preventing Frauds upon Creditors by Secret Bills of Sale of personal Chattels*," to search in the Prothonotary's Office the record of such Bills of Sale, and to guard against such losses accordingly.

There is now before your Honorable House a Bill, intituled "A Bill to amend the Act 19 Vic., No. 2," to prevent such search.

Your Petitioners therefore pray that the third clause of the Bill to amend the before-mentioned Act, be so far altered as to continue to the public the right of search at present granted by the Act of Council 19 Vic., No. 2.

And your Petitioners will ever pray, &c.

[Here follow 15 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

AMENDED SECRET BILLS OF SALE PREVENTION BILL.
(BANKERS, MERCHANTS, AND TRADERS, IN SYDNEY.)

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

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

The Petition of the undersigned Bankers, Merchants, and Traders, in Sydney, in
the Colony of New South Wales,—

HUMBLY SHEWETH:—

That your Petitioners have observed with much regret, that a Member of
your Honorable House has introduced a Bill, intituled, "*An Act to Amend the Act
nineteenth Victoria (No. 2) relating to Secret Bills of Sale of Chattel Property,*" the
principal clause of which (No. 3) will have the effect of throwing obstacles in the way of
free search of the recorded copies of Bills of Sale registered in the Prothonotary's Office.

Those documents having been found highly detrimental, in most instances, to the
interests of creditors generally, inasmuch as they provided a security for one creditor only,
(whose claim might or might not be merely nominal), at the expense of all the rest, the Act
now in force was passed expressly to render invalid the operation of Secret Bills of Sale,
and allows a right of search on payment of a small fee.

Believing that any restriction of the said right of search would be highly prejudicial
to the mercantile community, and would also be repugnant to the principles of liberal
institutions,—

Your Petitioners pray that your Honorable House will allow no alteration of the Act
19th Victoria, No. 2, particularly of the nature proposed in clause No. 3 of the Bill now
under consideration.

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

[Here follow 53 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.
(LICENSED VICTUALLERS, BALMAIN.)

*Received by the Legislative Assembly, 2 October, 1862, and Printed under the Sessional
Order of 4 June, 1862.*

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

The humble Petition of the undersigned Licensed Victuallers, residing in the
Hamlet of Balmain,—

SHEWETH :—

That a Bill “to regulate the sale by retail of Wine Cider and Perry produced
in the Colony” has lately been introduced into your Honorable House, and has been read a
second time.

That in the opinion of your Petitioners, the said Bill will, if passed into law, inflict
very great injustice upon the publicans, whose license fees in the aggregate amount to
upwards of sixty thousand pounds annually.

That a number of licensed victuallers have for some years past, by constantly
keeping on hand a supply of Colonial Wines, endeavoured to encourage the consumption
thereof, and that in the opinion of your Petitioners, sufficient facilities already exist for
meeting the requirements of the public in that respect.

That the said Bill would also, if passed into law, inevitably lead to the establishment
of sly grog shops, especially in the country districts, to such an extent as would necessarily
involve a large increase to the police force of the Colony.

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

And your Petitioners will ever pray, &c.

Balmain, September, 1862.

[Here follow 9 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.
(CERTAIN LICENSED VICTUALLERS, SYDNEY, No. 1.)

Received by the Legislative Assembly, 2 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Licensed Victuallers, residing in the City of Sydney and suburbs thereof,—

SHEWETH :—

That a Bill has lately been introduced into your Honorable House, intituled, "A Bill to regulate the sale by retail of Wine Cider and Perry produced in the Colony," and has been read a second time.

That in the opinion of your Petitioners, the said Bill will, if passed into law, inflict very great injustice upon the publicans, who in the aggregate annually contribute to the Colonial Revenue upwards of sixty thousand pounds in the shape of license fees.

That a number of licensed victuallers have, for some years past, by constantly keeping a supply on hand, endeavoured to encourage the consumption of Colonial Wines, and that in the opinion of your Petitioners, sufficient facilities already exist for meeting the requirements of the public in that respect.

That the said Bill would also, if passed into law, inevitably lead to the establishment of sly grog shops, especially in the country districts, to such an extent as would necessarily involve a large increase to the police force of the Colony.

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

And your Petitioners will ever pray, &c.

Sydney, September, 1862.

[Here follow 241 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.

(CERTAIN LICENSED VICTUALLERS, SYDNEY, No. 2.)

Received by the Legislative Assembly, 2 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Licensed Victuallers, residing in the City of Sydney and the Suburbs thereof,—

SHEWETH :—

That a Bill has lately been introduced into your Honorable House (and has been read a second time), intituled "A Bill to regulate the sale by retail of Wine Cider and Perry produced in the Colony."

That in the opinion of your Petitioners, the said Bill will, if passed into law, inflict very great injustice upon the publicans, who in the aggregate annually contribute to the Colonial Revenue upwards of sixty thousand pounds in the shape of license fees.

That a number of licensed victuallers have, for some years past, by constantly keeping a supply on hand, endeavoured to encourage the consumption of Colonial Wines, and that in the opinion of your Petitioners, sufficient facilities already exist for meeting the requirements of the public in that respect.

That the said Bill would also, if passed into law, inevitably lead to the establishment of sly grog shops especially in the country districts, to such an extent as would necessarily involve a large increase to the police force of the Colony.

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

And your Petitioners will ever pray, &c.

[Here follow 64 Signatures.]

Sydney, September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.
(LICENSED VICTUALLERS, PARRAMATTA.)

Received by the Legislative Assembly, 2 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Licensed Victuallers, residing in the Town of Parramatta,—

SHEWETH :—

That a Bill “to regulate the sale by retail of Wine, Cider, and Perry produced in the Colony” has lately been introduced into your Honorable House, and has been read a second time.

That in the opinion of your Petitioners, the said Bill will, if passed into law, inflict very great injustice upon the publicans, whose license fees in the aggregate amount to upwards of sixty thousand pounds annually.

That a number of licensed victuallers have, for some years past, by constantly keeping on hand a supply of Colonial Wines, endeavoured to encourage the consumption thereof, and that in the opinion of your Petitioners sufficient facilities already exist for meeting the requirements of the public in that respect.

That the said Bill would also, if passed into law, inevitably lead to the establishment of sly grog shops, especially in the country districts, to such an extent as would necessarily involve a large increase to the police force of the Colony.

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

And your Petitioners will ever pray, &c.

Parramatta, September, 1862.

[Here follow 26 Signatures.]

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.
(EAST MAITLAND, WEST MAITLAND, &c.)

Received by the Legislative Assembly, 3 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The humble Petition of the undersigned Licensed Victuallers, residing in the Town of East Maitland, West Maitland, and Morpeth, respectively,—

SHEWETH :—

That a Bill “to regulate the Sale by retail of Wine, Cider, and Perry, produced in the Colony,” has lately been introduced into your Honorable House, and has been read a second time.

That in the opinion of your Petitioners the said Bill will, if passed into law, inflict very great injustice upon the Publicans, whose License Fees in the aggregate amount to upwards of sixty thousand pounds annually.

That a number of Licensed Victuallers have for some years past, by constantly keeping on hand a supply of Colonial Wines, endeavoured to encourage the consumption thereof; and that, in the opinion of your Petitioners, sufficient facilities already exist for meeting the requirements of the public in that respect.

That the said Bill would also, if passed into law, inevitably lead to the establishment of sly grog shops (especially in the Country Districts) to such an extent as would necessarily involve a large increase to the police force of the Colony.

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

And your Petitioners will ever pray, &c.

[Here follow 54 Signatures.]

September, 1862.

1862.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SALE OF COLONIAL WINES REGULATION BILL.
(LICENSED VICTUALLERS, ALBURY.)

Received by the Legislative Assembly, 21 October, 1862, and Printed under the Sessional Order of 4 June, 1862.

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

The Petition of the undersigned Licensed Victuallers of the District of Albury,—

HUMBLY SHEWETH:—

That your Memorialists have each invested, and have now at stake, a large amount of capital in connection with their respective businesses as licensed victuallers.

That your Memorialists view with concern a measure now before your Honorable House, whereby it is proposed to sanction the sale of Colonial Wine in single bottles, by storekeepers and other unlicensed persons, throughout the Colony.

That your Memorialists are under numerous penalties imposed upon them by law, and have to pay a large sum annually for the privilege of selling wines and spirits in retail quantities.

That your Memorialists have paid for such licenses upon the understanding that they thereby obtained a privilege which was not to be accorded to others who did not do so.

That should the proposed measure pass into law, the interests of your Memorialists will be greatly prejudiced and injured, by the permission given to others to vend Colonial Wines by the single bottle, in stores, tents, and unlicensed places generally.

That your Memorialists all sell Colonial Wine by the bottle or glass at the present moment, and they do not believe that there is any difficulty in obtaining it in that manner throughout the Colony.

That your Memorialists are confident by according the privilege to unlicensed persons it would be greatly abused, that spirits of the worst quality would be sold largely under the name of Colonial Wine, and that drunkenness and crime would greatly increase, and that there would be no means of preventing such an injury to the principles of morality generally.

For these and numerous other reasons, your Petitioners humbly pray that your Honorable House will be pleased to reject the measure now under your consideration entitled the Colonial Wines Bill.

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

[Here follow 10 Signatures.]

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