

Sessional Papers

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 1.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

THURSDAY, 7 AUGUST, 1856.

No. 1.

PARLIAMENTARY DRAFTSMEN.

Question proposed,—That this Committee agree to the following Resolutions, *viz.* :—

(1.) That it is expedient to appoint "two" Parliamentary Draftsmen, for the preparation of such Bills as may be introduced into both Houses of Parliament.—(2.) That this Committee recommend that the sum of Seven Hundred Pounds per annum be placed on the Estimates for this purpose. (*The Attorney General.*)

Amendment proposed,—That the word "two," in the first resolution, be omitted, in order to the insertion in its place of the word "one." (*Mr. Parkes.*)

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

Committee divided.

Ayes, 23.

Mr. Pye,
The Auditor General,
Mr. Macarthur,
Mr. Holroyd,
Mr. Robertson,
Mr. Suttor,
Mr. Egan,
Mr. Jones,
Mr. Cox,
Mr. Weekes,
Mr. Lang,
Mr. Faucett,
Mr. Gordon,
Mr. Hargrave,
Mr. Scott,
Mr. Thomson,
Mr. William Macleay,
Mr. Hay,
Mr. Garland,
Mr. George Macleay,
Mr. Osborne,
The Attorney General,
The Colonial Secretary, } Tellers.

Noes, 17.

Mr. Richardson,
Mr. Oxley,
Mr. Campbell,
Mr. T. G. Rusden,
Mr. Parkes,
Mr. Forster,
Mr. Wilshire,
Mr. Piddington,
Mr. Lee,
Mr. F. T. Rusden,
Mr. Jamison,
Mr. Marks,
Mr. Cowper,
Mr. Plunkett,
Mr. Arnold,
Mr. Sandeman, } Tellers.
Mr. Buckley, }

No. 2.

Original Question then put.
Committee divided.

Ayes, 24.

The Colonial Secretary,
The Attorney General,
Mr. Pye,
Mr. Nichols,
Mr. Macarthur,
Mr. Robertson,
Mr. Egan,
Mr. Jones,
Mr. Faucett,
Mr. Gordon,
Mr. Hargrave,
Mr. Scott,
Mr. Thomson,
Mr. W. Macleay,
Mr. Hay,
Mr. Garland,
Mr. Osborne,
Mr. Plunkett,
Mr. George Macleay,
Mr. Lang,
Mr. Weekes,
Mr. Cox,
Mr. Suttor, } Tellers.
Mr. Holroyd, }

Noes, 15.

Mr. Richardson,
Mr. Oxley,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Forster,
Mr. T. G. Rusden,
Mr. Wilshire,
Mr. Piddington,
Mr. Arnold,
Mr. Jamison,
Mr. Marks,
Mr. Cowper,
Mr. Lee,
Mr. Buckley, } Tellers.
Mr. Sandeman, }

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 2.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856

THURSDAY, 13 NOVEMBER, 1856.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATE FOR 1856.

(Miscellaneous.)

Motion made and question put,—That there be granted to Her Majesty, as a Supplementary Charge for the year 1856, a sum not exceeding £557 4s., to provide for the expense incurred for an Illumination and a display of Fireworks, on the 7th July last, in celebration of the Restoration of Peace. (*Mr. Donaldson.*)

Committee divided.

Ayes, 29

Mr. Parker,
Mr. Darvall,
Mr. Hay,
Mr. Holt,
Mr. Irving,
Mr. Bowman,
Mr. Richardson,
Mr. Hargrave,
Mr. Donaldson,
Mr. Cox,
Mr. Marks,
Mr. Egan,
Mr. Oxley,
Mr. Weckes,
Mr. Scott,
Mr. Buckley,
Mr. Lee,
Mr. Suttor,
Mr. Hely,
Mr. Lang,
Mr. Thomson,
Mr. Macarthur,
Mr. G. Macleay,
Mr. W. Macleay,
Mr. Garland,
Mr. Gordon,
Mr. Pye,
Mr. Barker, } Tellers.
Mr. Manning, }

Noes, 12.

Mr. Cowper,
Mr. Jones,
Mr. T. G. Rusden,
Mr. Robertson,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Arnold,
Mr. Piddington,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Parkes, } Tellers.
Mr. Martin, }

No. 2.

(The Treasury.)

Motion made and Question put,—That there be granted to Her Majesty, as a supplementary charge for the year 1856, a sum not exceeding £166 13s. 4d. to meet the difference between £1,250 (provided by Schedule A of Schedule 1 of the Act of the Imperial Parliament 18 and 19 Vic., cap. 54) and £1,500, the salary proposed for the Treasurer and Secretary for Finance and Trade, from the 1st May to the 31st December, 1856. (*Mr. Donaldson.*)

Committee divided.

Ayes, 23.

Mr. Parker,
Mr. Macarthur,
Mr. Cowper,
Mr. Irving,
Mr. Marks,
Mr. G. Macleay,
Mr. Bowman,
Mr. Faucett,
Mr. Hely,
Mr. Darvall,
Mr. Pye,
Mr. Wilshire,
Mr. Martin,
Mr. Lee,
Mr. Buckley,
Mr. Gordon,
Mr. Thomson,
Mr. W. Macleay,
Mr. Garland,
Mr. Suttor,
Mr. Barker,
Mr. Manning, } Tellers.
Mr. Hay,

Nocs, 15.

Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Forster
Mr. Jones,
Mr. Scott,
Mr. Plunkett,
Mr. Hargrave,
Mr. Parkes,
Mr. Weekes,
Mr. Egan,
Mr. Piddington,
Mr. J. Campbell,
Mr. Flood,
Mr. Arnold. } Tellers.
Mr. Robertson.

No. 3.

(Pilots, Port Jackson.)

Motion made and question put,—That there be granted to Her Majesty a farther sum not exceeding £500, during the year 1856, for the purpose of Supplementing the incomes of the Pilots of Port Jackson. (*Mr. Donaldson.*)

Committee divided.

Ayes, 32.

Mr. Parker,
Mr. Hay,
Mr. Parkes,
Mr. Robertson,
Mr. Macarthur,
Mr. Holt,
Mr. G. Macleay,
Mr. Egan,
Mr. Weekes,
Mr. Hargrave,
Mr. Manning,
Mr. Marks,
Mr. Pyc,
Mr. Scott,
Mr. J. Campbell,
Mr. Jones,
Mr. Piddington,
Mr. Bowman,
Mr. Forster,
Mr. Gordon,
Mr. Lee,
Mr. W. Macleay,
Mr. Thomson,
Mr. Garland,
Mr. Barker,
Mr. Cowper,
Mr. Suttor,
Mr. Flood,
Mr. Irving,
Mr. Martin,
Mr. Buckley, } Tellers.
Mr. Donaldson,

Nocs, 3.

Mr. F. T. Rusden,
Mr. T. G. Rusden. } Tellers.
Mr. Arnold,

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 3.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

TUESDAY, 18 NOVEMBER, 1856.

No. 1.

SUPPLY—SUPPLEMENTARY ESTIMATE FOR 1856.

(Lands and Public Works.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,000, as a Supplementary Charge for the year 1856, to meet the expenses of the establishment of Lands and Public Works, to 31st December. (*Mr. Donaldson.*)

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £980 for this service, (being a reduction of £20 in the proposed salary of the Under Secretary.) (*Mr. John Campbell.*)

Committee divided.

Ayes, 7
 Mr. Forster,
 Mr. Cowper,
 Mr. F. T. Rusden,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. T. G. Rusden, } Tellers.
 Mr. R. Campbell,

Noes, 31.
 Mr. Parker,
 Mr. Robertson,
 Mr. Barker,
 Mr. Gordon,
 Mr. Arnold,
 Mr. Jones,
 Mr. Parkes,
 Mr. Weekes,
 Mr. Cox,
 Mr. Hargrave,
 Mr. Oxley,
 Mr. Pye,
 Mr. Lee,
 Mr. Scott,
 Mr. Plunkett,
 Mr. Faucett,
 Mr. Manning,
 Mr. Hely,
 Mr. Holt,
 Mr. Nichols,
 Mr. Oakes,
 Mr. Garland,
 Mr. Macarthur,
 Mr. Lang,
 Mr. Egan,
 Mr. W. Macleay,
 Mr. Marks,
 Mr. Donaldson,
 Mr. Darvall,
 Mr. Hay,
 Mr. G. Macleay, } Tellers.

Original Question carried.

No. 2.

(Public Works and Buildings.)

Motion made and Question put,—That there be granted to Her Majesty, as a Supplementary Charge for the year 1856, a sum not exceeding £200, to provide an additional Press for the Sydney Mint, for striking off large coins. (*Mr. Donaldson.*)

Committee divided.

Ayes, 30.

Mr. Parker,
Mr. Darvall,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Robertson,
Mr. W. Macleay,
Mr. Hely,
Mr. Cox,
Mr. Pye,
Mr. Lee,
Mr. Hargrave,
Mr. Oxley,
Mr. Jones,
Mr. Oakes,
Mr. Faucett,
Mr. Plunkett,
Mr. Scott,
Mr. Holt,
Mr. Donaldson,
Mr. Barker,
Mr. Parkes,
Mr. Weekes,
Mr. Lang,
Mr. Marks,
Mr. Gordon,
Mr. Garland,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Manning, } Tellers.
Mr. Hay, }

Noes, 5.

Mr. Arnold,
Mr. Fiddington,
Mr. T. G. Rusden,
Mr. F. T. Rusden, } Tellers.
Mr. Forster, }

No. 3.

Motion made and question put,—That there be granted to Her Majesty, as a Supplementary Charge for the year 1856, a sum not exceeding £1,165, for repairing and replacing Furniture in the Public Rooms at Government House. (*Mr. Donaldson.*)

Committee divided.

Ayes, 31.

Mr. Parker,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Barker,
Mr. W. Macleay,
Mr. Egan,
Mr. Piddington,
Mr. T. G. Rusden,
Mr. Jones,
Mr. Buckley,
Mr. Cox,
Mr. Hargrave,
Mr. Oxley,
Mr. Pye,
Mr. Faucett,
Mr. Plunkett,
Mr. Hely,
Mr. Donaldson,
Mr. Manning,
Mr. Parkes,
Mr. Flood,
Mr. Weekes,
Mr. Lee,
Mr. Marks,
Mr. Gordon,
Mr. Garland,
Mr. Lang,
Mr. Cowper,
Mr. J. Campbell,
Mr. Darvall, } Tellers.
Mr. Hay, }

Noes, 4.

Mr. Forster,
Mr. F. T. Rusden,
Mr. Arnold, } Tellers.
Mr. Robertson, }

FRIDAY, 21 NOVEMBER, 1856, (a. m.)

No. 4.

SUPPLY—DEFICIT FOR 1854, 1855, 1856.

(Message No. 6 of November 20, 1856.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £122,254 15s. 1d., to cover the deficiency on the Ways and Means to meet the authorized expenditure for the years 1854, 1855, and 1856. (*Mr. Donaldson.*)

Motion

Motion made and question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at 3 o'clock *p. m.* this day. (*Mr. Robertson*).

Committee divided.

Ayes, 11.	Nocs, 24.
Mr. Forster.	Mr. Parker,
Mr. Cowper,	Mr. Donaldson,
Mr. Gordon,	Mr. Hay,
Mr. Weckes,	Mr. Jones,
Mr. Parkes,	Mr. Suttor,
Mr. T. G. Rusden,	Mr. Barker,
Mr. Martin,	Mr. G. Macleay,
Mr. Piddington,	Mr. Faucett,
Mr. F. T. Rusden,	Mr. Osborne,
Mr. Scott,	Mr. Thomson,
Mr. Robertson, } Tellers.	Mr. Nichols,
	Mr. Plunkett,
	Mr. Garland,
	Mr. Oxley,
	Mr. Buckley,
	Mr. Macarthur,
	Mr. Pye,
	Mr. Hely,
	Mr. Cox,
	Mr. Lang,
	Mr. Irving,
	Mr. Darvall,
	Mr. W. Macleay, } Tellers.
	Mr. Manning,

Original Question ultimately carried.

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 4.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

TUESDAY, 25 NOVEMBER, 1856.

No. 1.

PROPOSED STANDING RULES AND ORDERS.

(As Reported by the Standing Orders Committee.)

Section 92. Every Member or other person adjudged by the House, for any of the causes hereinbefore mentioned, guilty of contempt, shall be fined in a penalty, at the discretion of the House, not exceeding twenty pounds, and in default of immediate payment, shall be committed, by the Warrant of the Speaker, to the custody of the Sergeant-at-Arms for a period not exceeding fourteen days; and it shall be lawful for the Sergeant-at-Arms to detain such Member or person in his custody for the period directed by the House, unless sooner discharged by order of the House, or unless the amount of fine imposed shall be sooner paid,—*Read.*

Question proposed.—That this Section be agreed to as one of the Standing Orders of this House. (*Mr. Parker.*)

Motion made and Question put,—That the further consideration of this Section be postponed. (*Mr. F. T. Rusden.*)

Committee divided.

Ayes, 10.

Mr. Hay,	
Mr. Darvall,	
Mr. Irving,	
Mr. Forster,	
Mr. F. T. Rusden,	
Mr. T. G. Rusden,	
Mr. J. Campbell,	
Mr. Suttor,	
Mr. Cox,	} Tellers.
Mr. Robertson.	

Noes, 28.

Mr. Nichols,	
Mr. Parker,	
Mr. Cowper,	
Mr. Weekes,	
Mr. Parkes,	
Mr. Macarthur,	
Mr. Osborne,	
Mr. Buckley,	
Mr. Egan,	
Mr. Thomson,	
Mr. Lang,	
Mr. Plunkett,	
Mr. Pyc,	
Mr. W. Macleay,	
Mr. Marks,	
Mr. Oakes,	
Mr. Flood,	
Mr. Piddington,	
Mr. Barker,	
Mr. Wilshire,	
Mr. R. Campbell,	
Mr. G. Macleay,	
Mr. Manning,	
Mr. Holt,	
Mr. Garland,	
Mr. Donaldson,	
Mr. Gordon,	} Tellers.
Mr. Jones.	

No. 2.

Original Question put.
Committee divided.

Ayes, 26.

Mr. Parker,
Mr. Nichols,
Mr. Macarthur,
Mr. Cowper,
Mr. Parkes,
Mr. Lang,
Mr. Holt,
Mr. Flood,
Mr. Marks,
Mr. Wilshire,
Mr. Piddington,
Mr. Buckley,
Mr. Oakes,
Mr. Osborne,
Mr. W. Macleay,
Mr. Plunkett,
Mr. Egan,
Mr. Pye,
Mr. Thomson,
Mr. Gordon,
Mr. G. Macleay,
Mr. Barker,
Mr. Garland,
Mr. R. Campbell,
Mr. Manning, } Tellers.
Mr. Donaldson, }

Noes, 12.

Mr. Cox,
Mr. Weckes,
Mr. Suttor,
Mr. Irving,
Mr. F. T. Rusden,
Mr. Darvall,
Mr. Hay,
Mr. T. G. Rusden,
Mr. Forster,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Robertson, }

No. 2.

CLAIMS AGAINST GOVERNMENT BILL.

Clause III. No person or persons having any such claim, difference, or dispute, as hereinbefore mentioned, which shall or may have arisen before the passing of this Act, shall be excluded from remedy under the provisions thereof by reason of lapse of time; nor shall any nominal defendant be permitted to plead, or in any way avail himself of any Statute of Limitation in respect of any such last mentioned claim, difference, or dispute: Provided, that such Petition as herein authorized be duly presented in respect of any such last mentioned claim, difference, or dispute, within the period of _____ years from the passing of this Act.—*Read.*

Motion made and Question put,—That the Clause, as read, stand part of the Bill.
(*Mr. Nichols.*)

Committee divided.

Ayes, 10.

Mr. Osborne,
Mr. Nichols,
Mr. Cowper,
Mr. Forster,
Mr. Oakes,
Mr. Lee,
Mr. Parkes,
Mr. F. T. Rusden,
Mr. Robertson, } Tellers.
Mr. Gordon, }

Noes, 18.

Mr. Parker,
Mr. Holt,
Mr. Darvall,
Mr. Garland,
Mr. R. Campbell,
Mr. Hay,
Mr. Marks,
Mr. Buckley,
Mr. Hargrave,
Mr. Plunkett,
Mr. Lang,
Mr. Macarthur,
Mr. Cox,
Mr. Pye,
Mr. Piddington,
Mr. J. Campbell,
Mr. Donaldson, } Tellers.
Mr. Manning, }

WEDNESDAY, 26 NOVEMBER, 1856.

No. 4.

SYDNEY MUNICIPAL COUNCIL BILL.

Clause X.—(*as amended*)—On the _____ the citizens so enrolled on the said Electoral Roll, in each Ward, shall openly assemble and elect * fit and proper person to be the *Alderman* for such Ward; and the *eight* Aldermen so elected shall enter on office on the first day of January, thereafter.—*Read.*

Question proposed,—That the blank * in the second line be filled with the word "One." (*Mr. Parker.*)

Afterwards proposed,—That the blank * be filled with the word "Two." (*Mr. Flood.*)

Question

Question put,—That the blank * be filled with the word "One."

Committee divided.

Ayes, 20.

Mr. Parker,
Mr. T. G. Rusden,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Thomson,
Mr. Hely,
Mr. Hargrave,
Mr. Holt,
Mr. Faucett,
Mr. Lee,
Mr. Jones,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Piddington,
Mr. W. Macleay,
Mr. Pye,
Mr. Garland,
Mr. Barker,
Mr. Hay,
Mr. Donaldson, } Tellers.

Noes, 23.

Mr. Parkes,
Mr. Robertson,
Mr. Weekes,
Mr. Buckley,
Mr. Richardson,
Mr. Martin,
Mr. R. Campbell,
Mr. Irving,
Mr. Osborne,
Mr. Darvall,
Mr. Manning,
Mr. Oxley,
Mr. Wilshire,
Mr. Suttor,
Mr. Plunkett,
Mr. Nichols,
Mr. Scott,
Mr. Lang,
Mr. Egan,
Mr. J. Campbell,
Mr. Flood,
Mr. Cowper, } Tellers.
Mr. Gordon, }

Blank filled with the word "two"*

No. 5.

Question proposed.—That the Clause be amended by the omission of the word "Alderman," with a view to the insertion in its place of the word "Councillors." (*Mr. R. Campbell.*)

Question put.—That the word proposed to be omitted stand part of the Clause.

Committee divided.

Ayes, 30.

Mr. Parker,
Mr. Irving,
Mr. Hay,
Mr. Manning,
Mr. Holt,
Mr. Macarthur,
Mr. T. G. Rusden,
Mr. Thomson,
Mr. Hargrave,
Mr. Egan,
Mr. Weekes,
Mr. F. T. Rusden,
Mr. Hely,
Mr. Scott,
Mr. Martin,
Mr. Osborne,
Mr. Flood,
Mr. Lee,
Mr. Nichols,
Mr. Forster,
Mr. Pye,
Mr. Buckley,
Mr. Richardson,
Mr. Jones,
Mr. Plunkett,
Mr. Lang,
Mr. Garland,
Mr. Barker,
Mr. Darvall,
Mr. Donaldson, } Tellers.

Noes, 12.

Mr. G. Macleay,
Mr. Parkes,
Mr. Gordon,
Mr. Oxley,
Mr. Suttor,
Mr. Faucett,
Mr. W. Macleay,
Mr. Wilshire,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Cowper, } Tellers.
Mr. Robertson, }

Clause, with the blank so filled, and as further amended, to read thus, carried—

Clause X.—On the _____ the citizens so enrolled on the said Electoral Roll, in each Ward, shall openly assemble and elect two fit and proper persons to be the Aldermen for such Ward; and the Aldermen so elected shall enter on office on the first day of January thereafter.

No. 6.

JUDGES' SALARIES INCREASE BILL.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause II. as printed;—"Provided also that no Pensions shall "in future be paid to any Judges other than the present Judges of the "Supreme Court in this Colony, except on permanent disability or infirmity, "or after twenty years service, any Law, Statute, or Regulation to the contrary notwithstanding." (*Mr. Jones.*)

Committee

Committee divided.

Ayes 15.

Mr. Irving,
Mr. Hargrave,
Mr. Hely,
Mr. F. T. Rusden,
Mr. Scott,
Mr. Wilshire,
Mr. T. G. Rusden,
Mr. Forster,
Mr. Gordon,
Mr. Egan,
Mr. Parkes,
Mr. Piddington,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Robertson, }

Noes 24.

Mr. Nichols,
Mr. Parker,
Mr. G. Macleay,
Mr. Martin,
Mr. Barker,
Mr. Oxley,
Mr. Macarthur,
Mr. Richardson,
Mr. Lang,
Mr. W. Macleay,
Mr. Faucett,
Mr. Holt,
Mr. Plunkett,
Mr. Osborne,
Mr. Lee,
Mr. Pye,
Mr. Suttor,
Mr. Thomson,
Mr. Flood,
Mr. Buckley,
Mr. Garland,
Mr. Manning,
Mr. Hay, } Tellers.
Mr. Donaldson, }

No. 7.

SCHEDULE —.

Chief Justice £
Puisne Judges, each £

Question proposed,—That the first blank be filled with the figures 2,600.
(*Mr. Manning.*)

Afterwards proposed,—That the first blank be filled with the figures 2,300.
(*Mr. Jones*)

Question put,—That the first blank be filled with the figures 2,300.

Committee divided.

Ayes, 17.

Mr. Hely,
Mr. Robertson,
Mr. Forster,
Mr. Gordon,
Mr. Richardson,
Mr. R. Campbell,
Mr. T. G. Rusden,
Mr. Wilshire,
Mr. Lee,
Mr. Egan,
Mr. Scott,
Mr. Parkes,
Mr. J. Campbell,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. Hargrave, } Tellers.
Mr. Jones, }

Noes, 24.

Mr. Parker,
Mr. Nichols,
Mr. G. M'Leay,
Mr. Irving,
Mr. Marks,
Mr. Macarthur,
Mr. Oxley,
Mr. Darvall,
Mr. Plunkett,
Mr. Osborne,
Mr. Pye,
Mr. Thomson,
Mr. Faucett,
Mr. Manning,
Mr. Suttor,
Mr. Flood,
Mr. Holt,
Mr. Lang,
Mr. W. M'Leay,
Mr. Buckley,
Mr. Garland,
Mr. Hay, } Tellers.
Mr. Barker, }
Mr. Donaldson, }

First blank filled with the figures "2,600,"—second blank filled with the figures "2,000,"—and Schedule, with the blanks so filled, carried.

THURSDAY, 27 NOVEMBER, 1856. (A. M.)

No. 8.

WAYS AND MEANS.

Question proposed,—That, towards raising the Supply granted to Her Majesty, a sum not exceeding £150,000 be raised by the sale of Terminable Annuities, having not more than ten years to run, or of Debentures falling due in sums of not less than 15,000 in each of the next ten years, to meet the authorized expenditure for Public Works and other Services not otherwise provided for in the years 1854, 1855, and 1856. (*Mr. Donaldson.*)

Amendment proposed,—That all the words following the word "Majesty" be omitted, with a view to the insertion in their place of the words "to cover the deficiencies in the Ways and Means to meet the Expenditure for the years 1854, 1855, and 1856, a sum not exceeding £150,000 be raised either by Debentures or other Securities in the nature of Exchequer Bills, payable on the 31st day of December, 1857. (*Mr. Martin.*)

Motion

Motion made and question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Wednesday next. (*Mr. Forster.*)

Committee divided.

Ayes, 11.
 Mr. Cowper,
 Mr. Martin,
 Mr. Robertson,
 Mr. Parkes,
 Mr. Forster,
 Mr. T. G. Rusden,
 Mr. Gordon,
 Mr. Flood,
 Mr. J. Campbell,
 Mr. Jones,
 Mr. R. Campbell, } Tellers.

Noes, 26.
 Mr. Parker,
 Mr. Darvall,
 Mr. Buckley,
 Mr. Nichols,
 Mr. Macarthur,
 Mr. G. Macleay,
 Mr. Hargrave,
 Mr. Barker,
 Mr. Holt,
 Mr. Lee,
 Mr. Thomson,
 Mr. Faucett,
 Mr. William Macleay,
 Mr. Osborne,
 Mr. Pye,
 Mr. Plunkett,
 Mr. Egan,
 Mr. Hely,
 Mr. Cox,
 Mr. Oxley,
 Mr. Suttor,
 Mr. Garland,
 Mr. Lang,
 Mr. Manning,
 Mr. Hay,
 Mr. Donaldson, } Tellers.

No. 9.

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

Committee divided.

Ayes, 26.
 Mr. Parker,
 Mr. Macarthur,
 Mr. Pye,
 Mr. Nichols,
 Mr. Holt,
 Mr. Buckley,
 * Mr. Hely,
 Mr. Hargrave,
 * Mr. Hely,
 Mr. Plunkett,
 Mr. Lec,
 Mr. Manning,
 Mr. Egan,
 Mr. Osborne,
 Mr. Suttor,
 Mr. Darvall,
 Mr. Thomson,
 Mr. Barker,
 Mr. Cox,
 Mr. G. M'Leay,
 Mr. Garland,
 Mr. W. Macleay,
 Mr. Lang,
 Mr. Oxley,
 Mr. Hay,
 Mr. Donaldson, } Tellers.

Noes, 12.
 Mr. Cowper,
 Mr. Forster,
 Mr. Jones,
 Mr. Gordon,
 Mr. Martin,
 Mr. T. G. Rusden,
 Mr. Flood,
 Mr. Parkes,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. R. Campbell, } Tellers.
 Mr. Robertson,

No. 10.

Original Question put.
 Committee divided.

Ayes, 28.
 Mr. Parker,
 Mr. Macarthur,
 Mr. Pye,
 Mr. Nichols,
 Mr. Holt,
 Mr. Buckley,
 Mr. Hely,
 Mr. Darvall,
 Mr. Hargrave,
 Mr. Faucett,
 Mr. Plunkett,
 Mr. Lec,
 Mr. Egan,
 Mr. Cox,
 Mr. Osborne,
 Mr. Suttor,
 Mr. Oxley,
 Mr. Manning,
 Mr. Gordon,
 Mr. Jones,
 Mr. Thomson,
 Mr. Barker,
 Mr. G. M'Leay,
 Mr. Garland,
 Mr. W. M'Leay,
 Mr. Lang,
 Mr. Hay,
 Mr. Donaldson, } Tellers.

Noes, 9.
 Mr. R. Campbell,
 Mr. Robertson,
 Mr. T. G. Rusden,
 Mr. Parkes,
 Mr. Forster,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. Cowper, } Tellers.
 Mr. Martin,

THURSDAY, 27 NOVEMBER, 1856. (P.M.)

No. 11.

SUPPLY—ESTIMATES FOR 1857.

(Establishment of His Excellency the Governor General.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £315, to defray the salary of the Clerk to the Private Secretary, on the Establishment of His Excellency the Governor General, for the year 1857.
(*Mr. Donaldson.*)

Motion made and Question put,—That there be granted a sum not exceeding £300 for this service, (being £15 less than the Original Estimate.) (*Mr. Cowper.*)

Committee divided.

Ayes, 10.

Mr. Cowper,
Mr. Forster,
Mr. Hargrave,
Mr. F. T. Rusden,
Mr. Martin,
Mr. Oakes,
Mr. Piddington,
Mr. J. Campbell,
Mr. T. G. Rusden, } Tellers.
Mr. Robertson,

Noes, 30.

Mr. Parker,
Mr. Osborne,
Mr. G. Macleay,
Mr. Barker,
Mr. Gordon,
Mr. Jones,
Mr. Weekes,
Mr. Egan,
Mr. Marks,
Mr. Lec,
Mr. Pye,
Mr. Lord,
Mr. Sandeman,
Mr. Thomson,
Mr. Plunkett,
Mr. Holt,
Mr. Buckley,
Mr. Richardson,
Mr. Cox,
Mr. Hely,
Mr. Suttor,
Mr. W. Macleay,
Mr. Scott,
Mr. Wilshire,
Mr. Macarthur,
Mr. Garland,
Mr. Irving,
Mr. Manning,
Mr. Hay, } Tellers.
Mr. Donaldson,

No. 12.

Original Question put.

Committee divided.

Ayes, 31.

Mr. Parker,
Mr. G. M'Leay,
Mr. Macarthur,
Mr. Cowper,
Mr. Hay,
Mr. Jones,
Mr. Thomson,
Mr. Richardson,
Mr. Sandeman,
Mr. Marks,
Mr. Hely,
Mr. Scott,
Mr. Pye,
Mr. Lee,
Mr. Holt,
Mr. Plunkett,
Mr. Buckley,
Mr. Oakes,
Mr. Cox,
Mr. Gordon,
Mr. W. M'Leay,
Mr. Lord,
Mr. Suttor,
Mr. Barker,
Mr. Garland,
Mr. Osborne,
Mr. Irving,
Mr. Egan,
Mr. Weekes,
Mr. Manning, } Tellers.
Mr. Donaldson,

Noes, 8.

Mr. Wilshire,
Mr. J. Campbell,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Hargrave,
Mr. Forster, } Tellers.
Mr. Robertson,

No. 13.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £500, to defray the travelling expenses of His Excellency the Governor General, for the year 1857. (*Mr. Donaldson.*)

Committee divided.

Ayes, 28.

Mr. Parker,
Mr. G. M'Leay,
Mr. Macarthur,
Mr. Richardson,
Mr. Thomson,
Mr. Buckley,
Mr. Jones,
Mr. Egan,
Mr. Pye,
Mr. Hargrave,
Mr. Oakes,
Mr. Lang,
Mr. Hely,
Mr. Lee,
Mr. Sandeman,
Mr. Holt,
Mr. Plunkett,
Mr. Weekes,
Mr. Gordon,
Mr. Cox,
Mr. W. M'Leay,
Mr. Lord,
Mr. Suttor,
Mr. Barker,
Mr. Garland,
Mr. Irving,
Mr. Manning, } Tellers.
Mr. Donaldson, }

Noes, 7.

Mr. Wilshire,
Mr. J. Campbell,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Forster, } Tellers.
Mr. Robertson, }

No. 14.

(Legislative Assembly Establishment.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1200 to defray the salary of the Speaker of the Legislative Assembly, for the year 1857. (*Mr. Donaldson.*)

Motion made and Question put,—That there be granted a sum not exceeding £500 for this service. (*Mr. Forster.*)

Committee divided.

Ayes, 3.

Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Robertson, }

Noes, 31.

Mr. Macarthur,
Mr. Osborne,
Mr. Barker,
Mr. Parkes,
Mr. Richardson,
Mr. Weekes,
Mr. George Macleay,
Mr. Suttor,
Mr. Holt,
Mr. Lang,
Mr. Sandeman,
Mr. W. Macleay,
Mr. Buckley,
Mr. Hargrave,
Mr. Lee,
Mr. Plunkett,
Mr. Lord,
Mr. Cox,
Mr. Manning,
Mr. Hay,
Mr. Oakes,
Mr. Jones,
Mr. Pye,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Nichols,
Mr. Cowper,
Mr. Parker,
Mr. Garland,
Mr. Martin, } Tellers.
Mr. Donaldson, }

Original Question carried.

No. 15.

(Legislative Council Establishment.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,200, to defray the salary of the President of the Legislative Council, for the year 1857. (*Mr. Donaldson.*)

Motion

Motion made and Question put,—That there be granted a sum not exceeding £500 for this Service (being £700 less than the Original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes 9.

Mr. Lee,
Mr. Hely,
Mr. Robertson,
Mr. F. T. Rusden,
Mr. Wilshire,
Mr. Forster,
Mr. J. Campbell,
Mr. T. G. Rusden, } Tellers.
Mr. Piddington.

Noes 29.

Mr. Parker,
Mr. Irving,
Mr. Weekes,
Mr. Gordon,
Mr. G. M'Leay,
Mr. Richardson,
Mr. Egan,
Mr. Barker,
Mr. Sandeman,
Mr. Osborne,
Mr. Hargrave,
Mr. Thomson,
Mr. Plunkett,
Mr. Scott,
Mr. Holt,
Mr. Buckley,
Mr. Marks,
Mr. Parkes,
Mr. Garland,
Mr. Oakes,
Mr. Cox,
Mr. Lang,
Mr. Suttor,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Donaldson,
Mr. Hay,
Mr. Cowper, } Tellers.
Mr. Jones,

No. 16.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £750 for this Service, (being £450 less than the Original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 7.

Mr. F. T. Rusden,
Mr. Wilshire,
Mr. Forster,
Mr. J. Campbell,
Mr. Piddington,
Mr. T. G. Rusden, } Tellers.
Mr. Robertson,

Noes, 27.

Mr. Irving,
Mr. Jones,
Mr. Weekes,
Mr. Gordon,
Mr. G. Macleay,
Mr. Richardson,
Mr. Parkes,
Mr. Barker,
Mr. Parker,
Mr. Hay,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Suttor,
Mr. Lang,
Mr. Cox,
Mr. Garland,
Mr. Marks,
Mr. Sandeman,
Mr. Osborne,
Mr. Hargrave,
Mr. Pye,
Mr. Holt,
Mr. Plunkett,
Mr. Scott,
Mr. Buckley,
Mr. Cowper, } Tellers.
Mr. Donaldson,

No. 17.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £1,000 for this service, (being £200 less than the Original Estimate.) (*Mr. Piddington.*)

Committee

Committee divided.

Ayes, 6.
 Mr. Robertson,
 Mr. F. T. Rusden,
 Mr. Forster,
 Mr. J. Campbell,
 Mr. T. G. Rusden, } Tellers.
 Mr. Piddington,

Noes, 27.

Mr. Cowper,
 Mr. Donaldson,
 Mr. Irving,
 Mr. Gordon,
 Mr. G. Macleay,
 Mr. Richardson,
 Mr. Parkes,
 Mr. Barker,
 Mr. Marks,
 Mr. Garland,
 Mr. Cox,
 Mr. Lang,
 Mr. Suttor,
 Mr. W. Macleay,
 Mr. Macarthur,
 Mr. Hay,
 Mr. Parker,
 Mr. Sandeman,
 Mr. Osborne,
 Mr. Hargrave,
 Mr. Pye,
 Mr. Plunkett,
 Mr. Scott,
 Mr. Buckley,
 Mr. Holt,
 Mr. Weekes, } Tellers.
 Mr. Jones,

No. 18.

Original Question put.
 Committee divided.

Ayes, 25.
 Mr. Parker,
 Mr. G. Macleay,
 Mr. Macarthur,
 Mr. Marks,
 Mr. Cox,
 Mr. Suttor,
 Mr. Osborne,
 Mr. Barker,
 Mr. Jones,
 Mr. Weekes,
 Mr. Pye,
 Mr. Buckley,
 Mr. Scott,
 Mr. Plunkett,
 Mr. Cowper,
 Mr. Richardson,
 Mr. Sandeman,
 Mr. W. Macleay,
 Mr. Garland,
 Mr. Lang,
 Mr. Gordon,
 Mr. Irving,
 Mr. Holt,
 Mr. Hay,
 Mr. Donaldson. } Tellers.

Noes, 9.

Mr. Parkes,
 Mr. T. G. Rusden,
 Mr. Forster,
 Mr. F. T. Rusden,
 Mr. Wilshire,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. Hargrave, } Tellers.
 Mr. Robertson,

No. 19.

Motion made and Question put,—That there be granted to Her Majesty, a sum not exceeding £500, to defray the salary of the Chairman of Committees of the Legislative Council for the year 1857. (*Mr. Donaldson.*)

Committee divided.

Ayes, 27.
 Mr. Parker,
 Mr. Donaldson,
 Mr. Holt,
 Mr. Jones,
 Mr. Macarthur,
 Mr. Marks,
 Mr. Cox,
 Mr. Suttor,
 Mr. Osborne,
 Mr. Pye,
 Mr. Weekes,
 Mr. Faucett,
 Mr. Barker,
 Mr. Hargrave,
 Mr. Buckley,
 Mr. Scott,
 Mr. Thomson,
 Mr. Plunkett,
 Mr. Richardson,
 Mr. Sandeman,
 Mr. W. Macleay,
 Mr. Garland,
 Mr. Lang,
 Mr. Gordon,
 Mr. Irving,
 Mr. Hay,
 Mr. G. Macleay, } Tellers.

Noes, 10.

Mr. Forster,
 Mr. Cowper,
 Mr. Parkes,
 Mr. Lee,
 Mr. F. T. Rusden,
 Mr. Wilshire,
 Mr. Piddington,
 Mr. J. Campbell,
 Mr. T. G. Rusden, } Tellers.
 Mr. Robertson,

No. 20.

(Principal Secretary's Establishment.)

Question proposed, That there be granted to Her Majesty, a sum not exceeding £850, to defray the salary of the Under Secretary, in the Establishment of the Principal Secretary, for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding £700, for this Service. (*Mr. Forster.*)

Committee divided.

Ayes, 15.

Mr. Robertson,
Mr. Flood,
Mr. Martin,
Mr. Marks,
Mr. Richardson,
Mr. Weekes,
Mr. Cowper,
Mr. T. G. Rusden,
Mr. J. Campbell,
Mr. Oakes,
Mr. Hargrave,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Forster, } Tellers.
Mr. Jones, }

Noes, 23.

Mr. Parker,
Mr. Barker,
Mr. Macarthur,
Mr. Suttor,
Mr. Holt,
Mr. Manning,
Mr. Donaldson,
Mr. Sandeman,
Mr. Pye,
Mr. Cox,
Mr. Lord,
Mr. Faucett,
Mr. Plunkett,
Mr. Thomson,
Mr. Hely,
Mr. Lee,
Mr. Osborne,
Mr. W. Macleay,
Mr. Lang,
Mr. Garland,
Mr. G. Macleay,
Mr. Hay, } Tellers.
Mr. Buckley, }

Motion made and Question put,—That there be granted a sum not exceeding £800, for this Service. (*Mr. Cox.*)—Carried.

No. 21.

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £400, to defray the salary of a Private Secretary on the Establishment of the Principal Secretary, for the year 1857. (*Mr. Parker.*)

Committee divided.

Ayes, 18.

Mr. Donaldson,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Marks,
Mr. Thomson,
Mr. Buckley,
Mr. Parker,
Mr. Holt,
Mr. Lord,
Mr. Hely,
Mr. Sandeman,
Mr. Lang,
Mr. Suttor,
Mr. Pye,
Mr. Garland,
Mr. Barker,
Mr. Hay, } Tellers.
Mr. Manning, }

Noes, 21.

Mr. Robertson,
Mr. Cowper,
Mr. Martin,
Mr. Gordon,
Mr. Jones,
Mr. Richardson,
Mr. T. G. Rusden,
Mr. Parkes,
Mr. Lee,
Mr. Flood,
Mr. Faucett,
Mr. Cox,
Mr. Hargrave,
Mr. Oakes,
Mr. Egan,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Weekes, }

No. 22.

GOVERNMENT RESIDENT, MORETON BAY.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,000, to defray the salaries of the Establishment of the Government Resident at Moreton Bay, for the year 1857. (*Mr. Parker.*)

Afterwards proposed,—That there be granted a sum not exceeding £900, for this Service (being a reduction of £100 on the salary of the Government Resident). (*Mr. Richardson.*)

Afterwards proposed,—That there be granted a sum not exceeding £700, for this Service (being a reduction of £300 on the salary of the Government Resident). (*Mr. Piddington.*)

Question put,—That there be granted a sum not exceeding £700, for this Service.

Committee divided.

Ayes,

Ayes, 13.

Mr. J. Campbell,
 Mr. Piddington,
 Mr. Forster,
 Mr. Hargrave,
 Mr. Parkes,
 Mr. Oakes,
 Mr. Egan,
 Mr. F. T. Rusden,
 Mr. Weekes,
 Mr. Wilshirc,
 Mr. Marks,
 Mr. Gordon,
 Mr. T. G. Rusden, } Tellers.

Noes, 23.

Mr. Parker,
 Mr. Robertson,
 Mr. Donaldson,
 Mr. Richardson,
 Mr. Holt,
 Mr. Buckley,
 Mr. Cox,
 Mr. Suttor,
 Mr. G. Macleay,
 Mr. Thomson,
 Mr. Sandeman,
 Mr. Faucett,
 Mr. Hely,
 Mr. Manning,
 Mr. Pyc,
 Mr. Macarthur,
 Mr. W. Macleay,
 Mr. Barker,
 Mr. Cowper,
 Mr. Garland,
 Mr. Lang,
 Mr. Hay, } Tellers.
 Mr. Jones, }

The Question for £900 Carried.

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 5.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

TUESDAY, 2 DECEMBER, 1856.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

(Registrar General's Establishment.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £6,715, to defray the salaries and contingencies of the Registrar General's Establishment, for the year 1857. (*Mr. Parker.*)

Afterwards proposed—That there be granted, a sum not exceeding £5,715 for this service, (being £1,000 less than the Original Estimate). (*Mr. F. T. Rusden.*)

Afterwards proposed,—That there be granted a sum not exceeding £6,090 for this service, (being £625 less than the Original Estimate.) (*Mr. Jones.*)

Question put,—That there be granted a sum not exceeding £5,715 for this service.

Committee divided.

Ayes 5.

Mr. Arnold,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. T. G. Rusden, } Tellers.
Mr. R. Campbell,

Noes 38.

Mr. Garland,
Mr. Parker,
Mr. Osborne,
Mr. Lang,
Mr. Cowper,
Mr. Parkes,
Mr. Barker,
Mr. Gordon,
Mr. G. Macleay,
Mr. Weekes,
Mr. Oxley,
Mr. Forster,
Mr. Irving,
Mr. Holt,
Mr. Pyc,
Mr. Faucett,
Mr. Hargrave,
Mr. Scott,
Mr. Flood,
Mr. W. Macleay,
Mr. Plunkett,
Mr. Hely,
Mr. Lee,
Mr. Sandeman,
Mr. Marks,
Mr. Thomson,
Mr. Buckley,
Mr. Cox,
Mr. Nichols,
Mr. Egan,
Mr. Hay,
Mr. Suttor,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Donaldson,
Mr. Manning,
Mr. Jones, } Tellers.
Mr. Martin,

No. 2.

Afterwards proposed,—That there be granted a sum not exceeding £5,915, for this service, (being £800 less than the Original Estimate.) (*Mr. Piddington.*)

Question put,—That there be granted a sum not exceeding £5,915, for this service.
Committee divided.

233—A

Ayes,

Ayes, 5.
 Mr. T. G. Rusden,
 Mr. Arnold,
 Mr. F. T. Rusden,
 Mr. Piddington, } Tellers.
 Mr. R. Campbell, }

Noes, 37.
 Mr. Parker,
 Mr. Osborne,
 Mr. Jones,
 Mr. Cowper,
 Mr. Parkes,
 Mr. Barker,
 Mr. Gordon,
 Mr. G. Macleay,
 Mr. Weekes,
 Mr. Oxley,
 Mr. Thomson,
 Mr. Scott,
 Mr. Hargrave,
 Mr. Faucett,
 Mr. Pye,
 Mr. Forster,
 Mr. Holt,
 Mr. Irving,
 Mr. W. Macleay,
 Mr. Plunkett,
 Mr. Hely,
 Mr. Lee,
 Mr. Sandeman,
 Mr. Marks,
 Mr. Flood,
 Mr. Buckley,
 Mr. Cox,
 Mr. Nichols,
 Mr. Egan,
 Mr. Hay,
 Mr. Suttor,
 Mr. Wilshire,
 Mr. J. Campbell,
 Mr. Donaldson,
 Mr. Garland,
 Mr. Manning, } Tellers.
 Mr. Lang, }

No. 3.

Question put,—That there be granted a sum not exceeding £6,090 for this service.
 Committee divided.

Ayes, 19.
 Mr. R. Campbell,
 Mr. Cowper,
 Mr. Parkes,
 Mr. Weeks,
 Mr. T. G. Rusden,
 Mr. Arnold,
 Mr. Scott,
 Mr. Gordon,
 Mr. Egan,
 Mr. Martin,
 Mr. Forster,
 Mr. Piddington,
 Mr. Wilshire,
 Mr. J. Campbell,
 Mr. F. T. Rusden,
 Mr. Hargrave,
 Mr. Flood,
 Mr. Marks, } Tellers.
 Mr. Jones, }

Noes, 23.
 Mr. Parker,
 Mr. Manning,
 Mr. Garland,
 Mr. Holt,
 Mr. G. Macleay,
 Mr. Thomson,
 Mr. Donaldson,
 Mr. Nichols,
 Mr. Suttor,
 Mr. Hay,
 Mr. Barker,
 Mr. Cox,
 Mr. Buckley,
 Mr. Lee,
 Mr. Oxley,
 Mr. Pye,
 Mr. W. Macleay,
 Mr. Plunkett,
 Mr. Sandeman,
 Mr. Hely,
 Mr. Faucett,
 Mr. Irving, } Tellers.
 Mr. Lang, }

No. 4.

Afterwards proposed,—That there be granted a sum not exceeding £6,315, for this service, (being £400 less than the Original Estimate.) (*Mr. Jones.*)

Question put,—That there be granted a sum not exceeding £6,315 for this service.
 Committee divided.

Ayes, 19.
 Mr. Cowper,
 Mr. Parkes,
 Mr. Weekes,
 Mr. T. G. Rusden,
 Mr. Marks,
 Mr. Martin,
 Mr. Arnold,
 Mr. Forster,
 Mr. Gordon,
 Mr. Scott,
 Mr. Egan,
 Mr. Flood,
 Mr. Hargrave,
 Mr. F. T. Rusden,
 Mr. J. Campbell,
 Mr. Wilshire,
 Mr. Piddington,
 Mr. R. Campbell, } Tellers.
 Mr. Jones, }

Noes, 24.
 Mr. Parker,
 Mr. Manning,
 Mr. Darvall,
 Mr. Garland,
 Mr. Holt,
 Mr. G. Macleay,
 Mr. Thomson,
 Mr. Donaldson,
 Mr. Nichols,
 Mr. Suttor,
 Mr. Hay,
 Mr. Barker,
 Mr. Cox,
 Mr. Buckley,
 Mr. Faucett,
 Mr. Lee,
 Mr. Oxley,
 Mr. Pye,
 Mr. Sandeman,
 Mr. Hely,
 Mr. Plunkett,
 Mr. W. Macleay,
 Mr. Irving, } Tellers.
 Mr. Lang, }

Afterwards proposed,—That there be granted a sum not exceeding £6,465 for this service, (being £250 less than the Original Estimate.) (*Mr. Jones.*)—Carried.

WEDNESDAY, 3 DECEMBER, 1856.

No. 5.

Protestant Orphan School, Parramatta.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,454 9s. 4d., to defray the salaries and contingencies of the Protestant Orphan School at Parramatta, for the year 1857. (*Mr. Parker.*)

Afterwards proposed,—That there be granted a sum not exceeding £3,721 4s. for this service, (being £733 5s. 4d. less than the Original Estimate.) (*Mr. Forster.*)

Afterwards proposed,—That there be granted a sum not exceeding £3,200 for this service, (being £1,254 9s. 4d. less than the Original Estimate.) (*Mr. Arnold.*)

Afterwards proposed,—That there be granted a sum not exceeding £4,076 9s. 4d. for this service, (being £378 less than the Original Estimate.) (*Mr. J. Campbell.*)
The Questions for £3,200, and £3,721 4s.—having been respectively put and negatived.

Question put,—That there be granted a sum not exceeding £4,076 9s. 4d. for this service.

Committee divided.

Ayes, 12.

Mr. Cowper,
 Mr. Lang,
 Mr. Parkes,
 Mr. Cox,
 Mr. Marks,
 Mr. Martin,
 Mr. T. G. Rusden,
 Mr. Gordon,
 Mr. R. Campbell,
 Mr. J. Campbell,
 Mr. Jones,
 Mr. Forster, } Tellers.

Noes, 28.

Mr. Manning,
 Mr. Parker,
 Mr. Richardson,
 Mr. Weekes,
 Mr. Macarthur,
 Mr. Arnold,
 Mr. Barker,
 Mr. Oxley,
 Mr. Holt,
 Mr. Scott,
 Mr. Lee,
 Mr. Pye,
 Mr. W. Macleay,
 Mr. Plunkett,
 Mr. Marks,
 Mr. Osborne,
 Mr. Buckley,
 Mr. Nichols,
 Mr. Hargrave,
 Mr. Suttor,
 Mr. Egan,
 Mr. Piddington,
 Mr. Witshire,
 Mr. Garland,
 Mr. Hay,
 Mr. Irving,
 Mr. G. Macleay, } Tellers,
 Mr. Donaldson,

*Whereupon, Original Question put, and Carried.**(Immigration.)*

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £4,867, to defray the salaries of the Immigration Establishment in Sydney for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding one shilling for this service. (*Mr. Arnold.*)

Committee divided.

Ayes, 12.

Mr. Forster,
 Mr. Nichols,
 Mr. Cox,
 Mr. Lee,
 Mr. Osborne,
 Mr. Egan,
 Mr. T. G. Rusden,
 Mr. Scott,
 Mr. Parkes,
 Mr. Piddington,
 Mr. Martin, } Tellers,
 Mr. Arnold,

Noes, 29.

Mr. Parker,
 Mr. G. Macleay,
 Mr. Cowper,
 Mr. Jones,
 Mr. Gordon,
 Mr. Marks,
 Mr. Weekes,
 Mr. Richardson,
 Mr. Faucett,
 Mr. W. Macleay,
 Mr. Garland,
 Mr. Manning,
 Mr. Plunkett,
 Mr. Sandeman,
 Mr. Oxley,
 Mr. Hargrave,
 Mr. Barker,
 Mr. Macarthur,
 Mr. Suttor,
 Mr. Buckley,
 Mr. Pye,
 Mr. R. Campbell,
 Mr. J. Campbell,
 Mr. Lang,
 Mr. Irving,
 Mr. Darvall,
 Mr. Hay,
 Mr. Donaldson, } Tellers,
 Mr. Holt,

— 1856.
 1856
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No.

No. 7.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £1,020, for this service, (being £3,847 less than the Original Estimate—leaving the Staff to be—First Clerk, at £350; two Clerks, at £250 each; Matron, at £70; Messenger, £100.) (*Mr. Martin.*)

Committee divided.

Ayes, 15.

Mr. Forster,
Mr. Hargrave,
Mr. Nichols,
Mr. Cox,
Mr. Egan,
Mr. Lee,
Mr. Osborne,
Mr. Wilshire,
Mr. T. G. Rusden,
Mr. Scott,
Mr. Parkes,
Mr. Piddington,
Mr. Flood,
Mr. Martin, } Tellers.
Mr. Arnold, }

Noes, 28.

Mr. Parker,
Mr. Darvall,
Mr. Hay,
Mr. Irving,
Mr. Richardson,
Mr. Jones,
Mr. Gordon,
Mr. Marks,
Mr. Weekes,
Mr. Faucett,
Mr. W. Macleay,
Mr. Garland,
Mr. Irving,
Mr. Plunkett,
Mr. Sandeman,
Mr. Oxley,
Mr. Macarthur,
Mr. Barker,
Mr. Suttor,
Mr. Buckley,
Mr. Pye,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Lang,
Mr. Donaldson,
Mr. Holt,
Mr. Cowper, } Tellers.
Mr. G. Macleay, }

No. 8.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £1,620 for this service, (being £3,247 less than the Original Estimate, leaving the Staff to be—Agent, at £600; one Clerk, at £350; two Clerks, at £250 each; Matron, £70; Messenger, £100.) (*Mr. Cox.*)

Committee divided.

Ayes, 20.

Mr. Forster,
Mr. Hargrave,
Mr. Nichols,
Mr. Egan,
Mr. Jones,
Mr. Flood,
Mr. Cox,
Mr. Lec,
Mr. Weekes,
Mr. Osborne,
Mr. Cowper,
Mr. Wilshire,
Mr. Marks,
Mr. Richardson,
Mr. T. G. Rusden,
Mr. Parkes,
Mr. Scott,
Mr. Piddington,
Mr. Martin, } Tellers.
Mr. Arnold, }

Noes, 23.

Mr. Darvall,
Mr. Hay,
*Mr. Parker,
Mr. Gordon,
Mr. Lang,
Mr. Faucett,
Mr. Donaldson,
Mr. Buckley,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Pye,
Mr. Suttor,
*Mr. Parker,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Manning,
Mr. Plunkett,
Mr. Oxley,
Mr. Sandeman,
Mr. Garland,
Mr. G. Macleay,
Mr. Irving, } Tellers.
Mr. Holt, }

*So in Tellers' List.

No. 9.

Original Question stated.

Proposed.—That there be granted a sum not exceeding £1,860 for this service, (being £3,007 less than the Original Estimate—leaving the Staff to be—Agent, at £700; one Clerk, at £350; two Clerks, at £250 each; Messenger, £104; Matron, £70; two Chaplains, at £50 each; Sub-Matron, £36) (*Mr. Gordon.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,706 for this service, (being £3,161 less than the Original Estimate,—leaving the Staff to be—Agent, at £650; Chief Clerk, at £350; two Clerks, at £250 each; Matron, at £70; Sub-Matron, at £36; and Messenger, at £100.) (*Mr. Jones.*)

Committee.

Committee divided.

Ayes, 25.

Mr. Forster,
Mr. Piddington,
Mr. Scott,
Mr. Parkes,
Mr. T. G. Rusden,
Mr. Richardson,
Mr. Marks,
Mr. Gordon,
Mr. Wilshire,
Mr. Cowper,
Mr. Arnold,
Mr. Hargrave,
Mr. Nichols,
Mr. Egan,
Mr. Flood,
Mr. Jones,
Mr. Irving,
Mr. Weekes,
Mr. Lee,
Mr. Lang,
Mr. Sandeman,
Mr. Plunkett,
Mr. Osborne,
Mr. Cox,
Mr. Martin, } Tellers.

Noes, 18.

Mr. Donaldson,
Mr. Parker,
Mr. Darvall,
Mr. Hay,
Mr. Macarthur,
Mr. Faucett,
Mr. Manning,
Mr. Oxley,
Mr. Garland,
Mr. W. Macleay,
Mr. Suttor,
Mr. Barker,
Mr. Pye,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Holt,
Mr. Buckley,
Mr. G. Macleay, } Tellers.

No. 10.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £646, to defray the salaries of Immigration Establishments in Country Districts, for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding one farthing for this service. (*Mr. Forster.*) *Negatived.*

Afterwards proposed,—That there be granted a sum not exceeding £329 15s., for this service, (being £316 5s. less than the Original Estimate, leaving the Staff to be—Agent at Brisbane, £200; Medical Attendant, at ditto, £75; Matron at ditto, £54 15s.) (*Mr. Jones.*)

Afterwards proposed,—That there be granted a sum not exceeding £404 15s., for this service, (being £241 5s. less than the Original Estimate, leaving the Staff to be—Agent at Brisbane, £275; Medical attendant at ditto, £75; Matrou at ditto, £54 15s.) (*Mr. Irving.*)

Afterwards proposed,—That there be granted a sum not exceeding £200 for this service, (being £446 less than the Original Estimate, leaving the Staff to be—Agent at Brisbane, £100; Superintendent at Maitland, £100.) (*Mr. Arnold.*)

Question,—That there be granted a sum not exceeding £200 for this service—put and negatived.

Afterwards proposed,—That there be granted a sum not exceeding £250 for this service, (being £396 less than the original Estimate, leaving the staff to be—Agent at Brisbane, £150; Superintendent at Newcastle, £100.) (*Mr. Arnold.*)

Question put,—That there be granted a sum not exceeding £250 for this service.

Committee divided.

Ayes, 7.

Mr. Weekes,
Mr. Scott,
Mr. Piddington,
Mr. Forster,
Mr. Martin,
Mr. Arnold,
Rusden, } Tellers.

Noes, 33.

Mr. Parker,
Mr. Hay,
Mr. Donaldson,
Mr. Cox,
Mr. W. Macleay,
Mr. Sandeman,
Mr. G. Macleay,
Mr. Holt,
Mr. Faucett,
Mr. Richardson,
Mr. Oxley,
Mr. Pye,
Mr. Flood,
Mr. Cowper,
Mr. Suttor,
Mr. Egan,
Mr. Barker,
Mr. Plunkett,
Mr. Osborne,
Mr. Manning,
Mr. Lee,
Mr. Parkes,
Mr. Gordon,
Mr. Hargrave,
Mr. Marks,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Macarthur,
Mr. Garland,
Mr. Darvall,
Mr. Irving,
Mr. Buckley,
Mr. Jones, } Tellers.

No. 11.

*Other amounts afterwards proposed.—**Ultimately, all motions, including the original one, withdrawn, and the Items put seriatim; the following being the last of such Items:—*Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £100, to defray the salary of the Superintendent for Immigration at Maitland, for the year 1857. (*Mr. Parker.*)

Committee divided.

Ayes, 19.

Mr. Parker,
Mr. Donaldson,
Mr. Hay,
Mr. Scott,
Mr. Arnold,
Mr. Lang,
Mr. Holt,
Mr. Oxley,
Mr. Flood,
Mr. Irving,
Mr. Buckley,
Mr. Davvall,
Mr. Piddington,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Gordon,
Mr. Cowper,
Mr. T. G. Rusden, } Tellers.
Mr. Weekes,

Noes, 22.

Mr. Martin,
Mr. Suttor,
Mr. Faucett,
Mr. Egan,
Mr. G. Macleay,
Mr. Cox,
Mr. Lee,
Mr. Pye,
Mr. Manning,
Mr. Sandeman,
Mr. Barker,
Mr. Osborne,
Mr. Plunkett,
Mr. Jones,
Mr. Parkes,
Mr. Hargrave,
Mr. Marks,
Mr. Macarthur,
Mr. Garland,
Mr. Forster,
Mr. W. Macleay, } Tellers.
Mr. Richardson,

No. 12.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £2,270 to defray the contingencies of Immigration in Country Districts for the year 1857. (*Mr. Parker.*)Afterwards proposed,—That there be granted a sum not exceeding £1,270 for this service, (being £1,000 less than the Original Estimate.) (*Mr. Martin.*)Afterwards proposed,—That there be granted a sum not exceeding one shilling for this service. (*Mr. Arnold.*)Afterwards proposed,—That there be granted a sum not exceeding £700 for this service, (being £1,570 less than the Original Estimate.) (*Mr. Irving.*)Afterwards propose,—That there be granted a sum not exceeding £500 for this service, (being £1,770 less than the Original Estimate.) (*Mr. Jones.*)

Question put,—That a sum not exceeding one shilling be granted for this service.

Committee divided.

Ayes, 6.

Mr. Parkes,
Mr. Piddington,
Mr. Forster,
Mr. R. Campbell,
Mr. Arnold, } Tellers.
Mr. Martin,

Noes, 33.

Mr. Irving,
Mr. Davvall,
Mr. Cowper,
Mr. Garland,
Mr. Gordon,
Mr. Jones,
Mr. Weekes,
Mr. Suttor,
Mr. Thomson,
Mr. Pye,
Mr. Buckley,
Mr. Donaldson,
Mr. Parker,
Mr. Lang,
Mr. J. Campbell,
Mr. Marks,
Mr. Hargrave,
Mr. Macarthur,
Mr. Cox,
Mr. Hay,
Mr. Manning,
Mr. Flood,
Mr. Holt,
Mr. Scott,
Mr. W. Macleay,
Mr. Osborne,
Mr. Sandeman,
Mr. Plunkett,
Mr. Lee,
Mr. G. Macleay,
Mr. Barker,
Mr. Egan, } Tellers.
Rusden,

Afterwards proposed,—That there be granted a sum not exceeding £250 for this service, (being £2,020 less than the Original Estimate.) (*Mr. Arnold.*)*The Question for £250 put and negatived.**The Question for £500 put and carried.*

No. 13.

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £100,000, for the year 1857, to be expended on the passage money and other charges incidental to the removal of Immigrants from the United Kingdom. (*Mr. Parker.*)

And the Committee having continued to sit till after midnight.

THURSDAY,

THURSDAY, 4 DECEMBER, 1856. (A. M.)

And a Question, That there be granted a sum not exceeding one shilling for this service, (*Mr. Arnold*.) having been put and negatived,—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at Three o'clock, p. m., this day. (*Mr. Arnold*.)

Committee divided.

Ayes, 6.

Mr. Martin,
Mr. T. G. Rusden,
Mr. Piddington,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Arnold, }

Noes, 34.

Mr. Irving,
Mr. Parker,
Mr. Cowper,
Mr. Donaldson,
Mr. Jones,
Mr. Gordon,
Mr. Buckley,
Mr. G. Macleay,
Mr. Barker,
Mr. Thomson,
Mr. Weekes,
Mr. Holt,
Mr. Osborne,
Mr. Manning,
Mr. Plunkett,
Mr. Flood,
Mr. Egan,
Mr. Oxley,
Mr. W. Macleay,
Mr. Pye,
Mr. Lee,
Mr. Parkes,
Mr. Scott,
Mr. Sandeman,
Mr. Hay,
Mr. Suttor,
Mr. Marks,
Mr. Macarthur,
Mr. R. Campbell,
Mr. Lang,
Mr. Hargrave,
Mr. Darvall,
Mr. Garland, } Tellers.
Mr. Cox, }

No. 14.

Motion made and Question put,—That there be granted a sum not exceeding £1 for this service. (*Mr. Martin*.)

Committee divided.

Ayes, 8.

Mr. Hargrave,
Mr. Arnold,
Mr. Forster,
Mr. T. G. Rusden,
Mr. Parkes,
Mr. Scott,
Mr. Cox, } Tellers.
Mr. Martin, }

Noes, 31.

Mr. Parker,
Mr. Cowper,
Mr. Donaldson,
Mr. Egan,
Mr. Buckley,
Mr. G. Macleay,
Mr. Barker,
Mr. Thomson,
Mr. Piddington,
Mr. Garland,
Mr. Oxley,
Mr. Holt,
Mr. Manning,
Mr. Plunkett,
Mr. Flood,
Mr. Osborne,
Mr. W. Macleay,
Mr. Pye,
Mr. Lee,
Mr. Hay,
Mr. Sandeman,
Mr. Suttor,
Mr. Marks,
Mr. Macarthur,
Mr. R. Campbell,
Mr. Lang,
Mr. Darvall,
Mr. Irving,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Jones, }

No. 15.

Afterwards proposed,—That there be granted a sum not exceeding £50,000 for this service. (*Mr. Martin*.)

Motion made and question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at 3 o'clock, p. m., this day. (*Mr. Arnold*.)

Committee

Committee divided.

Ayes, 8.

Mr. T. G. Rusden,
 Mr. Forster,
 Mr. Parkes,
 Mr. Piddington,
 Mr. Scott,
 Mr. J. Campbell,
 Mr. Martin, } Tellers.
 Mr. Arnold, }

Noes, 30.

Mr. Parker,
 Mr. Cowper,
 Mr. Donaldson,
 Mr. Egan,
 Mr. Jones,
 Mr. Buckley,
 Mr. G. Macleay,
 Mr. Barker,
 Mr. Thomson,
 Mr. Oxley,
 Mr. Garland,
 Mr. Holt,
 Mr. Manning,
 Mr. Plunkett,
 Mr. Flood,
 Mr. Osborne,
 Mr. W. Macleay,
 Mr. Pye,
 Mr. Lee,
 Mr. Irving,
 Mr. Sandeman,
 Mr. Hay,
 Mr. Suttor,
 Mr. Marks,
 Mr. Macarthur,
 Mr. R. Campbell,
 Mr. Darvall,
 Mr. Lang,
 Mr. Gordon, } Tellers.
 Mr. Cox, }

No. 16.

The Question for £50,000 having been put and negatived,—

Original Question put.

Committee divided.

Ayes, 31.

Mr. Cowper,
 Mr. J. Campbell,
 Mr. W. Macleay,
 Mr. Irving,
 Mr. Garland,
 Mr. R. Campbell,
 Mr. Holt,
 Mr. Suttor,
 Mr. Piddington,
 Mr. Osborne,
 Mr. Pye,
 Mr. Lee,
 Mr. Oxley,
 Mr. Sandeman,
 Mr. Jones,
 Mr. Thomson,
 Mr. Plunkett,
 Mr. Macarthur,
 Mr. Marks,
 Mr. Barker,
 Mr. Cox,
 Mr. Lang,
 Mr. G. Macleay,
 Mr. Buckley,
 Mr. Egan,
 Mr. Hay,
 Mr. Donaldson,
 Mr. Manning,
 Mr. Parker,
 Mr. Gordon, } Tellers.
 Mr. Darvall, }

Noes, 6.

Mr. Forster,
 Mr. T. G. Rusden,
 Mr. Parkes,
 Mr. Scott,
 Mr. Martin, } Tellers.
 Mr. Arnold, }

THURSDAY, 4 DECEMBER, 1856. (P.M.)

No. 17.

Question proposed,—That the Chairman now leave the Chair, report progress, and ask leave to sit again "this day" at four o'clock, p.m., to take precedence at that hour of all other business. (*Mr. Donaldson.*)

Amendment proposed,—That all the words following the words "this day" be omitted, with a view to the insertion in their place of the words "when the "other business is disposed of." (*Mr. Forster.*)

Questio

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

Committee divided.

Ayes, 24.

Mr. Cowper,
 Mr. Donaldson,
 Mr. Gordon,
 Mr. Holt,
 Mr. Thomson,
 Mr. Macarthur,
 Mr. G. Macleay,
 Mr. Pyc,
 Mr. Oxley,
 Mr. T. G. Rusden,
 Mr. Arnold,
 Mr. Faucett,
 Mr. Cox,
 Mr. Buckley,
 Mr. Garland,
 Mr. Lord,
 Mr. Suttor,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Lang,
 Mr. Parker,
 Mr. Manning,
 Mr. Egan, } Tellers.
 Mr. Parkes, }

Noes, 5.

Mr. Piddington,
 Mr. J. Campbell,
 Mr. F. T. Rusden,
 Mr. Forster,
 Mr. R. Campbell, } Tellers.

Original Question carried.

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 6.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

TUESDAY, 9 DECEMBER, 1856.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

(Naval Establishment.)

Question proposed, That there be granted to Her Majesty a sum not exceeding £7,066 14s. 7d., to defray the Expense of the Naval Establishment for the year 1857. (*Mr. Donaldson.*)

Afterwards proposed, That there be granted a sum not exceeding one shilling for this service. (*Mr. Arnold.*)

Afterwards proposed, That there be granted a sum not exceeding £5,025 2s. for this service, (being £2,041 12s. 7d. less than the Original Estimate.) (*Mr. Egan.*)

Afterwards proposed, That there be granted a sum not exceeding £3,175 10s. for this service, (being £3,891 4s. 7d. less than the Original Estimate.) (*Mr. R. Campbell.*)

Question put, That there be granted a sum not exceeding one shilling for this service.

Committee divided.

Ayes, 24.

Mr. Robertson,
Mr. Cowper,
Mr. J. Campbell,
Mr. Martin,
Mr. Weekes,
Mr. Marks,
Mr. Hargrave,
Mr. Hely,
Mr. F. T. Rusden,
Mr. Gordon,
Mr. Jones,
Mr. Richardson,
Mr. Flood,
Mr. Lee,
Mr. Nichols,
Mr. Oakes,
Mr. Thomson,
Mr. Plunkett,
Mr. Wilshire,
Mr. T. G. Rusden,
Mr. Lord,
Mr. Parkes,
Mr. Forster,
Mr. Arnold, } Tellers.

Noes, 22.

Mr. Parker,
Mr. Hay,
Mr. Donaldson,
Mr. Irving,
Mr. Lang,
Mr. G. Macleay,
Mr. Egan,
Mr. Darvall,
Mr. Pyc,
Mr. Sandeman,
Mr. Buckley,
Mr. Scott,
Mr. Suttor,
Mr. Macarthur,
Mr. Cox,
Mr. Piddington,
Mr. Barker,
Mr. R. Campbell,
Mr. Garland,
Mr. Manning,
Mr. Holt,
Mr. W. Macleay, } Tellers.

No. 2.

SYDNEY MUNICIPAL COUNCIL BILL.

QUALIFICATION OF CITIZENS.

Clause VII. Every person whose name is inserted in the Electoral Roll for the time being for the Electoral District of "Sydney" shall be a citizen of the said City, and as such entitled to vote at every election of Aldermen and Auditors of the said City: Provided always, that until the Electoral Roll of the Electoral District of Sydney for the year 1857 be completed, in accordance with the Ward boundaries fixed by this Act, the electors on the existing Electoral Roll for Cook and Phillip Wards respectively residing in or qualified for property or otherwise in Cook Denison Phillip and Fitzroy Wards

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respectively

respectively, according to the several boundaries of such Wards, prescribed in Schedule B to this Act annexed, shall be entitled to vote for the Aldermen of the said Wards respectively in which they shall respectively so reside, or be qualified for property or otherwise,—*Read.*

Motion made and Question put,—That this Clause be amended, by the insertion of the following words after the word “Sydney” in the second line:—“as entitled to vote for Members of the Legislative Assembly, excepting only every such person whose qualification so to vote consists solely in his having a salary, or being the occupant of any room or lodging, and paying for his board and lodging or for his lodging only.” (*Mr. Parker.*)

Committee divided.

Ayes, 15.	Noes, 20.
Mr. Parker,	Mr. Donaldson,
Mr. Flood,	Mr. Hay,
Mr. Cowper,	Mr. Robertson,
Mr. Weekes,	Mr. Darvall,
Mr. F. T. Rusden,	Mr. Egan,
Mr. Scott,	Mr. Faucett,
Mr. Marks,	Mr. Thomson,
Mr. Oakes,	Mr. Garland,
Mr. Wilshire,	Mr. Hely,
Mr. Piddington,	Mr. Sandeman,
Mr. Parkes,	Mr. Pye,
Mr. Gordon,	Mr. Suttor,
Mr. T. G. Rusden,	Mr. Holt,
Mr. Jones,	Mr. W. Macleay,
Mr. Arnold, } Tellers.	Mr. Hargrave,
	Mr. Plunkett,
	Mr. J. Campbell,
	Mr. R. Campbell,
	Mr. Nichols, } Tellers.
	Mr. Buckley, }

No. 3.

Whereupon,—Motion made and Question put,—That the Clause, as read, stand part of the Bill. (*Mr. Parker.*)

Committee divided.

Ayes, 20.	Noes, 12
Mr. Parker,	Mr. Jones,
Mr. Hay,	Mr. Weekes,
Mr. Robertson,	Mr. Gordon,
Mr. Donaldson,	Mr. Flood,
Mr. Nichols,	Mr. Oakes,
Mr. W. Macleay,	Mr. F. T. Rusden,
Mr. Buckley,	Mr. Piddington,
Mr. Hargrave,	Mr. Wilshire,
Mr. Faucett,	Mr. Cowper,
Mr. Sandeman,	Mr. Marks,
Mr. Hely,	Mr. Parkes, } Tellers.
Mr. Pye,	Mr. Arnold, }
Mr. Darvall,	
Mr. Suttor,	
Mr. Egan,	
Mr. R. Campbell,	
Mr. Plunkett,	
Mr. J. Campbell,	
Mr. Thomson, } Tellers.	
Mr. Garland, }	

WEDNESDAY, 10 DECEMBER, 1856

No. 4.

SUPPLY—ESTIMATES FOR 1857.

(*Military Establishment.*)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £10,103 0s. 6d., to defray the charge, for the year 1857, of Two Companies maintained at the expense of the Colony. (*Mr. Donaldson.*)

Afterwards proposed,—That there be granted a sum not exceeding £7,176 18s. 10d. for this service, (being less than the Original Estimate £2,926 1s. 8d., the amount proposed as Colonial Allowance.) (*Mr. Martin.*)

Afterwards proposed,—That there be granted a sum not exceeding £9,046 0s. 11d. for this service, (being £1,056 19s. 7d. less than the Original Estimate, that is to say, a reduction to that extent on the proposed Colonial Allowance.) (*Mr. Jones.*)

Question put,—That there be granted a sum not exceeding £7,176 18s. 10d. for this service.

Committee

Committee divided.

Ayes, 14.

Mr. Cowper,
Mr. Martin,
Mr. Flood,
Mr. Arnold,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Gordon,
Mr. Hely,
Mr. Wilshire,
Mr. Oakes,
Mr. Hargrave,
Mr. J. Campbell,
Mr. Robertson,
Mr. T. G. Rusden, } Tellers.

Noes, 33.

Mr. Parker,
Mr. Donaldson,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Weekes,
Mr. Jones,
Mr. Buckley,
Mr. Forster,
Mr. Oxley,
Mr. Holt,
Mr. Cox,
Mr. W. Macleay,
Mr. Faucett,
Mr. Scott,
Mr. Egan,
Mr. Pye,
Mr. Lee,
Mr. Plunkett,
Mr. Lord,
Mr. Marks,
Mr. Piddington,
Mr. Sandeman,
Mr. Manning,
Mr. Barker,
Mr. Irving,
Mr. Richardson,
Mr. Lang,
Mr. Thomson,
Mr. Suttor,
Mr. Garland,
Mr. Darvall,
Mr. Hay,
Mr. Nichols, } Tellers.

No. 5.

Question put,—That there be granted a sum not exceeding £9,046 0s. 11d. for this service.

Committee divided.

Ayes, 22.

Mr. Irving,
Mr. Cowper,
Mr. Martin,
Mr. Flood,
Mr. Forster,
Mr. Parkes,
Mr. Gordon,
Mr. F. T. Rusden,
Mr. Wilshire,
Mr. Hely,
Mr. Cox,
Mr. Arnold,
Mr. Richardson,
Mr. Scott,
Mr. Weekes,
Mr. Oakes,
Mr. Hargrave,
Mr. Jones,
Mr. Piddington,
Mr. J. Campbell,
Mr. T. G. Rusden, } Tellers.
Mr. Robertson, }

Noes, 25.

Mr. Parker,
Mr. Hay,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Buckley,
Mr. Oxley,
Mr. Holt,
Mr. W. Macleay,
Mr. Faucett,
Mr. Egan,
Mr. Lord,
Mr. Pye,
Mr. Lee,
Mr. Plunkett,
Mr. Marks,
Mr. Sandeman,
Mr. Manning,
Mr. Barker,
Mr. Lang,
Mr. Thomson,
Mr. Suttor,
Mr. Garland,
Mr. Darvall,
Mr. Nichols, } Tellers.
Mr. Donaldson, }

No. 6.

Afterwards proposed,—That there be granted a sum not exceeding £9,127 13s. 3d. for this service, (being £975 7s. 3d. less than the Original Estimate, that is to say, a reduction to that extent on the proposed Colonial Allowance.) (Mr. Arnold.)

Question put,—That there be granted a sum not exceeding £9,127 13s. 3d. for this service.

Committee divided.

Ayes, 21.

Mr. Arnold,
Mr. Martin,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Parkes,
Mr. Gordon,
Mr. Flood,
Mr. Marks,
Mr. Hely,
Mr. Wilshire,
Mr. Richardson,
Mr. Scott,
Mr. Weekes,
Mr. Oakes,
Mr. Hargrave,
Mr. Jones,
Mr. Piddington,
Mr. Campbell,
Mr. Cowper,
Mr. T. G. Rusden, } Tellers.
Mr. Robertson, }

Noes, 24.

Mr. Parker,
Mr. Donaldson,
Mr. Holt,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Buckley,
Mr. Oxley,
Mr. Egan,
Mr. Lord,
Mr. Pye,
Mr. Lee,
Mr. Plunkett,
Mr. W. Macleay,
Mr. Faucett,
Mr. Sandeman,
Mr. Manning,
Mr. Barker,
Mr. Lang,
Mr. Thomson,
Mr. Suttor,
Mr. Garland,
Mr. Darvall,
Mr. Hay,
Mr. Nichols, } Tellers.

• So in Tellers' List.

Original Question carried.

No.

No. 7.

(Volunteer Corps.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £4,184 2s. 6d., to defray the expense of the Volunteer Corps, for the year 1857. (Mr. Donaldson.)

Afterwards proposed and withdrawn,—That there be granted a sum not exceeding £2,995 5s. 6d. for this service (being £1,188 17s. less than the Original Estimate.) (Mr. Lang.)

Afterwards proposed,—That there be granted a sum not exceeding one farthing for this service. (Mr. Nichols.)

Afterwards proposed,—That there be granted a sum not exceeding £1,474 17s. 6d. for this service, (being £2,709 5s. less than the Original Estimate, that is to say, affirming the following items only:—£73 for Clerk at Sydney; £365 for Artillery at Sydney; £136 17s. 6d. for Artillery at Newcastle; £50 for Forage for Commandant of Artillery; £50 for Forage for Adjutant of Artillery; and £800 for Ammunition.) (Mr. George Macleay.)

Question put,—That there be granted a sum not exceeding one farthing for this service.

Committee divided.

Ayes, 18.

Mr. Jones,
Mr. W. Macleay,
Mr. T. G. Rusden,
Mr. Martin,
Mr. Marks,
Mr. Nichols,
Mr. Buckley,
Mr. Pye,
Mr. Faucett,
Mr. F. T. Rusden,
Mr. Oakes,
Mr. Richardson,
Mr. Sandeman,
Mr. Piddington,
Mr. Suttor,
Mr. Flood,
Mr. Forster, } Tellers.
Mr. Arnold, }

Noes, 25.

Mr. Parker,
Mr. Cowper,
Mr. Parkes,
Mr. Gordon,
Mr. Scott,
Mr. G. Macleay,
Mr. Weekes,
Mr. Cox,
Mr. Oxley,
Mr. Egan,
Mr. Lee,
Mr. Plunkett,
Mr. Osborne,
Mr. Macarthur,
Mr. Hargrave,
Mr. Holt,
Mr. Lord,
Mr. Barker,
Mr. Hay,
Mr. J. Campbell,
Mr. Lang,
Mr. Irving,
Mr. Manning,
Mr. Robertson, } Tellers.
Mr. Donaldson, }

No. 8.

Question put,—That there be granted a sum not exceeding £1,474 17s. 6d. for this service.

Committee divided.

Ayes, 16.

Mr. W. Macleay,
Mr. T. G. Rusden,
Mr. Martin,
Mr. Marks,
Mr. Nichols,
Mr. Buckley,
Mr. Cox,
Mr. Pye,
Mr. Hargrave,
Mr. Richardson,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Egan,
Mr. G. Macleay,
Mr. Jones, } Tellers.
Mr. Forster, }

Noes, 27.

Mr. Parker,
Mr. Cowper,
Mr. Robertson,
Mr. Parkes,
Mr. Gordon,
Mr. Scott,
Mr. Weekes,
Mr. Oxley,
Mr. Lee,
Mr. Faucett,
Mr. Flood,
Mr. Oakes,
Mr. Sandeman,
Mr. Plunkett,
Mr. Osborne,
Mr. Macarthur,
Mr. Suttor,
Mr. Holt,
Mr. Lord,
Mr. Barker,
Mr. Hay,
Mr. J. Campbell,
Mr. Lang,
Mr. Irving,
Mr. Manning,
Mr. Arnold, } Tellers.
Mr. Donaldson, }

Afterwards proposed and negatived,—That there be granted a sum not exceeding £3,608 17s. 6d. for this service, (being £575 5s. less than the Original Estimate.) (Mr. Gordon.)

No.

No. 9.

Original Question put.
Committee divided.

Ayes, 21.

Mr. Parker,
Mr. Hay,
Mr. Cowper,
Mr. Gordon,
Mr. Parkes,
Mr. Weekes,
Mr. Scott,
Mr. Oxley,
Mr. Holt,
Mr. Lee,
Mr. Osborne,
Mr. Plunkett,
Mr. Macarthur,
Mr. Lord,
Mr. Lang,
Mr. Barker,
Mr. J. Campbell,
Mr. Irving,
Mr. Manning,
Mr. Robertson, } Tellers.
Mr. Donaldson, }

Noes, 22.

Mr. Arnold,
Mr. Forster,
Mr. Flood,
Mr. Nichols,
Mr. Richardson,
Mr. Jones,
Mr. Cox,
Mr. Lee,
Mr. Marks,
Mr. Hargrave,
Mr. Oakes,
Mr. Faucett,
Mr. Sandeman,
Mr. Buckley,
Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Egan,
Mr. Piddington,
Mr. W. Macleay,
Mr. Suttor,
Mr. Martin, } Tellers.
Mr. G. Macleay, }

And the Committee having continued to sit till after midnight,—

THURSDAY, 11 DECEMBER, 1856. (A.M.)

No. 10.

(Miscellaneous Services.)

Motion made and Question put,—That there be granted, for the year 1857, a sum not exceeding £100, to provide a Queen's Plate, to be run for at Homebush, or such other Racecourse in the County of Cumberland, and under such rules and regulations as the Australian Jockey Club, with the sanction of His Excellency the Governor General, shall appoint. (*Mr. Donaldson.*)

Committee divided.

Ayes, 15.

Mr. Parker,
Mr. Pye,
Mr. Macarthur,
Mr. Cox,
Mr. Lord,
Mr. Manning,
Mr. Hely,
Mr. W. Macleay,
Mr. Egan,
Mr. Suttor,
Mr. Barker,
Mr. Lang,
Mr. Irving,
Mr. Donaldson, } Tellers.
Mr. G. Macleay, }

Noes, 21.*

Mr. Flood,
Mr. Cowper,
Mr. Jones,
Mr. Forster,
Mr. Weekes,
Mr. T. G. Rusden,
Mr. Oxley,
Mr. Nichols,
Mr. Parkes,
Mr. Hargrave,
Mr. Holt,
Mr. Robertson,
Mr. Buckley,
Mr. Oakes,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Piddington,
Mr. Martin,
Mr. Arnold, } Tellers.
Mr. Gordon, }

*So in both Tellers' Lists.

THURSDAY, 11 DECEMBER, 1856. (P.M.)

No. 11.

SUPPLY—ESTIMATES FOR 1857.

(Supreme and Circuit Courts.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £800, to defray the Salary of the Prothonotary and Curator of Intestate Estates for the year 1857. (*Mr. Manning.*)

Motion made and Question put,—That there be granted a sum not exceeding £700 for this service. (*Mr. Martin.*)

Committee divided.

Ayes, 17.

Mr. J. Campbell,
Mr. Buckley,
Mr. Forster,
Mr. T. G. Rusden,
Mr. Irving,
Mr. Hargrave,
Mr. Robertson,
Mr. Cowper,
Mr. Lee,
Mr. Cox,
Mr. Arnold,
Mr. Egan,
Mr. Flood,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Jones, } Tellers.
Mr. Martin, }

Noes, 17.

Mr. Parker,
Mr. Manning,
Mr. Donaldson,
Mr. G. Macleay,
Mr. Barker,
Mr. Suttor,
Mr. W. Macleay,
Mr. Garland,
Mr. Sandeman,
Mr. Oxley,
Mr. Thomson,
Mr. Macarthur,
Mr. Osborne,
Mr. Plunkett,
Mr. Lang,
Mr. Hay, } Tellers.
Mr. Darvall, }

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The

The numbers being equal, the Chairman gave his vote with the Noes, and declared the Question to have been carried in the *Negative*.

No. 12.

Original Question stated.

Afterwards proposed and negatived,—That there be granted a sum not exceeding £701 for this service, (being £99 less than the Original Estimate.) (Mr. Martin.)

Afterwards proposed,—That there be granted a sum not exceeding £725 for this service, (being £75 less than the Original Estimate.) (Mr. Martin.)

Afterwards proposed,—That there be granted a sum not exceeding £705 for this service, (being £95 less than the Original Estimate.) (Mr. Arnold.)

Question put,—That there be granted a sum not exceeding £705 for this service.

Committee divided.

Ayes, 19.

Mr. J. Campbell,
Mr. Buckley,
Mr. Forster,
Mr. Arnold,
Mr. T. G. Rusden,
Mr. Hargrave,
Mr. Robertson,
Mr. Cowper,
Mr. Cox,
Mr. Irving,
Mr. Egan,
Mr. Lee,
Mr. Scott,
Mr. R. Campbell,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Flood,
Mr. Jones,
Mr. Martin, } Tellers.

Noes, 17.

Mr. Parker,
Mr. Donaldson,
Mr. Darvall,
Mr. G. Macleay,
Mr. Oxley,
Mr. Lang,
Mr. Sandeman,
Mr. Thomson,
Mr. Plunkett,
Mr. Osborne,
Mr. Macarthur,
Mr. Hay,
Mr. Barker,
Mr. Suttor,
Mr. W. Macleay,
Mr. Manning, } Tellers.
Mr. Garland, }

FRIDAY, 12 DECEMBER, 1856.

No. 13.

(Moreton Bay Court Establishment.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £2,780, to defray the Salaries and Contingencies of the Moreton Bay Court Establishment for the year 1857 (being £284 less than the Original Estimate, that is to say, a reduction of £100 on the salary of the Master of Court and Commissioner in Insolvency, (to be designated in lieu as "Registrar of Court,"); £180, the entire salary of the Sheriff's Clerk; and £4 on the salary of the Master's Messenger.) (Mr. Manning.)

Afterwards proposed,—That there be granted a sum not exceeding £2,000 for this service, (being £780 less than the reduced Estimate.) (Mr. Cowper.)

Afterwards proposed,—That there be granted a sum not exceeding £2,676 for this service, (being £104 less than the Reduced Estimate, that is to say, a reduction of £100 on the salary of the District Sheriff, and £4 on the salary of the Tipstaff and Court-Keeper.) (Mr. Gordon.)

Question put,—That there be granted a sum not exceeding £2,000 for this service.

Committee divided.

Ayes, 13.

Mr. Martin,
Mr. Robertson,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Piddington,
Mr. Wilshire,
Mr. Lee,
Mr. Parkes,
Mr. T. G. Rusden,
Mr. Egan,
Mr. J. Campbell,
Mr. R. Campbell, } Tellers.
Mr. Cowper, }

Noes, 30.

Mr. Parker,
Mr. Hay,
Mr. Gordon,
Mr. Arnold,
Mr. Manning,
Mr. Richardson,
Mr. Cox,
Mr. Weekes,
Mr. Hargrave,
Mr. Faucett,
Mr. Pye,
Mr. Thomson,
Mr. Sandeman,
Mr. Plunkett,
Mr. Barker,
Mr. Jones,
Mr. Scott,
Mr. Marks,
Mr. Buckley,
Mr. Hely,
Mr. Lang,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Suttor,
Mr. Garland,
Mr. Donaldson,
Mr. Holt,
Mr. Irving,
Mr. Nichols, } Tellers.
Mr. G. Macleay, }

Question, for £2,676, put and carried.

No

No. 14.

SYDNEY MUNICIPAL COUNCIL BILL (No. 2.)

Clause 18. At every election of Aldermen, the Returning Officer, whether the Sheriff or Mayor, may cause such booths to be erected, or rooms to be hired, in each Ward, as occasion may require, for taking the "poll," and make such arrangements, for the convenience of the voters, as he may deem expedient, and shall appoint a polling clerk, or polling clerks, for every such polling place: Provided always, that no election shall be holden in any church, chapel, or other place of public worship.

Motion made and Question put,—That the clause be amended by the insertion of the following words after the word "poll":—"And at every booth or polling place "there shall be one or more compartments or ballot rooms, provided with ink "and pens, for the purpose of enabling the elector to mark the ballot paper as "hereinafter provided, in which room no person other than the Presiding "Officers, the poll clerk, and the scrutineers of the several candidates to be "appointed as hereinafter provided, and the Electors who shall for that time "be tendering their votes, shall be entitled to be present, and any person "other than such Presiding Officers or poll clerk, scrutineers, and electors "actually recording their votes who shall intrude into such room shall be "guilty of a misdemeanour: Provided always, that it shall be lawful for the "Presiding Officers or poll clerk to summon to his assistance in such com- "partment or room any member or members of the police force, for the purpose "of preserving the public peace, quelling any breach thereof that may have "arisen, and for removing out of such room any person or persons who may "in his opinion be obstructing the polling or wilfully violating any of the "provisions of this Act."

Committee divided.

Ayes, 22.

Mr. Darvall,
Mr. Robertson.
Mr. Holt,
Mr. Barker,
Mr. Suttor,
Mr. Buckley,
Mr. Weekes,
Mr. Manning,
Mr. Faucett,
Mr. Hargrave,
Mr. Cox,
Mr. Marks,
Mr. Wilshire,
Mr. Flood,
Mr. Gordon,
Mr. Parkes,
Mr. Lang,
Mr. Piddington,
Mr. Plunkett,
Mr. J. Campbell,
Mr. Nichols, } Tellers.
Mr. Cowper. }

Noes, 8.

Mr. Parker,
Mr. Martin,
Mr. Forster,
Mr. Garland,
Mr. Egan,
Mr. Pye,
Mr. T. G. Rusden, } Tellers.
Mr. Donaldson, }

Clause, as so amended, Carried.

No. 15.

DESERTED WIVES AND CHILDREN'S BILL (Re-committed).

An Amendment having been made,—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Tuesday next. (Mr. T. G. Rusden.)

Committee divided.

Ayes, 3.

Mr. Forster,
Mr. F. T. Rusden, } Tellers.
Mr. T. G. Rusden, }

Noes, 17.

Mr. Parker,
Mr. Nichols,
Mr. Barker,
Mr. Buckley,
Mr. Cox,
Mr. Hargrave,
Mr. Lang,
Mr. Pye,
Mr. Hay,
Mr. W. Macleay,
Mr. Suttor,
Mr. Manning,
Mr. Garland,
Mr. Holt,
Mr. Cooper,
Mr. Donaldson, } Tellers.
Mr. Martin, }

Committee counted out.

1856.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 7.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856.

TUESDAY, 16 DECEMBER, 1856.

No. 1.

SYDNEY MUNICIPAL COUNCIL BILL.—(No. 2.)

Clause 31 (*as amended*),—The amount of expenses incurred in the first election of Aldermen and Auditors under this Act shall be certified under the hand of the Sheriff and shall be paid and discharged out of the Consolidated Revenue of the Colony by Warrant under the hand of the Governor directed to the "Colonial Treasurer" and shall be re-paid to the Colonial Treasurer by the Mayor and Aldermen first elected out of the first moneys received by them by virtue of this Act,—*Read*.

Question proposed, That the Clause as read, stand part of the Bill. (*Mr Parker.*)

Amendment proposed,—That all the words of the Clause following the words "Colonial Treasurer" (where they first occur) be omitted. (*Mr. Nichols.*)

Question put,—That the words proposed to be omitted stand part of the Clause. Committee divided.

Ayes, 26.

Mr. Garland,
Mr. Suttor,
Mr. Plunkett,
Mr. Macarthur,
Mr. Thomson,
Mr. Gordon,
Mr. Parkes,
Mr. Lang,
Mr. Piddington,
Mr. T. G. Rusden,
Mr. Holt,
Mr. Hargrave,
Mr. Cox,
Mr. Lee,
Mr. Pye,
Mr. Richardson,
Mr. Jones,
Mr. Forster,
Mr. Faucett,
Mr. Buckley,
Mr. G. Macleay,
Mr. Parker,
Mr. Hay,
Mr. Darvall,
Mr. Cowper, } Tellers.
Mr. Manning. }

Noes, 7.

Mr. Weekes,
Mr. Egan,
Mr. Nichols,
Mr. J. Campbell,
Mr. Wilshire,
Mr. Robertson, } Tellers.
Mr. Flood, }

Clause, as read, carried.

No. 2.

Clause 46,—The Council may and shall appoint a Town Clerk a "Treasurer" Engineers or Surveyors of the City and such collectors workmen and other officers and servants as in their discretion they may deem necessary and proper for the execution of the powers and duties hereby vested in the Council and assign to such officers and servants salaries wages and remuneration which shall be in lieu of all fees perquisites and other emoluments whatever,—*Read*.

Question proposed,—That the Clause as read, stand part of the Bill. (*Mr. Parker.*)

Motion made and Question put,—That the Clause be amended by the insertion, after the word "Treasurer," of the words "an Officer of Health." (*Mr. Cowper*)

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Committee

Committee divided.

Ayes, 11.

Mr. Robertson,
Mr. Hay,
Mr. Darvall,
Mr. Lang,
Mr. Plunkett,
Mr. Thomson,
Mr. Suttor,
Mr. J. Campbell,
Mr. Manning,
Mr. Jones,
Mr. Cowper, } Tellers.

Noes, 22

Mr. Parker,
Mr. Gordon,
Mr. T. G. Rusden,
Mr. Nichols,
Mr. Weekes,
Mr. Richardson,
Mr. Lee,
Mr. G. Macleay,
Mr. Faucett,
Mr. Pye,
Mr. Garland,
Mr. Macarthur,
Mr. Hargrave,
Mr. Cox,
Mr. Egan,
Mr. Flood,
Mr. Buckley,
Mr. Holt,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. Forster, } Tellers.
Mr. Parkes. }

Clause, as read, carried.

WEDNESDAY, 17 DECEMBER, 1856.

No. 3.

SUPPLY—ESTIMATES FOR 1857.

(County Courts.)

Question proposed,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £4,000, to defray the expense of County Courts. (Mr. Manning.)

Motion made and Question put,—That the consideration of this item be postponed.

(Mr. Jones.)

Committee divided.

Ayes, 11.

Mr. Weekes,
Mr. Robertson,
Mr. Cowper,
Mr. Parkes,
Mr. T. G. Rusden,
Mr. Gordon,
Mr. Wilshire,
Mr. Oakes,
Mr. J. Campbell,
Mr. Forster,
Mr. Jones, } Tellers.

Noes, 26.

Mr. Parker,
Mr. Donaldson,
Mr. Thomson,
Mr. Oxley,
Mr. Richardson,
Mr. Holt,
Mr. Osborne,
Mr. Lord,
Mr. Marks,
Mr. Lec,
Mr. Egan,
Mr. Plunkett,
Mr. Scott,
Mr. Macarthur,
Mr. Cox,
Mr. Lang,
Mr. Hargrave,
Mr. Suttor,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. W. Macleay,
Mr. Irving,
Mr. Garland,
Mr. Manning,
Mr. Buckley, } Tellers.
Mr. G. Macleay, }

No. 4.

Original Question put.
Committee divided.

Ayes, 29.

Mr. Parker,
Mr. Manning,
Mr. Donaldson,
Mr. Hay,
Mr. Macarthur,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Thomson,
Mr. Darvall,
Mr. Lee,
Mr. Holt,
Mr. Sandeman,
Mr. Buckley,
Mr. Oxley,
Mr. Egan,
Mr. Richardson,
Mr. Scott,
Mr. Piddington,
Mr. Marks,
Mr. F. T. Rusden,
Mr. Hargrave,
Mr. Lord,
Mr. Plunkett,
Mr. Osborne,
Mr. Suttor,
Mr. Lang,
Mr. Garland,
Mr. Irving, } Tellers.
Mr. Cox, }

Noes, 12.

Mr. Forster,
Mr. Cowper,
Mr. Weekes,
Mr. Robertson,
Mr. Parkes,
Mr. Martin,
Mr. Oakes,
Mr. T. G. Rusden,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Jones, }

No. 5.

No. 5.

(Quarter Sessions.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £600, to defray the salary of the Clerk of the Peace, for the year 1857. (*Mr. Manning.*)

Motion made and Question put,—That there be granted a sum not exceeding £500 for this service, (being £100 less than the Original Estimate.) *Mr. Robertson.*
Committee divided.

Ayes, 12.

Mr. Jones,
Mr. Forster,
Mr. Cowper,
Mr. T. G. Rusden,
Mr. Cox,
Mr. Marks,
Mr. Gordon,
Mr. Oakes,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Robertson, } Tellers.
Mr. Parkes, }

Noes, 25.

Mr. Parker,
Mr. Donaldson,
Mr. Hay,
Mr. W. Macleay,
Mr. Manning,
Mr. Holt,
Mr. Thomson,
Mr. Richardson,
Mr. Buckley,
Mr. Sandeman,
Mr. Faucett,
Mr. Osborne,
Mr. Lord,
Mr. Oxley,
Mr. Plunkett,
Mr. Lee,
Mr. Suttor,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Garland,
Mr. Wilshire,
* Campbell,
Mr. Irving,
Mr. Lang, } Tellers.
Mr. Weckes, }

* So in the Tellers' List.

Afterwards proposed,—That there be granted a sum not exceeding £550 for this service, (being £50 less than the Original Estimate). (*Mr. Jones.*)—Carried.

No. 6.

Question proposed, That there be granted to Her Majesty a sum not exceeding £2,176 to defray the Contingencies of the Quarter Sessions Establishment for the year 1857. (*Mr. Manning.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,976 for this service (being £200 less than the Original Estimate, that is to say, a reduction to that extent in the item of Travelling Expenses.) (*Mr. T. G. Rusden.*)

Committee divided.

Ayes, 3.

Mr. F. T. Rusden,
Mr. Piddington, } Tellers.
Mr. T. G. Rusden, }

Noes, 36.

Mr. Parker,
Mr. Jones,
Mr. Richardson,
Mr. Gordon,
Mr. Weckes,
Mr. Robertson,
Mr. Lang,
Mr. G. Macleay,
Mr. Thomson,
Mr. Marks,
Mr. Cowper,
Mr. Holt,
Mr. Cox,
Mr. Buckley,
Mr. Lee,
Mr. Sandeman,
Mr. Lord,
Mr. Osborne,
Mr. Martin,
Mr. Plunkett,
Mr. Hargrave,
Mr. Oxley,
Mr. Faucett,
Mr. Murray,
Mr. Hay,
Mr. Irving,
Mr. Suttor,
Mr. Egan,
Mr. W. Macleay,
Mr. Manning,
Mr. Macarthur,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Forster,
Mr. Parkes, } Tellers.
Mr. Donaldson, }

No. 7.

(Coroners.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £784 to defray the salaries of the Establishment of Coroners for the year 1857. (*Mr. Manning.*)

Afterwards

Afterwards proposed,—That there be granted a sum not exceeding £644 for this service (being £140 less than the Original Estimate, that is to say, a reduction of £20 each on the salaries of 7 Coroners proposed at £40 each.) (*Mr. Robertson.*)

Afterwards proposed,—That there be granted a sum not exceeding £64 for this service (being £720 less than the Original Estimate, that is, affirming the proposed salary of £64 for the Clerk only.) (*Mr. Cox.*)

Question put,—That there be granted a sum not exceeding £64 for this service.

Committee divided.

Ayes, 7.

Mr. Forster,
Mr. T. G. Rusden,
Mr. Thomson,
Mr. J. Campbell,
Mr. Flood,
Mr. Cowper, } Tellers.
Mr. Cox, }

Noes, 30.

Mr. Parker,
Mr. Weekes,
Mr. Lang,
Mr. G. Macleay,
Mr. Robertson,
Mr. Murray,
Mr. Richardson,
Mr. Martin,
Mr. Marks,
Mr. Hay,
Mr. Lee,
Mr. Garland,
Mr. Oxley,
Mr. Faucett,
Mr. Lord,
Mr. Plunkett,
Mr. Osborne,
Mr. Scott,
Mr. Buckley,
Mr. Hargrave,
Mr. Oakes,
Mr. Macarthur,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Suttor,
Mr. W. Macleay,
Mr. Holt,
Mr. Manning,
Mr. Jones, } Tellers.
Mr. Donaldson, }

No. 8.

Question put,—That there be granted a sum not exceeding £644 for this service.

Committee divided.

Ayes, 15.

Mr. Holt,
Mr. Murray,
Mr. Cowper,
Mr. Forster,
Mr. T. G. Rusden,
Mr. Weekes,
Mr. Marks,
Mr. F. T. Rusden,
Mr. Jones,
Mr. Hargrave,
Mr. Richardson,
Mr. Martin,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Cox, }

Noes, 21.

Mr. Parker,
Mr. Lang,
Mr. G. Macleay,
Mr. Thomson,
Mr. Buckley,
Mr. Faucett,
Mr. Oxley,
Mr. Lord,
Mr. Lee,
Mr. Hay,
Mr. Plunkett,
Mr. Osborne,
Mr. Scott,
Mr. Oakes,
Mr. Garland,
Mr. Macarthur,
Mr. Piddington,
Mr. Suttor,
Mr. Manning,
Mr. W. Macleay, } Tellers.
Mr. Donaldson, }

Original Question carried.

No. 9.

(*Treasury.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £6,907, to defray the Salaries and Contingencies of the Treasury Establishment for the year 1857. (*Mr. Donaldson.*)

Motion made and Question put,—That there be granted a sum not exceeding £6,382, for this service, (being £525 less than the Original Estimate, that is to say, a reduction of the entire salaries of three Assistant Clerks at £175 each.) (*Mr. Wilshire.*)

Committee

Committee divided.

Ayes, 14.

Mr. Murray,
Mr. Jones,
Mr. Parkes,
Mr. Martin,
Mr. T. G. Rusden,
Mr. Marks,
Mr. F. T. Rusden,
Mr. Hargrave,
Mr. Flood,
Mr. Piddington,
Mr. J. Campbell,
Mr. Wilshire,
Mr. Cowper, } Tellers.
Mr. Forster, }

Noes, 23.

Mr. Parker,
Mr. Holt,
Mr. Buckley,
Mr. Richardson,
Mr. G. Macleay,
Mr. Weekes,
Mr. Gordon,
Mr. Thomson,
Mr. Manning,
Mr. Plunkett,
Mr. Lee,
Mr. Faucett,
Mr. Oxley,
Mr. Osborne,
Mr. Suttor,
Mr. Macarthur,
Mr. Egan,
Mr. W. Macleay,
Mr. Garland,
Mr. Lang,
Mr. Hay,
Mr. Robertson, } Tellers.
Mr. Donaldson, }

Original Question carried.

THURSDAY, 18 DECEMBER, 1856.

No. 10.

(Shipping Masters.)

Question proposed,—That there be granted to Her Majesty, a sum not exceeding £1,695, to defray the salaries and contingencies of the establishment of the Shipping Master, at Sydney, for the year 1857, (being £200 less than the Original Estimate, that is to say a reduction of the entire proposed salary of the Examining Inspector.) (Mr. Donaldson.)

Afterwards proposed,—That there be granted a sum not exceeding One shilling for this service. (Mr. Robertson)

Afterwards proposed,—That there be granted a sum not exceeding £1,591 for this service, (being less than the Reduced Estimate by £104, the proposed salary of the first Messenger.) (Mr. Irving.)

Afterwards proposed,—That there be granted a sum not exceeding £1,116 for this service, (being £579 less than the Reduced Estimate.) (Mr. Nichols.)

Question put,—That there be granted a sum not exceeding One shilling for this service.

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Robertson,
Mr. Gordon,
Mr. Martin,
Mr. Forster,
Mr. Hargrave,
Mr. F. T. Rusden,
Mr. Parkes,
Mr. Marks,
Mr. Suttor,
Mr. Flood,
Mr. T. G. Rusden,
Mr. Piddington,
Mr. Egan,
Mr. Wilshire,
Mr. Murray, } Tellers.
Mr. Nichols, }

Noes, 24.

Mr. Parker,
Mr. G. Macleay,
Mr. Jones,
Mr. Weekes,
Mr. Hay,
Mr. W. Macleay,
Mr. Scott,
Mr. Cox,
Mr. Lee,
Mr. Lang,
Mr. Plunkett,
Mr. Pye,
Mr. Sandeman,
Mr. Buckley,
Mr. Faucett,
Mr. Oxley,
Mr. Manning,
Mr. Osborne,
Mr. J. Campbell,
Mr. Davall,
Mr. Irving,
Mr. Holt,
Mr. Donaldson, } Tellers.
Mr. Richardson, }

No. 11.

Afterwards proposed,—That there be granted a sum not exceeding £1,390 for this service, being £305 less than the Reduced Estimate. (Mr. Nichols.)

Committee

Committee divided.

Ayes, 22.

Mr. Murray,
 Mr. Gordon,
 Mr. Martin,
 Mr. Richardson,
 Mr. Forster,
 Mr. Hargrave,
 Mr. F. T. Rusden,
 Mr. Faucett,
 Mr. Cox,
 Mr. Lee,
 Mr. Robertson,
 Mr. Marks,
 Mr. Parkes,
 Mr. Osborne,
 Mr. Suttor,
 Mr. Flood,
 Mr. T. G. Rusden,
 Mr. Piddington,
 Mr. Egan,
 Mr. Wilshire,
 Mr. Cowper, } Tellers.
 Mr. Nichols, }

Noes, 21.

Mr. Parker,
 Mr. Jones,
 Mr. Weekes,
 Mr. Hay,
 Mr. W. Macleay,
 Mr. Lang,
 Mr. Holt,
 Mr. Garland,
 Mr. Scott,
 Mr. Plunkett,
 Mr. Pye,
 Mr. Sandeman,
 Mr. Buckley,
 Mr. Oxley,
 Mr. Macarthur,
 Mr. Manning,
 Mr. J. Campbell,
 Mr. Darvall,
 Mr. Irving,
 Mr. Donaldson, } Tellers.
 Mr. G. Macleay, }

No. 12.

LOAN BILL FOR 1857.

Clause 1. It shall be lawful for the Governor, with the advice of the Executive Council, from time to time, during the year One thousand eight hundred and fifty-seven, to raise by the sale of Debentures secured upon the Consolidated Revenues of the Colony, and bearing interest at a rate not exceeding five per centum per annum, the sum of "One hundred and" thirty thousand and four hundred pounds, for the purpose of paying off Debentures to the like amount to fall due in the course of the said year,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Donaldson.*)

Amendment proposed,—That the words "One hundred and" be expunged. (*Mr. Jones.*)

Question put,—That the words proposed to be expunged stand part of the Clause. Committee divided.

Ayes, 24.

Mr. Parker,
 Mr. Hay,
 Mr. Manning,
 Mr. Holt,
 Mr. Darvall,
 Mr. Nichols,
 Mr. Lang,
 Mr. Oxley,
 Mr. Macarthur,
 Mr. Faucett,
 Mr. Pye,
 Mr. Cox,
 Mr. Hargrave,
 Mr. Marks,
 Mr. Lee,
 Mr. Plunkett,
 Mr. Buckley,
 Mr. Thomson,
 Mr. Osborne,
 Mr. G. Macleay,
 Mr. Suttor,
 Mr. Garland,
 Mr. W. Macleay, } Tellers.
 Mr. Donaldson, }

Noes, 8.

Mr. Cowper,
 Mr. Forster,
 Mr. Parkes,
 Mr. T. G. Rusden,
 Mr. F. T. Rusden,
 Mr. J. Campbell,
 Mr. Jones, } Tellers.
 Mr. Robertson, }

Clause, as read, carried.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 8.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

TUESDAY, 30 DECEMBER, 1856.

No. 1.

MASTERS' AND SERVANTS' BILL. (as framed and agreed to in Select Committee.)

Clause 2 (as amended.) If any servant shall contract with any person to serve him for any time, or in any manner, or to perform for him as such servant a certain work at a certain price, and shall not enter into his service or commence his work according to his contract (such contract being in writing, and signed by the parties thereto), or if any servant, having entered into such service, or commenced such work, shall absent himself therefrom, without reasonable cause, before the term of his contract shall have expired, or before the work contracted for shall be completed ("whether such contract shall be in writing or not in writing"), or shall neglect to fulfil the same, or be guilty of any other misconduct or ill behaviour in the execution thereof, such offender, upon being lawfully convicted thereof, shall forfeit and pay any sum of money not exceeding ten pounds, and in default of payment, the same shall be levied by distress and sale of the goods and chattels of the offender, and in case no sufficient distress can be found whereon to levy the fine and costs, the offender shall be imprisoned for any period not exceeding fourteen days, or in lieu thereof, at the discretion of the convicting Justices, such offender shall forfeit the whole or such part of the wages then due.

Further Amendment proposed,—That the words (in parenthesis) "whether such contract shall be in writing, or not in writing," be omitted. (Mr. Plunkett.)

Question put,—That the words proposed to be omitted stand part of the Clause.
Committee divided.

Ayes, 26.

Mr. Parker,
Mr. Cowper,
Mr. Buckley,
Mr. G. Macleay,
Mr. Darvall,
Mr. Donaldson,
Mr. Irving,
Mr. Lang,
Mr. Nichols,
Mr. Sandeman,
Mr. Thomson,
Mr. Holt,
Mr. Oxley,
Mr. Hay,
Mr. Gordon,
Mr. Marks,
Mr. Cox,
Mr. T. G. Rusden,
Mr. Faucett,
Mr. Manning,
Mr. Richardson,
Mr. Hargrave,
Mr. Osborne,
Mr. W. Macleay,
Mr. Garland, } Tellers.
Mr. Jones, }

Noes, 6.

Mr. J. Campbell,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Egan,
Mr. Plunkett, } Tellers.
Mr. Weekes, }

Clause, as subsequently further amended,—Carried.

No. 2.

Clause 5. In all cases of wages not exceeding fifty pounds, which shall be due and payable to any servant, it shall be lawful for any Justice, where or near to the place where the service shall have been performed, or where or near to the place where the party or either of the parties upon whom the claim is made shall be or reside, upon complaint made to such Justice by such servant, or on his behalf, to summon such party or parties to appear before any two Justices, at the nearest Court of Petty Sessions, to answer such complaint, and the Justices there assembled are hereby empowered to examine the parties, and their respective witnesses (if there be any), touching the complaint and the amount of wages due, and to inspect any agreement or duplicate copy thereof, if produced, and to make such order for payment of the said wages, not exceeding fifty pounds, with the costs incurred by the servant in prosecuting such claim, or any damages the servant may have sustained by the neglect of his master to pay the wages so found to be due, as shall to such Justices appear reasonable and just, and in case such order shall not be forthwith obeyed, it shall be lawful for such Justices to issue their warrant to levy the amount of wages awarded to be due, by distress and sale of the goods and chattels of the party on whom such order for payment shall be made, and all the costs, charges, and expenses, including the damages incurred by the servant in the making and prosecuting the complaint, as well as the costs and charges of the distress and levy; and if such levy cannot be made, or shall prove insufficient, then such Justices are hereby empowered to cause the party upon whom the order shall be made to be apprehended and committed to gaol, there to remain for any period not exceeding * or until payment shall be made of the amount of the wages so awarded, and of all costs, charges, and expenses attending the recovery thereof.

Question proposed,—That the blank * be filled with the words “fourteen days.”
(*Mr. Nichols.*)

Afterwards proposed,—That the blank be filled with the words “three months.”
(*Mr. Plunkett.*)

Question put,—That the blank be filled with the words “Three Months.”
Committee divided.

Ayes, 12

Mr. Parker,
Mr. Darvall,
Mr. Lang,
Mr. Buckley,
Mr. Holt,
Mr. Weekes,
Mr. Hay,
Mr. Osborne,
Mr. Plunkett,
Mr. Manning,
Mr. Robertson, } Tellers.
Mr. Donaldson }

Noes, 14.

Mr. Nichols,
Mr. Gordon,
Mr. Hargrave,
Mr. Richardson,
Mr. Thomson,
Mr. Marks,
Mr. Sandeman,
Mr. Forster,
Mr. Cox,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Cowper, }

No. 3.

Afterwards proposed,—That the blank be filled with the words “Two Months.”
(*Mr. Plunkett.*)

Question put,—That the blank be filled with the words “Two Months.”
Committee divided.

Ayes, 10.

Mr. Parker,
Mr. Manning,
Mr. Osborne,
Mr. Weekes,
Mr. Buckley,
Mr. Robertson,
Mr. Darvall,
Mr. Holt,
Mr. Plunkett, } Tellers.
Mr. Donaldson }

Noes, 15.

Mr. Cowper,
Mr. Garland,
Mr. Hargrave,
Mr. Jones,
Mr. Hay,
Mr. Forster,
Mr. Irving,
Mr. Cox,
Mr. Oxley,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. T. G. Rusden,
Mr. Sandeman,
Mr. Nichols, } Tellers.
Mr. Richardson, }

Question,—That the blank be filled with the words “Fourteen Days”—put and carried.

Clause subsequently amended; and with the blank so filled in, and as so amended,—carried.

WEDNESDAY, 31 DECEMBER, 1856.

No. 4.

GOLD FIELDS MANAGEMENT BILL.

Clause 3. It shall be lawful for the Governor, with the advice of the Executive Council, subject to the provisions of this Act, and the Rules and Regulations to be made as hereinafter provided, to cause documents to be issued, each of which shall be called the “The Miner’s Right,” and shall be granted to any person applying for the same upon payment of a fee of*

Question

Question proposed,—That the blank* be filled with the words "One Pound." (Mr. Manning.)

Afterwards proposed,—That the blank be filled with the words "Two Pounds." (Mr. Cowper.)

Afterward proposed,—That the blank be filled with the words "One Shilling." (Mr. Forster.)

Afterwards proposed,—That the blank be filled with the words "Five Shillings." (Mr. Cox.)

Question put,—That the blank be filled with the words "One Shilling."

Committee divided.

Ayes, 5.

Mr. Cowper,
Mr. Robertson,
Mr. Wilshire,
Mr. Forster,
Mr. Dalley, } Tellers.

Noes, 26.

Mr. Parker,
Mr. Donaldson,
Mr. Darvall,
Mr. Hay,
Mr. Jones,
Mr. Lang,
Mr. Egan,
Mr. Thomson,
Mr. Hargrave,
Mr. Nichols,
Mr. Faucett,
Mr. Cox,
Mr. T. G. Rusden,
Mr. Lee,
Mr. Buckley,
Mr. Plunkett,
Mr. Osborne,
Mr. Marks,
Mr. Weekes,
Mr. G. Macleay,
Mr. Barker,
Mr. Holt,
Mr. F. T. Rusden,
Mr. Garland,
Mr. W. Macleay,
Mr. Manning, } Tellers.

Question,—That the blank be filled with words "Five Shillings,"—put and negatived.

No. 5.

Question put,—That the blank be filled with the words "One Pound." Committee divided.

Ayes, 22.

Mr. Parker,
Mr. Donaldson,
Mr. Hay,
Mr. W. Macleay,
Mr. Thomson,
Mr. G. Macleay,
Mr. Barker,
Mr. Buckley,
Mr. T. G. Rusden,
Mr. Faucett,
Mr. Holt,
Mr. Osborne,
Mr. Marks,
Mr. Plunkett,
Mr. Hargrave,
Mr. Weekes,
Mr. Nichols,
Mr. Jones,
Mr. Garland,
Mr. Darvall,
Mr. Lang,
Mr. Manning, } Tellers.

Noes, 9.

Mr. Cowper,
Mr. Egan,
Mr. Lee,
Mr. Robertson,
Mr. Cox,
Mr. Wilshire,
Mr. F. T. Rusden,
Mr. Forster, } Tellers.
Mr. Dalley, }

Clause, with the blank so filled,—carried.

No. 6.

Clause 5, (as amended.) It shall be lawful for the Governor, with the advice of the Executive Council, subject to the provisions of this Act, and to such Rules and Regulations as aforesaid, to cause Licenses to be issued, which shall be in force for the period of twelve months from the dates thereof respectively, authorising the holder to occupy waste lands for the purpose of carrying on business upon any Gold Field, and the fee to be paid for every such License shall be "as follows," "that is to say:—

For three months Two pounds ten shillings.
For six months Five pounds.
For twelve months Ten pounds.

Question proposed,—That the clause be further amended by omitting the words "as follows," with a view to the insertion in their place of the words "Two Pounds." (Mr. Jones.)

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

Committee

Committee divided.

Ayes, 16.
 Mr. Parker,
 Mr. Manning,
 Mr. G. Macleay,
 Mr. W. Macleay,
 Mr. Irving,
 Mr. Holt,
 Mr. Buckley,
 Mr. Lee,
 Mr. Faucett,
 Mr. Thomson,
 Mr. Cox,
 Mr. Barker,
 Mr. Hargrave,
 Mr. Garland,
 Mr. Hay,
 Mr. Donaldson, } Tellers.

Noes, 15.

Mr. Cowper,
 Mr. Nichols,
 Mr. Jones,
 Mr. Marks,
 Mr. Egan,
 Mr. Weekes,
 Mr. T. G. Rusden,
 Mr. Lang,
 Mr. Plunkett,
 Mr. Osborne,
 Mr. Dalley,
 Mr. F. T. Rusden,
 Mr. Wilshire,
 Mr. Robertson, } Tellers.
 Mr. Forster, }

No. 7.

Motion made and question put,—That the Clause be further amended by the omission of the words following the words “that is to say,” with a view to the insertion in their place of the words “three pounds.”—(*Mr. Nichols.*)

Question,—That the words proposed to be omitted stand part of the Clause,—put and negatived.

Question put,—That the words “three pounds” proposed to be inserted in the place of the words omitted, be so inserted.

Committee divided.

Ayes, 15.

Mr. Forster,
 Mr. T. G. Rusden,
 Mr. Nichols,
 Mr. Osborne,
 Mr. Weekes,
 Mr. Robertson,
 Mr. Plunkett,
 Mr. Wilshire,
 Mr. Marks,
 Mr. F. T. Rusden,
 Mr. Dalley,
 Mr. Jones,
 Mr. Lang,
 Mr. Egan, } Tellers.
 Mr. Cowper, }

Noes, 16.

Mr. Parker,
 Mr. Holt,
 Mr. Hargrave,
 Mr. Garland,
 Mr. Hay,
 Mr. Manning,
 Mr. Barker,
 Mr. W. Macleay,
 Mr. Thomson,
 Mr. G. Macleay,
 Mr. Buckley,
 Mr. Cox,
 Mr. Faucett,
 Mr. Lee,
 Mr. Irving, } Tellers.
 Mr. Donaldson, }

Motion made and question put,—That the words “four pounds” be inserted in the place of the words omitted. (*Mr. Nichols.*)—Carried.

No. 8.

Motion made and question put,—That the Clause as amended stand part of the Bill. (*Mr. Manning.*)

Committee divided.

Ayes, 26.

Mr. Parker,
 Mr. Manning,
 Mr. Holt,
 Mr. Cox,
 Mr. G. Macleay,
 Mr. Robertson,
 Mr. Nichols,
 Mr. Weekes,
 Mr. Hay,
 Mr. Lee,
 Mr. Marks,
 Mr. Faucett,
 Mr. Garland,
 Mr. W. Macleay,
 Mr. Hargrave,
 Mr. Thomson,
 Mr. Plunkett,
 Mr. Cowper,
 Mr. Egan,
 Mr. Jones,
 Mr. Osborne,
 Mr. Lang,
 Mr. Barker,
 Mr. Irving,
 Mr. Buckley, } Tellers.
 Mr. Donaldson, }

Noes, 5.

Mr. Forster,
 Mr. Wilshire,
 Mr. F. T. Rusden,
 Mr. Dalley, } Tellers.
 Mr. T. G. Rusden, }

FRIDAY, 2 JANUARY, 1857.

No. 9.

Clause 10 (*as amended.*) When any Gold Mine or Gold Field shall have been discovered upon any Crown Lands then under Lease or License for pastoral purposes, it shall be lawful for the Governor, with the advice of the Executive Council, to suspend the said Lease or License so far only as may be necessary for the accommodation of the horses, cattle, and sheep required for the subsistence and convenience of the persons holding the “Miner’s Right,” and for the

the supply of water to the said Gold Field, and otherwise for effectually working the said Gold Mine or Gold Field, and thereupon to return or remit, as the case may require, such portion of the rent of the lessee of the said lands as may be thought reasonable and just, and also to pay to him, out of the revenue derived from the Gold Mines or Gold Fields of the Colony, full compensation for loss, if any sustained by him by reason of such suspension, such compensation to be ascertained by valuers, or an umpire appointed in the manner mentioned in section three of chapter two of Her Majesty's Order in Council of the ninth day of March, one thousand eight hundred and forty-seven.

Motion made and question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Manning.*)
Committee divided.

Ayes, 20.

Mr. Parker,
Mr. Forster,
Mr. Barker,
Mr. G. Macleay,
Mr. Pye,
Mr. Cox,
Mr. Hargrave,
Mr. Lee,
Mr. F. T. Rusden,
Mr. Sandeman,
Mr. Irving,
Mr. Garland,
Mr. Hay,
Mr. Manning,
Mr. Lang,
Mr. Nichols,
Mr. Thomson,
Mr. Bowman,
Mr. Holt,
Mr. Donaldson, } Tellers.

Nocs, 14.

Mr. Cowper,
Mr. Flood,
Mr. Marks,
Mr. Faucett,
Mr. Plunkett,
Mr. T. G. Rusden,
Mr. Wilshire,
Mr. Robertson,
Mr. W. Macleay,
Mr. Dalley,
Mr. Piddington,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Weekes, }

No. 10.

Motion made and question put,—That the following new Clause stand part of the Bill, in substitution for Clause 14, as printed, viz. :—It shall be lawful for any such complainant, or person complained of, or for such Justice previous to the hearing of any such complaint, to require that two persons holding the "Miner's Right," or a lease under this Act, shall assist such Justice as Assessors, and thereupon such Justice shall select two persons duly qualified from amongst those who are present and ready to attend and be sworn as such Assessors, or shall summon any number not exceeding four persons, duly qualified as aforesaid, and shall select two from amongst those who may attend at the time appointed, and shall administer to such persons as may attend and be selected, whether summoned or not, an oath to the effect that such persons severally will well and truly enquire into the matter of the complaint then submitted, and a true finding and decision give, according to the evidence, and such persons so sworn shall be and act as Assessors, and such Justice and Assessors shall hear and determine every such complaint of encroachment, and shall also find whether any and what gold has been unlawfully or improperly removed from such claim, and whether any and what damage has been sustained by such encroachment, and the decision of a majority consisting of such Justice and one Assessor shall be binding.

Committee divided.

Ayes, 22.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. Nichols,
Mr. Garland,
Mr. G. Macleay,
Mr. W. Macleay,
Mr. Marks,
Mr. Lee,
Mr. Hargrave,
Mr. Sandeman,
Mr. Flood,
Mr. Hely,
Mr. Cox,
Mr. Jones,
Mr. Pye,
Mr. Bowman,
Mr. Plunkett,
Mr. Barker,
Mr. Lang,
Mr. Donaldson, } Tellers.
Mr. Forster, }

Nocs, 7.

Mr. Cowper,
Mr. J. Campbell,
Mr. T. G. Rusden,
Mr. Dalley,
Mr. F. T. Rusden,
Mr. Piddington, } Tellers.
Mr. Robertson, }

No. 11.

Clause 15. (*as amended.*) It shall be lawful for such Justice and Assessors, upon the hearing of any complaint as aforesaid, or for any two Justices of the Peace, upon proof of any gold having been removed as aforesaid, (of which any such finding as aforesaid shall be sufficient evidence,) to cause any gold which may have been taken or removed from such claim to be summarily

seized and delivered to the person encroached upon, and also to cause the whole or any part of the damages ascertained as aforesaid, to an amount not exceeding * pounds, to be paid by the person so having encroached or trespassed, as to such Justice and Assessors, or such Justices shall seem just, to be recovered by distress and sale of the goods and chattels of such person, in manner prescribed by law for the recovery of any sum adjudged by Justices of the Peace as a pecuniary penalty or compensation.

Question proposed,—That the blank * be filled with the words “one hundred.”
(*Mr. Manning.*)

Afterwards proposed,—That the blank be filled with the word “fifty.” (*Mr. Forster.*)

Question put,—That the blank be filled with the word “fifty.”
Committee divided.

Ayes, 12.

Mr. J. Campbell,
Mr. Piddington,
Mr. Plunkett,
Mr. Bowman,
Mr. Nichols,
Mr. F. T. Rusden,
Mr. Flood,
Mr. Robertson,
Mr. T. G. Rusden,
Mr. Cowper,
Mr. Dalley, } Tellers.
Mr. Forster, }

Noes, 17.

Mr. Parker,
Mr. Weekes,
Mr. Jones,
Mr. G. Macleay,
Mr. Cox,
Mr. Marks,
Mr. Hay,
Mr. Sandeman,
Mr. Lee,
Mr. Egan,
Mr. Pye,
Mr. Garland,
Mr. Barker,
Mr. Hargrave,
Mr. Manning,
Mr. Lang, } Tellers.
Mr. Donaldson, }

Question,—That the blank be filled with the words “one hundred,”—put and carried.

Clause, with the blank so filled, and as further amended, carried.

No. 12.

Clause 19. If any person shall assault or resist any such Officer or Justice of the Peace, or any of the said Assessors or any person duly authorized by him or them, whilst in the execution of the duties provided to be performed under this Act, or if any person after the hearing and determining of any such complaint, and having had the boundaries of his claim pointed out by any such Officer or Justice of the Peace, shall again encroach or trespass as aforesaid, every such person so assaulting, resisting, or again encroaching, shall, upon conviction before any two Justices of the Peace, forfeit and pay a penalty not exceeding * pounds, or at the discretion of the adjudicating Justices, be imprisoned with hard labor for any period not exceeding months.

Question proposed,—That the first blank * be filled with the words “twenty-five.”
(*Mr. Manning.*)

Afterwards proposed,—That the first blank * be filled with the word “Ten.” (*Mr. Forster.*)

Question put,—That the first blank * be filled with the word “Ten.”
Committee divided.

Ayes, 9.

Mr. Forster,
Mr. Nichols,
Mr. Cowper,
Mr. T. G. Rusden,
Mr. Dalley,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Piddington, } Tellers.
Mr. Robertson, }

Noes, 15.

Mr. Parker,
Mr. Cox,
Mr. Hargrave,
Mr. Sandeman,
Mr. Lee,
Mr. Pye,
Mr. Marks,
Mr. Plunkett,
Mr. Darvall,
Mr. Manning,
Mr. Bowman,
Mr. Barker,
Mr. Garland,
Mr. Lang, } Tellers.
Mr. Donaldson, }

Question,—That the first blank * be filled with the words “Twenty-five,”—put and carried.

Second blank filled with the word “three,”—and clause, with the blanks so filled, carried.

No. 13.

Clause 32. (*as amended.*) If any person shall steal any gold or shall sever or secrete with intent to steal any gold from any claim, mine bed, or vein thereof held by any other person under the “Miner’s Right” or a Lease in pursuance of this Act or if any person shall, with a fraudulent intent, take, remove, or conceal any gold found, or being in any such claim, mine bed, or vein thereof every such person shall be deemed guilty of felony and being thereof convicted shall be liable to be punished in the same way as in the case of larceny,—*Read.*

Motion

Motion made and question put,—That the Clause, as amended, stand part of the
of the Bill. (*Mr. Manning.*)

Committee divided.

Ayes, 10.

Mr. Parker,
Mr. Manning,
Mr. Barker,
Mr. Darvall,
Mr. Lec,
Mr. Hargrave,
Mr. Plunkett,
Mr. Garland,
Mr. Lang,
Mr. Donaldson, } Tellers.

Noes, 12.

Mr. Nichols,
Mr. T. G. Rusden,
Mr. Forster,
Mr. Bowman,
Mr. Cox,
Mr. Pye,
Mr. Marks,
Mr. Dalley,
Mr. Piddington,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Cowper, }

The following table shows the results of the
 experiments conducted on the 15th of
 the month of June, 1914. The
 results are as follows:

Series	Time	Temperature	Pressure	Humidity
1	10:00	72	30.0	65
2	11:00	74	30.2	66
3	12:00	76	30.4	67
4	13:00	78	30.6	68
5	14:00	80	30.8	69
6	15:00	82	31.0	70
7	16:00	84	31.2	71
8	17:00	86	31.4	72
9	18:00	88	31.6	73
10	19:00	90	31.8	74
11	20:00	92	32.0	75
12	21:00	94	32.2	76
13	22:00	96	32.4	77
14	23:00	98	32.6	78
15	24:00	100	32.8	79

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 9.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

TUESDAY, 6 JANUARY 1857.

No. 1.

OATHS OF OFFICE SIMPLIFYING BILL,—(*Legislative Council's Amendments.*)

Clause 4. In case of the demise of Her Majesty (whom may God long preserve) the name of Her Majesty's Successor for the time being shall be substituted in the form of Oath instead of the name of Her Majesty,—*Read.*

Motion made and Question put,—That the Clause, as read, stand part of the Bill. (*Mr. Plunkett.*)

Committee divided.

Ayes, 19.

Mr. Manning,
Mr. Parker,
Mr. Donaldson,
Mr. Hay,
Mr. Darvall,
Mr. W. Macleay,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Faucett,
Mr. Buckley,
Mr. Lee,
Mr. Hargrave,
Mr. Holt,
Mr. Cox,
Mr. Egan,
Mr. Barker,
Mr. Garland,
Mr. Lang,
Mr. Plunkett. } Tellers.

Noes, 10.

Mr. Cowper,
Mr. T. G. Rusden,
Mr. Forster,
Mr. Thomson,
Mr. Flood,
Mr. Wilshire,
Mr. Piddington,
Mr. J. Campbell,
Mr. Arnold, } Tellers.
Mr. Robertson. }

No. 2.

First Schedule (*as amended by the Legislative Council*). I, A. B. do sincerely promise and swear that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of New South Wales belonging to and dependent on the said United "Kingdom" and to Her Successors in the Sovereignty of the said United Kingdom.

Question proposed,—That the Schedule, as so amended, stand the first Schedule to the Bill. (*Mr. Parker.*)

Further amendment proposed,—That all the words following the word "Kingdom" be omitted. (*Mr. Piddington.*)

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

Committee divided.

Ayes, 18.	Noes, 8.
Mr. Parker,	Mr. Cowper,
Mr. Manning,	Mr. J. Campbell,
Mr. Hay,	Mr. T. G. Rusden,
Mr. Plunkett,	Mr. Piddington,
Mr. Darvall,	Mr. Egan,
Mr. G. Macleay,	Mr. F. T. Rusden,
Mr. Bowman,	Mr. Arnold, } Tellers.
Mr. Macarthur,	Mr. Robertson, }
Mr. Hargrave,	
Mr. Buckley,	
Mr. Holt,	
Mr. Faucett,	
Mr. Cox,	
Mr. Flood,	
Mr. Barker,	
Mr. Garland,	
Mr. Lang,	
Mr. Donaldson, } Tellers.	

Original Question carried.

WEDNESDAY, 7 JANUARY, 1857.

No. 3.

GOLD DUTY BILL.

Clause 1 (*as amended*). For the purposes of this Act the term "Gold" shall mean and include Gold in its natural state whether mixed with any other substance or not Gold Dust and all other Gold whether wrought or unwrought except coined Gold issued from the Royal Mint at London or of the Branch thereof at Sydney or of any Foreign State articles of plate and articles of jewellery or ornament actually worn upon the "person."

The verb "export" shall mean and include transmission or removal from New South Wales whether by sea or land.

Motion made and Question put,—That the Clause be further amended by adding after the word "person," the words "or made elsewhere than in the Colony."

(Mr. Manning.)

Committee divided.

Ayes, 20.	Noes, 9.
Mr. Parker,	Mr. Cowper,
Mr. Cox,	Mr. Piddington,
Mr. Manning,	* Mr. Rusden,
Mr. Hay,	Mr. Weekes,
Mr. Macarthur,	Mr. J. Campbell,
Mr. Barker,	Mr. Dalley,
Mr. Darvall,	Mr. Forster,
Mr. Jones,	Mr. Arnold, } Tellers.
Mr. Pye,	Mr. Martin, }
Mr. Oxley,	
Mr. Hargrave,	
Mr. Marks,	
Mr. Garland,	
Mr. Sandeman,	
Mr. Lee,	
Mr. Thomson,	
Mr. Plunkett,	
Mr. Bowman,	
Mr. Macleay,	
Mr. Donaldson, } Tellers.	

No. 4.

Whereupon motion made and question put,—That the Clause as amended stand part of the Bill. (Mr. Manning.)

Committee divided.

Ayes, 22.	Noes, 8.
Mr. Parker,	Mr. Cowper,
Mr. Hay,	Mr. Martin,
Mr. Manning,	Mr. Forster,
Mr. Buckley,	Mr. T. G. Rusden,
Mr. Macarthur,	Mr. J. Campbell,
Mr. Thomson,	Mr. Dalley,
Mr. Darvall,	Mr. Piddington, } Tellers.
Mr. Holt,	Mr. Arnold, }
Mr. Cox,	
Mr. Garland,	
Mr. Marks,	
Mr. Sandeman,	
Mr. Jones,	
Mr. Hargrave,	
Mr. Pye,	
Mr. Lee,	
Mr. Plunkett,	
Mr. W. Macleay,	
Mr. Barker,	
Mr. Bowman,	
Mr. Oxley,	
Mr. Donaldson, } Tellers.	

No. 5.

Clause 2 (*as amended*). From and after the fifteenth day of February now next there shall be levied collected and paid to Her Majesty Her Heirs and Successors for the public uses of this Colony and in support of the Government thereof the following Duties upon Gold that is to say—

At the Customs previous to exportation from New South Wales the sum of Two Shillings and Sixpence upon every ounce Troy weight of such Gold.

At the Royal Mint at Sydney on Gold imported thereto on and after the fifteenth day of February aforesaid the sum of Two Shillings and Threepence for every ounce Troy weight of standard fineness as declared after the said Gold shall have been assayed and brought to the standard of twenty-two carats fine at the said Mint.

Motion made and Question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Manning.*)

Committee divided.

Ayes, 21.

Mr. Parker,
Mr. Hay,
Mr. Manning,
Mr. Thomson,
Mr. Darvall,
Mr. Holt,
Mr. Marks,
Mr. Garland,
Mr. Hargrave,
Mr. Jones,
Mr. Lee,
Mr. Pye,
Mr. Cox,
Mr. Irving,
Mr. Plunkett,
Mr. W. Macleay,
Mr. Bowman,
Mr. Barker,
Mr. Macarthur,
Mr. Buckley, } Tellers.
Mr. Donaldson.

Noes, 10.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. T. G. Rusden,
Mr. Dalley,
Mr. Wilshire,
Mr. J. Campbell,
Mr. Forster,
Mr. Piddington, } Tellers.
Mr. Arnold.

No. 6.

(*The Preamble having been read, and carried*)—

Motion made and Question put,—That the Chairman now leave the Chair and report the Bill, with amendments, to the House. (*Mr. Manning.*)

Committee divided.

Ayes, 23.

Mr. Parker,
Mr. Hay,
Mr. Manning,
Mr. Thomson,
Mr. Darvall,
Mr. Holt,
Mr. Marks,
Mr. Garland,
Mr. Cox,
Mr. Hargrave,
Mr. Jones,
Mr. Lee,
Mr. Sandeman,
Mr. Pye,
Mr. Irving,
Mr. Plunkett,
Mr. W. Macleay,
Mr. Bowman,
Mr. Barker,
Mr. Macarthur,
Mr. Oxley,
Mr. Buckley, } Tellers.
Mr. Donaldson.

Noes, 11.

Mr. Cowper,
Mr. R. Campbell,
Mr. Martin,
Mr. Weekes,
Mr. Forster,
Mr. F. T. Rusden,
Mr. Wilshire,
Mr. Dalley,
Mr. J. Campbell,
Mr. Piddington, } Tellers.
Mr. Arnold.

Whereupon the Chairman left the Chair to report accordingly.

The first part of the report deals with the general situation in the country. It is noted that the economy is still in a state of depression and that the government has not been able to carry out its program of economic reform. The report also mentions that the political situation is unstable and that there is a risk of a military takeover.

The second part of the report deals with the situation in the various regions of the country. It is noted that the situation is particularly bleak in the north and west, where there is a high level of unemployment and a lack of basic services. In the south, the situation is somewhat better, but there is still a need for economic development and social services.

The report concludes by stating that the government must take urgent action to address the economic and political problems. It is recommended that the government should focus on reducing inflation, creating jobs, and improving the political situation.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 10.

WEEKLY REPORT OF DIVISIONS
IN
COMMITTEE OF THE WHOLE HOUSE.*(EXTRACTED FROM THE MINUTES.)*

SESSION OF 1856-7.

THURSDAY, 15 JANUARY, 1857.

No. 1.

CUSTOMS FURTHER REGULATION BILL.

Clause 3. (*as amended.*) Before any Gold shall be entered to be exported, a notice in such form as may be provided by the Collector of Customs, signed by the exporter or his agent, shall be delivered to such Collector or other such Principal Officer as aforesaid, who shall fix the time and place for the examination of such Gold; and after such examination, such Gold shall remain in the charge of some Officer of Customs until it shall have been entered for exportation, and the duty payable thereon shall have been paid.

Motion made and Question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Manning.*)

Committee divided.

Ayes, 17.

Mr. Parker,
Mr. Hay,
Mr. Darvall,
Mr. Barker,
Mr. Holt,
Mr. Nichols,
Mr. Richardson,
Mr. Buckley,
Mr. Sandeman,
Mr. Hargrave,
Mr. Plunkett,
Mr. Macarthur,
Mr. Lee,
Mr. Garland,
Mr. Cooper,
Mr. Manning, } Tellers.
Mr. Donaldson. }

Noes, 3.

Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Forster. }

No. 2.

GOLD FIELDS' MANAGEMENT BILL.—(*Re-committed as engrossed for third reading.*)

Clause 3. It shall be lawful for the Governor, with the advice of the Executive Council, subject to the provisions of this Act, and the Rules and Regulations to be made as hereinafter provided, to cause documents to be issued, each of which shall be called "The Miner's Right," and shall be granted to any person applying for the same, upon payment of a fee of "One pound,"—*Read.*

Amendment proposed,—That the words "One pound" be omitted with a view to the insertion in their place of the words "Ten shillings." (*Mr. Manning.*)

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

Committee divided.

Ayes, 5.

Mr. Gordon,
Mr. F. T. Rusden,
Mr. Bowman,
Mr. Murray, } Tellers.
Mr. Piddington. }

Noes, 23.

Mr. Lee,
Mr. Nichols,
Mr. Donaldson,
Mr. Barker,
Mr. Forster,
Mr. Garland,
Mr. T. G. Rusden,
Mr. Irving,
Mr. Plunkett,
Mr. Egan,
Mr. Sandeman,
Mr. Buckley,
Mr. Hargrave,
Mr. Marks,
Mr. Weekes,
Mr. Richardson,
Mr. Jones,
Mr. Robertson,
Mr. Holt,
Mr. Manning,
Mr. Parker,
Mr. Darvall, } Tellers.
Mr. Hay. }

Question,—That the words proposed to be inserted in place of the words omitted be there inserted—put and carried; and Clause, as so amended, carried. Whereupon Bill read a third time and passed.

No. 3:

SUPPLY—ESTIMATES FOR 1857.

(Port Master's Department.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £4,043, to defray the expenses of the Port Master's Department, for the year 1857. (Mr. Donaldson.)

Motion made and Question put,—That the item be postponed. (Mr. Forster.)

Committee divided.

Ayes, 12.

Mr. Plunkett,
Mr. Jones,
Mr. Piddington,
Mr. Egan,
Mr. Weekes,
Mr. Forster,
Mr. Marks,
Mr. F. T. Rusden,
Mr. Arnold,
Mr. Thomson,
Mr. Gordon, } Tellers.
Mr. Robertson. }

Noes, 14.

Mr. Parker,
Mr. Murray,
Mr. Nichols,
Mr. Buckley,
Mr. Hargrave,
Mr. Lee,
Mr. Sandeman,
Mr. Garland,
Mr. Hay,
Mr. Holt,
Mr. Manning,
Mr. Richardson, } Tellers.
Mr. Donaldson, }
Mr. Bowman. }

Item ultimately carried.

No. 4.

(Harbour Master, Moreton Bay.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £2,519, to defray the expenses of the Establishment of the Harbour Master, Moreton Bay, for the year 1857. (Mr. Donaldson.)

Afterwards proposed,—That there be granted a sum not exceeding £2,494, for this service (being less than the proposed Estimate by £25, to be taken from the Salary of the Harbour Master.) (Mr. Robertson.)

Afterwards proposed,—That there be granted a sum not exceeding £2,110, for this service (being less than the proposed Estimate by £409, the proposed Salaries of 4 Boatmen, at £96 each, and £25 off the proposed Salary of the Harbour Master.) (Mr. Egan.)

Question put,—That there be granted a sum not exceeding £2,110 for this service.

Committee divided.

Ayes, 5.

Mr. Forster,
Mr. Murray,
Mr. Piddington,
Mr. Egan, } Tellers.
Mr. Robertson. }

Noes, 16.

Mr. Parker,
Mr. Hay,
Mr. Thomson,
Mr. Jones,
Mr. Richardson,
Mr. Buckley,
Mr. Weekes,
Mr. Hargrave,
Mr. Sandeman,
Mr. Manning,
Mr. Marks,
Mr. Bowman,
Mr. Holt,
Mr. Garland,
Mr. Nichols, } Tellers.
Mr. Donaldson. }

No.

No. 5.

Question put,—That there be granted a sum not exceeding £2,494 for this service.
Committee divided.

Ayes, 7.

Mr. Egan,
Mr. Jones,
Mr. Forster,
Mr. Murray,
Mr. Piddington,
Mr. Nichols, } Tellers.
Mr. Robertson. }

Noes, 14.

Mr. Parker,
Mr. Hay,
Mr. Buckley,
Mr. Weekes,
Mr. Hargrave,
Mr. Richardson,
Mr. Thomson,
Mr. Sandeman,
Mr. Manning,
Mr. Marks,
Mr. Bowman,
Mr. Holt,
Mr. Garland, } Tellers.
Mr. Donaldson. }

Original Question put and carried.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 11.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

WEDNESDAY, 21 JANUARY, 1857.

No. 1.

CIVIL LIST INCREASE BILL.

Clause I (*as amended*).—There shall be payable to Her Majesty, in every year, out of the Consolidated Revenue Fund of the Colony, in addition to the Civil List heretofore granted to Her Majesty, the further sum of Two hundred and fifty pounds, by way of increase to the Salary of the Colonial Treasurer, which sum shall be payable, and shall be accounted for, in the same manner as the several sums of money comprised in the said Civil List.

Motion made and Question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Manning.*)

Committee divided.

Ayes, 20.

Mr. Parker,
Mr. Hay,
Mr. Barker,
Mr. Garland,
Mr. Hely,
Mr. Lang,
Mr. Irving,
Mr. Jones,
Mr. Buckley,
Mr. Richardson,
Mr. Thomson,
Mr. Pye,
Mr. Lee,
Mr. Hargrave,
Mr. Sandeman,
Mr. Suttor,
Mr. Bowman,
Mr. Plunkett,
Mr. Nichols,
Mr. Manning. } Tellers.

Noes, 11.

Mr. Martin,
Mr. Cowper,
Mr. Arnold,
Mr. Gordon,
Mr. Weekes,
Mr. Oakes,
Mr. Piddington,
Mr. J. Campbell,
Mr. Murray,
Mr. Forster,
Mr. Robertson. } Tellers.

No. 2.

JUDICIAL OFFICES AND BARRISTERS' ADMISSION BILL.

Clause 2. So much of the Act of Council, eleventh Victoria, number fifty-seven, as requires the Board of Examiners to make rules for the examination in the Greek "Classics," of Candidates for admission to the Bar of the Supreme Court, is hereby repealed, and no examination in the Greek Classics shall hereafter be required in the case of any candidate who shall object to be examined therein.—*Read.*

357—A

Motion

Motion made and Question put,—That leave be given to withdraw the Clause.
(*Mr. Manning.*)

Committee divided.

Ayes, 8.

Mr. J. Campbell,
Mr. R. Campbell,
Mr. Plunkett,
Mr. Manning,
Mr. Barker,
Mr. Sandeman,
Mr. Hay,
Mr. Martin.. } Tellers.

Noes, 24.

Mr. Parker,
Mr. Cowper,
Mr. Jones,
Mr. Nichols,
Mr. Richardson,
Mr. Thomson,
Mr. Robertson,
Mr. Arnold,
Mr. Hargrave,
Mr. Marks,
Mr. Gordon,
Mr. Buckley,
Mr. Pye,
Mr. Donaldson,
Mr. Garland,
Mr. Irving,
Mr. Lee,
Mr. Piddington,
Mr. Flood,
Mr. Oakes,
Mr. Suttor,
Mr. Lang,
Mr. Forster, } Tellers.
Mr. Murray.

No. 3.

Whereupon motion made and question put,—That the Clause be amended by the insertion of the words "and Mathematics" after the word "Classics."
(*Mr. Nichols.*)

Committee divided.

Ayes, 21.

Mr. Jones,
Mr. Flood,
Mr. Forster,
Mr. Robertson,
Mr. Weekes,
Mr. Thomson,
Mr. Arnold,
Mr. Marks,
Mr. Pye,
Mr. Buckley,
Mr. Hargrave,
Mr. Lee,
Mr. Gordon,
Mr. Richardson,
Mr. Oakes,
Mr. Piddington,
Mr. Lang,
Mr. Parker,
Mr. Donaldson,
Mr. Murray, } Tellers.
Mr. Nichols.

Noes, 11.

Mr. Manning,
Mr. Barker,
Mr. Sandeman,
Mr. Plunkett,
Mr. Bowman,
Mr. Darvall,
Mr. Suttor,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Hay, } Tellers.
Mr. Cowper.

Clause amended accordingly, and as subsequently further amended, carried.

No. 4.

Motion made and Question put,—That the following new Clause stand part of the Bill, to follow Clause 2, as printed, viz.:—Every Attorney of the Supreme Court, who has been for ten years on the Roll of the said Court, shall, on being duly struck off the Roll of such Court, at his own request, be admitted, and of course, on motion made at any time, in open Court, as a Barrister of the said Court, upon his producing a certificate under the hand of two of the Judges and two practising Barristers of the said Court, that in their opinion he is a fit and proper person to be admitted as such Barrister. (*Mr. Nichols.*)

Committee divided.

Ayes, 13.

Mr. Murray,
Mr. Cowper,
Mr. Robertson,
Mr. Egan,
Mr. Pye,
Mr. Marks,
Mr. Oakes,
Mr. Piddington,
Mr. Lee,
Mr. T. G. Rusden,
Mr. Lang,
Mr. Nichols, } Tellers.
Mr. Forster.

Noes, 16.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. Arnold,
Mr. Garland,
Mr. Buckley,
Mr. Richardson,
Mr. Weekes,
Mr. Sandeman,
Mr. Plunkett,
Mr. Bowman,
Mr. Darvall,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Suttor, } Tellers.
Mr. Donaldson.

No.

THURSDAY, 22 JANUARY, 1857.

No. 5.

SUPPLY—ESTIMATES FOR 1857.

(Sydney Police—Judicial Department.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £3,717, to defray the Salaries and contingencies of the Sydney Police, Judicial Department, for the year 1857. (Mr. Parker.)

Afterwards proposed,—That there be granted a sum not exceeding £3,617, for this service (being £100 less than the Original Estimate, viz.:—a deduction to that amount from the Salary of the Chief Clerk.) (Mr. J. Campbell.)

Afterwards proposed,—That there be granted a sum not exceeding £3,505, for this service (being £212, less than the Original Estimate, viz.:—£104 Messenger, and £108 Court Crier.) (Mr. Egan.)

Afterwards proposed,—That there be granted a sum not exceeding £3,509 for this service, (being £208 less than the Original Estimate, viz.:—£100 Chief Clerk, and £108 Court Crier.) (Mr. Campbell, his former amendment being withdrawn.)

Afterwards proposed,—That there be granted a sum not exceeding £3,030 for this service, (being a reduction of £687 upon the Original Estimate, viz.:—£100 Police Magistrate, £100 Chief Clerk, £275 1 Clerk of 2nd class, £104 Messenger, and £108 Court Crier.) (Mr. Piddington.)

Afterwards proposed,—That there be granted a sum not exceeding £3,365 for this service, (being £352 less than the Original Estimate, viz.:—£70 Police Magistrate, £70 Chief Clerk, £104 Messenger, £108 Court Crier.) (Mr. Robertson.)

Question put,—That there be granted a sum not exceeding £3,030 for this service.

Committee divided.

Ayes, 8.

Mr. Martin,
Mr. Egan,
Mr. Bowman,
Mr. F. T. Rusden,
Mr. Flood,
Mr. Oakes,
Mr. T. G. Rusden, } Tellers.
Mr. Piddington.

Noes, 25.

Mr. Parker,
Mr. Manning,
Mr. Weekes,
Mr. Cowper,
Mr. Richardson,
Mr. Robertson,
Mr. Marks,
Mr. Irving,
Mr. Lee,
Mr. Lord,
Mr. Thomson,
Mr. Hargrave,
Mr. Pye,
Mr. Garland,
Mr. Buckley,
Mr. Lang,
Mr. Forster,
Mr. Barker,
Mr. Holt,
Mr. Murray,
Mr. J. Campbell,
Mr. Hay,
Mr. Suttor,
Mr. Jones, } Tellers.
Mr. Darvall.

No. 6.

Afterwards proposed,—That there be granted a sum not exceeding £3,130 for this service, (being a reduction of £587 upon the Original Estimate, viz.:—£100 Chief Clerk, £275 1 Clerk of 2nd class, £104 Messenger, £108 Court Crier.) (Mr. Piddington.)

Question put,—That there be granted a sum not exceeding £3,130 for this service.

Committee divided.

Ayes, 15.

Mr. Martin,
Mr. Robertson,
Mr. Egan,
Mr. Bowman,
Mr. Lord,
Mr. Flood,
Mr. F. T. Rusden,
Mr. Thomson,
Mr. Hargrave,
Mr. Irving,
Mr. Lang,
Mr. Forster,
Mr. T. G. Rusden,
Mr. Buckley, } Tellers.
Mr. Piddington.

Noes, 16.

Mr. Parker,
Mr. Manning,
Mr. Weekes,
Mr. Richardson,
Mr. Marks,
Mr. Pye,
Mr. Lee,
Mr. Garland,
Mr. Barker,
Mr. Hay,
Mr. Holt,
Mr. J. Campbell,
Mr. Suttor,
Mr. Murray,
Mr. Jones, } Tellers.
Mr. Donaldson.

Two other amendments having been proposed and withdrawn,—

Question for £3,365 put and carried.

No.

No. 7.

(Water Police, Sydney.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £780 to defray the Salary of the Water Police Magistrate for the year 1857. (*Mr. Parker.*)

Afterwards proposed,—That there be granted a sum not exceeding £630 for this service. (*Mr. Robertson.*)

And a Question,—That there be granted a sum not exceeding 1s. for this service (*Mr. Jones.*) having been put and negatived.

Motion made and Question put,—That there be granted a sum not exceeding £580 for this service. (*Mr. Arnold.*)

Committee divided.

Ayes, 12.

Mr. Cowper,
Mr. Hargrave,
Mr. Forster,
Mr. Martin,
Mr. Wilshire,
Mr. F. T. Rusden,
Mr. Flood,
Mr. Arnold,
Mr. T. G. Rusden,
Mr. J. Campbell,
Mr. Jones, } Tellers
Mr. Robertson. }

Noes, 19.

Mr. Parker,
Mr. Irving,
Mr. Barker,
Mr. Gordon,
Mr. Richardson,
Mr. Lang,
Mr. Egan,
Mr. Pye,
Mr. Buckley,
Mr. Lee,
Mr. Lord,
Mr. Bowman,
Mr. Holt,
Mr. Suttor,
Mr. Hay,
Mr. Manning,
Mr. Darvall,
Mr. Garland, } Tellers.
Mr. Donaldson. }

Question for £630 put and carried.

No. 8.

(Water Police Constabulary.)

The first item, £250 18s. 9d., having been withdrawn.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £3,079 18s. 9d. to defray the residue of the Salaries of the Water Police Constabulary, for the year 1857. (*Mr. Parker.*)

Afterwards proposed,—That there be granted a sum not exceeding £2,348 3s. 4d. for this service, (being a reduction of £731 10s. 5d. upon the Original Estimate, viz. :—1 Sub-Inspector, £174 17s. 11d.,—1 Coxswain, £118 12s. 6d., and 4 Constables, £438.) (*Mr. Egan.*)

Question put,—That there be granted a sum not exceeding £2,348 3s. 4d. for this service.

Committee divided.

Ayes, 22.

Mr. Cowper,
Mr. Jones,
Mr. Forster,
Mr. Egan,
Mr. Weekes,
Mr. Richardson,
Mr. Flood,
Mr. Thomson,
Mr. Pye,
Mr. Lee,
Mr. F. T. Rusden,
Mr. Marks,
Mr. Scott,
Mr. Wilshire,
Mr. Lang,
Mr. Hargrave,
Mr. Piddington,
Mr. Suttor,
Mr. T. G. Rusden,
Mr. J. Campbell,
Mr. Gordon, } Tellers.
Mr. Robertson. }

Noes, 11.

Mr. Parker,
Mr. Barker,
Mr. Buckley,
Mr. Bowman,
Mr. Manning,
Mr. Garland,
Mr. Darvall,
Mr. Holt,
Mr. Hay,
Mr. Irving, } Tellers.
Mr. Donaldson. }

No. 9.

(Police.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £2,675 to defray the Salaries of the Department of Inspector General and Metropolitan Superintendent. (*Mr. Parker.*)

Afterwards proposed,—That there be granted a sum not exceeding £2,430 for this service, (being a reduction of £245 upon the Original Estimate, viz. :—the Salary of the 2nd Clerk of the 3rd class. (*Mr. Egan.*))

Afterwards

Afterwards proposed,—That there be granted a sum not exceeding £2,350 for this service, (being a reduction of £325 upon the Original Estimate, viz. :—£245 2nd Clerk of 3rd class, and £80 Messenger. (*Mr. Robertson.*)

And a Motion,—That there be granted a sum not exceeding £1,875 for this service (Mr. Flood) having been put and negatived ;—

Motion made and Question put,—That there be granted a sum not exceeding £2,230 for this service, (being £445 less than the Original Estimate, viz. :—£245 2nd Clerk of 3rd class, and £200 2nd Clerk in the Convict Branch. (*Mr. Piddington.*)

Committee divided.

Ayes, 9.

Mr. Forster,
Mr. Flood,
Mr. Cowper,
Mr. F. T. Rusden,
Mr. Wilshire,
Mr. Gordon,
Mr. J. Campbell,
Mr. T. G. Rusden, } Tellers.
Mr. Piddington.

Noes, 27.

Mr. Manning,
Mr. Parker,
Mr. Donaldson,
Mr. Marks,
Mr. Robertson,
Mr. Hargrave,
Mr. Bowman,
Mr. Richardson,
Mr. Buckley,
Mr. Egan,
Mr. Hely,
Mr. Lee,
Mr. Pyc,
Mr. Scott,
Mr. Lord,
Mr. Thomson,
Mr. Murray,
Mr. Barker,
Mr. Hay,
Mr. Suttor,
Mr. Holt,
Mr. Irving,
Mr. Garland,
Mr. Darvall,
Mr. Lang,
Mr. Jones, } Tellers.
Mr. Weekes.

Question for £2,350 then put and carried.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 12.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

WEDNESDAY, 28 JANUARY, 1857.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

(Police Magistrates.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,050 to defray the Salaries of the Police Magistrates at Maitland, Parramatta, and Port Macquarie, at £350 each, for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding £700, (being for the Police Magistrates at Maitland and Parramatta only, omitting the proposed Salary for such officer at Port Macquarie altogether. (*Mr. Hargrave.*))

Committee divided.

Ayes, 2.

Mr. Hargrave,
Mr. T. G. Rusden, } Tellers.

Noes, 29.

Mr. Manning,
Mr. Hay,
Mr. Nichols,
Mr. Parker,
Mr. Richardson,
Mr. Murray,
Mr. Jones,
Mr. Gordon,
Mr. G. Macleay,
Mr. Egan,
Mr. W. Macleay,
Mr. Robertson,
Mr. Pye,
Mr. Osborne,
Mr. Lec,
Mr. Sandeman,
Mr. Garland,
Mr. Barker,
Mr. Bowman,
Mr. Weekes,
Mr. Macarthur,
Mr. Forster,
Mr. F. T. Rusden,
Mr. Suttor,
Mr. J. Campbell,
Mr. Marks,
Mr. Thomson,
Mr. Buckley, } Tellers.
Mr. Donaldson.

Original Question put and carried.

No. 2.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £530 to defray the Salary of the Police Magistrate at Deniliquin and Moulamein, for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding £400 for this service, (being £130 less than the Original Estimate.) (*Mr. R. Campbell.*)

Committee divided.

Ayes, 11.

Mr. Cowper,
Mr. Flood,
Mr. Forster,
Mr. Martin,
Mr. T. G. Rusden,
Mr. Jones,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. J. Campbell,
Mr. Robertson,
Mr. R. Campbell. } Tellers.

Noes, 21.

Mr. Parker,
Mr. Hay,
Mr. G. Macleay,
Mr. Gordon,
Mr. Weekes,
Mr. Marks,
Mr. Richardson,
Mr. Sandeman,
Mr. Lee,
Mr. W. Macleay,
Mr. Faucett,
Mr. Pye,
Mr. Osborne,
Mr. Thomson,
Mr. Manning,
Mr. Macarthur,
Mr. Suttor,
Mr. Barker,
Mr. Garland,
Mr. Buckley, } Tellers.
Mr. Donaldson.

No. 3.

Original Question put.

Committee divided.

Ayes, 19.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. G. Macleay,
Mr. Sandeman,
Mr. W. Macleay,
Mr. Buckley,
Mr. Weekes,
Mr. Faucett,
Mr. Lee,
Mr. Richardson,
Mr. Osborne,
Mr. Thomson,
Mr. Macarthur,
Mr. Pye,
Mr. Suttor,
Mr. Barker,
Mr. Garland,
Mr. Donaldson. } Tellers.

Noes, 13.

Mr. Cowper,
Mr. Gordon,
Mr. Marks,
Mr. Jones,
Mr. Forster,
Mr. Flood,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Robertson,
Mr. Weekes. } Tellers.

No. 4.

Motion made and Question put,—That there be granted to Her Majesty, during the year 1857, a sum not exceeding £1,500, in order to remove Clerks of Benches and to appoint Police Magistrates who shall do the duties of Clerks as occasion may arise, (being for 10 such Police Magistrates, at £150 each.) (*Mr. Parker.*)

Committee divided.

Ayes, 29.

Mr. Parker,
Mr. Donaldson,
Mr. Nichols,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Robertson,
Mr. Hay,
Mr. G. Macleay,
Mr. Richardson,
Mr. Sandeman,
Mr. Forster,
Mr. Jones,
Mr. Scott,
Mr. Faucett,
Mr. Suttor,
Mr. Piddington,
Mr. Darvall,
Mr. Marks,
Mr. Lee,
Mr. Manning,
Mr. Pye,
Mr. Thomson,
Mr. Osborne,
Mr. Barker,
Mr. Garland,
Mr. Irving,
Mr. Cowper,
Mr. Hely, } Tellers.
Mr. Buckley.

Noes, 8.

Mr. Murray,
Mr. Hargrave,
Mr. Bowman,
Mr. Flood,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. F. T. Rusden, } Tellers.
Mr. T. G. Rusden.

No.

No. 5.

(Detectives, Bathurst.)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £553 13s. 9d. to defray the Salaries of Bathurst Detectives for the year 1857. (*Mr. Parker.*)

Committee divided.

Ayes, 18.

Mr. Parker,
Mr. Manning,
Mr. Macarthur,
Mr. Irving,
Mr. W. Macleay,
Mr. Faucett,
Mr. Lee,
Mr. Hely,
Mr. Jones,
Mr. Hay,
Mr. Thomson,
Mr. Bowman,
Mr. Garland,
Mr. Barker,
Mr. Pye,
Mr. Suttor,
Mr. G. Macleay, } Tellers.
Mr. Donaldson. }

Noes, 20.

Mr. R. Campbell,
Mr. Cowper,
Mr. Martin,
Mr. Nichols,
Mr. T. G. Rusden,
Mr. Weekes,
Mr. Hargrave,
Mr. Egan,
Mr. Scott,
Mr. Buckley,
Mr. Sandeman,
Mr. Gordon,
Mr. Osborne,
Mr. Flood,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Marks,
Mr. Murray,
Mr. Forster, } Tellers.
Mr. Nichols. }

THURSDAY, 29 JANUARY, 1857.

No. 6.

(Ordinary Constables.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £36,743 6s. 8d., to defray the Salaries of Ordinary Constables, for the year 1857. (*Mr. Parker.*)

Motion made and Question put,—That there be granted a sum not exceeding £29,014 9s. 2d. for this service, (being a reduction on the Original Estimate of £7,728 17s. 6d., the amount of the Salaries of 77 Ordinary Constables, at £100 7s. 6d. each, viz.:—Bathurst, 4; Berrima, 1; Brisbane Water, 1; Brisbane, Moreton Bay, 3; Broulee, 1; Camden and Picton, 3; Carcoar, (including King's Plains,) 1; Cassilis, 1; Goulburn, 3; Hartley, 1; Illawarra, 1; Ipswich, 2; Maitland, 3; Mudgee, 2; Murrurundi, 1; Muswellbrook and Merton, 1; Newcastle, 2; Orange, 1; Parramatta, 3; Paterson, 1; Patrick's Plains, 1; Penrith, 2; Queanbeyan, 2; Raymond Terrace, 2; Rylstone, 1; Scone, 1; Wellington, 2; Windsor, 3; Yass, 2; Albury, 2; Armidale, 2; Binalong, 2; Bombala, 1; Casino, 2; Deniliquin, 1; Drayton, 1; Grafton, 1; Gulligal, Namoi River, 1; Gundagai, 2; McLeay River, 1; Molong, 1; Dalby, 1; Tamworth, 2; Tenterfield, 1; Tumut, 1; Walcha, 1; Warialda, 1; and Wellingrove, 1. (*Mr. Robertson.*)

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. F. T. Rusden,
Mr. Hargrave,
Mr. Gordon,
Mr. Weekes,
Mr. Marks,
Mr. Osborne,
Mr. T. G. Rusden,
Mr. Irving,
Mr. J. Campbell,
Mr. Piddington,
Mr. Jones, } Tellers.
Mr. Robertson. }

Noes, 23.

Mr. Parker,
Mr. Buckley,
Mr. Donaldson,
Mr. Barker,
Mr. Bowman,
Mr. Hely,
Mr. Forster,
Mr. Richardson,
Mr. Egan,
Mr. Sandeman,
Mr. Pye,
Mr. Darvall,
Mr. G. Macleay,
Mr. Hay,
Mr. Flood,
Mr. Lee,
Mr. Lord,
Mr. Suttor,
Mr. Scott,
Mr. Macarthur,
Mr. Holt,
Mr. Garland, } Tellers.
Mr. W. Macleay. }

No. 7.

Original Question stated.

Afterwards proposed,—That there be granted a sum not exceeding £29,743 6s. 8d. for this service, (being £7,000 less than the Original Estimate.) (*Mr. Irving.*)

Motion made and Question put,—That there be granted a sum not exceeding £29,415 19s. 2d. for this service, (being a reduction on the Original Estimate of £7,327 7s. 6d., the amount of the Salaries of 73 Ordinary Constables, at £100 7s. 6d. each, viz.:—Berrima, 1; Brisbane Water, 1; Brisbane, Moreton Bay, 3; Broulee, 1; Camden and Picton, 3; Carcoar, (including King's Plains,) 1; Cassilis, 1; Goulburn, 3; Hartley, 1; Illawarra, 1; Ipswich, 2; Maitland, 3; Mudgee, 2; Murrurundi, 1; Muswellbrook and Merton, 1; Newcastle, 2; Orange, 1; Parramatta, 3; Paterson, 1; Patrick's Plains, 1; Penrith, 2; Queanbeyan, 2; Raymond Terrace, 2; Rylstone, 1; Scone, 1; Wellington, 2; Windsor, 3;

Yass,

Yass, 2; Albury 2; Armidale, 2; Binalong, 2; Bombala, 1; Casino, 2; Deniliquin, 1; Drayton 1; Grafton, 1; Gulligal, Namoi River, 1; Gundagai, 2; M'Leay River, 1; Molong, 1; Dalby, 1; Tamworth, 2; Tenterfield, 1; Tumut, 1; Walcha, 1; Warialda, 1; and Wellingrove, 1.) (*Mr. Robertson.*)

Committee divided.

Ayes, 12.

Mr. J. Campbell,
Mr. Piddington,
Mr. Irving,
Mr. T. G. Rusden,
Mr. Weekes,
Mr. Jones,
Mr. Cowper,
Mr. Osborne,
Mr. Gordon,
Mr. F. T. Rusden,
Mr. Hargrave, } Tellers.
Mr. Robertson. }

Noes, 23.

Mr. Parker,
Mr. Forster,
Mr. Macarthur,
Mr. Murray,
Mr. Richardson,
Mr. Holt,
Mr. Buckley,
Mr. Pye,
Mr. Scott,
Mr. Lord,
Mr. Sandeman,
Mr. Lee,
Mr. Flood,
Mr. W. Macleay,
Mr. Bowman,
Mr. Egan,
Mr. Garland,
Mr. Barker,
Mr. Suttor,
Mr. Donaldson,
Mr. Manning,
Mr. Hay,
Mr. G. Macleay. } Tellers.

No. 8.

Question put,—That there be granted a sum not exceeding £29,743 6s. 8d. for this service.

Committee divided.

Ayes, 13.

Mr. J. Campbell,
Mr. Piddington,
Mr. Irving,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. Gordon,
Mr. Osborne,
Mr. Marks,
Mr. Forster,
Mr. Weekes,
Mr. Cowper,
Mr. Hargrave, } Tellers.
Mr. Robertson. }

Noes, 23.

Mr. Parker,
Mr. Macarthur,
Mr. Richardson,
Mr. Holt,
Mr. Buckley,
Mr. Pye,
Mr. Scott,
Mr. Lord,
Mr. Sandeman,
Mr. W. Macleay,
Mr. Lee,
Mr. Flood,
Mr. Bowman,
Mr. Thomson,
Mr. Egan,
Mr. Garland,
Mr. Barker,
Mr. Suttor,
Mr. Donaldson,
Mr. Manning,
Mr. Jones,
Mr. Hay,
Mr. G. Macleay. } Tellers.

No. 9.

Original Question stated.

Afterwards proposed,—That there be granted a sum not exceeding £33,427 9s. 2d. for this service, (being a reduction of £3,315 17s. 6d. on the Original Estimate,) with the understanding that Bathurst is to remain as it stands. (*Mr. Robertson.*)

Motion made and Question put,—That there be granted a sum not exceeding £30,743 6s. 8d. for this service, (being £6,000 less than the Original Estimate.) (*Mr. F. T. Rusden.*)

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. T. G. Rusden,
Mr. Irving,
Mr. Weekes,
Mr. Gordon,
Mr. Marks,
Mr. Hargrave,
Mr. R. Campbell,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Forster. }

Noes, 22.

Mr. Parker,
Mr. Manning,
Mr. Jones,
Mr. G. Macleay,
Mr. Richardson,
Mr. Bowman,
Mr. Sandeman,
Mr. Lee,
Mr. Faucett,
Mr. Scott,
Mr. Buckley,
Mr. Thomson,
Mr. Garland,
Mr. Pye,
Mr. Macarthur,
Mr. Barker,
Mr. Holt,
Mr. W. Macleay,
Mr. Suttor,
Mr. Darvall,
Mr. Hay, } Tellers.
Mr. Murray. }

No

No. 10.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £31,743 6s. 8d. for this service, (being £5,000 less than the Original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 11.

Mr. J. Campbell,
Mr. R. Campbell,
Mr. Piddington,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Weekes,
Mr. Gordon,
Mr. Marks,
Mr. Robertson, } Tellers.
Mr. Cowper.

Noes, 22.

Mr. Parker,
Mr. Manning,
Mr. G. Macleay,
Mr. W. Macleay,
Mr. Richardson,
Mr. Bowman,
Mr. Darvall,
Mr. Macarthur,
Mr. Sandeman,
Mr. Lee,
Mr. Faucett,
Mr. Thomson,
Mr. Scott,
Mr. Jones,
Mr. Buckley,
Mr. Barker,
Mr. Pye,
Mr. Garland,
Mr. Suttor,
Mr. Holt,
Mr. Murray, } Tellers.
Mr. Hay.

No. 11.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £32,243 6s. 8d. for this service, (being £4,500 less than the Original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 12.

Mr. Cowper,
Mr. Marks,
Mr. Gordon,
Mr. Weekes,
Mr. Hargrave,
Mr. F. T. Rusden,
Mr. R. Campbell,
Mr. T. G. Rusden,
Mr. Piddington,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Robertson.

Noes, 20.

Mr. Parker,
Mr. Manning,
Mr. Murray,
Mr. Bowman,
Mr. Hay,
Mr. Richardson,
Mr. Macarthur,
Mr. Sandeman,
Mr. Thomson,
Mr. Faucett,
Mr. Scott,
Mr. Jones,
Mr. Buckley,
Mr. Lee,
Mr. Pye,
Mr. Garland,
Mr. G. Macleay,
Mr. Suttor,
Mr. W. Macleay, } Tellers.
Mr. Darvall.

No. 12.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £32,743 6s. 8d. for this service, (being £4,000 less than the Original Estimate.) (*Mr. J. Campbell.*)

Committee divided.

Ayes, 11.

Mr. J. Campbell,
Mr. R. Campbell,
Mr. Piddington,
Mr. Cowper,
Mr. Weekes,
Mr. F. T. Rusden,
Mr. Marks,
Mr. Gordon,
Mr. Hargrave,
Mr. T. G. Rusden, } Tellers.
Mr. Robertson.

Noes, 21.

Mr. Parker,
Mr. Darvall,
Mr. Manning,
Mr. Murray,
Mr. Hely,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Richardson,
Mr. Hay,
Mr. Buckley,
Mr. Faucett,
Mr. Garland,
Mr. Pye,
Mr. Scott,
Mr. Thomson,
Mr. Sandeman,
Mr. Lee,
Mr. Bowman,
Mr. Egan,
Mr. W. Macleay, } Tellers.
Mr. Suttor.

No. 13.

Question put,—That there be granted a sum not exceeding £33,427 9s. 2d. for this service.

Committee divided.

Ayes, 11.

Mr. J. Campbell,
 Mr. R. Campbell,
 Mr. Piddington,
 Mr. Gordon,
 Mr. T. G. Rusden,
 Mr. Weekes,
 Mr. Hargrave,
 Mr. Marks,
 Mr. F. T. Rusden,
 Mr. Cowper, } Tellers.
 Mr. Robertson. }

Noes, 21.

Mr. Manning,
 Mr. Parker,
 Mr. Murray,
 Mr. Hely,
 Mr. Egan,
 Mr. Macarthur,
 Mr. Richardson,
 Mr. Hay,
 Mr. G. Macleay,
 Mr. Buckley,
 Mr. Faucett,
 Mr. Garland,
 Mr. Pye,
 Mr. Thomson,
 Mr. Scott,
 Mr. Sandeman,
 Mr. Lee,
 Mr. Bowman,
 Mr. W. Macleay,
 Mr. Suttor, } Tellers.
 Mr. Darvall. }

Original Question put and carried.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 13.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

TUESDAY, 3 FEBRUARY, 1857.

No. 1.

TOLL DUTIES ACT AMENDMENT BILL.

Clause 3. Upon and after the first day of January, one thousand eight hundred and "fifty-nine," every cart, dray, wain, wagon, or other such carriage, both or all the wheels whereof shall be less than five inches wide in the tyre, shall become and be liable to be charged double toll,—*Read.*

Question proposed,—That the clause, as read, stand part of the Bill (*Mr. Oxley.*)

Amendment proposed,—That the word "fifty-nine" be omitted, in order to the insertion in its place of the word "fifty-eight." (*Mr. Piddington.*)

Question put,—That the word proposed to be omitted stand part of the clause.
Committee divided.

Ayes, 17.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. Marks,
Mr. Gordon,
Mr. F. T. Rusden,
Mr. Richardson,
Mr. Hargrave,
Mr. Egan,
Mr. Lee,
Mr. Oxley,
Mr. G. Macleay,
Mr. Buckley,
Mr. Macarthur,
Mr. Jones,
Mr. Lang,
Mr. Donaldson, } Tellers.

Nocs, 16.

Mr. Cowper,
Mr. Forster,
Mr. Dalley,
Mr. Arnold,
Mr. Martin,
Mr. Robertson,
Mr. Bowman,
Mr. Suttor,
Mr. Flood,
Mr. Irving,
Mr. W. Macleay,
Mr. Holt,
Mr. J. Campbell,
Mr. R. Campbell,
Mr. Piddington, } Tellers.
Mr. Weekes, }

No. 2.

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again this day six months. (*Mr. R. Campbell.*)

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Committee

Committee divided.

Ayes, 12.

Mr. Cowper,
Mr. Dalley,
Mr. Faucett,
Mr. Arnold,
Mr. Martin,
Mr. Egan,
Mr. Suttor,
Mr. R. Campbell,
Mr. Piddington,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Robertson. }

Noes, 23.

Mr. Parker,
Mr. Hay,
Mr. Donaldson,
Mr. Lang,
Mr. G. Macleay,
Mr. Gordon,
Mr. T. G. Rusden,
Mr. Richardson,
Mr. Oxley,
Mr. Weekes,
Mr. Lee,
Mr. Marks,
Mr. Hargrave,
Mr. Garland,
Mr. Bowman,
Mr. Flood,
Mr. Hely,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Holt,
Mr. Jones,
Mr. Buckley. } Tellers.
Mr. Irving. }

Clause, as read, ultimately carried.

WEDNESDAY, 4 FEBRUARY, 1857.

No. 3.

SUPPLY.—ESTIMATES FOR 1857.

(*Horse Patrol.—Country Districts.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £12,953 3s. 9d., to defray the Salaries and Contingencies of the Horse Patrol in Country Districts for the year 1857. (*Mr. Parker.*)

Motion made, and question put,—That there be granted a sum not exceeding one shilling for this service. (*Mr. Robertson.*)

Committee divided.

Ayes, 5.

Mr. Arnold,
Mr. Cowper,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Robertson. }

Noes, 30.

Mr. Parker,
Mr. Hay,
Mr. G. Macleay,
Mr. Holt,
Mr. Gordon,
Mr. Weekes,
Mr. W. Macleay,
Mr. Richardson,
Mr. Flood,
Mr. Pye,
Mr. Macarthur,
Mr. Nichols,
Mr. Bowman,
Mr. Hely,
Mr. Sandeman,
Mr. Hargrave,
Mr. Oxley,
Mr. Dalley,
Mr. Forster,
Mr. Marks,
Mr. Egan,
Mr. Lee,
Mr. Piddington,
Mr. Lord,
Mr. Barker,
Mr. Garland,
Mr. Donaldson,
Mr. Manning,
Mr. Buckley, } Tellers.
Mr. Suttor. }

£12,025 3s. 9d. ultimately carried. (*Mr. Flood.*)

No. 4.

(*Police, General Service.*)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £2,500 for the General Service of the Police, to meet claims for length of service and good conduct. (*Mr. Parker.*)

Committee

Committee divided.

Ayes, 26.

Mr. Parker,
Mr. Hay,
Mr. Suttor,
Mr. Bowman,
Mr. Holt,
Mr. Nichols,
Mr. Hely,
Mr. Martin,
Mr. Gordon,
Mr. Jones,
Mr. Weekes,
Mr. Buckley,
Mr. Richardson,
Mr. Lee,
Mr. Sandeman,
Mr. Oxley,
Mr. Garland,
Mr. G. Macleay,
Mr. Irving,
Mr. Pye,
Mr. Hargrave,
Mr. Macarthur,
Mr. Barker,
Mr. Cowper,
Mr. Egan,
Mr. Donaldson, } Tellers.

Noes, 10.

Mr. R. Campbell,
Mr. J. Campbell,
Mr. Piddington,
Mr. Marks,
Mr. Flood,
Mr. Lord,
Mr. Robertson,
Mr. Dalley,
Mr. Forster, } Tellers.
Mr. Arnold, }

No. 5.

ADDITIONAL ESTIMATES—1857.

(Registrar General.)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £25 as increase to the pay of the Messenger and Office-keeper, on the Establishment of the Registrar General, from £100 to £125, for the year 1857. (Mr. Donaldson.)

Committee divided.

Ayes, 24.

Mr. Parker,
Mr. Darvall,
Mr. Suttor,
Mr. Oxley,
Mr. Nichols,
Mr. G. Macleay,
Mr. W. Macleay,
Mr. Barker,
Mr. Pye,
Mr. Macarthur,
Mr. Weekes,
Mr. Jones,
Mr. Hely,
Mr. Buckley,
Mr. Richardson,
Mr. Sandeman,
Mr. Holt,
Mr. Marks,
Mr. Garland,
Mr. Lee,
Mr. Gordon,
Mr. Irving,
Mr. Hay,
Mr. Donaldson, } Tellers.

Noes, 13.

Mr. Cowper,
Mr. F. T. Rusden,
Mr. Forster,
Mr. Dalley,
Mr. Flood,
Mr. Egan,
Mr. Hargrave,
Mr. R. Campbell,
Mr. Piddington,
Mr. Martin,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Arnold, }

THURSDAY, 5 FEBRUARY, 1857.

No. 6.

JUDICIAL OFFICERS AND BARRISTERS' ADMISSION BILL.

(As engrossed for third reading, and re-committed.)

The Chairman having taken the Chair, and Mr. Nichols having moved that the Preamble be postponed; and a debate having arisen thereon,—

Motion made and Question put,—That the Chairman do now leave the Chair, report progress, and ask leave to sit again to-morrow, (with the understanding that in the meantime the Bill, as amended in Committee of the whole House, with a proposed new clause, be re-printed and circulated. (Mr. Donaldson.)

Committee

Committee divided.
Ayes, 19.

Mr. Parker,
Mr. Hay,
Mr. Manning,
Mr. Donaldson,
Mr. Macarthur,
Mr. G. Macleay,
Mr. Sandeman,
Mr. Buckley,
Mr. Barker,
Mr. Bowman,
Mr. Forster,
Mr. Garland,
Mr. Pyc,
Mr. Suttor,
Mr. R. Campbell,
Mr. Cowper,
Mr. J. Campbell,
Mr. Dalley,
Mr. Martin, } Tellers.

Noes, 12.

Mr. Robertson,
Mr. Weekes,
Mr. Richardson,
Mr. Lee,
Mr. Oxley,
Mr. Egan,
Mr. Holt,
Mr. Gordon,
Mr. Wilshire,
Mr. Piddington,
Mr. Jones, } Tellers.
Mr. Arnold, }

No. 7.

SUPPLY—ADDITIONAL ESTIMATES, 1857.
(*Public Works and Buildings.*)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £150, towards completing and levelling a *portion of the Outer Domain*, (the words in *Italic* being substituted for the words "the Public Cricket Ground in the" in the Estimate as submitted.)
(*Mr. Donaldson.*)

Committee divided.
Ayes, 21.

Mr. Parker,
Mr. Hay,
Mr. Macarthur,
Mr. Suttor,
Mr. Hely,
Mr. Darvall,
Mr. Dalley,
Mr. Martin,
Mr. Oxley,
Mr. Holt,
Mr. Lee,
Mr. Flood,
Mr. Richardson,
Mr. Piddington,
Mr. Hargrave,
Mr. Garland,
Mr. R. Campbell,
Mr. Cowper,
Mr. J. Campbell,
Mr. Buckley, } Tellers.
Mr. Donaldson, }

Noes, 10.

Mr. Jones,
Mr. Forster,
Mr. Arnold,
Mr. G. Macleay,
Mr. Egan,
Mr. Pyc,
Mr. Scott,
Mr. Marks, } Tellers.
Mr. Robertson, }

FRIDAY, 6 FEBRUARY, 1857.

No. 8.

JUDICIAL OFFICERS AND BARRISTERS' ADMISSION BILL, (*as re-printed*).

Clause 2. So much of the Act of Council, eleventh Victoria, number fifty-seven, as requires the Board of Examiners to make rules for the examination in the Greek Classics and *Mathematics* of Candidates for admission to the Bar of the Supreme Court, is hereby repealed, and no examination in the Greek Classics or *Mathematics*, shall hereafter be required in the case of any candidate who shall object to be examined therein—*read*.

Motion made and Question put,—That the Clause, as read, stand part of the Bill.
(*Mr. Jones.*)

Committee divided.

Ayes, 15.

Mr. Jones,
Mr. Forster,
Mr. Arnold,
Mr. Scott,
Mr. Hargrave,
Mr. Weekes,
Mr. Irving,
Mr. Egan,
Mr. Lee,
Mr. Marks,
Mr. Gordon,
Mr. Flood,
Mr. T. G. Rusden,
Mr. Robertson, } Tellers.
Mr. Donaldson, }

Noes, 18.

Mr. Parker,
Mr. Darvall,
Mr. G. Macleay,
Mr. Manning,
Mr. Macarthur,
Mr. R. Campbell,
Mr. Faucett,
Mr. Buckley,
Mr. Wilshire,
Mr. Hely,
Mr. Oxley,
Mr. Dalley,
Mr. Bowman,
Mr. Suttor,
Mr. Barker,
Mr. J. Campbell,
Mr. Hay, } Tellers.
Mr. F. T. Rusden, }

No.

No. 9.

New Clause, as proposed (*Mr. Nichols*), and amended (*Mr. Faucett*).—"Every person who was in actual practice at the Bar of the Supreme Court before the allowance of the Rule of the said Court by His late Majesty King William the Fourth, dividing the business of the profession of the Law, was promulgated in, and by the said Court, shall be admitted a Barrister thereof, if he elect so to be within twelve months after the passing of this Act; Provided that no person shall be admitted as a Barrister under this Act, whose name is on the Roll of Attorneys, Solicitors, and Proctors of the said Court, nor until he shall have made an affidavit that no suit or proceeding of any kind is pending against him as an Attorney, Solicitor, or Proctor in the said Court or elsewhere, and that he does not expect, or apprehend any such suit or proceeding against him"—*read*.

Motion made and Question put,—That the Clause, as read, stand part of the Bill. (*Mr. Faucett*).
Committee divided.

Ayes, 28.

Noes, 2.

- Mr. Parker,
- Mr. Manning,
- Mr. Hay,
- Mr. Macarthur,
- Mr. Barker,
- Mr. Suttor,
- Mr. Bowman,
- Mr. Faucett,
- Mr. G. Macleay,
- Mr. Oxley,
- Mr. Hargrave,
- Mr. Weekes,
- Mr. Lee,
- Mr. Marks,
- Mr. Hely,
- Mr. Egan,
- Mr. Buckley,
- Mr. Irving,
- Mr. Scott,
- Mr. T. G. Rusden,
- Mr. F. T. Rusden,
- Mr. Darvall,
- Mr. Dalley,
- Mr. Forster,
- Mr. Jones,
- Mr. Flood,
- Mr. Robertson, } Tellers.
- Mr. Donaldson, }

- *Mr. Campbell, } Tellers.
- Mr. Arnold, }

*So in Tellers' Lists.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 14.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

TUESDAY, 10 FEBRUARY, 1857.

No. 1.

SUPPLY—ADDITIONAL ESTIMATES, 1857.

(Miscellaneous.)

Question proposed,—That there be granted to Her Majesty, in the year 1857, a further sum not exceeding £4,000, to provide compensation for Public Officers whose situations are abolished, "in terms of" the Minute of the Executive Council of 2 February, 1857, transmitted in the Message of His Excellency the Governor General, No. 29. (*Mr. Donaldson.*)

Motion made and Question put,—That the Question be amended by the insertion of the words "Rule (1st) of" after the words "in terms of." (*Mr. Jones.*)

Committee divided.

Ayes, 11.

Mr. Gordon,
Mr. Forster,
Mr. Weekes,
Mr. Richardson,
Mr. Lee,
Mr. Hargrave,
Mr. T. G. Rusden,
Mr. Dalley,
Mr. Flood,
Mr. Jones,
Mr. Osborne, } Tellers.

Noes, 17.

Mr. Parker,
Mr. Hay,
Mr. F. T. Rusden,
Mr. G. Macleay,
Mr. Buckley,
Mr. Garland,
Mr. Manning,
Mr. Marks,
Mr. Hely,
Mr. Pyc,
Mr. W. Macleay,
Mr. Holt,
Mr. Suttor,
Mr. J. Campbell,
Mr. Macarthur,
Mr. Darvall,
Mr. Donaldson, } Tellers.

No. 2.

Original Question put.
Committee divided.

Ayes, 21.

Mr. Parker,
Mr. Darvall,
Mr. Gordon,
Mr. Garland,
Mr. Buckley,
Mr. J. Campbell,
Mr. Cowper,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Suttor,
Mr. Pyc,
Mr. Manning,
Mr. Marks,
Mr. G. Macleay,
Mr. Holt,
Mr. Hargrave,
Mr. Hely,
Mr. Lee,
Mr. F. T. Rusden,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Noes, 7.

Mr. Flood,
Mr. Dalley,
Mr. Weekes,
Mr. Richardson,
Mr. T. G. Rusden,
Mr. Forster, } Tellers.
Mr. Jones, }

No. 3.

(Administration of Justice.)

Motion made and Question put,—That there be granted to Her Majesty a sum not exceeding £100 to defray the Travelling Expenses of the Commissioner of the Court of Requests, for the year 1857. (*Mr. Manning.*)

Committee divided.
Ayes, 23.

Mr. Parker,
Mr. Manning,
Mr. Jones,
Mr. Gordon,
Mr. Garland,
Mr. Weekes,
Mr. Richardson,
Mr. Suttor,
Mr. Buckley,
Mr. Flood,
Mr. Osborne,
Mr. Lee,
Mr. Dalley,
Mr. W. Macleay,
Mr. J. Campbell,
Mr. Cowper,
Mr. Pyc,
Mr. Holt,
Mr. Hely,
Mr. Marks,
Mr. Hargrave,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Noes, 3.

Mr. F. T. Rusden,
Mr. T. G. Rusden, } Tellers.
Mr. Forster, }

WEDNESDAY, 11 FEBRUARY, 1857.

No. 4.

(To be provided by Loan.)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £38,000, towards meeting the expense of connecting the Cities of Sydney and Melbourne by Electric Telegraph. (*Mr. Donaldson.*)

Committee divided.
Ayes, 22.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. Darvall,
Mr. Bowman,
Mr. Richardson,
Mr. G. Macleay,
Mr. Garland,
Mr. Scott,
Mr. Piddington,
Mr. Gordon,
Mr. Sandeman,
Mr. Lee,
Mr. Irving,
Mr. Holt,
Mr. Buckley,
Mr. Barker,
Mr. Suttor,
Mr. Dalley,
Mr. Cowper,
Mr. Macarthur, } Tellers.
Mr. Donaldson, }

Noes, 8.

Mr. Arnold,
Mr. T. G. Rusden,
Mr. Hargrave,
Mr. Marks,
Mr. Forster,
Mr. J. Campbell,
Mr. Jones, } Tellers.
Mr. Weekes, }

THURSDAY,

THURSDAY, 12 FEBRUARY, 1857.

No. 5.

(Roads and Bridges.)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £1,000, for the continuation of the George's River Road to Bulli. (*Mr. Donaldson.*)

Committee divided.

Ayes, 16.	Noes, 13.
Mr. Parker,	Mr. G. Macleay,
Mr. Hay,	Mr. Bowman,
Mr. Marks,	Mr. Richardson,
Mr. Martin,	Mr. Holt,
Mr. Weekes,	Mr. Flood,
Mr. Buckley,	Mr. Macarthur,
Mr. Lee,	Mr. W. Macleay,
Mr. Pyc,	Mr. Hargrave,
Mr. Suttor,	Mr. Dalley,
Mr. Garland,	Mr. Forster,
Mr. Barker,	Mr. F. T. Rusden,
Mr. Piddington,	Mr. Irving, } Tellers.
Mr. Cowper,	Mr. Arnold, }
Mr. J. Campbell,	
Mr. Jones, } Tellers.	
Mr. Donaldson, }	

No. 6.

ESTIMATES FOR 1857.

(Secretary for Land and Public Works.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,500, to defray the salary of the Secretary for Lands and Public Works, for the year 1857. (*Mr. Hay.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,000 for this Service (by £500 less than the Original Estimate.) (*Mr. Forster.*)

Committee divided.

Ayes, 4.	Noes, 24.
*Mr. Rusden,	Mr. Manning,
Mr. J. Campbell,	Mr. Jones,
Mr. Forster, } Tellers.	Mr. Bowman,
Mr. Dalley, }	Mr. G. Macleay,
	Mr. Buckley,
	Mr. Gordon,
	Mr. Weekes,
	Mr. Thomson,
	Mr. Marks,
	Mr. Hely,
	Mr. Pyc,
	Mr. Lee,
	Mr. Hargrave,
	Mr. W. Macleay,
	Mr. Suttor,
	Mr. Holt,
	Mr. Piddington,
	Mr. Barker,
	Mr. Garland,
	Mr. Parker,
	Mr. Sandeman,
	Mr. Cowper,
	Mr. Flood, } Tellers.
	Mr. Donaldson, }

Original Question carried.

No. 7.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £800, to defray the salary of the Under Secretary for Lands and Public Works, for the year 1857, (being £50 less than the original Estimate.) (*Mr. Hay.*)

Motion made and Question put,—That there be granted a sum not exceeding £700 for this service (being £100 less than the reduced Estimate.) (*Mr. Piddington.*)

Committee

Committee divided.

Ayes, 8.

Mr. Jones,
Mr. Flood,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Cowper,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Martin, }

Noes, 23.

Mr. Parker,
Mr. Hay,
Mr. Buckley,
Mr. Richardson,
Mr. Egan,
Mr. Weekes,
Mr. Thomson,
Mr. Pye,
Mr. Lee,
Mr. Sandeman,
Mr. Hargrave,
Mr. Hely,
Mr. Bowman,
Mr. Macarthur,
Mr. Suttor,
Mr. Holt,
Mr. W. Macleay,
Mr. Barker,
Mr. Garland,
Mr. Marks,
Mr. Manning,
Mr. G. Macleay, } Tellers.
Mr. Donaldson, }

Original Question carried.

No. 8.

(*Board of Works.*)

Question proposed,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £1,200, to defray the salary of the Surveyor General and Chief Commissioner of Crown Lands. (*Mr. Hay.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,000 for this service (being £200 less than the original Estimate.) (*Mr. Forster.*)

Committee divided.

Ayes, 15.

Mr. Cowper,
Mr. Irving,
Mr. Holt,
Mr. Jones,
Mr. Richardson,
Mr. Gordon,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. Marks,
Mr. Dalley,
Mr. Weekes,
Mr. Piddington,
Mr. J. Campbell,
Mr. Hargrave, } Tellers
Mr. Forster, }

Noes, 16.

Mr. Parker,
Mr. G. Macleay,
Mr. Bowman,
Mr. Egan,
Mr. Hely,
Mr. Flood,
Mr. Lee,
Mr. Pye,
Mr. Manning,
Mr. Macarthur,
Mr. Suttor,
Mr. W. Macleay,
Mr. Barker,
Mr. Garland,
Mr. Hay, } Tellers.
Mr. Donaldson, }

No. 9.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £1,050 for this service (being £150 less than the Original Estimate.) (*Mr. Gordon.*)

Committee divided.

Ayes, 15.

Mr. Hargrave,
Mr. Irving,
Mr. Holt,
Mr. Jones,
Mr. Richardson,
Mr. Gordon,
Mr. Marks,
Mr. T. G. Rusden,
Mr. Weekes,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. J. Campbell,
Mr. Cowper,
Mr. Forster, } Tellers.
Mr. Dalley, }

Noes, 15.

Mr. Parker,
Mr. G. Macleay,
Mr. Bowman,
Mr. Egan,
Mr. Hely,
Mr. Lee,
Mr. Pye,
Mr. Manning,
Mr. Macarthur,
Mr. Suttor,
Mr. W. Macleay,
Mr. Barker,
Mr. Garland,
Mr. Hay, } Tellers.
Mr. Donaldson, }

The numbers being equal, the Chairman gave his vote with the Ayes, and declared the Question to have been carried in the *affirmative*.

No. 10.

(*Survey and Management of Crown Lands.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £13,507 10s., to defray the Expense of the Management of Crown Lands for the year 1857, (being £4,399 1s. less than the Original Estimate.) (*Mr. Hay.*)

Motion

Motion made, and question put,—That there be granted a sum not exceeding £9,803 15s. for this service, (being £3,703 15s less than the reduced Estimate.) (*Mr. Forster.*)

Committee divided.

Ayes, 10.

Mr. Forster,
Mr. Gordon,
Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Egan,
Mr. Piddington,
Mr. Dalley,
Mr. J. Campbell,
Mr. Cowper, } Tellers.
Mr. Arnold, }

Noes, 17.

Mr. Parker,
Mr. Hay,
Mr. Hargrave,
Mr. G. Macleay,
Mr. Pye,
Mr. Manning,
Mr. Lee,
Mr. Macarthur,
Mr. Thomson,
Mr. Suttor,
Mr. Garland,
Mr. W. Macleay,
Mr. Darvall,
Mr. Holt,
Mr. Sandeman,
Mr. Buckley, } Tellers.
Mr. Donaldson, }

No. 11.

Original Question stated.

Afterwards proposed,—That there be granted a sum not exceeding £12,503 15s. for this service, (being £1,003 15s. less than the reduced Estimate.) (*Mr. Forster.*)

And the Committee having continued to sit till after midnight,—

FRIDAY, 13 FEBRUARY, 1857.

Motion made and Question put,—That there be granted a sum not exceeding £11,103 15s. for this service, (being £2,403 15s. less than the reduced Estimate.) (*Mr. Arnold.*)

Committee divided.

Ayes, 10.

Mr. J. Campbell,
Mr. Dalley,
Mr. Egan,
Mr. Forster,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. Arnold,
Mr. Gordon,
Mr. T. G. Rusden, } Tellers.
Mr. Cowper, }

Noes, 17.

Mr. Parker,
Mr. Hargrave,
Mr. G. Macleay,
Mr. Pye,
Mr. Sandeman,
Mr. Thomson,
Mr. Macarthur,
Mr. Suttor,
Mr. Garland,
Mr. W. Macleay,
Mr. Darvall,
Mr. Holt,
Mr. Donaldson,
Mr. Manning,
Mr. Lee,
Mr. Buckley, } Tellers.
Mr. Hay, }

No. 12.

Original Question stated.

Motion made and Question put,—That there be granted a sum not exceeding £11,803 15s. for this service, (being £1,703 15s. less than the reduced Estimate.) (*Mr. Arnold.*)

Committee divided;—

And the Tellers reporting the numbers as follows:—

Ayes, 15

Mr. Parker,
Mr. Hargrave,
Mr. G. M'Leay,
Mr. Pye,
Mr. Macarthur,
Mr. Suttor,
Mr. Garland,
Mr. W. Macleay,
Mr. Darvall,
Mr. Holt,
Mr. Donaldson,
Mr. Manning,
Mr. Sandeman,
Mr. Buckley, } Tellers.
Mr. Hay, }

Noes, 3.

*Mr. Rusden,
Mr. Forster, } Tellers.
Mr. Dalley, }

And it appearing by the said report that there was not a Quorum present, the Committee was counted, and there being not a Quorum present, the Chairman left the Chair to report the same to the House.

* So in Tellers' List.

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 sources, as well as the specific techniques employed for data processing and statistical analysis.

The third section provides a detailed overview of the results obtained from the study. It includes a series of tables and graphs that illustrate the trends and patterns observed in the data. The author also discusses the implications of these findings and how they relate to the overall objectives of the research.

Finally, the document concludes with a summary of the key findings and a list of recommendations for future research. The author suggests that further studies should be conducted to explore the underlying causes of the observed trends and to develop more effective strategies for addressing the issues identified.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 15.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

WEDNESDAY, 18 FEBRUARY, 1857.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

*(Survey and Management of Crown Lands.)**(Consideration of Estimate resumed from Friday, 13 February, a.m. See Report of Divisions No. 14, divisions 10 et seq.)*Question again put *(on Mr. Arnold's Motion,)* That there be granted to Her Majesty a sum not exceeding £11,805 15s., to defray the Expense of the Management of Crown Lands, for the year 1857, (being £1,703 15s. less than the reduced Estimate) *(Mr. Robertson.)*

Committee divided.

Ayes, 14.

Mr. Forster,	
Mr. Osborne,	
Mr. Cowper,	
Mr. Lang,	
Mr. Jones,	
Mr. Scott,	
Mr. T. G. Rusden,	
Mr. Flood,	
Mr. Marks,	
Mr. Lee,	
Mr. Weekes,	
Mr. Dalley,	
Mr. Robertson,	} Tellers.
Mr. Arnold,	

Noes, 14.

Mr. Parker,	
Mr. G. Macleay,	
Mr. Suttor,	
Mr. Bowman,	
Mr. Lord,	
Mr. Pye,	
Mr. Hargrave,	
Mr. Holt,	
Mr. W. Macleay,	
Mr. Macarthur,	
Mr. Barker,	
Mr. Garland,	
Mr. Hay,	} Tellers.
Mr. Donaldson,	

The numbers being equal, the Chairman gave his vote with the Noes, and declared the Question to have passed in the *Negative*.

No. 2.

Motion made and Question put,—That there be granted a sum not exceeding £11,803 16s. for this service, (being £1,703 14s. less than the Original Estimate.) *(Mr. Robertson.)*

Committee divided.

Ayes, 17.

Mr. Cowper,	
Mr. Robertson,	
Mr. Jones,	
Mr. Gordon,	
Mr. Weekes,	
Mr. Lee,	
Mr. F. T. Rusden,	
Mr. Marks,	
Mr. Dalley,	
Mr. Deniehy,	
Mr. Flood,	
Mr. Suttor,	
Mr. Osborne,	
Mr. T. G. Rusden,	
Mr. Scott,	
Mr. Martin,	} Tellers.
Mr. Forster,	

Noes, 18.

Mr. Parker,	
Mr. Barker,	
Mr. G. Macleay,	
Mr. Bowman,	
Mr. Macarthur,	
Mr. Buckley,	
Mr. Sandeman,	
Mr. Hely,	
Mr. Irving,	
Mr. Pye,	
Mr. Hargrave,	
Mr. Thomson,	
Mr. Holt,	
Mr. Garland,	
Mr. W. Macleay,	
Mr. Manning,	
Mr. Hay,	} Tellers.
Mr. Donaldson,	

Afterwards, Question for £11,803 17s., (Mr. Robertson,) put and carried.

No. 3.

(Gold Fields within the Settled Districts.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £3,912 4s. 2d., to defray the salaries and contingencies of the Establishment of the Southern Gold Fields, for the year 1857. (*Mr. Hay.*)

Afterwards proposed,—That there be granted a sum not exceeding £3,282 4s. 2d. for this service, (being less than the Original Estimate by £630, the proposed Salary of the District Commissioner;—with the understanding that the word "Assistant" in the designation "Assistant Commissioners," and the next item, be expunged. (*Mr. Arnold.*)

Motion made and Question put,—That there be granted a sum not exceeding £1,956 2s. 1d. for this Service (being one-half only of the Original Estimate.) (*Mr. Piddington.*)

Committee divided.

Ayes, 8.

Mr. Forster,
Mr. R. Campbell,
Mr. T. G. Rusden,
Mr. Cowper,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Deniehy, } Tellers.
Mr. Dalley, }

Noes, 29.

Mr. Parker,
Mr. Arnold,
Mr. Jones,
Mr. G. Macleay,
Mr. Robertson,
Mr. W. Macleay,
Mr. Weekes,
Mr. Hely,
Mr. Lee,
Mr. Gordon,
Mr. Hargrave,
Mr. Buckley,
Mr. Holt,
Mr. Egan,
Mr. Pye,
Mr. Flood,
Mr. Scott,
Mr. Lord,
Mr. Bowman,
Mr. Barker,
Mr. Marks,
Mr. Sandeman,
Mr. Macarthur,
Mr. Suttor,
Mr. Thomson,
Mr. Garland,
Mr. Manning,
Mr. Hay, } Tellers.
Mr. Donaldson, }

No. 4.

Motion made and Question put,—That there be granted a sum not exceeding £2,500 for this service (being £1,412 4s. 2d. less than the Original Estimate.) (*Mr. T. G. Rusden.*)

Committee divided.

Ayes, 9.

*Mr. Campbell,
Mr. Cowper,
Mr. Egan,
Mr. T. G. Rusden,
Mr. Deniehy,
Mr. Piddington,
Mr. F. T. Rusden,
Mr. Forster, } Tellers.
Mr. Dalley, }

Noes, 28.

Mr. Parker,
Mr. Arnold,
Mr. Jones,
Mr. G. Macleay,
Mr. Robertson,
Mr. Lee,
Mr. Hely,
Mr. W. Macleay,
Mr. Gordon,
Mr. Hargrave,
Mr. Buckley,
Mr. Holt,
Mr. Weekes,
Mr. Pye,
Mr. Scott,
Mr. Flood,
Mr. Lord,
Mr. Bowman,
Mr. Barker,
Mr. Marks,
Mr. Sandeman,
Mr. Macarthur,
Mr. Suttor,
Mr. Thomson,
Mr. Garland,
Mr. Manning,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Question for the £3,282 4s. 2d. put and carried.

No. 5.

(Gold Fields beyond the Settled Districts.)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £5,600, to defray the salaries and contingencies of the Establishment of Gold Fields beyond the Settled Districts, (being £400 less than the Original Estimate, that is to say,—£200 for Travelling Expenses, and £200 for Repairs to Buildings,—now withdrawn.) (*Mr. Hay.*)

Afterwards

Afterwards proposed,—That there be granted a sum not exceeding £5,250 for this service, (being less than the reduced Estimate by £350, that is to say,—the proposed salaries of the two Clerks at Liverpool Plains and Murrumbidgee respectively, at £175 each.) (*Mr. Robertson.*)

Afterwards proposed,—That there be granted a sum not exceeding £4,550 for this service, (being less than the reduced Estimate by £1,050, that is to say,—the proposed salaries of the Assistant Commissioners at Liverpool Plains, New England, and Murrumbidgee respectively, at £350 each.) (*Mr. R. Campbell.*)

Afterwards proposed,—That there be granted a sum not exceeding £4,792 2s. 6d. for this service, (being less than the reduced Estimate by £807 17s. 6d., that is to say,—the proposed salaries of the Clerk at Liverpool Plains, £175; the Assistant Commissioner at Murrumbidgee, £350; 1 Sergeant, Murrumbidgee, £109 10s.; and 2 Troopers, Murrumbidgee, £173 7s. 6d.) (*Mr. Gordon.*)

Question,—That there be granted a sum not exceeding £4,550 for this service, put and negatived.

Question put,—That there be granted a sum not exceeding £4,792 2s. 6d. for this service.

Committee divided.

Ayes, 19.	Noes, 19.
Mr. J. Campbell,	Mr. Parker,
Mr. Cowper,	Mr. Manning,
Mr. Flood,	Mr. Macarthur,
Mr. Piddington,	Mr. Osborne,
Mr. Irving,	Mr. Bowman,
Mr. Dalley,	Mr. Holt,
Mr. Deniehy,	Mr. W. Macleay,
Mr. Arnold,	Mr. Pyc,
Mr. Jones,	Mr. Suttor,
Mr. Weekes,	Mr. Lee,
Mr. T. G. Rusden,	Mr. Lord,
Mr. Forster,	Mr. Garland,
Mr. Hargrave,	Mr. Buckley,
Mr. Marks,	Mr. Sandeman,
Mr. Scott,	Mr. Thomson,
Mr. Arnold,	Mr. Barker,
Mr. Gordon,	Mr. Donaldson,
Mr. Robertson,	Mr. Hay,
Mr. F. T. Rusden, } Tellers.	Mr. G. Macleay, } Tellers.

The numbers being equal, the Chairman gave his vote with the Noes, and declared the Question to have passed in the *Negative*.

Question for the £5,250, put and carried.

THURSDAY, 19 FEBRUARY, 1857.

No. 6.

(*Public Works and Buildings.*)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £250, for forming an entrance into the Government Domain, from Palmer-street. (*Mr. Donaldson.*)

Committee divided.

Ayes, 20.	Noes, 15.
Mr. Parker,	Mr. Arnold,
Mr. Dalley,	Mr. Scott,
Mr. Irving,	Mr. Gordon,
Mr. Egan,	Mr. Macarthur,
Mr. Richardson,	Mr. G. Macleay,
Mr. Hely,	Mr. Flood,
Mr. Hargrave,	Mr. Holt,
Mr. Sandeman,	Mr. Thomson,
Mr. Buckley,	Mr. Lee,
Mr. Wilshire,	Mr. Forster,
Mr. Osborne,	Mr. W. Macleay,
Mr. Deniehy,	Mr. Pyc,
Mr. Piddington,	Mr. Marks,
Mr. Suttor,	Mr. Robertson, } Tellers.
Mr. Barker,	Mr. Jones,
Mr. Cowper,	
Mr. Jamison,	
Mr. J. Campbell,	
Mr. Hay,	
Mr. Donaldson, } Tellers.	

No. 7.

Question proposed,—That there be granted to Her Majesty a sum not exceeding £1,000, to be expended under the superintendence of the Hyde Park Committee of Management, for the year 1857 (*Mr. Donaldson.*)

Afterwards proposed,—That there be granted a sum not exceeding £500 for this service (being half only of the Original Estimate.) (*Mr. J. Campbell.*)

Question for the £500, put and negatived.

Original

Original Question put.

Committee divided.

Ayes, 26.

Mr. Parker,
Mr. Macarthur,
Mr. Barker,
Mr. Pye,
Mr. Wilshric,
Mr. Egan,
Mr. Martin,
Mr. Cowper,
Mr. Dalley,
Mr. Suttor,
Mr. Osborne,
Mr. Flood,
Mr. R. Campbell,
Mr. Deniehy,
Mr. Holt,
Mr. Richardson,
Mr. Jamison,
Mr. Hely,
Mr. Sandeman,
Mr. Hargrave,
Mr. Piddington,
Mr. Buckley,
Mr. Hay,
Mr. Bowman,
Mr. Irving, } Tellers.
Mr. Donaldson, }

Noes, 12.

Mr. Jones,
Mr. Gordon,
Mr. Scott,
Mr. Forster,
Mr. Thomson,
Mr. Lee,
Mr. W. Macleay,
Mr. G. Macleay,
Mr. Marks,
Mr. J. Campbell,
Mr. Robertson, } Tellers.
Mr. Arnold, }

No. 8.

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £125, for enclosing Wynyard Square with a two-railed fence. (*Mr. Donaldson.*)

Committee divided.

Ayes, 12.

Mr. Parker,
Mr. Barker,
Mr. Irving,
Mr. Holt,
Mr. Egan,
Mr. Wilshire,
Mr. Gordon,
Mr. Sandeman,
Mr. Hargrave,
Mr. Buckley,
Mr. Hay,
Mr. Donaldson, } Tellers.

Noes, 21.

Mr. R. Campbell,
Mr. Cowper,
Mr. Jones,
Mr. Scott,
Mr. Richardson,
Mr. Marks,
Mr. G. Macleay,
Mr. Osborne,
Mr. Jamison,
Mr. Lee,
Mr. W. Macleay,
Mr. T. G. Rusden,
Mr. Pye,
Mr. Bowman,
Mr. Forster,
Mr. Thomson,
Mr. Piddington,
Mr. J. Campbell,
Mr. Weekes,
Mr. Robertson, } Tellers.
Mr. Arnold, }

No 9.

(*Native Police.*)

Question proposed,—That there be granted to Her Majesty a sum not exceeding £17,441 7s. 6d., to defray the Salaries and Contingencies of the Native Police for the year 1857. (*In accordance with the amended Estimate substituted by Message No. 35.*) (*Mr. Donaldson.*)

Afterwards proposed,—That there be granted a sum not exceeding £17,015 6s. 8d. for this service, (being less than the Substituted Estimate by £426 9s. 10d., the amount proposed for Clarence and M^cLeay.) (*Mr. Hargrave.*)

Afterwards proposed,—That there be granted a sum not exceeding £16,011 7s. 6d. for this service, (being a reduction of £1,430 on the Substituted Estimate, viz. :—(*Salaries.*) £100 from the Commandant and Inspector; £50 from the Secretary and Clerk; £300 from 4 Cadets; £800 from the 16 Lieutenants at £50 each—(*Contingencies.*) £180 for provisions for 4 Cadets.) (*Mr. P. T. Rusden.*)

Afterwards proposed,—That there be granted a sum not exceeding £15,274 10s. for this service, (being a reduction of £2,166 17s. 6d. on the Substituted Estimate, viz. :—(*Salaries.*) £100 from Commandant and Inspector; £50 from Secretary and Clerk; £300 from 4 Cadets; £700 from 14 Lieutenants at £50 each.—(*Contingencies.*) £180 for provisions for 4 Cadets; £410 16s. 8d., the entire Estimate for Moreton; and £426 0s. 10d., the entire Estimate for Clarence and M^cLeay.) (*Mr. G. Macleay.*)

Question put,—That there be granted a sum not exceeding £15,274 10s. for this service.

Committee

Committee divided.

Ayes, 17.

Mr. Arnold,
Mr. Cowper,
Mr. Gordon,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Suttor,
Mr. Jamison,
Mr. Hargrave,
Mr. Scott,
Mr. Weekes,
Mr. Flood,
Mr. Piddington,
Mr. Dalley,
Mr. Osborne,
Mr. J. Campbell,
Mr. Egan, } Tellers.
Mr. Robertson. }

Noes, 24.

Mr. Parker,
Mr. Manning,
Mr. F. T. Rusden,
Mr. Hay,
Mr. Jones,
Mr. Barker,
Mr. Richardson,
Mr. Holt,
Mr. Hely,
Mr. Bowman,
Mr. Forster,
Mr. Sandeman,
Mr. Lee,
Mr. Buckley,
Mr. Thomson,
Mr. Lord,
Mr. Marks,
Mr. Pye,
Mr. Lang,
Mr. W. Macleay,
Mr. T. G. Rusden,
Mr. Irving,
Mr. Darvall, } Tellers.
Mr. Donaldson. }

No. 10.

Question put,—That there be granted a sum not exceeding £16,011 7s. 6d. for this service.

Committee divided.

Ayes, 22.

Mr. T. G. Rusden,
Mr. Arnold,
Mr. Cowper,
Mr. Gordon,
Mr. G. Macleay,
Mr. Macarthur,
Mr. Suttor,
Mr. F. T. Rusden,
Mr. Hargrave,
Mr. Jamison,
Mr. Scott,
Mr. Weekes,
Mr. Forster,
Mr. Flood,
Mr. Jones,
Mr. Barker,
Mr. Lang,
Mr. Dalley,
Mr. Osborne,
Mr. J. Campbell,
Mr. Egan, } Tellers.
Mr. Robertson. }

Noes, 19.

Mr. Parker,
Mr. Manning,
Mr. Hay,
Mr. Piddington,
Mr. Richardson,
Mr. Holt,
Mr. Holy,
Mr. Bowman,
Mr. Sandeman,
Mr. Lee,
Mr. Buckley,
Mr. Thomson,
Mr. Lord,
Mr. Marks,
Mr. Pye,
Mr. W. Macleay,
Mr. Irving,
Mr. Darvall, } Tellers.
Mr. Donaldson. }

FRIDAY, 20 FEBRUARY, 1857.

No. 11.

Legislative Council's Amendments in SYDNEY MUNICIPAL COUNCIL BILL.

Council's Amendment:—Omit Clause 5:—

[5. All inhabitants of the City named in the Electoral Roll for the Electoral District of Sydney shall be Citizens of the City, and shall as such be entitled to vote at every election of Aldermen and Auditors of the City.]

Substitute the following new Clause:—

* * 5. All persons named in the Electoral Roll for the time being for the Electoral District of Sydney, "and being rate-payers as hereinafter mentioned," shall be deemed citizens of the City, and shall as such be entitled to vote at every election of Aldermen and Auditors of the City. And every citizen shall be entitled to vote at the Election of Aldermen in every Ward in respect of which he is qualified; but no citizen shall be entitled to vote at the Election of Auditors in respect of more than one Ward.

The Committee having agreed to omit Clause 5.

Question proposed,—That the substituted Clause be amended by omitting the words "and being rate-payers as hereinafter mentioned." (Mr. Forster.)

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

Committee divided,—

And the Tellers reporting the numbers as follows:—

Ayes, 16.

Mr. Parker,
Mr. Bowman,
Mr. F. T. Rusden,
Mr. Suttor,
Mr. Weekes,
Mr. Lee,
Mr. Richardson,
Mr. Holt,
Mr. Garland,
Mr. Jones,
Mr. Lord,
Mr. Dalley,
Mr. Deniehy,
Mr. Marks,
Mr. T. G. Rusden, } Tellers.
Mr. Cowper. }

Noes, 2.

Mr. Forster, } Tellers.
*Mr. Campbell. }

* So in Tellers' List.

And

And it appearing from the said report that there was not a Quorum present, the Committee was counted, and there being not a Quorum present, the Chairman left the Chair to report the same to the House.

No. 12.

Committee resumed.
Question again put.
Committee divided.

Ayes, 18.

Mr. Cooper,
Mr. Marks,
Mr. Dalley,
Mr. Denichy,
Mr. Jones,
Mr. Garland,
Mr. Holt,
Mr. Richardson,
Mr. Lee,
Mr. Bowman,
Mr. Hay,
Mr. Parker,
Mr. Lord,
Mr. Weekes,
Mr. Suttor,
Mr. F. T. Rusden,
Mr. Cowper,
Mr. T. G. Rusden. } Tellers.

Noes, 6.

Mr. Forster,
Mr. Egan,
Mr. J. Campbell,
Mr. Robertson,
Mr. R. Campbell, } Tellers.
Mr. Arnold.

No. 13

Whereupon, Motion made and Question put,—That the Committee agree to the said Amendment made by the Legislative Council.
Committee divided.

Ayes, 18.

Mr. Cooper,
Mr. Dalley,
Mr. Denichy,
Mr. Lee,
Mr. Richardson,
Mr. Holt,
Mr. Garland,
Mr. Jones,
Mr. Lord,
Mr. Weekes,
Mr. Suttor,
Mr. F. T. Rusden,
Mr. Cowper,
Mr. Bowman,
Mr. Hay,
Mr. Parker,
Mr. Marks,
Mr. T. G. Rusden. } Tellers.

Noes, 6.

Mr. R. Campbell,
Mr. Egan,
Mr. J. Campbell,
Mr. Robertson,
Mr. Arnold, } Tellers.
Mr. Forster.

No. 14.

Council's Amendment:—*Insert* the following Clause, to stand Clause 6:—

* * * 6. Rate-payers for the purposes of this Act shall be "persons" who are "in fact at the time of claiming to vote assessed for the payment of some City Rate, no portion whereof shall at that time be in arrear. And every person named in the Electoral Roll whose Qualification is not stated therein to be that of Salary, Lodging, or Board and Lodging, shall *prima facie* be deemed a Rate-payer. And no Ballot Paper shall be prepared as hereinafter mentioned for the use of any person whose Qualification is stated to be only that of Salary, Lodging, or Board and Lodging.

Question proposed,—That the Committee agree to the said Amendment made by the Legislative Council. (Mr. Parker.)

Motion made and Question put,—That the Clause be amended by inserting before the word "persons" the word "all." (Mr. R. Campbell.)
Committee divided.

Ayes, 6.

Mr. R. Campbell,
Mr. J. Campbell,
Mr. Arnold,
Mr. Egan,
Mr. Forster, } Tellers.
Mr. Robertson.

Noes, 14.

Mr. Hay,
Mr. Parker,
Mr. Weekes,
Mr. F. T. Rusden,
Mr. Buckley,
Mr. Holt,
Mr. Marks,
Mr. Lee,
Mr. Bowman,
Mr. Suttor,
Mr. Jones,
Mr. Flood,
Mr. Cowper,
Mr. T. G. Rusden. } Tellers.

No.

No. 15.

Amendment proposed,—That the words “in fact at the time of claiming to vote assessed for the payment of some City Rate, no portion whereof shall at that time be in arrear. And every person” be omitted,—with a view, if this amendment be carried, of proposing, as a further amendment, that all the words in italics be expunged. (*Mr. R. Campbell.*)

Question put,—That the words proposed to be omitted stand part of the Clause.
Committee divided.

Ayes, 16.

Mr. Cowper,
Mr. T. G. Rusden,
Mr. F. T. Rusden,
Mr. Dalley,
Mr. Denichy,
Mr. Bowman,
Mr. Weekes,
Mr. Marks,
Mr. Lee,
Mr. Holt,
Mr. Flood,
Mr. Jones,
Mr. Hay,
Mr. Parker,
Mr. Suttor,
Mr. Buckley. } Tellers.

Noes, 6.

Mr. R. Campbell,
Mr. Robertson,
Mr. Egan,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Arnold. }

No. 16.

Original Question put.
Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. F. T. Rusden,
Mr. Dalley,
Mr. Denichy,
Mr. Martin,
Mr. Marks,
Mr. Lee,
Mr. Bowman,
Mr. Flood,
Mr. Weekes,
Mr. Jones,
Mr. Hay,
Mr. T. G. Rusden,
Mr. Holt,
Mr. Parker,
Mr. Suttor,
Mr. Buckley. } Tellers.

Noes, 9.

Mr. Darvall,
Mr. Forster,
Mr. Arnold,
Mr. R. Campbell,
Mr. Robertson,
Mr. Irving,
Mr. J. Campbell,
Mr. Egan,
Mr. Donaldson, } Tellers.

No. 17.

Council's Amendment:—Clause 49, after “Treasurer,” insert “an Officer of Health, and such;” add, “excepting such portions of penalties or fines as may be awarded to any such Officer or he may be otherwise entitled to by law” viz.:—49. **52.** The Council may and shall appoint a Town Clerk a Treasurer **an Officer of Health and such** Engineers or Surveyors of the City collectors workmen and other officers and servants as in their discretion they may deem necessary and proper for the execution of the powers and duties hereby vested in the Council and assign to such officers and servants salaries wages and remuneration which shall be in lieu of all fees perquisites and other emoluments whatever **excepting such portions of penalties or fines as may be awarded to any such officer or he may be otherwise entitled to by law.**

Question proposed,—That the Council's amendment be amended by omitting the words “an Officer of Health and such.” (*Mr. Parker.*)

Question put,—That the words proposed to be omitted stand part of the Clause.
Committee divided.

Ayes, 6.

Mr. Darvall,
Mr. R. Campbell,
Mr. Lang,
Mr. J. Campbell,
Mr. Dalley, } Tellers.
Mr. Cowper. }

Noes, 20.

Mr. Parker,
Mr. Forster,
Mr. Piddington,
Mr. Arnold,
Mr. Weekes,
Mr. F. T. Rusden,
Mr. Bowman,
Mr. Richardson,
Mr. Buckley,
Mr. Thomson,
Mr. Lee,
Mr. Hely,
Mr. T. G. Rusden,
Mr. Flood,
Mr. Marks,
Mr. Irving,
Mr. Suttor,
Mr. Hay,
Mr. Robertson, } Tellers.
Mr. Donaldson. }

Motion

Motion made and Question put,—That the amendment be amended by striking out the concluding words in black letter. (Mr. Weekes.)—Carried.
The Council's said amendment, as so amended, agreed to. (Mr. Parker.)

No. 18.

52. 59. The Mayor Aldermen and Auditors shall be entitled to receive for their services out of the City Funds such salaries or allowances as the Council shall from time to time determine.

Council's Amendment:—Omit "Aldermen."

Motion made and Question put,—That the Committee agree to the said amendment made by the Legislative Council. (Mr. Parker.)

Committee divided.

Ayes, 7.

Mr. Parker,
 Mr. Donaldson,
 Mr. Gordon,
 Mr. Dalley,
 Mr. J. Campbell,
 Mr. R. Campbell, } Tellers.
 Mr. Hay.

Noes, 17.

Mr. Cowper,
 Mr. Piddington,
 Mr. Arnold,
 Mr. Robertson,
 Mr. F. T. Rusden,
 Mr. Bowman,
 Mr. Marks,
 Mr. Lee,
 Mr. Lang,
 Mr. Flood,
 Mr. Irving,
 Mr. T. G. Rusden,
 Mr. Darvall,
 Mr. Jones,
 Mr. Richardson,
 Mr. Forster, } Tellers.
 Mr. Weekes,

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 16.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

WEDNESDAY, 25 FEBRUARY, 1857.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

(Roads and Bridges.)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £1,200, towards the completion of the Botany and Mudbank Road. (*Mr. Donaldson.*)

Committee divided.

Ayes, 26.

Mr. Irving,
Mr. Egan,
Mr. Macarthur,
Mr. Barker,
Mr. Buckley,
Mr. Arnold,
Mr. Forster,
Mr. Gordon,
Mr. Weekes,
Mr. Jones,
Mr. Hely,
Mr. Richardson,
Mr. Lee,
Mr. Donaldson,
Mr. Marks,
Mr. Deniehy,
Mr. Piddington,
Mr. Sutter,
Mr. Holt,
Mr. Garland,
Mr. Cowper,
Mr. R. Campbell,
Mr. Scott,
Mr. Parker,
Mr. Lord, } Tellers.
Mr. Hay, }

Noes, 7.

Mr. Flood,
Mr. Pye,
Mr. Hargrave,
Mr. W. Macleay,
Mr. Wilshire,
Mr. Jamison, } Tellers.
Mr. Robertson, }

No. 2.

Question proposed,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £1,500, for the Repair of the Road from Morpeth "to Hinton Ferry." (*Mr. Donaldson.*)

Amendment proposed,—That the words "to Hinton Ferry" be omitted, in order to the insertion in their place of the words "through Hinton." (*Mr. Arnold.*)

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

446—A

Committee

Committee divided.

Ayes, 26.

Mr. Parker,
Mr. Macarthur,
Mr. Garland,
Mr. Barker,
Mr. G. Macleay,
Mr. Weekes,
Mr. Cowper,
Mr. Hely,
Mr. W. Macleay,
Mr. Dalley,
Mr. Denichy,
Mr. Suttor,
Mr. Lee,
Mr. Holt,
Mr. R. Campbell,
Mr. Piddington,
Mr. Scott,
Mr. Egan,
Mr. Irving,
Mr. Jamison,
Mr. Forster,
Mr. Richardson,
Mr. Marks,
Mr. Lee,
Mr. Hay,
Mr. Donaldson. } Tellers.

Noes, 9.

Mr. Jones,
Mr. Flood,
Mr. Gordon,
Mr. Buckley,
Mr. Hargrave,
*Mr. Rusden,
Mr. Wilshire,
Mr. Arnold,
Mr. Robertson. } Tellers.

* So in Tellers' List.

Motion then made and Question put,—That there be granted a sum not exceeding £1000 for this service (being £500 less than the Original Estimate. (Mr. T. G. Rusden.)—Negatived.

Whereupon Original Question put and carried.

No. 3.

Question proposed,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £42,000, to be expended under the supervision of Road Trustees, Wardens, Benches of Magistrates, and Road Surveyors. (Mr. Donaldson.)

Motion made and Question put,—That the consideration of this item be postponed. (Mr. Robertson.)

Committee divided.

Ayes, 15.

Mr. Wilshire,
Mr. Cowper,
Mr. Jamison,
Mr. Robertson,
Mr. Forster,
Mr. Hely,
Mr. T. G. Rusden,
Mr. Egan,
Mr. Lee,
Mr. Dalley,
Mr. Denichy,
Mr. Piddington,
Mr. Scott,
Mr. Arnold. } Tellers.
Mr. Martin, }

Noes, 25.

Mr. Parker,
Mr. Lang,
Mr. Hay,
Mr. Hargrave,
Mr. Marks,
Mr. Richardson,
Mr. Weekes,
Mr. Faucett,
Mr. Gordon,
Mr. Macarthur,
Mr. Garland,
Mr. Irving,
Mr. G. Macleay,
Mr. Thomson,
Mr. Pye,
Mr. Buckley,
Mr. Flood,
Mr. F. T. Rusden,
Mr. Barker,
Mr. Suttor,
Mr. Jones,
Mr. Darvall,
Mr. Manning,
Mr. Holt,
Mr. Donaldson. } Tellers.

No. 4.

Original Question stated.

Afterwards proposed,—That there be granted a sum not exceeding one shilling for this service. (Mr. Martin.)

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again to-morrow. (Mr. Forster.)

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. R. Campbell,
Mr. T. G. Rusden,
Mr. Arnold,
Mr. Forster,
Mr. Gordon,
Mr. Dalley,
Mr. Denichy,
Mr. Egan,
Mr. Jamison,
Mr. Piddington,
Mr. Robertson. } Tellers.
Mr. Martin, }

Noes, 25.

Mr. Parker,
Mr. Hay,
Mr. Garland,
Mr. Lang,
Mr. G. Macleay,
Mr. Buckley,
Mr. Weekes,
Mr. Richardson,
Mr. Macarthur,
Mr. Hely,
Mr. Irving,
Mr. Lee,
Mr. Flood,
Mr. Marks,
Mr. W. Macleay,
Mr. Hargrave,
Mr. Thomson,
Mr. Pye,
Mr. F. T. Rusden,
Mr. Suttor,
Mr. Jones,
Mr. Holt,
Mr. Manning,
Mr. Darvall,
Mr. Donaldson. } Tellers.

No.

No. 5.

Question put,—That there be granted a sum not exceeding one shilling for this service.

Committee divided.

Ayes, 11.

Mr. Martin,
Mr. Forster,
Mr. Jamison,
Mr. Robertson,
Mr. Egan,
Mr. Piddington,
Mr. Deniehy,
Mr. Dalley,
Mr. T. G. Rusden,
Mr. R. Campbell, } Tellers.
Mr. Arnold, }

Noes, 24.

Mr. Parker,
Mr. Holt,
Mr. Garland,
Mr. Macarthur,
Mr. Pye,
Mr. G. Macleay,
Mr. Weekes,
Mr. Irving,
Mr. W. Macleay,
Mr. Lang,
Mr. Marks,
Mr. Lee,
Mr. Thomson,
Mr. Manning,
Mr. Hargrave,
Mr. Gordon,
Mr. Flood,
Mr. F. T. Rusden,
Mr. Suttor,
Mr. Jones,
Mr. Hay,
Mr. Darvall,
Mr. Buckley, } Tellers.
Mr. Donaldson, }

No. 6.

Original Question stated.

Another Motion for progress report having been put and negatived. (Mr. R. Campbell.)

Motion made and Question put,—That the Question be amended by the addition of the following words at the end thereof:—"rateably upon the main leading and secondary thoroughfares of the Colony." (*Mr. Arnold.*)

Committee divided.

Ayes, 24.

Mr. Parker,
*Mr. Manning,
Mr. Hay,
Mr. Holt,
Mr. Macarthur,
Mr. Buckley,
Mr. Weekes,
Mr. Irving,
Mr. Hely,
Mr. Egan,
Mr. Lang,
Mr. Thomson,
Mr. Darvall,
Mr. Marks,
Mr. Forster,
*Mr. Campbell,
Mr. Garland,
Mr. Arnold,
Mr. Jones,
Mr. Piddington,
Mr. Cowper,
Mr. G. Macleay,
*Mr. Manning, } Tellers.
Mr. Donaldson, }

Noes, 12.

Mr. W. Macleay,
Mr. T. G. Rusden,
Mr. Robertson,
Mr. Flood,
Mr. Lee,
Mr. Deniehy,
Mr. Dalley,
Mr. Jamison,
Mr. Martin,
Mr. Pye,
Mr. Suttor,
Mr. F. T. Rusden, } Tellers.

Motion then made and Question put,—That there be granted a sum not exceeding one shilling and sixpence for this service. (Mr. R. Campbell.)—Negatived.

Whereupon Question,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £42,000, to be expended under the supervision of Road Trustees, Wardens, Benches of Magistrates, and Road Surveyors, rateably upon the main leading and secondary thoroughfares of the Colony,—put and carried.

THURSDAY, 26 FEBRUARY, 1857.

No. 7.

(Amount to be provided by Loan—Public Works.)

Question proposed,—That there be granted to Her Majesty, in the year 1857, a further sum not exceeding £2,500, for the erection of a Light-House at Newcastle, "to be provided by Loan." (*Mr. Donaldson.*)

Amendment proposed,—That the words "to be provided by Loan" be omitted. (*Mr. Jones.*)

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

*So in Tellers' list.

Committee divided.

Ayes, 21.
 Mr. Parker,
 Mr. Hay,
 Mr. Robertson,
 Mr. Pye,
 Mr. Weekes,
 Mr. Hargrave,
 Mr. Holt,
 Mr. Flood,
 Mr. Wilshire,
 Mr. Macarthur,
 Mr. Hely,
 Mr. Lee,
 Mr. Irving,
 Mr. Dalley,
 Mr. Deniehy,
 Mr. Piddington,
 Mr. Egan,
 Mr. Barker,
 Mr. Cowper,
 Mr. Scott,
 Mr. Donaldson, } Tellers.

Noes, 3.

Mr. J. Campbell,
 Mr. Forster,
 Mr. Jones, } Tellers.

Whereupon Original Question put and carried.

No. 8.

CLERKS OF PETTY SESSIONS BILL.

Clause 2. The sixth section of the Act of Council fourteenth Victoria, number forty-three, is hereby repealed, and from and after the passing of this Act such parts of the Acts of the Imperial Parliament passed for facilitating the performance of the duties of Justices of the Peace, by the said Act of Council adopted and applied, as give certain special powers to Police and Stipendiary Magistrates shall cease to apply to Police Magistrates within this "Colony," excepting in districts or places in which it shall appear to the Governor and Executive Council specially convenient to the public that such powers should be exercised, in which cases any such Police Magistrate may, by order of the Governor in Council, be authorised to exercise such powers either permanently or temporarily, as the case may require,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Manning.*)

Amendment proposed,—That all the words following the word "Colony" be omitted. (*Mr. Forster.*)

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

Committee divided.

Ayes, 26.

Mr. Parker,
 Mr. Manning,
 Mr. Holt,
 Mr. Barker,
 Mr. Macarthur,
 Mr. W. Macleay,
 Mr. Thomson,
 Mr. Buckley,
 Mr. G. Macleay,
 Mr. Pye,
 Mr. Hely,
 Mr. Hargrave,
 Mr. Faucett,
 Mr. Dalley,
 Mr. Piddington,
 Mr. Lee,
 Mr. Deniehy,
 Mr. Darvall,
 Mr. R. Campbell,
 Mr. Jamison,
 Mr. Suttor,
 Mr. Garland,
 Mr. Marks,
 Mr. Irving,
 Mr. Hay,
 Mr. Donaldson, } Tellers.

Noes, 8.

Mr. Robertson,
 Mr. T. G. Rusden,
 Mr. Gordon,
 Mr. Weekes,
 Mr. Jones,
 Mr. Scott,
 Mr. Arnold,
 Mr. Forster, } Tellers.

No. 9.

Whereupon, Original Question put.
 Committee divided.

Ayes, 21.

Mr. Parker,
 Mr. Manning,
 Mr. Robertson,
 Mr. Barker,
 Mr. Hay,
 Mr. Macarthur,
 Mr. Weekes,
 Mr. Thomson,
 Mr. Hely,
 Mr. Hargrave,
 Mr. Buckley,
 Mr. Pye,
 Mr. G. Macleay,
 Mr. Darvall,
 Mr. Gordon,
 Mr. Jamison,
 Mr. Irving,
 Mr. Suttor,
 Mr. Garland,
 Mr. Marks,
 Mr. Donaldson, } Tellers.

Noes, 13.

Mr. Faucett,
 Mr. W. Macleay,
 Mr. Lee,
 Mr. Forster,
 Mr. Dalley,
 Mr. Deniehy,
 Mr. R. Campbell,
 Mr. Piddington,
 Mr. Jones,
 Mr. Scott,
 Mr. Holt,
 Mr. Arnold,
 Mr. T. G. Rusden, } Tellers.

No.

No. 10.

MINING COMPANIES' REGULATION BILL.

Clause 5. It shall be lawful for the Governor with the advice of the Executive Council upon application to that effect and if he shall think it desirable so to do to allow any alteration or deviation from the requirements hereinbefore provided previously to the establishment of a company under the provisions of this Act, in order to meet the circumstances of any particular case and all such alterations or deviations shall be notified to the Clerk of Petty Sessions in the district where such company shall be formed,—*Read.*

Motion made and Question put,—That the Clause, as read, stand part of the Bill.

(*Mr. Manning.*)

Committee divided.

Ayes, 14.

Mr. Parker,
Mr. Hay,
Mr. G. Macleay,
Mr. Darvall,
Mr. Macarthur,
Mr. Thomson,
Mr. Holt,
Mr. Garland,
Mr. Pye,
Mr. Suttor,
Mr. R. Campbell,
Mr. W. Macleay,
Mr. Manning, } Tellers.
Mr. Donaldson, }

Noes, 11.

Mr. Robertson,
Mr. Faucett,
Mr. Weekes,
Mr. T. G. Rusden,
Mr. Marks,
Mr. Arnold,
Mr. Buckley,
Mr. Irving,
Mr. Jamison,
Mr. Jones, } Tellers.
Mr. Forster, }

No. 11.

Clause 11. No shareholder in any company established under the provisions of this Act shall be personally liable for any debt obligation contract or other matter incurred for, by, or on behalf, of any such company beyond "the amount" subscribed on all calls made in conformity with the rules and regulations of such company and the provisions of this Act nor shall any such shareholder unless he be the manager as hereinafter provided be liable to be sued for any debt contract or obligation incurred for, or by, or in behalf, of such company and if any such shareholder shall be sued or any process issued or proceedings be taken against such shareholder in any court of law or equity for, or on account of, any contract debt or obligation incurred for, or by, or on behalf, of such company every such shareholder may plead this Act in bar and that the liability was incurred by a company established under the provisions of this Act and shall recover costs against any party suing for any process they have issued or any proceedings that shall have been taken,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Manning.*)

Amendment proposed,—That the word "double" be inserted before the words "the amount." (*Mr. R. Campbell.*)

Committee divided.

Ayes, 9.

Mr. Jones,
Mr. Jamison,
Mr. T. G. Rusden,
Mr. Faucett,
Mr. Weekes,
Mr. Marks,
Mr. R. Campbell,
Mr. Robertson, } Tellers.
Mr. Forster, }

Noes, 14

Mr. Parker,
Mr. Arnold,
Mr. G. Macleay,
Mr. Pye,
Mr. Buckley,
Mr. Garland,
Mr. Thomson,
Mr. Suttor,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Holt,
Mr. Manning,
Mr. Donaldson, } Tellers.
Mr. Hay, }

No. 12.

Original Question stated.

Motion made and Question put,—That the Chairman leave the Chair, report progress, and ask leave to sit again this day six months. (*Mr. Jones.*)

Committee divided.

Ayes, 9

Mr. Forster,
Mr. Robertson,
Mr. Jamison,
Mr. T. G. Rusden,
Mr. Faucett,
Mr. Weekes,
Mr. R. Campbell,
Mr. Jones, } Tellers.
Mr. Arnold, }

Noes, 14

Mr. Parker,
Mr. Manning,
Mr. G. Macleay,
Mr. Buckley,
Mr. Pye,
*Mr. Garland,
Mr. Marks,
Mr. Thomson,
Mr. Suttor,
Mr. W. Macleay,
*Mr. Garland,
Mr. Holt,
Mr. Hay, } Tellers.
Mr. Donaldson, }

Progress reported on motion of Mr. Manning.

* So in Tellers' list.

FRIDAY, 27 FEBRUARY, 1857.

No. 13.

IMPOUNDING BILL.

Clause 10. (*as amended*) The Justices sitting in the nearest Court of Petty Sessions may, from time to time, appoint and fix the fees which it shall be lawful for the keeper of any pound to charge and receive for his own use for the sustenance of the cattle, sheep, goats, or swine, of whatever description, which shall be impounded in any such pound, and it shall be lawful for the person impounding to charge and receive for his own use the rates of damage for cattle, sheep, goats, or swine, of whatever description, which shall be impounded in any such pound, or otherwise in terms of this Act, as fixed by "Schedule A to this Act annexed:" Provided always, that where the impounding shall take place from lands occupied by lease or license from the Crown, the sum demanded as ordinary damage shall be one-half of the above rate,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Arnold.*)
Motion made and Question put,—That the Clause be further amended by the insertion, after the words "Schedule A to this Act annexed," of the following words:—"of additional rates per mile for driving the said cattle according to "the scale fixed in the Schedule herunto marked E." (*Mr. Forster.*)

Committee divided.

Ayes, 18.

Mr. Manning,
Mr. Parker,
Mr. Darvall,
Mr. Dalley,
Mr. Hargrave,
Mr. Lee,
Mr. Lang,
Mr. Scott,
Mr. Lord,
Mr. Flood,
Mr. Thomson,
Mr. Irving,
Mr. Buckley,
Mr. Hay,
Mr. Jones,
Mr. Suttor,
Mr. Forster,
Mr. Donaldson. } Tellers.

Noes, 9.

Mr. R. Campbell,
Mr. Deniehy,
Mr. Jamison,
Mr. T. G. Rusden,
Mr. Weekes,
Mr. Gordon,
Mr. F. F. Rusden,
Mr. Robertson, } Tellers.
Mr. Arnold.

Clause, as so further amended, carried.

No. 14.

Clause 13. It shall be lawful for the person entitled to impound to send any cattle, sheep, goats, or swine, found trespassing to the nearest practicable point to the residence of their owner, or his known agent or overseer, and at the same time to demand payment of the amount of damage done according to the rate, as fixed by "Schedule A to this Act annexed," and thereupon such owner, or his agent, or overseer, shall and he is hereby required to pay the same as and for a satisfaction of the said trespass, and if the owner of any such cattle, sheep, goats, or swine, or some person in his behalf, shall not pay the amount of such fixed rate of damage upon the same being demanded, the party aggrieved by such trespass may, instead of impounding the cattle, sheep, goats, or swine, make his complaint to a Justice of the Peace, and such Justice shall summon the owner of any cattle, sheep, goats, or swine, so having trespassed, to appear before the Justices of the Peace assembled and sitting in Petty Sessions, at or nearest to the place where the said trespass was committed, and summarily enquire into, and hear and determine upon the matter of such complaint, and upon satisfactory proof that such cattle, sheep, goats, or swine, had trespassed as alleged, and of the neglect or refusal of the owner to pay the damages claimed, to order and award that the damages so claimed be immediately paid, and upon neglect or refusal to obey such order, to issue their warrant to levy the same, together with such costs as to the said Justices shall appear just and reasonable.

Motion made and Question put,—That the Clause be amended by the insertion, after the words "Schedule A to this Act annexed," of the words "together with the charges for driving as fixed by Schedule E." (*Mr. Arnold.*)

Committee divided.

Ayes, 19.

Mr. Parker,
Mr. Darvall,
Mr. Robertson,
Mr. Thomson,
Mr. Irving,
Mr. Lee,
Mr. Jamison,
Mr. Buckley,
Mr. Lang,
Mr. Garland,
Mr. Hargrave,
Mr. Manning,
Mr. Hay,
Mr. Jones,
Mr. Suttor,
Mr. R. Campbell,
Mr. Forster,
Mr. Arnold,
Mr. Donaldson. } Tellers.

Noes, 3.

Mr. T. F. Rusden,
Mr. Deniehy,
Mr. T. G. Rusden, } Tellers.

Clause further amended, and, as so amended, carried.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 17.

WEEKLY REPORT OF DIVISIONS

IN

COMMITTEE OF THE WHOLE HOUSE.

(EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

WEDNESDAY, 4 MARCH, 1857.

No. 1.

SUPPLY—ESTIMATES FOR 1857.

(Board of Works.)

Motion made and Question put,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £1,500, to defray the salaries of 10 Cadets, at £150 each. (*Mr. Hay.*)

Committee divided.

Ayes, 14.

Mr. Parker,
Mr. Manning,
Mr. Bowman,
Mr. G. Macleay,
Mr. Hay,
Mr. Holt,
Mr. Garland,
Mr. Macarthur,
Mr. Lee,
Mr. Barker,
Mr. Egan,
Mr. Buckley,
Mr. Lang,
Mr. Donaldson. } Tellers.

Noes, 15.

Mr. R. Campbell,
Mr. Jones,
Mr. Forster,
Mr. Scott,
Mr. Dalley,
Mr. Richardson,
Mr. Jamison,
Mr. Weekes,
Mr. Flood,
Mr. Oakes,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Irving,
Mr. Robertson, } Tellers.
Mr. Cowper.

No. 2.

(The Commissioner of Roads and Railways—Roads and Bridges.)

The foregoing portion of the Estimate having been withdrawn—

Question proposed,—That there be granted to Her Majesty, in the year 1857, a sum not exceeding £3,250, to defray the salaries and contingencies of a Department of Roads and Bridges. (*Mr. Hay.*)

Motion made and Question put,—That there be granted a sum not exceeding £2,850, for this service (being less than the Original Estimate by £400, the proposed salary of the Assistant Engineer.) (*Mr. R. Campbell.*)

Committee divided.

Ayes, 13.

Mr. Cowper,
Mr. Gordon,
Mr. Marks,
Mr. Dalley,
Mr. F. T. Rusden,
Mr. Weekes,
Mr. Bowman,
Mr. Oakes,
Mr. Forster,
Mr. Flood,
Mr. Piddington,
Mr. Jamison,
Mr. R. Campbell. } Tellers.

Noes, 18.

Mr. Parker,
Mr. G. Macleay,
Mr. Richardson,
Mr. Garland,
Mr. Robertson,
Mr. Lang,
Mr. Macarthur,
Mr. Buckley,
Mr. Barker,
Mr. Lee,
Mr. Egan,
Mr. Jones,
Mr. Irving,
Mr. Thomson,
Mr. Holt,
Mr. Manning,
Mr. Hay,
Mr. Donaldson, } Tellers.

Original Question put and carried.

THURSDAY, 5 MARCH, 1857.

No. 3.

ASSESSMENT ON STOCK ACT CONTINUATION BILL.

Clause 1. (*as amended*) The provisions of the said Act shall revive and be continued during the present year, provided that the returns therein required to be made on or within fourteen days after the first day of January shall be made on or within fourteen days after the first day of May, and that the Assessment therein required to be paid before the first day of May shall be paid before the first day of September, and that all other acts, matters, and things, in the said Act required to be done at or within certain times therein expressed shall be done at or within times relatively corresponding within the times hereinbefore severally mentioned,—*Read*.

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Donaldson*.)

Motion made and Question put,—That the Clause be amended by the addition, at the end thereof, of the following proviso:—"Provided also that the amount raised under such assessment in each district be appropriated solely for local purposes in such district." (*Mr. W. Macleay*.)

Committee divided.

Ayes, 11.

Mr. Dalley,
Mr. Garland,
Mr. Sandeman,
Mr. Forster,
Mr. F. T. Rusden,
Mr. T. G. Rusden,
Mr. Lee,
Mr. Holt,
Mr. Marks,
Mr. Suttor,
Mr. W. Macleay, } Tellers.

Noes, 18.

Mr. Parker,
Mr. Robertson,
Mr. Hay,
Mr. Denchey,
Mr. Piddington,
Mr. Weekes,
Mr. Bowman,
Mr. Pye,
Mr. Darvall,
Mr. Barker,
Mr. Hargrave,
Mr. Jamison,
Mr. Scott,
Mr. Donaldson,
Mr. Macarthur,
Mr. Manning,
Mr. Jones,
Mr. Cowper, } Tellers.

Clause, as read, carried.

No. 4.

WHOLESALE SPIRIT MERCHANTS' FEE BILL.

Motion made and Question put,—That the following new Clause stand part of the Bill:—"The term 'Spirit Merchant' shall include all persons who import more than one hogshead of any description of Spirits in one shipment." (*Mr. Piddington*.)

Committee divided.

Ayes, 4.

Mr. Piddington,
Mr. T. G. Rusden,
Mr. Egan,
Mr. Robertson, } Tellers.

Noes, 19.

Mr. Parker,
Mr. Manning,
Mr. Forster,
Mr. Jones,
Mr. Barker,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Lee,
Mr. Pye,
Mr. Jamison,
Mr. Bowman,
Mr. Darvall,
Mr. Garland,
Mr. Suttor,
Mr. Marks,
Mr. Holt,
Mr. Hargrave,
Mr. Hay,
Mr. Donaldson, } Tellers.

No. 5.

Motion made and Question put,—That the following new Clause stand part of the Bill:—"The term 'Spirit Merchant' shall include all persons who import any description of Spirits for sale." (*Mr. Robertson*.)

Committee divided.

Ayes, 3.

Mr. Piddington,
Mr. Egan,
Mr. Robertson, } Tellers.

Noes, 19.

Mr. Darvall,
Mr. Manning,
Mr. Hargrave,
Mr. Parker,
Mr. Hay,
Mr. Forster,
Mr. Barker,
Mr. Macarthur,
Mr. W. Macleay,
Mr. Lee,
Mr. Bowman,
Mr. Jamison,
Mr. Pye,
Mr. Garland,
Mr. Suttor,
Mr. Holt,
Mr. Marks,
Mr. Hargrave,
Mr. Donaldson, } Tellers.

No.

No. 6.

Motion made and Question put,—That the following new Clause stand part of the Bill:—“All persons dealing in Spirits shall be considered Spirit Merchants “ within the meaning of this Act.”

Committee divided.

Ayes, 4.

Mr. Robertson,
Mr. Piddington,
Mr. Egan, } Tellers.
Mr. Suttor, }

Noes, 18.

Mr. Parker,
Mr. Hay,
Mr. Barker,
Mr. Manning,
*Mr. Darvall,
Mr. Jones,
Mr. Bowman,
Mr. W. Macleay,
Mr. Lee,
Mr. Pye,
Mr. Sandeman,
Mr. Garland,
Mr. Marks,
Mr. Hargrave,
Mr. Macarthur,
Mr. Holt,
*Mr. Darvall, } Tellers.
Mr. Donaldson. }

*So in Tellers' list.

1856-7.

NEW SOUTH WALES.

LEGISLATIVE ASSEMBLY.

No. 18.

WEEKLY REPORT OF DIVISIONS
 IN
 COMMITTEE OF THE WHOLE HOUSE.
 (EXTRACTED FROM THE MINUTES.)

SESSION OF 1856-7.

MONDAY, 9 MARCH, 1857.

No. 1.

COUNTY COURTS BILL.

Clause 41. The defendant in any suit in a County Court may within such time as shall be directed by the rules to be made as aforesaid pay into Court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment; and notice of such payment shall be communicated by the defendant to the plaintiff by post or by causing the same to be delivered at his usual or last known place of abode or business, and the sum of money shall be paid to the plaintiff; but if he shall elect to proceed, and shall recover no further sum in the action than shall have been so paid into Court, the plaintiff shall pay to the defendant the costs incurred by him in the said action after such payment; and an order shall thereupon be made by the Court for the payment of such costs by the plaintiff,—*Read*.

Motion made and Question put,—That the Clause, as read, stand part of the Bill. (*Mr. Manning*.)

Committee divided.

Ayes, 19.

Mr. Parker,
 Mr. Suttor,
 Mr. Holt,
 Mr. Hargrave,
 Mr. Bowinan,
 Mr. Weekes,
 Mr. Scott,
 Mr. Darvall,
 Mr. Lee,
 Mr. Jamison,
 Mr. Pyc,
 Mr. Lang,
 Mr. Manning,
 Mr. Dalley,
 Mr. Cowper,
 Mr. Jones,
 Mr. Macarthur,
 Mr. Hay,
 Mr. Garland, } Tellers.

Noes, 4.

Mr. Robertson,
 Mr. Denichy,
 Mr. Forster, } Tellers.
 Mr. Buckley, }

No. 2.

Clause 44. It shall be lawful for the party to any suit under this Act, or a Barrister or Attorney of the Supreme Court retained by or on behalf of the party on either side, (but without any right of exclusive audience or pre-audience,) or any other person allowed by the Judge, to appear instead of the party to address the Court and examine and cross-examine the witnesses, but subject to such regulations as the Judge may from time to time prescribe for the orderly transaction of the business of the Court,—*Read*.

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Manning*.)

Amendment proposed,—That the words in *Italic* be omitted, in order to the insertion in their place of the words “or any other person duly authorized by such party.” (*Mr. Forster.*)

Question put,—That the words proposed to be omitted stand part of the Clause.
Committee divided.

<p>Ayes, 14.</p> <p>Mr. Parker, Mr. Holt, Mr. Lang, Mr. Hargrave, Mr. Dalley, Mr. Jamison, Mr. Manning, Mr. Bowman, Mr. Buckley, Mr. Macarthur, Mr. Pye, Mr. Lee, Mr. Suttor, } Tellers. Mr. Hay. }</p>	<p>Noes, 9.</p> <p>Mr. Denichy, Mr. Robertson, Mr. Thomson, Mr. Cowper, Mr. T. G. Rusden, Mr. Weekes, Mr. Marks, Mr. Forster, } Tellers. Mr. Jones. }</p>
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No. 3.

IMPOUNDING BILL.

Clause 26 having been partially amended, and a further Amendment having been proposed (*Mr. Robertson*),—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again on Wednesday next. (*Mr. Gordon.*)

Committee divided:—

And the Tellers reporting the numbers as follows;—

<p>Ayes, 3.</p> <p>Mr. Forster, Mr. Egan, } Tellers. Mr. Gordon. }</p>	<p>Noes, 16.</p> <p>Mr. Parker, Mr. Manning, Mr. Suttor, Mr. Hay, Mr. Thomson, Mr. Jones, Mr. Pye, Mr. Lee, Mr. Garland, Mr. Marks, Mr. Macarthur, Mr. Lang, Mr. Buckley, Mr. Hargrave, Mr. Robertson, } Tellers. Mr. Jamison. }</p>
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And it appearing by the said Report that there was not a Quorum of Members present, the Committee was counted; and there not being a Quorum present, the Chairman left the Chair, to report the same to the House.

TUESDAY, 10 MARCH, 1857.

No. 4.

COUNTY COURTS BILL.

Question proposed,—That the following new Clause (*then in manuscript*) stand part of the Bill, viz.:—“4. The several Courts appointed to be held at Towns and places within such Districts respectively, shall have jurisdiction to the extent hereinafter provided, in cases in which the Defendant shall be resident within the Districts for which such Courts respectively shall be ordered to be held: Provided that in respect of claims for amounts not exceeding £10, and at present within the jurisdiction of Courts of Petty Sessions, under the Act of Council, 10th Victoria, No. 10, no Defendant shall be compellable to appear at a District Court held under this Act, at a place not within the Police or Petty Sessions District in which he shall be resident, unless his residence shall be within thirty miles thereof by the ordinary or most convenient road.” (*Mr. Manning.*)

Motion made and Question put,—That the consideration of this Clause be postponed until printed. (*Mr. Arnold.*)

Committee divided.

<p>Ayes, 17.</p> <p>Mr. Cowper, Mr. Forster, Mr. Jones, Mr. Gordon, Mr. Scott, Mr. Weekes, Mr. Marks, Mr. Jamieson, Mr. Oakes, Mr. Denichy, Mr. B. Campbell, Mr. Wilshire, Mr. Piddington, Mr. J. Campbell, Mr. Dalley, Mr. Robertson, } Tellers. Mr. Arnold. }</p>	<p>Noes, 16.</p> <p>Mr. Parker, Mr. Bowman, Mr. Barker, Mr. Garland, Mr. Oxley, Mr. Hargrave, Mr. Lang, Mr. Lee, Mr. Osborne, Mr. Pye, Mr. Suttor, Mr. Holt, Mr. Donaldson, Mr. Manning, Mr. Hay, } Tellers. Mr. Martin. }</p>
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No.

No. 5.

An irregular debate having here arisen as to which of several postponed. Clauses should now be considered—and the Chairman having given his opinion upon a question submitted to him thereupon—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again to-morrow. (*Mr. Gordon.*)

Committee divided.

Ayes, 13.

Mr. Weekes,
Mr. Scott,
Mr. Dalley,
Mr. Jones,
Mr. Piddington,
Mr. Forster,
Mr. Thomson,
Mr. Egan,
Mr. Wilshire,
Mr. Oakes,
Mr. J. Campbell,
Mr. Gordon,
Mr. Robertson. } Tellers.

Noes, 25.

Mr. Parker,
Mr. Hay,
Mr. G. Macleay,
Mr. Holt,
Mr. Macarthur,
Mr. Cowper,
Mr. Buckley,
Mr. Richardson,
Mr. Hargrave,
Mr. Lec,
Mr. Jamison,
Mr. Deniehy,
Mr. Pye,
Mr. Lang,
Mr. Osborne,
Mr. Flood,
Mr. Bowman,
Mr. Barker,
Mr. Suttor,
Mr. Martin,
Mr. Garland,
Mr. Manning,
Mr. Oxley,
Mr. Arnold,
Mr. Donaldson. } Tellers.

No. 6.

Motion made and Question put,—That the following new Clause stand part of the Bill, in substitution for Clause 2, as printed, viz.:—“ 2. It shall be lawful “ for the Governor, with the advice of the Executive Council, from time to “ time, to order that Courts, to be called District Courts, shall be holden for “ the recovery of debts and demands, or for the administration of criminal “ law, or both, under this Act, at such towns and places as he shall think fit, and “ to alter the place for holding any such Court, or to order that the holding of “ any such Court shall be discontinued. (*Mr. Deniehy.*)

Committee divided.

Ayes, 18

Mr. Cowper,
Mr. Dalley,
Mr. Forster,
Mr. Robertson,
Mr. Jamison,
Mr. Egan,
Mr. Gordon,
Mr. Jones,
Mr. Scott,
Mr. Wilshire,
Mr. Deniehy,
Mr. Oakes,
Mr. Piddington,
Mr. Marks,
Mr. R. Campbell,
Mr. J. Campbell,
Mr. Martin, } Tellers.
Mr. Arnold, }

Noes, 20.

Mr. Parker,
Mr. G. Macleay,
Mr. Lang,
Mr. Weekes,
Mr. Donaldson,
Mr. Buckley,
Mr. Pye,
Mr. Osborne,
Mr. Lee,
Mr. Oxley,
Mr. Richardson,
Mr. Bowman,
Mr. W. Macleay,
Mr. Macarthur,
Mr. Barker,
Mr. Garland,
Mr. Suttor,
Mr. Manning,
Mr. Holt, } Tellers.
Mr. Hay, }

No. 7.

Clause 24. If both parties agree by a memorandum signed by them or by their “ attorneys,” that the County Court holden at any particular place shall have power to try any action which might be brought in the Supreme Court, *except criminal conversation*, then in such case the said County Court shall have jurisdiction and power to try such action: Provided that such memorandum shall state that the parties signing the same knew that such cause of action was not within the jurisdiction of the County Court without such consent, and in reference to the title to land that they know such title to come in question in such action, and provided that such memorandum shall be filed with the Registrar of the said Court at the time of filing the plaint,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr Manning.*)

Motion

Motion made and Question put,—That the Clause be amended by inserting after the word “attorneys,” the words “or agents.” (*Mr. Deniehy.*)

Committee divided.

Ayes, 17.

Mr. Cowper,
Mr. Scott,
Mr. Bowman,
Mr. Robertson,
Mr. Martin,
Mr. Wilshire,
Mr. Thomson,
Mr. Egan,
Mr. Flood,
Mr. Piddington,
Mr. Oakes,
Mr. Deniehy,
Mr. R. Campbell,
Mr. Jamison,
Mr. J. Campbell,
Mr. Arnold, } Tellers.
Mr. Forster, }

Noes, 21.

Mr. Parker,
Mr. Manning,
Mr. Darvall,
Mr. Weekes,
Mr. Gordon,
Mr. Lang,
Mr. Donaldson,
Mr. Buckley,
Mr. Osborne,
Mr. Lee,
Mr. Pye,
Mr. Oxley,
Mr. Garland,
Mr. W. Macleay,
Mr. Barker,
Mr. Suttor,
Mr. Holt,
Mr. Macarthur,
Mr. Hay,
Mr. Dalley, } Tellers.
Mr. G. Macleay, }

Original Question by leave withdrawn, and Clause amended by the omission of the words in Italics, and as so amended, carried. (Mr. Manning.)

No. 8.

Clause 5. Every Judge appointed under this Act shall be paid a salary of pounds, and no more, out of the Consolidated Revenue Fund, together with a reasonable allowance for his travelling expenses.

Question proposed,—That the Blank be filled with the words “One thousand.” (*Mr. Martin.*)

Motion made and Question put,—That the Blank be filled with the words “Eight hundred.” (*Mr. Forster.*)

Committee divided.

Ayes, 8.

Mr. Arnold,
Mr. Scott,
Mr. T. G. Rusden,
Mr. Gordon,
Mr. Piddington,
Mr. J. Campbell,
Mr. Forster, } Tellers.
Mr. Robertson, }

Noes, 28.

Mr. Cowper,
Mr. Martin,
Mr. Hay,
Mr. G. Macleay,
Mr. Hargrave,
Mr. Marks,
Mr. Weekes,
Mr. Macarthur,
Mr. Oxley,
Mr. Darvall,
Mr. Parker,
Mr. Manning,
Mr. R. Campbell,
Mr. Wilshire,
Mr. W. Macleay,
Mr. Holt,
Mr. Oakes,
Mr. Bowman,
Mr. Lang,
Mr. Osborne,
Mr. Suttor,
Mr. Lee,
Mr. Jamison,
Mr. Pye,
Mr. Buckley,
Mr. Thomson,
Mr. Deniehy, } Tellers.
Mr. Donaldson, }

Original Question put and carried, and Clause, with the Blank so filled, carried.

WEDNESDAY, 11 MARCH, 1857.

No. 9.

(*Same Bill re-committed.*)

Clause 60. (*as amended*) Whenever any sum of money shall have been recovered by the judgment of any County Court, the amount so recovered shall be made of the real or leasehold property and goods and chattels of the party against whom such judgment shall have been obtained, and the Registrar of the Court, at the request of the judgment creditor, shall issue a warrant, or writ of *feri facias*, which shall be directed to any bailiff of any County Court, or his deputies, who are hereby authorized and empowered to execute the same in any part of the Colony, in the same manner in all respects as a writ of *feri facias* issuing out of the Supreme Court may be executed by the Sheriff, or any

any of his deputies: "Provided, however, that" the wearing apparel, bedding, tools and implements of trade of the defendant and his family, to the value of ten pounds, shall be protected from seizure.

Question proposed,—That the Clause be further amended by inserting, after the words "Provided, however, that", the words "no real or leasehold property shall be liable to be levied upon under any such writ of execution where the amount recovered, exclusive of costs, shall not exceed *thirty* pounds, and "provided also that" (*Mr. Manning.*)

Motion made and Question put,—That the proposed amendment be amended by omitting the word "thirty", in order to the insertion in its place of the word "ten" (*Mr. Deniehy.*)

Question put,—That the word proposed to be omitted stand part of the proposed amendment:

Committee divided.

Ayes, 16.

Mr. Parker,
Mr. Manning,
Mr. Thomson,
Mr. Hargrave,
Mr. G. Macleay,
Mr. Barker,
Mr. Oxley,
Mr. W. Macleay,
Mr. Lee,
Mr. Scott,
Mr. Garland,
Mr. Holt,
Mr. Suttor,
Mr. Macarthur,
Mr. Hay,
Mr. Donaldson. } Tellers.

Noes, 13.

Mr. Cowper,
Mr. Jones,
Mr. Robertson,
Mr. Weekes,
Mr. Jamison,
Mr. Deniehy,
Mr. Flood,
Mr. Marks,
Mr. T. G. Rusden,
Mr. Piddington,
Mr. R. Campbell,
Mr. Forster, } Tellers.
Mr. Arnold. }

No. 10.

Original Question then put.

Committee divided.

Ayes, 17.

Mr. Parker,
Mr. Manning,
Mr. Thomson,
Mr. Hargrave,
Mr. Macarthur,
Mr. Barker,
Mr. G. Macleay,
Mr. Oxley,
Mr. Osborne,
Mr. W. Macleay,
Mr. Lee,
Mr. Garland,
Mr. Scott,
Mr. Holt,
Mr. Suttor,
Mr. Hay,
Mr. Donaldson. } Tellers.

Noes, 11.

Mr. Jones,
Mr. Robertson,
Mr. Deniehy,
Mr. Weekes,
Mr. Jamison,
Mr. Marks,
Mr. Piddington,
Mr. T. G. Rusden,
Mr. R. Campbell,
Mr. Forster, } Tellers.
Mr. Arnold. }

Whereupon, Clause, as so further amended, carried.

THURSDAY, 12 MARCH, 1857.

No. 11.

(Same Bill, re-committed.²⁹ — As amended in Committee of the Whole House, and re-printed.)

61. Whenever any sum of money shall have been recovered by the judgment of any District Court, the amount so recovered shall be made of the real or leasehold property and goods and chattels of the party against whom such judgment shall have been obtained, and the Registrar of the Court, at the request of the judgment creditor, shall issue a warrant, or writ of *feri facias*, which shall be directed to any bailiff of any District Court, or his deputies, who are hereby authorized and empowered to execute the same in any part of the Colony, in the same manner in all respects as a writ of *feri facias* issuing out of the Supreme Court may be executed by the Sheriff, or any of his deputies: *Provided, however, that no real or leasehold property shall be liable to be levied upon under any such writ of execution where the amount recovered, exclusive of costs, shall not exceed thirty pounds.* And provided also that the wearing apparel, bedding, tools, and implements of trade of the defendant and his family, to the value of ten pounds, shall be protected from seizure,—*Read.*

Question proposed,—That the Clause be amended, by the omission of the Proviso in *Italic.* (*Mr. Arnold.*)

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

Committee divided.

Ayes, 15.	Noes, 15.
Mr. Parker,	Mr. Cowper,
Mr. Manning,	Mr. Robertson,
Mr. Hay,	Mr. Forster,
Mr. G. Macleay,	Mr. Deniehy,
Mr. Hargrave,	Mr. Piddington,
Mr. Thomson,	Mr. Gordon,
Mr. Barker,	Mr. Jamison,
Mr. Suttor,	Mr. Osborne,
Mr. Bowman,	Mr. Egan,
Mr. Lang,	Mr. T. G. Rusden,
Mr. Holt,	Mr. Lee,
Mr. Oxley,	Mr. Hely,
Mr. Buckley,	Mr. Flood,
Mr. Donaldson, } Tellers.	Mr. Arnold, } Tellers.
Mr. Darvall. }	Mr. Jones. }

The numbers being equal, the Chairman gave his Vote with the Ayes, and declared the Question to have passed in the *Affirmative*.
Clause, as read, carried. (Mr. Manning.)

No. 12.

SYDNEY MUNICIPAL COUNCIL BILL.

The following Message from the Legislative Council having been read, viz. :—

Mr. Speaker,

The Legislative Council having taken into consideration the Messages from the Legislative Assembly dated respectively the 24th February and 10th March proposing certain amendments upon the amendments to the Council in the Sydney Municipal Council Bill, and assigning their reasons for their disagreeing to certain of those amendments, insist upon the following amendments to which the Legislative Assembly has disagreed, namely :—

*In clause 49 page 8, line 26, by adding the words " an Officer of Health and such" after " Treasurer—" and by the addition of the proposed clause * * 53 for the following reasons,--*

Because the sanitary condition of the City is such as to render it imperatively necessary that a Health Officer should be immediately appointed, and because it admits of doubt whether the Municipal Body would have the power, without express authority, to appoint such an Officer.

Because any delay in making such appointment would be calculated to occasion a serious sacrifice of human life.

Because such an appointment under direct Legislative enactment is in conformity with the example of English Legislation in analogous cases during the last ten years and upwards.

With the preceding exceptions, the Legislative Council do not insist upon the other amendments, made by the Council and disagreed to by the Assembly, and agree to such other amendments of the Assembly as are proposed in their Message of 24th February.

J. H. PLUNKETT,

President.

*Legislative Council Chamber,
 Sydney, 12 March, 1857.*

Motion made and Question put,—That this Committee does not insist upon its disagreement to the Amendments in the Sydney Municipal Council Bill insisted upon by the Legislative Council.

Committee divided.

Ayes, 22.	Noes, 5.
Mr. Parker,	Mr. Arnold,
Mr. Hay,	Mr. Robertson,
Mr. Garland,	Mr. Jamison,
Mr. Macarthur,	Mr. Foster,
Mr. Bowman,	Mr. T. G. Rusden. } Tellers.
Mr. W. Macleay,	
Mr. Osborne,	
Mr. Oxley,	
Mr. Marks,	
Mr. Thomson,	
Mr. Sandeman,	
Mr. Lee,	
Mr. Hely,	
Mr. Hargrave,	
Mr. Deniehy,	
Mr. Gordon,	
Mr. Suttor,	
Mr. Jones,	
Mr. Piddington,	
Mr. Cowper,	
Mr. Buckley, } Tellers.	
Mr. Donaldson. }	

No. 13.

IMPOUNDING BILL.

Clause 33. It shall not be lawful for any owner or occupier of any "land" through which any public road or thoroughfare may pass, such land not being enclosed, to impound the cattle, sheep, goats, or swine, of any person who may be travelling along or through any such road, or who may stop upon such land during

during one night or day for necessary rest, provided that such cattle, sheep, goats, or swine, shall not be at a greater distance from the centre of such road or thoroughfare than one quarter of a mile, and that no such cattle, sheep, goats, or swine, shall be affected with either of the diseases known as catarrh, or scab, or other infectious disease.

Motion made and Question put,—That the Clause be amended by inserting before the word "land," where it first occurs, the word "Crown."

Committee divided.

Ayes, 11.		Noes, 12.	
Mr. Parker,	} Tellers.	Mr. Hargrave,	} Tellers.
Mr. Bowman,		Mr. Buckley,	
Mr. Cowper,		Mr. Hay,	
Mr. Osborne,		Mr. T. G. Rusden,	
Mr. Suttor,		Mr. G. Macleay,	
Mr. Lee,		Mr. Jamison,	
Mr. W. Macleay,		Mr. Macarthur,	
Mr. Garland,		Mr. Forster,	
Mr. Oxley,		Mr. Sandeman,	
Mr. Robertson,		Mr. Marks,	
Mr. Donaldson,		Mr. Arnold,	
		Mr. Thomson,	

No. 14.

The Clause having been amended in subsequent parts thereof (Mr. Arnold),—
Motion made and Question put,—That the Clause, as amended, stand part of the Bill. (*Mr. Arnold.*)

Committee divided.

Ayes, 10.		Noes, 12.	
Mr. Parker,	} Tellers.	Mr. Robertson,	} Tellers.
Mr. Hay,		Mr. Suttor,	
Mr. Thomson,		Mr. W. Macleay,	
Mr. Jamison,		Mr. Garland,	
Mr. T. G. Rusden,		Mr. Macarthur,	
Mr. Buckley,		Mr. Osborne,	
Mr. Forster,		Mr. Oxley,	
Mr. Hargrave,		Mr. Lee,	
Mr. G. Macleay,		Mr. Marks,	
Mr. Arnold,		Mr. Bowman,	
		Mr. Cowper,	
		Mr. Donaldson,	

FRIDAY, 13 MARCH, 1857.

No. 15.

NICHOLS' ADMISSION BILL, VIZ. :—

A BILL to provide for the Admission of the Honorable George Robert Nichols, Esquire, as a Barrister of the Supreme Court of New South Wales.

WHEREAS the Honorable George Robert Nichols, Esquire, has equitable claims to be admitted a Member of the Bar of New South Wales, which claims cannot be enforced without an Act of the Legislature: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales, in Parliament assembled, and by the authority of the same, as follows :—

1. "It" "shall" be lawful for the said George Robert Nichols on application to the Supreme Court, and after having been duly struck off the Roll of Attorneys, to be admitted to practise as a Barrister-at-Law of the Supreme Court of New South Wales, any Act of Parliament, Charter, or Act, or Ordinance of the Legislature of New South Wales to the contrary notwithstanding.

Motion made and Question put,—That the Preamble be postponed. (*Mr. Deniehy.*)

Committee divided.

Ayes, 21.		Noes, 2.	
Mr. Parker,	} Tellers.	Mr. Arnold,	} Tellers.
Mr. Scott,		Mr. Piddington,	
Mr. Macarthur,			
Mr. Garland,			
Mr. Thomson,			
Mr. Buckley,			
Mr. Hargrave,			
Mr. Donaldson,			
Mr. Sandeman,			
Mr. Marks,			
Mr. Hely,			
Mr. Gordon,			
Mr. Hay,			
Mr. Robertson,			
Mr. Forster,			
Mr. Darvall,			
Mr. Weckes,			
Mr. Bowman,			
Mr. Lee,			
Mr. Egan,			
Mr. Deniehy,			

No.

No. 16.

Clause 1,—*Read.*

Question proposed,—That the Clause, as read, stand part of the Bill. (*Mr. Deniehy.*)
An Amendment having been proposed and withdrawn, (Mr. Arnold),—

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at a later hour this evening. (*Mr. Arnold.*)

Committee divided.

Ayes, 5.
 Mr. R. Campbell,
 Mr. Oxley,
 Mr. Forster,
 Mr. Piddington, } Tellers.
 Mr. Arnold.

Noes, 20.
 Mr. Parker,
 Mr. Hay,
 Mr. Darvall,
 Mr. Egan,
 Mr. Robertson,
 Mr. Bowman,
 Mr. Weekes,
 Mr. Macarthur,
 Mr. Sandeman,
 Mr. Hely,
 Mr. Marks,
 Mr. Gordon,
 Mr. Buckley,
 Mr. Scott,
 Mr. Garland,
 Mr. Lee,
 Mr. Deniehy,
 Mr. Hargrave,
 Mr. Thomson, } Tellers.
 Mr. Donaldson.

And the Committee having continued to sit until after Midnight,

SATURDAY, 14 MARCH, 1857, A. M.,

The Chairman, on motion of Mr. Arnold, left the Chair to report progress, and ask leave to sit again so soon as a point of order which had arisen should be disposed of, with the Speaker in the Chair.—The point of order being as follows:—The Standing Orders having been suspended to permit of the passage of this Bill through all its stages this evening, and it being now past Midnight,—Are not the Standing Orders now again in force, notwithstanding that the Bill has not yet passed through all its stages?

* * * * *

Committee resumed.

And notice being taken that there was not a quorum of Members present, the Committee was counted, and there not being a quorum present, the Chairman left the Chair to report the same to the House.

No. 17:

Committee resumed.

Whereupon, Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at a later hour of the evening. (*Mr. Piddington.*)

Committee divided.

Ayes, 6.
 Mr. Piddington,
 Mr. Cowper,
 Mr. Arnold,
 Mr. Forster,
 Mr. R. Campbell, } Tellers.
 Mr. Oxley.

Noes, 20.
 Mr. Parker,
 Mr. Darvall,
 Mr. Robertson,
 Mr. Hargrave,
 Mr. Macarthur,
 Mr. Scott,
 Mr. Deniehy,
 Mr. Sandeman,
 Mr. Marks,
 Mr. Hely,
 Mr. Gordon,
 Mr. Bowman,
 Mr. Lee,
 Mr. Buckley,
 Mr. Suttor,
 Mr. Thomson,
 Mr. Hay,
 Mr. Garland,
 Mr. Egan, } Tellers.
 Mr. Donaldson.

No. 18.

Original Question stated.

Amendment proposed,—That the first word of the Clause, "It," be omitted. (*Mr. Arnold.*)

Question put,—That the word proposed to be omitted stand part of the Clause.

Committee

Committee divided.

Ayes, 21.

Mr. Parker,
Mr. Macarthur,
Mr. Oxley,
Mr. Bowman,
Mr. Buckley,
Mr. Denichy,
Mr. Marks,
Mr. Lee,
Mr. Gordon,
Mr. Sandeman,
Mr. Darvall,
Mr. Hely,
Mr. Scott,
Mr. Suttor,
Mr. Hargrave,
Mr. Egan,
Mr. Thomson,
Mr. Hay,
Mr. Garland,
Mr. Robertson, } Tellers.
Mr. Donaldson. }

Noes, 6.

Mr. T. G. Rusden,
Mr. R. Campbell,
Mr. Forster,
Mr. Cowper,
Mr. Piddington, } Tellers.
Mr. Arnold. }

No. 19.

Original Question stated.

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at a later hour of the evening. (*Mr. Arnold.*)

Committee divided.

Ayes, 5.

Mr. R. Campbell,
Mr. T. G. Rusden,
Mr. Piddington,
Mr. Forster, } Tellers.
Mr. Arnold. }

Noes, 20.

Mr. Parker,
Mr. Hay,
Mr. Egan,
Mr. Macarthur,
Mr. Bowman,
Mr. Robertson,
Mr. Sandeman,
Mr. Marks,
Mr. Hely,
Mr. Gordon,
Mr. Lee,
Mr. Scott,
Mr. Buckley,
Mr. Suttor,
Mr. Thomson,
Mr. Garland,
Mr. Darvall,
Mr. Denichy,
Mr. Hargrave, } Tellers.
Mr. Donaldson. }

No. 20.

Original Question stated.

Another Question having been put and negatived (Mr. T. G. Rusden),—

Motion made and Question put,—That the Clause be amended by inserting, after the second word "shall," the words "after the passing of this Act." (*Mr. Arnold.*)

Committee divided.

Ayes, 4.

Mr. Piddington,
Mr. R. Campbell,
Mr. Arnold, } Tellers.
Mr. Forster. }

Noes, 18.

Mr. Parker,
Mr. Denichy,
Mr. Macarthur,
Mr. Bowman,
Mr. Marks,
Mr. Donaldson,
Mr. Scott,
Mr. Egan,
Mr. Gordon,
Mr. Hely,
Mr. Robertson,
Mr. Hargrave,
Mr. Suttor,
Mr. Buckley,
Mr. Lee,
Mr. Sandeman,
Mr. Thomson, } Tellers.
Mr. Garland. }

No. 21.

Original Question stated.

Motion made and Question put,—That the Clause be amended by inserting, after the second word "shall," the words "from and after the first day of April, one thousand eight hundred and fifty-eight". (*Mr. Arnold.*)

Committee divided.

Ayes, 3.
Mr. Forster,
Mr. Piddington, } Tellers.
Mr. Arnold,

Noes, 18.

Mr. Parker,
Mr. Bowman,
Mr. Hargrave,
Mr. Macarthur,
Mr. Scott,
Mr. Donaldson,
Mr. Hely,
Mr. Egan,
Mr. Gordon,
Mr. Deniehy,
Mr. Marks,
Mr. Robertson,
Mr. Suttor,
Mr. Buckley,
Mr. Lee,
Mr. Sandeman,
Mr. Garland, } Tellers.
Mr. Thomson,

No. 22.

Original Question stated.

Motion made and Question put,—That the Chairman now leave the Chair, report progress, and ask leave to sit again at a later hour of the evening. (*Mr. Piddington.*)

Committee divided.

Ayes, 2.
Mr. Forster, } Tellers.
Mr. Piddington.

Noes, 18.

Mr. Parker,
Mr. Bowman,
Mr. Hargrave,
Mr. Macarthur,
Mr. Scott,
Mr. Marks,
Mr. Hely,
Mr. Egan,
Mr. Gordon,
Mr. Donaldson,
Mr. Richardson,
Mr. Suttor,
Mr. Buckley,
Mr. Lee,
Mr. Sandeman,
Mr. Garland,
Mr. Thomson, } Tellers.
Mr. Deniehy.

No. 23.

Original Question put.

Committee divided.

Ayes, 18.
Mr. Parker,
Mr. Macarthur,
Mr. Egan,
Mr. Robertson,
Mr. Donaldson,
Mr. Suttor,
Mr. Buckley,
Mr. Lee,
Mr. Hely,
Mr. Gordon,
Mr. Marks,
Mr. Deniehy,
Mr. Scott,
Mr. Thomson,
Mr. Hargrave,
Mr. Bowman,
Mr. Sandeman, } Tellers.
Mr. Garland.

Noes, 3.

Mr. Forster,
Mr. Piddington, } Tellers.
Mr. Arnold.

The Preamble being under consideration; Notice was taken that there was not a Quorum of Members present.—Whereupon the Committee was counted, and there not being a Quorum present, the Chairman left the Chair to report the same to the House.

1856.

NEW SOUTH WALES.

No. 1.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Aug. 6....	Mr. Thomas Alison Scott	(1) One	Mr. Campbell ..	{ Praying that an opportunity may be afforded to him of proving certain matters in reference to his Land Claim, with a view to his obtaining such relief as the circumstances of his case may require.
Aug. 7....	{ The Trustees of the Sydney Bethel Union	(5) Five	{ The Honorable the Attorney General	{ Praying leave to introduce a Bill to enable them to surrender certain Land in Macquarie-street, granted as a site for a Mariners' Church, and to accept a grant of other Land in lieu thereof.
Aug. 7....	{ Certain Electors of the Borough of Ipswich	(111) One hundred and eleven	{ The Honorable the Colonial Treasurer ..	{ Praying that a Bill may be passed for the separation of the Towns of Brisbane and Ipswich for Electoral purposes, and to grant to each of those Towns a Member to represent its separate interests in the Legislative Assembly.
Aug. 8....	{ Certain Inhabitants of the District of Windsor	(1340) One thousand three hundred and forty	{ The Honorable the Solicitor General	{ Praying that steps may be taken to extend to the Windsor District a Branch of the Sydney and Parramatta Railway.
Aug. 8....	Mr. Henry Harvey Read	(1) One	Mr. Parkes	{ Complaining of certain injuries to his property, occasioned by the construction of the Railway and Sewerage Works, and praying relief.
Aug. 8....	Mr. John M. Bate	(1) One	Mr. Parkes	{ Representing that his late brother, Mr. Richard Ellison Bate, was entitled to compensation on the abolition of his office of Surveyor of Distilleries, but died without receiving such compensation, and that Petitioner, as heir-at-law, had made application for such compensation, subsequent to his brother's death, but had been denied, on the ground of lapse of time, and praying relief.

*Legislative Assembly Offices,
Sydney, 8 August, 1856.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 2.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Aug. 14...	Certain Inhabitants of the South-Eastern portion of the District of Liverpool Plains.	(28) Twenty-eight....	Mr. Robertson..	{ Praying that arrangements may be forthwith made to define the Boundary of the Police District of Murrurundi in the manner therein set out.

Legislative Assembly Offices,
Sydney, 15 August, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 3.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Aug. 19...	Certain Members of the East Maitland Improvement Committee	(22) Twenty-two	Mr. Piddington..	{ Praying the extension to Singleton of the Hunter River Railway.
Aug. 20...	Thomas Abbott, of Dungog	(1) One	Mr. Jones	{ Praying enquiry into the circumstance of his removal from the office of Chief Constable at Dungog, and relief in event of that enquiry proving such removal to have been undeserved.

*Legislative Assembly Offices,
Sydney, 21 August, 1856.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 4.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Sept. 16...	{ Chairman and Directors of the Local Board of the Australian Trust Company }	(4) Four	Mr. Barker	{ Praying leave to introduce a Bill to enlarge the powers of the Company.

*Legislative Assembly Offices,
Sydney, 20 September, 1856.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 5.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Sept. 24...	Certain Inhabitants of the Town and District of Queanbeyan	{ (132) One hundred } { and thirty-two ... }	Mr. Murray.....	{ Praying that no time may be lost in the application of the funds voted for the erection of a substantial Bridge over the River at Queanbeyan.
" 25...	Mr. Stephen H. Marsh	(1) One	Mr. G. M'Leay..	{ Setting forth a proposal, in reference to the establishment of Railways in this Colony, which he had recently made to the Principal Secretary of State for the Colonies, and praying this House to adopt such measures in reference thereto as shall seem meet.
" " ...	Certain Merchants and Traders of Sydney	{ (143) One hundred } { and forty-three }	Mr. Parkes. . .	{ Representing that frequent alterations in the Tariff, even as temporary expedients to meet the exigencies of the Public Service, are prejudicial to the public interests, and praying the House to take the premises into consideration.
" " ...	Mr. David Bowen Jones.....	(1) One	Mr. G. M'Leay..	{ Representing that his interest in a certain Run has become forfeited, by default in pre-payment of rent, and praying the House to take the case into consideration.
" " ...	Certain Landowners and Residents on the M'Donald River, Lower Hawkesbury }	{ (128) One hundred } { and twenty-eight. }	Mr. Piddington..	{ Representing the bad state of the Road through the Valley of the M'Donald River, and praying the adoption of such measures for its repair as may seem meet.
" " ...	Certain Magistrates and other Residents in the Town of Tamworth	{ (126) One hundred } { and twenty-six... }	Mr. F. T. Rusden	{ Representing the necessity for the establishment of an Assize Court at Tamworth, and praying the House to take the same into consideration.

Legislative Assembly Offices,
Sydney, 26 September, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 6.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Oct. 28....	Certain Freeholders of Land in the Town of Cleveland, and others interested in the District	(18) Eighteen	Mr. Holroyd....	{ Praying a full and accurate Survey of the Waters of Moreton Bay, with a view to the immediate establishment of a Port of direct Shipment there.
" " ...	Certain Magistrates and other Residents in the Pastoral Districts of New England, McLeay, Gwydir, and Clarence	(1550) One thousand five hundred and fifty.....	Mr. Hargrave ..	{ Praying the establishment of a Court of Assize at Armidale.
" " ...	Mr. Richard Sadlier.....	(1) One	Mr. Holt	{ Praying the establishment of Industrial Institutions for Children, and of a Reformatory Institution for Juvenile Offenders.
" " ...	Certain Justices and other Residents in the Police District of Wellingrove ..	(29) Twenty-nine ...	Mr. T. G. Rusden	{ Praying the removal of the Court of Petty Sessions for that District to the Town of Glen Innes.
" " ...	Certain Residents at the Hanging Rock and Peel River Gold Fields	{ (118) One hundred and eighteen	Mr. Lang.....	{ Praying the equalization of the proposed Export Duty on Gold.
" " ...	The Rev. James Cameron, Moderator of the Synod of Eastern Australia.....	(1) One	Mr. Gordon	{ Praying that measures may be taken to prevent the desecration of the Sabbath by the running of Railway Trains.
" 29...	Chairman and Directors of the Liverpool and London Fire and Life Insurance Company	(3) Three	Mr. Cowper	{ Praying leave to introduce a Bill to vest the Trust Moneys, Securities, and Property of the said Company, in this Colony, in the Local Trustees thereof.
" " ...	Certain Residents in the District of Maranoa.....	(28) Twenty-eight ..	Mr. Sandeman ..	{ Praying that provision be made for protecting the District from depredations by the Aborigines.
" 30...	Mr. Frederick Dunbar, late Clerk of Petty Sessions at Wellingrove	(1) One	Mr. Parkes.....	{ Complaining of his removal from Office, and praying redress.

Legislative Assembly Offices,
Sydney, 31 October, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 7.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Nov. 4	Mr. William Bowman, Chairman of the Committee of the proposed Richmond Bridge Company	(1) One	Mr. Martin	{ Praying leave to introduce a Bill to Incorporate the Richmond Bridge Company.
" "	Mr. James Ralfe, Licensed Surveyor, Port Macquarie }	(1) One	Mr. Barker	{ Praying an acknowledgment of his services.
" 5	Mr. Joseph Wiley	(1) One	Mr. Wilshire . . .	{ Praying the postponement for one week of the second reading of the Sydney Municipal Council Bill.
" "	Mr. Edward J. Hawkesley, and Mr. Martin Guest }	(2) Two	Mr. Piddington . .	{ Praying the postponement for one week of the second reading of the Sydney Municipal Council Bill.
" 7	Mr. David Cross, of the M'Donald River, farmer . . }	(1) One	Mr. Hely	{ Praying to be heard at the Bar of the House in person, or by Counsel, in reference to a house built by him whilst lessee of Wiseman's Ferry, of which house the Government have taken possession, without remunerating Petitioner.
" "	Certain owners and occupiers of land in the District of Appin and East Bargo . . }	(47) Forty seven	Mr. Garland	{ Praying provision for making the present bridle track, from Appin to Lupton's Inn, available for the passage of drays and carriages.
" "	Mr. Alexander John Evelyn . .	(1) One	Mr. Martin	{ Complaining of a departure from the ordinary course of Justice, in removing the trial of a charge of assault preferred against him, from the Court of Quarter Sessions to the Supreme Court, and praying relief.

Legislative Assembly Offices,
Sydney, 8 November, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

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1856.

NEW SOUTH WALES.

No. 8.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Nov. 11...	Certain Inhabitants of Maitland and the adjoining Districts	(653) Six hundred and fifty-three ..	Mr. Weekes	{ Praying the immediate commencement and speedy completion of a Causeway over the Falls at West Maitland.
" " ...	Certain Inhabitants of East Maitland	(268) Two hundred and sixty-eight }	Mr. Piddington.	{ Praying the construction of a Dam across Wallis' Creek, at East Maitland.
" " ...	Certain Tenants of the Crown ..	(21) Twenty-one	Mr. Lord	{ Complaining of certain encroachments upon the back boundaries of their Runs, and praying the passing of some Law for the redress of this grievance.
" " ...	Denis Guerin	(1) One	Mr. Plunkett ..	{ Complaining of a Return to an Address passed by the late Legislative Council in reference to persons dismissed from the employment of the late Corporation, and praying redress.
" 13...	Certain Magistrates, Landholders, and other Inhabitants of the District of Queanbeyan	(198) One hundred and ninety-eight }	Mr. Forster	{ Praying the House to adopt such measures as may be necessary to secure the appointment of a Police Magistrate at Queanbeyan.
" 14...	Certain Shareholders of the Australian Gas Light Company	(13) Thirteen	Mr. Plunkett	{ Praying that the proviso to the 116th clause of the Sydney Municipal Council Bill, relating to the price of Gas for the lamps to be lighted at the expense of the Council, may not pass into law.
" " ...	Certain Directors of the Australian General Assurance Company	(3) Three	Mr. Manning ..	{ Praying leave to introduce a Bill to Incorporate the Australian General Assurance Company.

Legislative Assembly Offices,
Sydney, 14 November, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly

1856.

NEW SOUTH WALES.

No. 9.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Nov. 18...	Chairman of Australian Mutual Provident Society ..	(1) One	Mr. Plunkett ..	{ Praying leave to introduce a Bill to Incorporate the Australian Mutual Provident Society.
" " ...	Mr. Laurence Barry, of Binalong, Squatter	(1) One	Mr. Garland	{ Complaining of his House, Stockyards, Cultivation, and other improvements, being included in a Village Reserve recently laid out over about 2000 acres of his Run, and praying redress.
" " ...	Certain Inhabitants of the City of Newcastle	(102) One hundred and two	Mr. Flood	{ Praying inquiry into the recent Shipwrecks, with considerable loss of Life and Property, in and near the Port of Newcastle.
" 19...	Certain Restaurant and Coffee-house Keepers of the City of Sydney	(20) Twenty	Mr. Parkes	{ Praying the Repeal of the 20th Section of the Country Towns further Police Regulation Act.
" " ...	Mr. David Reid, of Goulburn, one of the Executors of the late Isabella Barber	(1) One	Mr. Flood	{ Praying inquiry into the circumstances connected with the reversal of the Disputed Boundary Commissioners' Report in favour of the boundaries claimed by Mrs. Barber in applying, under the Orders in Council, for a License for the "Nimbe" Run in the Lachlan District.
" " ...	Certain Nightmen of the City of Sydney	(2) Two	Mr. R. Campbell	{ Complaining of the 98th Section of the Sydney Municipal Council Bill, as being calculated seriously to damage their business, and praying relief.
" 20...	Robert Adams	(1) One	Mr. R. Campbell	{ Complaining of dismissal after twenty-one years service as Messenger in the Colonial Architect's Department, and praying relief.
" " ...	Chairman, Deputy-Chairman, and Committee of the Chamber of Commerce of Newcastle	(12) Twelve	Mr. Donaldson..	{ Praying the Establishment of a Trinity Board, and provision for a first-class Steam Tug, at Newcastle.

Legislative Assembly Offices,
Sydney, 21 November, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 10.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Nov. 25...	Certain Proprietors of Bonded Warehouses in the Town of Brisbane	(4) Four	Mr. Richardson	Praying that no law may be passed for the imposition of a tax on the owners of Bonded Warehouses at the Port of Moreton Bay.
" " ...	Certain Inhabitants of the City of Sydney and its Environs..	{(1,254) One thousand two hundred and fifty-four....}	Mr. Wilshire ..	Praying the repeal of the General Church Act of 1836, and the discontinuance of the system of supporting religion by grants from the public Treasury, under such reservations of the claims of present incumbents as may seem just and expedient.
" " ...	Lieutenant Caswell, R.N.	(1) One	Mr. Weekes ..	Complaining of having had awarded to him, by the Government, a Grant of Land considerably short of what he conceived himself entitled to under a Report from the Commissioners of the Court of Claims, dated 18th April, 1838, and praying relief.
" 26...	Certain Miners of Stoney Creek	{(204) Two hundred and four	Mr. Cox	Praying the substitution of a Miners' Right of Two Pounds for the proposed Export Duty on Gold.
" " ...	Mr. Geo. Matcham Pitt, of Richmond	(1) One	Mr. Wilshire ..	Praying that the Richmond Bridge Company's Bill may not pass.
" " ...	Certain Goldsmiths and Jewellers, carrying on business in the City of Sydney}	(2) Two.....	Mr. Parkes	Praying that Gold Jewellery exported from this Colony may be exempted from payment of the Export Duty on Gold in contemplation of this Act.
" " ...	Joseph Wilkes, late of Sandilands, Richmond River, but now of Garryowen, gardener	(1) One	Mr. Parkes	Setting out various circumstances connected with the murder of his wife and children in the month of April, 1855,—his own imprisonment on suspicion—the waste of his property in consequence of such imprisonment, and praying inquiry into the conduct of the Magistrates and Constables implicated in the matter.
" 27...	Certain Unitarian Christians of Sydney and its Suburbs }	(54) Fifty-four	Mr. Parkes	Praying that this House will not vote the whole or any part of the sum placed on the Estimates, in supplement to the sum set apart for Public Worship in Schedule C to the Constitution Act.
" 28...	The Moderator of the Synod of Eastern Australia	(1) One	Mr. Cowper	Praying that, with due regard to vested rights, the present system of Religious Endowments in New South Wales may be abolished.
" " ...	President, Office Bearers, and Other Members of the Committee of the New South Wales Society for promoting the Observance of the Lord's Day	(21) Twenty-one....	Mr. Cowper	Praying the adoption of measures to put a stop to Railway travelling on the Lord's Day.
" " ...	Certain Ministers and Members of the Congregational Church	(20) Twenty	Mr. Wilshire ..	Praying the House not to grant any money in supplement to the sum reserved for Public Worship in Schedule C.

Legislative Assembly Offices,
Sydney, 28 November, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 11.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Dec. 2....	Revd. Robert Ross, M.D., Chairman of a Public Meeting of the Congregationalists of Sydney and its Suburbs.	(1) One	Mr. Holt	{ Praying that the House will not vote the whole or any part of the £14,328 now upon the Estimates in supplement to the sum reserved in Schedule C to the Constitution Act for Public Worship.
Dec. 2....	Certain Lodging-house Keepers for Seamen in the Port and City of Sydney.	(45) Forty-five	Mr. R. Campbell	{ Praying the repeal of the Clauses of the Water Police Regulation Act, 17 Vict., No. 36, affecting Petitioners' business.
Dec. 2....	William Benbow, of Botany-street, Sydney.	(1) One	Mr. R. Campbell	{ Against State Support to Religion.
Dec. 3....	The Bishop and Clergy of the United Church of England and Ireland resident in this portion of the Colony of New South Wales.	(29) Twenty-nine	Mr. G. Macleay	{ Praying the House to have due regard to the just claims of the Denominational School Board for continued and increased support.
Dec. 4....	Certain Owners and Lessees of property on or near the shores of Woolloomooloo Bay, and other residents in the north-eastern part of Sydney, and Owners of coasting and other vessels belonging to Port Jackson.	(151) One hundred and fifty-one	Mr. Parkes	{ Praying the speedy decision of Government in favor of constructing the contemplated Wharf across the head of Woolloomooloo Bay.
Dec. 4....	Certain Licensed Watermen of the City of Sydney, Balmain, and Pyrmont.	(43) Forty-three	Mr. R. Campbell	{ Representing the insufficiency of the present rate of fares, and praying the establishment of an increased rate, and of a means to enable Petitioners to sue for unpaid fares in the Water Police Office.
Dec. 4....	Certain Citizens of Sydney	(1,037) One thousand and thirty-seven	Mr. Parkes	{ Representing their appreciation of the Sydney Municipal Council Bill generally, but praying that provision be made in it for endowing the City—for giving to the Council supervision over the Police—and for altering the Municipal Franchise in some particulars.

Legislative Assembly Offices,
Sydney, 5 December, 1856.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856.

NEW SOUTH WALES.

No. 12.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856.				
Dec. 9....	Certain Members of the Church of Scotland, resident in the Town of Parramatta.	(61) Sixty-one	Mr. Parker	{ Expressive of their satisfaction that the Government have placed on the Estimates for 1857, sums in supplement to those reserved for Public Worship, under Schedule C to the Constitution Act, and praying the House to sanction such supplement.
Dec. 9....	Certain Members of the Church of England resident in the Town of Parramatta, Parish of St. John's.	(53) Fifty-three	Mr. Parker	Similar to the above.
Dec. 9....	Certain Members of the Church of England resident in the Town of Parramatta, Parish of All Saints.	(63) Sixty-three	Mr. Parker	Do. do. do.
Dec. 9....	Mr. Cornelius Delohery, formerly Chief Clerk of the Sydney Police Office.	(1) One	Mr. Parkes	{ Representing that he has filled appointments in the Police Office of this Colony for nearly twenty years, sixteen years of which he filled the Office of Chief Clerk in the Sydney Police Office—complaining of his dismissal on insufficient grounds, and praying redress.
Dec. 9....	Certain Inhabitants of Singleton and its vicinity.	(85) Eighty-five.....	Mr. Piddington	{ Representing the obligation of keeping the Sabbath.
Dec. 9....	Certain Presbyterians in Sydney and Suburbs, in connexion with the Synod of Eastern Australia, in Public Meeting assembled.	(108) One hundred and eight	Mr. Gordon....	{ Praying that, with due regard to what may be considered vested rights, the present system of religious endowment may be abolished.
Dec. 10 ..	Mrs. Lucy Howell, of Macquarie Grove, near Camden.	(1) One	Mr. T. G. Rusden	{ Representing that she was the real owner of many of the sheep destroyed, under the Scab Act, by Mr. Robert Sutton Back, who petitioned a former Legislature for compensation for such destruction, and failed to obtain such compensation only, as she believes, in consequence of some legal obstruction or accident, and praying relief.
Dec. 11 ..	Certain Residents in the District of Castlereagh, Nepean River.	(164) One hundred and sixty-four ..	Mr. Darvall....	{ Praying that the Land System may be placed on a more satisfactory basis.
Dec. 11 ..	Certain Inhabitants of Bathurst and its Suburbs.	(119) One hundred and nineteen	Mr. Holroyd ..	{ Praying the House not to vote the whole or any part of the sum on the Estimates for 1857, in supplement to the sum reserved for Public Worship under Schedule C to the Constitution Act.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856.				
Dec. 11 ..	Mrs. Ann Sadlier, of Raymond Terrace.	(1) One	Mr. Forster	{ Praying to be relieved from payment of Quit Rent on a certain portion of land granted to her as a Clergyman's daughter.
Dec. 11 ..	Rev. Jas. Milne, Moderator of the Synod of Australia, and Convener of Committees on Schools and Education.	(1) One	Mr. Barker	{ Representing the insufficient provision for Denominational Education, and praying relief.
Dec. 12 ..	Certain Inhabitants of Pambula, Bega, and surrounding country.	(68) Sixty-eight.....	Mr. Parker ...	{ Praying the Establishment of a Police Magistracy, and the erection of a Court House at Pambula.
Dec. 12 ..	Certain Presbyterians in connexion with the Synod of Eastern Australia, and residing in the Districts of Kiama and Jamberoo.	(70) Seventy	Mr. Marks	{ Praying the adoption of measures to put a stop to Railway Traffic on the Sabbath.
Dec. 12 ..	Certain Members of the Congregation of the Presbyterian Church of Eastern Australia, at Ahalton.	(119) One hundred and nineteen.....	Mr. Gordon....	Do. do. do.

R. O'CONNOR,

Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 13 December, 1856.

1856.

NEW SOUTH WALES.

No. 13.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Dec. 16 ..	Certain Inhabitants of Albury.	{ (199) One hundred } and ninety-nine.. }	Mr. G. Macleay.	{ Praying the immediate establish- ment of Assize Courts at Albury.
Dec. 16 ..	Certain Merchants, Ship- owners, Masters and others connected with the ship- ping interests of the Colony.	(48) Forty-eight	Mr. J. Campbell.	{ Complaining of the Shipping Laws now in force within Port Jackson, and praying the appointment of a Select Committee to inquire into and amend the same.
Dec. 16 ..	Certain Flockmasters, Butch- ers, Buyers and Sellers of Sheep, and other persons interested in Sheep Farm- ing, resident in and about the District of Maitland ..	(18) Eighteen	Mr. T. G. Rusden	{ Complaining of the operation of the present Scab Act, and praying that the same may be repealed, or amended so as to afford relief to Petitioners.
Dec. 16 ..	Archbishop and Clergy of the Roman Catholic Church in the County of Cumber- land	(25) Twenty-five ...	Mr. Faucett ..	{ Praying the House not only to continue the support and appro- bation hitherto given to Schools in connexion with the Denomi- national Board, but also to grant such further relief as to the House may seem meet.
Dec. 16 ..	President and other Members of the Committee of the Maitland Society for pro- moting the observance of the Lord's Day	(12) Twelve	Mr. Cowper ...	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
Dec. 17 ..	Certain Inhabitants of the County of Argyle, in pub- lic meeting assembled	{ (938) Nine hundred } { and thirty-eight. }	Mr. Plunkett ..	{ Praying the extension of the bene- fits of Railway communication to the South Western Districts of the Colony.
Dec. 17 ..	Presbyterian Congregation under the Ministry of the Rev. Dr. Mackay, Sydney	(30) Thirty	Mr. Gordon....	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
Dec. 17 ..	Certain members of the Pres- byterian church of Eastern Australia, at Maitland...	(99) Ninety-nine	Mr. Gordon....	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
Dec. 18 ..	Congregation of Clarence- town and Dungog, in con- nexion with the Presbyte- rian Church of Eastern Aus- tralia	(78) Seventy-eight ..	Mr. Gordon....	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
Dec. 19 ..	Richard Sadleir, Lieutenant Royal Navy, of Raymond Terrace	(1) One	Mr. Parkes	{ Representing that Petitioner ar- rived in this Colony in 1826 as a settler, and obtained a Grant of Land in proportion to his capital, but having immediately after en- tered the Civil Service, he could not claim the remission allowance, according to the regulation of the Home Government, until he re- signed his Civil appointment; and that when he did resign, and prefer such claim, it was referred home and refused; and praying the House to take the circumstan- ces into consideration.

R. O'CONNOR,
Clerk of Legislative Assembly.

Legislative Assembly Offices,
Sydney, 19 December, 1856.

1856-7.

NEW SOUTH WALES.

No. 14.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1856. Dec. 30	Free Presbyterian Congregation of Shoalhaven	(59) Fifty-nine	Mr. Gordon	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
Dec. 31	Free Church Congregation at Shell Harbour and Terry's Meadows	(53) Fifty-three	Mr. Marks	{ Praying the House to put a stop to Railway Traffic on the Sabbath.
1857. Jan. 2	Certain Inhabitants and Householders resident in the Town of Warwick, Darling Downs	(69) Sixty-nine	Mr. Irving	{ Praying provision for the appointment of a Police Magistrate for the Town of Warwick.

Legislative Assembly Offices,
Sydney, 3 January, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 15.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857.				
Jan. 7	Certain Inhabitants of the Police District of Warwick, Darling Downs	(109) One hundred and nine	Mr. Irving	{ Representing that they suffer great inconvenience from the want of a Bridge over the Condamine River, and praying relief.
Jan. 7	Mr. John Giblett	(1) One	Mr. Nichols	{ Representing that in 1855 he destroyed, under the provisions of the Scab Act, on his farm at South Creek, 1,242 sheep infected with the scab, for which he was precluded from compensation by a technical omission, and praying relief.
Jan. 9	Certain Magistrates, Stockholders, and other Residents in the Police Districts of Deniliquin and Moulamein	(11) Eleven	Mr. G. Macleay	{ Against any reduction in the Salaries of the Clerks of Petty Sessions of the Districts of Deniliquin and Moulamein.
Jan. 9	Certain Inhabitants of the City of Sydney	(2,318) Two thousand three hundred and eighteen	Mr. Cowper	{ Against the abandonment of the Abbatoir, Glebe Island.
Jan. 9	Certain Butchers of the City of Sydney, and its environs	(132) One hundred and thirty-two	Mr. Cowper	Ditto, ditto.
Jan. 9	Mr. Nehemiah Rundle (late one of the Baggage Searchers in Her Majesty's Customs)	(1) One	Mr. Cowper	{ Complaining of the abolition of his office, and praying for inquiry into the circumstances of his case, and re-appointment in the service, according to seniority.
Jan. 9	Certain Merchants and Traders of the City of Sydney	(61) Sixty-one	Mr. Nichols	{ Praying for modification of the Duty of Ten Shillings per gallon levied on the spirit known by the designation of "Old Tom."
Jan. 9	The Inhabitants of the Town and District of Braidwood, in Public Meeting assembled	(651) Six hundred and fifty-one	Mr. Murray	{ Praying for the completion of the road from Braidwood to the River Clyde.

Legislative Assembly Offices,
Sydney, 9 January, 1857.

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R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 16.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857.				
January 13	Certain Members of the Church of Scotland, resident in and near Parramatta	(46) Forty-six.....	Mr. Parker..	{ Against the Desecration of the Sabbath by running of Railway Trains.
January 16	Certain Members of Wesleyan Congregations, in the Town and District of Parramatta.. }	(232) Two hundred and thirty-two	Mr. Oakes	Do. do. do.

Legislative Assembly Offices,
Sydney, 16 January, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 17.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857. Jan. 20 ..	Mr. William Bowman of Richmond	(1) One	Mr. Nichols....	{ Representing that he destroyed, in 1855, under the provisions of the Scab Act, 3,400 sheep then depasturing in the County of Bligh, but that although he complied with the requirements of the Act, the Justices refused to grant a Certificate enabling him to receive compensation, and praying relief.
Jan. 21 ..	The Residents of the Darling Downs and Gwydir Districts, on the McIntyre River, below its junction with the Severn and the Weir, or Jones' River	(43) Forty-three	Mr. Irving	{ Representing their want of Police protection, which they suggest could be efficiently afforded by the establishment of a Police Station near Calandoon, and praying relief.
Jan. 21 ..	Chairman, Deputy-Chairman, and Committee of the Newcastle Chamber of Commerce	(12) Twelve	Mr. Barker	{ Praying for certain extensions of the Hunter River Railway.
Jan. 21 ..	Certain Landed Proprietors residing in the District of Shoalhaven	(67) Sixty-seven	Mr. Thomson ..	{ Praying the reservation of a suitable site for a Court House, School, and Post Office, in the Township of Nowra, in the Shoalhaven District.
Jan. 23 ..	Chairman, Deputy-Chairman, and Committee of the Newcastle Chamber of Commerce	(11) Eleven	Mr. Jones.....	{ Praying for the appointment of a Local Board to direct and supervise the Public business of the Port of Newcastle, and the establishment and maintenance there of a first-class Steam Tug.

Legislative Assembly Offices,
Sydney, 23 January, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 18.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHEN PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857.				
Jan. 27 ..	The Minister, Churchwardens, and Members of the Congregation of St. John's, Parramatta	(24) Twenty-four....	Mr. Parker	{ Praying the House to adopt such measures as shall put a stop to Railway Traffic on the Sabbath, and secure to those employed in this Department of the Public Service that sacred rest to which they are entitled.
Jan. 29 ..	Certain Inhabitants of the City of Sydney and its Suburbs..	{ (5,664) Five thousand six hundred and sixty-four .. }	Mr. Cowper	{ Praying the House to adopt such measures as shall put a stop to Railway Traffic on the Sabbath.
Jan. 29 ..	Certain Inhabitants of the City of Sydney	{ (102) One hundred and two	Mr. Cowper	{ Against abandoning the Abattoirs on Glebe Island.
Jan. 29 ..	Certain Shipowners, Shipmasters, and others interested in the trade and shipping of the Port of Sydney, in public meeting assembled	{ (167) One hundred and sixty-seven }	Mr. Cowper	{ Praying the House to adopt such measures as may seem desirable, to maintain the Shipping Master's Department in an effective state.
Jan. 29 ..	Certain Inhabitants at Wollombi	(25) Twenty-five	Mr. Piddington..	{ Praying that the office of Clerk of Petty Sessions for that District may be maintained.
Jan. 29 ..	Certain Inhabitants of the Tumut and its Vicinity	{ (92) Ninety-two }	Mr. Murray	{ Representing the necessity for throwing open the Crown Lands for selection in allotments of from fifty to one thousand acres, at one pound per acre, payable by instalments of four shillings per acre per annum; and praying the House to take this important question into immediate consideration.
Jan. 29 ..	Certain Landholders and other Residents of the Suburbs known as Paddington, Waverley, Darling Point, and Glenmore	{ (123) One hundred and twenty-three }	Mr. Donaldson..	{ Praying that the House will not grant to the South Head Road Trustees the increased powers proposed to be conferred upon them by this Bill, and that such amendment may be made in the law as will enable Petitioners to regulate their local affairs.

1856-7.

NEW SOUTH WALES.

No. 19.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857. Feb. 3	Congregation worshipping in Macquarie-street, in connection with the Presbyterian Church of Eastern Australia	(99) Ninety-nine	Mr. Gordon	{ Praying the House to adopt such measures as may put a stop to Railway Traffic on the Sabbath.

Legislative Assembly Offices,
Sydney, 6 February, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 20.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857. Feb. 10 ..	Certain Inhabitants of New England	{ (1,286) Twelve hundred and eighty-six	Mr. Hargrave ..	{ Praying that the District of New England may not be included within the Colony proposed to be created by the separation of the Northern Districts from New South Wales.
Feb. 11 ..	Certain Inhabitants of Newcastle and Suburbs	{ (403) Four hundred and three	Mr. Flood	{ Praying that Railway facilities may be afforded to the up-country Districts, before incurring the expense of establishing the Terminus of the Newcastle Railway at the Sand Hills.

Legislative Assembly Offices,
Sydney, 13 February, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 21.

WEEKLY ABSTRACT

OF

PETITIONS RECEIVED

BY THE

LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857.				
Feb. 17 ..	Certain Inhabitants of Albury and its vicinity	{ (227) Two hundred and twenty-seven }	Mr. Cowper	{ Praying the immediate settlement of the Land question, by throwing the Crown Lands open to selection in allotments of from fifty to one thousand acres, at a maximum price of one pound per acre, payable by instalments of four shillings per acre per annum.
Feb. 17 ..	Certain Inhabitants of Maitland and the Hunter River District.....	{ (461) Four hundred and sixty-one .. }	Mr. Weekes....	{ Praying the continuance of the Maitland Immigrants' Home.
Feb. 17 ..	Certain Citizens of the City of Sydney	{ (35) Thirty-five }	Mr. Barker	{ Praying that this House will not adopt so much of the Report of the Select Committee on the City Commissioners' Department as blames the Commissioners for not having prevented what is termed in the Report unnecessary tunnelling, and as charges them with unfitness for the duties of their office.

Legislative Assembly Offices,
Sydney, 20 February, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 22.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857. Feb. 24 ..	Certain Inhabitants of Muswellbrook	} (40) Forty	Mr. Gordon	{ Praying the House to adopt measures to authorize persons Licensed to cut Timber to remove the same from Crown Lands occupied under preemptive right. { Setting out the necessity for extending the Government Reserve to the Source of Adelong Creek, for selection in Allotments by persons requiring Land, without waiting for such Land to be offered for Sale under the present system of Land Sales, and praying the speedy settlement of the Land Question.
Feb. 25 ..	Certain Inhabitants of South Gundagai and its neighbourhood .....				} (64) Sixty-four .....	Mr. G. Macleay.

*Legislative Assembly Offices,
Sydney, 27 February, 1857.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 23.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857. March 3 ..	Clerks in Immigration Agent's Department	(3) Three	Mr. Cowper	<p>Representing the insufficiency of their reduced Salaries, and praying the adoption of such measures as may alleviate their reduced positions.</p> <p>Representing that the Commissioners of Railways have, for Railway purposes, taken possession of that portion of his land known as Wickham Paddock, which abuts upon the Maitland Road, and have thereby cut off the free use and convenient approach to that part of the land which remains in his occupation, and praying that measures may be adopted to protect his interests and the public safety.</p>
March 3 ..	Mr. William Henry Whyte	(1) One	Mr. Flood	

*Legislative Assembly Offices,
Sydney, 7 March, 1857.*

R. O'CONNOR,
Clerk of Legislative Assembly.

1856-7.

NEW SOUTH WALES.

No. 24.

WEEKLY ABSTRACT
OF
PETITIONS RECEIVED
BY THE
LEGISLATIVE ASSEMBLY.

SESSION 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.
1857.				
Mar. 17 ..	Certain Inhabitants of the Police District of Broulee.....	(54) Fifty-four.....	Mr. Egan.....	{ Representing the necessity for, and the practicability of, opening the entrance to the Moruya River.
Mar. 17 ..	Joseph Sheridan Moore.....	(1) One	Mr. Piddington..	{ Praying inquiry into alleged illegal proceedings in and dismissal of, a charge of false and malicious Libel brought by Petitioner against Mr. Gilbert Wright at the Sydney Police Office.

Legislative Assembly Offices,
Sydney, 18 March, 1857.

R. O'CONNOR,
Clerk of Legislative Assembly.

Legislative Assembly.

1856-7.

NEW SOUTH WALES.

PETITIONS.

GENERAL SUMMARY of the Weekly Abstracts of PETITIONS received by the Legislative Assembly during the Session of 1856-7.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1857.	1. Abattoirs.				
Jan. 9	Certain Inhabitants of the City of Sydney	{ (2,318) Two thousand three hundred and eighteen . . . }	Mr. Cowper	{ Against the abandonment of the Abattoir, Glebe Island }	Printed.
Jan. 9	Certain Butchers of the City of Sydney and its environs	{ (132) One hundred and thirty-two . . . }	Mr. Cowper	Ditto. Ditto.	Printed.
Jan. 29	Certain Inhabitants of the City of Sydney	{ (102) One hundred and two }	Mr. Cowper	Ditto. Ditto.	Printed.
1856.	2. Aborigines.				
Oct. 29	Certain Residents in the District of Maranoa	{ (28) Twenty-eight . . . }	Mr. Sandeman	{ Praying that provision be made for protecting the District from depredations by the Aborigines }	Printed.
	3. Assize Court.				
Sept. 24	Certain Magistrates and other Residents in the Town of Tamworth	{ (126) One hundred and twenty-six . . }	Mr. F. T. Rusden	{ Representing the necessity for the establishment of an Assize Court at Tamworth, and praying the House to take the same into consideration }	Printed.
Oct. 23	Certain Magistrates and other Residents in the Pastoral Districts of New England, Macleay, Gwydir, and Clarence	{ (1,550) One thousand five hundred and fifty }	Mr. Hargrave	{ Praying the establishment of a Court of Assize at Armidale . . }	Printed.
Dec. 16	Certain Inhabitants of Albury	{ (199) One hundred and ninety-nine . . }	Mr. G. Macleay	{ Praying the immediate establishment of Assize Courts at Albury }	Printed.
	4. Bonded Stores.				
Nov. 25	Certain Proprietors of Bonded Warehouses in the Town of Brisbane	{ (4) Four }	Mr. Richardson	{ Praying that no law may be passed for the imposition of a tax on the owners of Bonded Warehouses at the Port of Moreton Bay }	Printed.
	5. Bridges.				
Sept. 24	Certain Inhabitants of the Town and District of Queanbeyan	{ (132) One hundred and thirty-two . . . }	Mr. Murray	{ Praying that no time may be lost in the application of the funds voted for the erection of a substantial Bridge over the River at Queanbeyan. }	
1857.	6. Causeway.				
Jan. 7	Certain Inhabitants of the Police District of Warwick, Darling Downs	{ (109) One hundred and nine }	Mr. Irving	{ Representing that they suffer great inconvenience from the want of a bridge over the Condamine River, and praying relief }	Printed.
1856.	7. Church Act, 1836.				
Nov. 11	Certain Inhabitants of Maitland and the adjoining Districts	{ (653) Six hundred and fifty-three }	Mr. Woakes	{ Praying the immediate commencement and speedy completion of a Causeway over the Falls at West Maitland. }	Printed.
Nov. 25	Certain Inhabitants of the City of Sydney and its environs	{ (1,254) One thousand two hundred and fifty-four . . . }	Mr. Wilshire	{ Praying the repeal of the General Church Act, of 1836, and the discontinuance of the system of supporting religion by grants from the public Treasury, under such reservations of the claims of present incumbents as may seem just and expedient }	Printed
1857.	8. City Commissioners.				
Feb. 17	Certain Citizens of the City of Sydney	{ (35) Thirty-five }	Mr. Barker	{ Praying that this House will not adopt so much of the Report of the Select Committee on the City Commissioner's Department as blames the Commissioners for not having prevented what is termed in the Report unnecessary tunneling and as charges them with unfitness for the duties of their office. }	

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856. Aug. 8....	9. Compensation. Mr. John M. Bate	(1) One	Mr. Parkes	Representing that his late brother Mr. Richard Ellison Bate, was entitled to compensation on the abolition of his office of Surveyor of Distilleries, but died without receiving such compensation, and that Petitioner, as heir-at-law, had made application for such compensation subsequent to his brother's death, but had been denied on the ground of lapse of time, and praying relief	Printed.
Nov. 4....	Mr. James Ralfe, Licensed Surveyor, Port Macquarie	(1) One	Mr. Barker	Praying an acknowledgment of his services	Printed.
Nov. 7....	Mr. David Cross, of the McDonald River, Farmer	(1) One	Mr. Hely	Praying to be heard at the Bar of the House in person, or by Counsel, in reference to a house built by him, whilst lessee of Wistman's Ferry, of which house the Government have taken possession, without remunerating Petitioner	Printed.
Dec. 10 ..	Mrs. Lucy Howell, of Macquarie Grove, near Camden	(1) One	Mr. T. G. Rusden	Representing that she was the real owner of many of the sheep destroyed under the Scab Act, by Mr. Robert Sutton Back, who petitioned a former Legislature for compensation for such destruction, and failed to obtain such compensation only, as she believes, in consequence of some legal obstruction or accident, and praying relief	Printed.
1857. Jan. 7....	Mr. John Giblett	(1) One	Mr. Nichols	Representing that in 1855 he destroyed, under the provisions of the Scab Act, on his farm at South Creek, 1,242 sheep infected with the scab, for which he was precluded from compensation by a technical omission, and praying relief	Printed.
Jan. 20 ..	Mr. William Bowman, of Richmond	(1) One	Mr. Nichols	Representing that he destroyed, in 1855, under the provisions of the Scab Act, 3,400 sheep, then depasturing in the County of Bligh, but that although he complied with the requirements of the Act, the Justices refused to grant a Certificate enabling him to receive compensation, and praying relief	Printed.
1856. Dec. 11 ..	†10. Crown Lands. Certain Residents in the District of Castlereagh, Nepean River	(164) One hundred and sixty-four	Mr. Darvall	Praying that the Land System may be placed on a more satisfactory basis.	
1857. Jan. 29 ..	Certain Inhabitants of the Tumut and its vicinity	(92) Ninety-two	Mr. Murray	Representing the necessity for throwing open the Crown Lands for selection in allotments of from fifty to one thousand acres, at one pound per acre, payable by instalments of four shillings per acre per annum; and praying the House to take this important question into immediate consideration	Printed.
Feb. 17 ..	Certain Inhabitants of Albury and its vicinity	(227) Two hundred and twenty-seven	Mr. Cowper	Praying the immediate settlement of the Land question, by throwing the Crown Lands open to selection in allotments of from fifty to one thousand acres, at a maximum price of one pound per acre, payable by instalments of four shillings per acre per annum	Printed.
Feb. 24 th	Certain Inhabitants of Muswellbrook	(40) Forty	Mr. Gordon	Praying the House to adopt measures to authorize persons licensed to cut timber, to remove the same from Crown Lands occupied under pre-emptive right	Printed.

*See also "Redress of Grievances."

†See also "Land Claims" and "Land Reserves."

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1857.	10. Crown Lands—continued.				
Feb. 25 ..	Certain Inhabitants of South Gundagai and its neighbourhood	(64) Sixty-four	Mr. G. Macleay.	{ Setting out the necessity for extending the Government Reserve to the Source of Adelong Creek, for selection in Allotments by persons requiring Land, without waiting for such Land to be offered for Sale under the present system of Land Sales, and praying the speedy settlement of the Land Question	Printed.
1856.	11. Dam at East Maitland.				
Nov. 11 ..	Certain Inhabitants of East Maitland	(268) Two hundred and sixty-eight ..	Mr. Piddington	{ Praying the construction of a Dam across Wallis' Creek, at East Maitland	Printed.
	12. Desecration of the Sabbath.				
Oct. 28 ..	The Rev. James Cameron, Moderator of the Synod of Eastern Australia	(1) One	Mr. Gordon	{ Praying that measures may be taken to prevent the desecration of the Sabbath by the running of Railway Trains ..	Printed.
Nov. 28 ..	President, Office Bearers, and other Members of the Committee of the New South Wales Society for promoting the observance of the Lord's Day	(21) Twenty-one	Mr. Cowper	{ Praying the adoption of measures to put a stop to Railway travelling on the Lord's Day	Printed.
Dec. 9	Certain Inhabitants of Singleton and its vicinity	(85) Eighty-five	Mr. Piddington	{ Representing the obligation of keeping the Sabbath	Printed.
Dec. 12 ..	Certain Presbyterians in connexion with the Synod of Eastern Australia, and residing in the Districts of Kiama and Jamberoo	(70) Seventy	Mr. Marks	{ Praying the adoption of measures to put a stop to Railway Traffic on the Sabbath	Printed.
Dec. 12 ..	Certain Members of the Congregation of the Presbyterian Church of Eastern Australia, at Albatou	(119) One hundred and nineteen	Mr. Gordon	Ditto Ditto	Printed.
Dec. 16 ..	President and other Members of the Committee of the Maitland Society for promoting the observance of the Lord's Day	(12) Twelve	Mr. Cowper	{ Praying the House to put a stop to Railway Traffic on the Sabbath	Printed.
Dec. 17 ..	Presbyterian Congregation under the Ministry of the Revd. Dr. Mackay, Sydney	(30) Thirty	Mr. Gordon	Ditto Ditto	Printed.
Dec. 17 ..	Certain Members of the Presbyterian Church of Eastern Australia, at Maitland	(99) Ninety-nine	Mr. Gordon	Ditto Ditto	Printed.
Dec. 18 ..	Congregation of Clarence Town and Dungog, in connexion with the Presbyterian Church of Eastern Australia	(78) Seventy-eight ..	Mr. Gordon	Ditto Ditto	Printed.
Dec. 30 ..	Free Presbyterian Congregation at Shoalhaven	(59) Fifty-nine	Mr. Gordon	Ditto Ditto	Printed.
Dec. 31 ..	Free Church Congregation at Shell Harbour and Terry's Meadows	(53) Fifty-three	Mr. Marks	Ditto Ditto	Printed.
1857.					
Jan. 13 ..	Certain Members of the Church of Scotland, resident in and near Parramatta	(46) Forty-six	Mr. Parker	{ Against the Desecration of the Sabbath by running of Railway Trains.	
Jan. 15 ..	Certain Members of Wesleyan Congregations, in the Town and District of Parramatta	(232) Two hundred and thirty-two ..	Mr. Oakes	Ditto Ditto.	
Jan. 27 ..	The Minister, Churchwardens, and Members of the Congregation of St. John's Parramatta	(24) Twenty-four	Mr. Parker	{ Praying the House to adopt such measures as shall put a stop to Railway Traffic on the Sabbath, and secure to those employed in this Department of the Public Service that sacred rest to which they are entitled	Printed.
Jan. 29 ..	Certain Inhabitants of the City and its Suburbs	(5,664) Five thousand six hundred and sixty-four ..	Mr. Cowper	{ Praying the House to adopt such measures as shall put a stop to Railway Traffic on the Sabbath.	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1857.	12. Desecration of the Sabbath—Continued.				
Feb. 3. . . .	Congregation worshipping in Macquarie-street, in connection with the Presbyterian Church of Eastern Australia	(99) Ninety-nine	Mr. Gordon	{ Praying the House to adopt such measures as may put a stop to Railway Traffic on the Sabbath }	{ Printed. }
1856.	13. Education.				
Dec. 3. . . .	The Bishop and Clergy of the United Church of England and Ireland resident in this portion of the Colony of New South Wales	(29) Twenty-nine	Mr. G. Macleay	{ Praying the House to have due regard to the just claims of the Denominational School Board for continued and increased support }	{ Printed. }
Dec. 11 . . .	Rev. James Milne, Moderator of the Synod of Australia, and Convener of Committees on Schools and Education	(1) One	Mr. Barker	{ Representing the insufficient provision for Denominational Education, and praying relief }	{ Printed. }
Dec. 16 . . .	Archbishop and Clergy of the Roman Catholic Church in the County of Cumberland	(25) Twenty-five	Mr. Faucett	{ Praying the House not only to continue the support and approbation hitherto given to Schools in connexion with the Denominational Board, but also to grant such further relief as to the House may seem meet }	{ Printed. }
	14. Electoral Districts.				
Aug. 7 . . .	Certain Electors of the Borough of Ipswich	(111) One hundred and eleven	Mr. Holt	{ Praying that a Bill may be passed for the separation of the Towns of Brisbane and Ipswich for Electoral purposes, and to grant to each of those Towns a Member to represent its separate interests in the Legislative Assembly }	{ Printed. }
	15. Gold Duty.				
Oct. 23 . . .	Certain Residents at the Hanging Rock and Peel River Gold Fields	(118) One hundred and eighteen	Mr. Lang	{ Praying the equalization of the proposed Export Duty on Gold }	{ Printed. }
Nov. 26 . . .	Certain Miners of Stoney Creek	(204) Two hundred and four	Mr. Cox	{ Praying the substitution of a Miners' Right of Two Pounds for the proposed Export Duty on Gold }	{ Printed. }
Nov. 26 . . .	Certain Goldsmiths and Jewellers, carrying on business in the City of Sydney	(2) Two	Mr. Parkes	{ Praying that Gold Jewellery exported from this Colony may be exempted from payment of the Export Duty on Gold in contemplation of the Gold Duty Bill }	{ Printed. }
	16. Industrial Institutions.				
Oct. 28 . . .	Mr. Richard Sadlier	(1) One	Mr. Holt	{ Praying the establishment of Industrial Institutions for Children and of a Reformatory Institution for Juvenile Offenders }	{ Printed. }
1857.	17. Immigration Department.				
Feb. 17 . . .	Certain Inhabitants of Maitland and the Hunter River District	(461) Four hundred and sixty-one	Mr. Weekes	{ Praying the continuance of the Maitland Immigrants' Home }	{ Printed. }
March 3 . . .	Clerks in Immigration Agent's Department	(3) Three	Mr. Cowper	{ Representing the insufficiency of their reduced Salaries, and praying the adoption of such measures as may alleviate their reduced positions. }	{ Printed. }
1853.	*18. Land Claims.				
Aug. 6 . . .	Mr. Thomas Alison Scott	(1) One	Mr. R. Campbell	{ Praying that an opportunity may be afforded to him, of proving certain matters in reference to his Land Claim, with a view to his obtaining such relief as the circumstances of his case may require }	{ Printed. }
Nov. 25 . . .	Lieutenant Caswell, R.N.	(1) One	Mr. Weekes	{ Complaining of having had awarded to him, by the Government, a Grant of Land considerably short of what he conceived himself entitled to under a Report from the Commissioners of the Court of Claims, dated 12th April, 1838, and praying relief }	{ Printed. }

*See also "Crown Lands."

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856.	18. Land Claims—continued.				
Dec. 19 ..	Richard Sadleir, Lieutenant Royal Navy, of Raymond Terrace	(1) One	Mr. Parkes	Representing that Petitioner arrived in this Colony in 1826 as a settler, and obtained a grant of land in proportion to his capital, but, having immediately after entered the Civil Service, he could not claim the remission allowance, according to the regulation of the Home Government, until he resigned his Civil appointment; and that when he did resign, and prefer such claim, it was referred home and refused; and praying the House to take the circumstances into consideration.	
1857.	*19 Land Reserve.				
Jan. 21 ..	Certain Landed Proprietors residing in the District of Shoalhaven	(67) Sixty-seven	Mr. Thomson ..	Praying the reservation of a suitable site for a Court House, School, and Post Office, in the Township of Nowra, in the Shoalhaven District	Printed.
1856.	20. Mariners' Church.				
Aug. 7 ..	The Trustees of the Sydney Bethel Union	(5) Five	Mr. Manning ..	Praying leave to introduce a Bill to enable them to surrender certain Land in Macquarriestreet, granted as a site for a Mariners' Church, and to accept a grant of other Land in lieu thereof	
	21. Petty Sessions.				
Oct. 28 ..	Certain Justices and other Residents in the Police District of Wellingrove	(29) Twenty-nine	Mr. T.G. Rusden ..	Praying the removal of the Court of Petty Sessions for that District to the Town of Glen Innes	Printed.
1857.					
Jan. 9 ..	Certain Magistrates, Stockholders, and other Residents in the Police Districts of Deniliquin and Moulamein	(11) Eleven	Mr. G. Macleay ..	Against any reduction in the Salaries of the Clerks of Petty Sessions of the Districts of Deniliquin and Moulamein.	
Jan. 29 ..	Certain Inhabitants at Wollombi	(25) Twenty-five	Mr. Piddington ..	Praying that the office of Clerk of Petty Sessions for that District may be maintained.	
1856.	22. Police.				
Aug. 14 ..	Certain Inhabitants of the southern portion of the District of Liverpool Plains	(28) Twenty-eight ..	Mr. Robertson ..	Praying that arrangements may be forthwith made to define the Boundary of the Police District of Murrurundi in the manner therein set out.	
Nov. 13 ..	Certain Magistrates, Landholders, and other Inhabitants of the District of Queanbeyan	(198) One hundred and ninety-eight ..	Mr. Forster	Praying the House to adopt such measures as may be necessary to secure the appointment of a Police Magistrate at Queanbeyan	Printed.
Nov. 19 ..	Certain Restaurant and Coffee-house Keepers of the City of Sydney	(20) Twenty	Mr. Parkes	Praying the repeal of the 20th Section of the Country Towns and further Police Regulation Act	Printed.
Dec. 2 ..	Certain Lodging-house Keepers, Steamers in the Port and City of Sydney	(45) Forty-five	Mr. R. Campbell ..	Praying the repeal of the Clauses of the Water Police Regulation Act, 17 Vict., No. 36, affecting Petitioners' business	Printed.
Dec. 12 ..	Certain Inhabitants of Pambula, Bega, and surrounding country	(68) Sixty-eight	Mr. Parker	Praying the Establishment of a Police Magistracy, and the erection of a Court House at Pambula	Printed.
1857.					
Jan. 2 ..	Certain Inhabitants and Householders resident in the Town of Warwick, Darling Downs	(69) Sixty-nine	Mr. Irving	Praying provision for the appointment of a Police Magistrate for the Town of Warwick	Printed.
Jan. 21 ..	The Residents of the Darling Downs and Gwydir Districts, on the McIntyre River, below its junction with the Severn and the Weir, or Jones River	(43) Forty-three	Mr. Irving	Representing their want of Police protection, which they suggest could be efficiently afforded by the establishment of a Police Station near Caladoun, and praying relief	Printed.
1856.	23. Private Bills.				
Sept. 16 ..	Chairman and Directors of the Local Board of the Australian Trust Company	(4) Four	Mr. Barker	Praying leave to introduce a Bill to enlarge the powers of the Company.	

DATE RECEIVED.	FROM WHOM AND AGENCIE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856. Oct. 29	23. Private Bills. Chairman and Directors of the Liverpool and London Fire and Life Insurance Company	(3) Three	Mr. Cowper	Praying leave to introduce a Bill to vest the Trust Moneys, Securities, and Property of the said Company in this Colony, in the Local Trustees thereof.	
Nov. 4	Mr. William Bowman, Chairman of the Committee of the proposed Richmond Bridge Company	(1) One	Mr. Martin	Praying leave to introduce a Bill to Incorporate the Richmond Bridge Company.	
Nov. 14	Certain Directors of the Australian General Assurance Company	(3) Three	Mr. Manning	Praying leave to introduce a Bill to Incorporate the Australian General Assurance Company	
Nov. 18	Chairman of Australian Mutual Provident Society	(1) One	Mr. Plunkett	Praying leave to introduce a Bill to Incorporate the Australian Mutual Provident Society	
Nov. 25	Mr. Geo. Matcham Pitt, of Richmond	(1) One	Mr. Wilshire	Praying that the Richmond Bridge Company's Bill may not pass.	
1857. Jan. 29	Certain Landholders and other Residents of the Suburbs known as Paddington, Waverley, Darling Point, and Glenmore	(123) One hundred and twenty-three	Mr. Donaldson	Praying that the House will not grant to the South Head Road Trustees the increased powers proposed to be conferred upon them by this Bill, and that such amendment may be made in the law as will enable Petitioners to regulate their local affairs.	
1856. Nov. 5	24. Public Bills. Mr. Joseph Wifey	(1) One	Mr. Wilshire	Praying the postponement for one week of the second reading of the Sydney Municipal Council Bill.	
Nov. 5	Mr. Edward J. Hawkesley and Mr. Martin Guest	(2) Two	Mr. Piddington	Praying the postponement for one week of the second reading of the Sydney Municipal Council Bill.	
Nov. 14	Certain Shareholders of the Australian Gas Light Company	(18) Thirteen	Mr. Plunkett	Praying that the proviso to the 116th clause of the Sydney Municipal Council Bill, relating to the price of Gas for the lamps to be lighted at the expense of the Council, may not pass into law	Printed.
Nov. 19	Certain Nightmen of the City of Sydney	(2) Two	Mr. R. Campbell	Complaining of the 98th Section of the Sydney Municipal Council Bill, as being calculated seriously to damage their business, and praying relief.	
Dec. 4	Certain Citizens of Sydney	(1,037) One thousand and thirty-seven	Mr. Parkes	Representing their appreciation of the Sydney Municipal Council Bill generally, but praying that provision be made in it for endowing the City—for giving to the Council supervision over the Police—and for altering the Municipal Franchise in some particulars.	Printed.
Aug. 8	Certain Inhabitants of the District of Windsor	(1,340) One thousand three hundred and forty	Mr. Darvall	Praying that steps may be taken to extend to the Windsor District a Branch of the Sydney and Parramatta Railway.	
Aug. 8	Mr. Henry Harvey Read, Messenger in the Colonial Architect's Department	(1) One	Mr. Parkes	Complaining of certain injuries to his property, occasioned by the construction of the Railway and Sewerage Works, and praying relief.	Printed.
Aug. 19	Certain Members of the East and Improvement Committee	(22) Twenty-two	Mr. Piddington	Praying the extension to Singleton of the Hunter River Railway	Printed.
Sep. 25	Mr. Stephen H. Marsh	(1) One	Mr. G. Macleay	Setting forth a proposal, in reference to the establishment of Railways in this Colony, which he had recently made to the Principal Secretary of State for the Colonies, and praying this House to adopt such measures in reference thereto as shall seem meet	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856. Dec. 17 ..	25. Railways—continued. Certain Inhabitants of the County of Argyle, in public meeting assembled	(938) Nine hundred and thirty-eight ..	Mr. Plunkett ..	{ Praying the extension of the benefits of Railway communication to the South Western Districts of the Colony ..	} Printed.
1857. Jan. 21 ..	Chairman, Deputy-Chairman, and Committee of the Newcastle Chamber of Commerce ..	(12) Twelve	Mr. Barker	{ Praying for certain extensions of the Hunter River Railway.	
Feb. 11 ..	Certain Inhabitants of Newcastle and Suburbs	(403) Four hundred and three	Mr. Flood	{ Praying that Railway facilities may be afforded to the up-country Districts, before incurring the expense of establishing the Terminus of the Newcastle Railway at the Sand Hills.	} Printed.
1856. Aug. 20 ..	*26. Redress of Grievances. Thomas Abbott, of Dungog	(1) One	Mr. Jones	{ Praying inquiry into the circumstance of his removal from the office of Chief Constable at Dungog, and relief in event of that inquiry proving such removal to have been undeserved	
Sep. 25 ..	Mr. David Bowen Jones	(1) One	Mr. G. Macleay ..	{ Representing that his interest in a certain Run has become forfeited, by default in pre-payment of rent, and praying the House to take the case into consideration.	} Printed.
Oct. 30 ..	Mr. Frederick Dunbar, late Clerk of Petty Sessions at Wellingrove	(1) One	Mr. Parkes	{ Complaining of his removal from Office, and praying redress ..	
Nov. 7 ..	Mr. Alexander John Evelyn ..	(1) One	Mr. Martin	{ Complaining of a departure from the ordinary course of Justice, in removing the trial of a charge of assault preferred against him, from the Court of Quarter Sessions to the Supreme Court, and praying relief ..	} Printed.
Nov. 11 ..	Certain Tenants of the Crown ..	(21) Twenty-one	Mr. Lord	{ Complaining of certain encroachments upon the back boundaries of their Runs, and praying the passing of some Law for the redress of this grievance ..	
Nov. 11 ..	Denis Guerin ..	(1) One	Mr. Plunkett ..	{ Complaining of a Return to an Address passed by the late Legislative Council in reference to persons dismissed from the employment of the late Corporation, and praying redress.	} Printed.
Nov. 18 ..	Mr. Laurence Barry, of Binalong Squatter ..	(1) One	Mr. Garland ..	{ Complaining of his House, Stockyards, Cultivation, and other improvements, being included in a Village Reserve recently laid out over about 2,000 acres of his Run, and praying redress.	
Nov. 19 ..	Mr. David Reid, of Goulburn, one of the Executors of the late Isabella Barber ..	(1) One	Mr. Flood	{ Praying inquiry into the circumstances connected with the reversal of the Disputed Boundary Commissioners' Report in favour of the boundaries claimed by Mrs. Barber in applying under the Orders in Council, for a License for the "Nimbe" Run in the Lachlan District ..	} Printed.
Nov. 20 ..	Robert Adams ..	(1) One	Mr. R. Campbell ..	{ Complaining of dismissal after twenty-one years service as Messenger in the Colonial Architect's Department, and praying relief ..	
Nov. 26 ..	Joseph Wilkes, late of Sandilands, Richmond River, but now of Garroway, Gardener ..	(1) One	Mr. Parkes	{ Setting out various circumstances connected with the murder of his wife and children in the month of April, 1855,—his own imprisonment on suspicion—the waste of his property in consequence of such imprisonment, and praying inquiry into the conduct of the Magistrates and Constables implicated in the matter ..	} Printed.

See also "Compensation."

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856.	26. Redress of Grievances— <i>Continued.</i>				
Dec. 4	Certain Licensed Watermen of the City of Sydney, Balmain, and Pyrmont	(43) Forty-three	Mr. R. Campbell	{ Representing the insufficiency of the present rate of fares, and praying the establishment of an increased rate, and of a means to enable Petitioners to sue for unpaid fares in the Water Police Office }	} Printed.
Dec. 9	Mr. Cornelius Delohery, formerly Chief Clerk of the Sydney Police Office	(1) One	Mr. Parkes	{ Representing that he has filled appointments in the Police Office of this Colony for nearly twenty years, sixteen years of which he filled the Office of Chief Clerk in the Sydney Police Office—complaining of his dismissal on insufficient grounds, and praying redress. }	} Printed.
Dec. 11	Mrs. Ann Sadlier, of Raymond Terrace	(1) One	Mr. Forster	{ Praying to be relieved from payment of Quit Rent on a certain portion of land, granted to her as a Clergyman's daughter . . }	} Printed.
1857.					
Jan. 9	Mr. Nehemiah Rundle (late one of the Baggage Searchers in Her Majesty's Customs)	(1) One	Mr. Cowper	{ Complaining of the abolition of his office, and praying for inquiry into the circumstances of his case, and re-appointment in the service, according to seniority. }	
Mar. 3	Mr. William Henry Whyte	(1) One	Mr. Flood	{ Representing that the Commissioners of Railways have, for Railway purposes, taken possession of that portion of his land known as Wickham Paddock, which abuts upon the Maitland Road, and have thereby cut off the free use and convenient approach to that part of the land which remains in his occupation, and praying that measures may be adopted to protect his interests and the public safety. }	
Mar. 17	Joseph Sheridan Moore	(1) One	Mr. Piddington	{ Praying inquiry into alleged illegal proceedings in and dismissal of, a charge of false and malicious Libel brought by Petitioner against Mr. Gilbert Wright at the Sydney Police Office. }	
1856.	27. Religious Endowments.				
Nov. 27	Certain Unitarian Christians of Sydney and its Suburbs	(54) Fifty-four	Mr. Parkes	{ Praying that this House will not vote the whole or any part of the sum placed on the Estimates, in supplement to the sum set apart for Public Worship in Schedule C to the Constitution Act }	} Printed.
Nov. 28	The Moderator of the Synod of Eastern Australia	(1) One	Mr. Cowper	{ Praying that, with due regard to vested rights, the present system of Religious Endowments in New South Wales may be abolished }	} Printed.
Nov. 28	Certain Ministers and Members of the Congregational Church	(20) Twenty	Mr. Wilshire	{ Praying the House not to grant any money in supplement to the sum reserved for Public Worship in Schedule C. }	} Printed.
Dec. 2	Revd. Robert Ross, M.D., Chairman of a Public Meeting of the Congregationalists of Sydney and its Suburbs	(1) One	Mr. Holt	{ Praying that the House will not vote the whole or any part of the £14,328 now upon the Estimates in supplement to the sum reserved in Schedule C to the Constitution Act for Public Worship }	} Printed.
Dec. 2	William Benbow of Botany-street, Sydney	(1) One	Mr. R. Campbell	{ Against State Support to Religion }	} Printed.
Dec. 9	Certain Members of the Church of Scotland resident in the Town of Parramatta	(61) Sixty-one	Mr. Parker	{ Expressive of their satisfaction that the Government have placed on the Estimates for 1857, sums in supplement to those reserved for Public Worship, under Schedule C to the Constitution Act, and praying the House to sanction such supplement }	} Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.	
1856.	27. Religious Endowments— <i>continued.</i>					
Dec. 9 . . .	Certain Members of the Church of England resident in the Town of Parramatta, Parish of St. John's	(53) Fifty-three	Mr. Parker	{ Expressive of their satisfaction that the Government have placed on the Estimates for 1857, sums in supplement to those reserved for Public Worship, under Schedule C to the Constitution Act, and praying the House to sanction such supplement.	Printed.	
Dec. 9 . . .	Certain Members of the Church of England resident in the Town of Parramatta, Parish of All Saints	(63) Sixty-three	Mr. Parker	{ Ditto.	Printed.	
Dec. 9 . . .	Certain Presbyterians in Sydney and Suburbs, in connexion with the Synod of Eastern Australia, in Public Meeting assembled	(108) One hundred and eight	Mr. Gordon	{ Praying that, with due regard to what may be considered vested rights, the present system of religious endowment may be abolished	Printed.	
Dec. 11 . . .	Certain Inhabitants of Bathurst and its Suburbs	(119) One hundred and nineteen	Mr. Holroyd	{ Praying the house not to vote the whole or any part of the sum on the Estimates for 1857, in supplement to the sum reserved for Public Worship under Schedule C to the Constitution Act	Printed.	
1857.	28. Rivers.					
Mar. 17 . . .	Certain Inhabitants of the Police District of Broke	(54) Fifty-four	Mr. Egan	{ Representing the necessity for, and the practicability of, opening the entrance to the Moruya River	M	
1856.	29. Roads.					
Sep. 25 . . .	Certain Landowners and Residents on the McDonald River, Lower Hawkesbury	(128) One hundred and twenty-eight	Mr. Piddington	{ Representing the bad state of the Road through the valley of the McDonald River, and praying the adoption of such measures for its repair as may seem meet	Printed.	
Nov. 7 . . .	Certain owners and occupiers of Land in the District of Appin and East Bargo	(47) Forty-seven	Mr. Garland	{ Praying provision for making the present bridle track from Appin to Lupton's Inn, available for the passage of drays and carriages	Printed.	
1857.	The Inhabitants of the Town and District of Braidwood, in Public Meeting assembled		(651) Six hundred and fifty-one	Mr. Murray	{ Praying for the completion of the road from Braidwood to the River Clyde.	M
1856.	29. Scab in Sheep Act.					
Dec. 16 . . .	Certain Flockmasters, Butchers, Buyers and Sellers of Sheep, and other persons interested in Sheep Farming, resident in and about the District of Maitland	(18) Eighteen	Mr. T.G. Rusden	{ Complaining of the operation of the present Scab Act, and praying that the same may be repealed, or amended so as to afford relief to Petitioners	Printed.	
1857.	30. Separation of the Northern Districts.					
Feb. 10 . . .	Certain Inhabitants of New England	(1,286) Twelve hundred and eighty-six	Mr. Hargrave	{ Praying that the District of New England may not be included within the Colony proposed to be erected by the separation of the Northern Districts from New South Wales.	Printed.	
1856.	31. Shipping.					
Oct. 28 . . .	Certain Freeholders of Land in the Town of Cleveland, and others interested in the District	(18) Eighteen	Mr. Holroyd	{ Praying a full and accurate Survey of the Waters of Moreton Bay, with a view to the immediate establishment of a Port of direct Shipment there	Printed.	
Nov. 18 . . .	Certain Inhabitants of the City of Newcastle	(102) One hundred and two	Mr. Flood	{ Praying inquiry into the recent Shipwrecks, with considerable loss of Life and Property, in and near the Port of Newcastle	Printed.	
Dec. 16 . . .	Certain Merchants, Shipowners, Masters and others connected with the shipping interests of the Colony	(48) Forty-eight	Mr. J. Campbell	{ Complaining of the Shipping Laws now in force within Port Jackson, and praying the appointment of a Select Committee to inquire into and amend the same	Printed.	
1857.	Certain Shipowners, Shipmasters, and others interested in the trade and shipping of the Port of Sydney, in public meeting assembled		(167) One hundred and sixty-seven	Mr. Cowper	{ Praying the House to adopt such measures as may seem desirable, to maintain the Shipping Master's Department in an effective state.	Printed.

WHEN RECEIVED.	FROM WHOM AND WHENCE PRESENTED.	NUMBER OF SIGNATURES.	BY WHOM PRESENTED.	ABSTRACT OF PRAYER.	WHETHER PRINTED.
1856. Nov. 20	32. Steam Tug. Chairman, Deputy Chairman, and Committee of the Cham- ber of Commerce of New- castle	(12) Twelve	Mr. Donaldson	{ Praying the establishment of a Trinity Board, and provision for a first-class Steam Tug, at Newcastle.	
1857. Jan. 23	Chairman, Deputy-Chairman, and Committee of the New- castle Chamber of Commerce	(11) Eleven	Mr. Jones	{ Praying for the appointment of a Local Board to direct and supervise the Public business of the Port of Newcastle, and the establishment and main- tenance there of a first-class Steam Tug	} Printed.
1856. Sep. 25	33. Tariff. Certain Merchants and Traders of Sydney	{ (143) One hundred } { and forty-three .. }	Mr. Parkes	{ Representing that frequent alter- ations in the Tariff, even as temporary expedients to meet the exigencies of the Public Service, are prejudicial to the public interests, and praying the House to take the premises into consideration	} Printed.
1857. Jan. 9	Certain Merchants and Traders of the City of Sydney	(61) Sixty one	Mr. Nichols	{ Praying for modification of the Duty of Ten Shillings per gal- lon levied on the spirit known by the designation of "Old "Tom"	} Printed.
1856. Dec. 4	34. Wharf. Certain Owners and Lessees of property on or near the shores of Woolloomooloo Bay, and other residents in the north- eastern part of Sydney, and Owners of coasting and other vessels belonging to Port Jackson	{ (151) One hundred } { and fifty-one .. }	Mr. Parkes	{ Praying the speedy decision of Government in favor of con- structing the contemplated Wharf across the head of Woolloomooloo Bay	} Printed.

Legislative Assembly Offices,
Sydney, 18 March, 1857. }

R. O'CONNOR,
Clerk of Legislative Assembly.

ALPHABETICAL REGISTER OF PRIVATE BILLS INTRODUCED UPON PETITION TO THE ASSEMBLY DURING THE SESSION OF 1856-7.

No. 2.

Table with columns: SHORT TITLES, BY WHOM PETITION PRESENTED, When ordered, When presented and read 1st, When referred to Select Committee, When reported by Select Committee, Read 2nd, Committed, Reported, Recommended, Report, Adoption of Report, Read 3rd, Passed, Sent up to Council for concurrence, Agreed to by Council without Amendment, Agreed to by Council with Amendment, Council's Amendments agreed to, Council's Amendments disagreed to, Council's Amendments agreed to with Amendments, Council agree to Assembly's Amendments on their Amendments, Council disagree to Assembly's Amendments on their Amendments, Bill dropped or laid aside, Assent, REMARKS.

No. 3.

ALPHABETICAL REGISTER OF PUBLIC AND PRIVATE BILLS BROUGHT FROM THE COUNCIL DURING THE SESSION OF 1856-7.

Table with columns: SHORT TITLES OF PUBLIC BILLS, PRIVATE BILLS, When Brought, Read 1st, Referred to Select Committee, Reported by Select Committee, Read 2nd, Committed, Reported, Recommended, Report, Adoption of Report, Read 3rd, Passed without Amendment, Passed with Amendment, Sent up to Council for concurrence, Agreed to by Council, Agreed to by Council with Amendment upon Assembly's Amendment, Council's Amendments upon Assembly's Amendments agreed to, Council's Amendments upon Assembly's Amendments disagreed to, Bill dropped or laid aside, Assent, Number of Act, REMARKS.

Legislative Assembly Offices, Sydney, 18 March, 1857.

R. O'CONNOR, Clerk of Legislative Assembly.

RECAPITULATION.

Summary table with columns: Number of Public Bills originated in the Legislative Assembly, as per Register No. 1, Number of Private Bills brought from the Legislative Council, as per Register No. 2, Number of Private Bills, Passed and Assented to, Passed and Reserved, Suspended by the Question of that day Six Months, Lapsed, Discharged from the Paper, Dropped, Laid aside, Withdrawn, Not returned by Legislative Council, Not presented.

Legislative Assembly.

1856-7.

NEW SOUTH WALES.

ALPHABETICAL REGISTERS

OF

ADDRESSES AND ORDERS FOR PAPERS

AND OF

SEPARATE AND JOINT ADDRESSES

NOT BEING FOR PAPERS.

Legislative Assembly.

ALPHABETICAL REGISTER OF ADDRESSES AND ORDERS FOR PAPERS, DURING THE SESSION OF 1856-7.

WHEN PASSED.		VOTES.		PAPERS APPLIED FOR.		IF TO BE PRINTED.				
N ^o .	Date.	Entry.	On whose Motion.	By Address.	By Order.	Return to Address or Order.	Register Number.	Date of Order.	When given to Clerk of Printing Branch.	When returned to Clerk of Records.
71	13 January	14	Mr. Cowper	.....	Abattoirs at Glebe Island.....	17 March	57-240	17 March	19 March	16 April.
72	20 February	13	Mr. Robertson	.....	.....	11 "	57-195	Not Ordered to be Printed.	.....	.....
82	3 February	13	Mr. Weekes	.....	Ascough Mr., a Magistrate Caswell, Commander R. N., Land Claim of	17 "	57-239	17 March	19 March	6 May.
18	15 August	7	Mr. Parkes	.....	.....	16 September	56-220	16 September	17 September	23 September.
4	27 May	3	Mr. Martin	.....	.....	4 June	56-75	4 June	5 June	30 June.
40	8 November	15	Mr. Flood	.....	City Engineer, The late Assistant	26 November	56-378	26 November	27 November	16 April.
92	20 February	9	Mr. Cowper	.....	Colonial Astronomer.	17 March	57-230	17 March	19 March	20 August.
99	13 Dec., 1855	13	Mr. Flood	.....	Colonial Treasury Accounts.	{ 6 August	56-155	{ 6 August	{ 7 August	{ 31 Dec.
69	13 Dec., 1855	19	Mr. Nichols	.....	Commissariat Stores, Disposal of	{ 18 December	56-485	{ 18 December	{ 2 January	{ 12 February.
77	23 January	11	Mr. Murray	.....	Commission of the Peace, Gentlemen in ..	{ 2 January	57-159	{ 2 January	{ 21 February	{ 23 March.
19	19 August	5	Mr. Flood	.....	.....	11 December	56-439	11 December	12 December	28 April.
85	6 February	5	Mr. Piddington	.....	.....	No Return.	.....	.....	.....	.....
48	25 November	18	Mr. Nichols	.....	.....	21 January	57-57	21 January	22 January	16 April.
77	23 January	7	Mr. Murray	.....	.....	No Return.	.....	.....	.....	.....
89	18 February	14	Mr. R. Campbell	.....	Crown Lands occupied under lease or license	Ditto.	.....	.....	.....	.....
18	15 August	8	Mr. Arnold	.....	.....	20 August	56-196	20 August	21 August	27 August
44	14 November	13	Mr. Arnold	.....	.....	19 September	56-238	19 September	20 September	23 Sept.
56	9 December	24	Mr. Nichols	.....	.....	25 November	56-372	25 November	26 November	29 January.
18	15 August	3	Mr. Piddington	.....	.....	6 January	57-16	6 January	7 January	16 April.
63	19 December	25	Mr. Murray	.....	.....	25 September	56-249	25 September	26 September	9 October.
41	11 November	19	Mr. T. G. Rusden	.....	.....	13 March	57-222	13 March	16 March	16 April.
61	28 "	13	Mr. Parkes	.....	District Registrars	19 November	56-351	19 November	25 November	12 December.
67	6 January	14	Mr. Plunkett	.....	Dunbar, Mr. Frederick	12 December	56-448	12 December	15 December	23 March.
36	31 October	20	Mr. Jones	.....	.....	No Return.	.....	.....	.....	.....
37	4 November	13	Mr. Sandeman	.....	Electors in New South Wales	17 March	57-231	17 March	19 March	16 April.
37	4 November	11	Mr. Parkes	.....	Gaol and Circuit Court, Moreton Bay	9 December	56-422	9 December	10 December	30 January.
19	19 August	12	Mr. Holroyd	.....	.....	{ 4 November	56-311	{ 27 January	{ 28 January	{ 23 March.
65	31 December	13	Mr. Cox	.....	.....	23 January	57-65	23 January	28 January	13 November.
77	23 January	10	Mr. Murray	.....	.....	17 February	56-280	17 February	18 February	16 April.
44	14 November	10	Mr. Forster	.....	.....	10 February	57-111	10 February	11 February	23 March.
51	28 November	20	Mr. Holroyd	.....	.....	9 December	56-423	9 December	10 December	15 January.
97	3 March	10	Mr. R. Campbell	.....	Government House and Domain, Parramatta	9 December	56-420	9 December	10 December	23 December.
33	28 October	19	Mr. Sandeman	.....	.....	17 March	57-232	17 March	19 March	28 April.
14	8 August	5	Mr. Weekes	.....	.....	19 November	56-351	19 November	19 November	12 December.
74	20 January	8	Mr. Martin	.....	Justices of the Peace appointed during the present Administration	17 December	56-483	17 December	18 December	26 April.
51	28 November	12	Mr. Parkes	.....	Land Regulations—Memorial of Challinor and others	20 February	57-158	20 February	21 February	23 March.
97	3 March	6	Mr. Lord	.....	.....	3 February	57-82	3 February	4 February	16 April.
61	28 November	16	Mr. Holroyd	.....	Land taken for Railway purposes	No Return.	.....	.....	.....	.....
98	4 March	9	Mr. Holroyd	.....	Legislative Buildings, expenditure upon since 1843	17 February	57-138	17 February	18 February	28 April.
				.....	.....	13 March	57-218	13 March	14 March	2 April.
				.....	.....	17 February	57-134	Not Ordered to be Printed.	.....	.....
				.....	.....	18 February	57-144	18 February	19 February	23 March.
				.....	.....	18 February	.....	.....	.....	19 November.

Page	Date	Name	Subject	Page	Date	Name	Subject
59	12 December	MR. FOISSET	Markham, Mr. Lewis, removed from the office of District Registrar	30	December	56-500	Native Police, management of, in the Northern Districts
63	19 December	Mr. T. G. Rusden	Massacre of the crew and passengers of the "Gazelle" at Woodlark Island	27	February	57-177	Not Ordered to be Printed.
86	10 February	Mr. Dalley	Masters and Servants' Act, breaches of	No Return.			8 August
33	28 October	Mr. Weekes	Native Police, alleged killing of Station Blacks by	do			17 March
96	27 February	Mr. T. G. Rusden	Nowland, Wm., claim to Wolalla Station	28	October	56-282	20 January
19	19 August	Mr. Buckley	O'Brien, Francis, land in compensation granted to	No Return.			21 January
13	7 August	Mr. Buckley	Payments from Treasury in support of Religion, for 1855 and 1856	16	September	56-228	Not Ordered to be Printed.
36	31 October	Mr. Jones	Police and Electoral Districts of New South Wales	16	September	56-277	Not Ordered to be Printed.
36	31 October	Mr. Jones	Police Court removed from Casino to Lismore	9	December	56-421	9 December
45	18 November	Mr. Robertson	Prison Discipline	15	January	57-40	15 January
37	4 November	Mr. Forster	Railway through Appin to Mittagong	26	November	57-377	26 November
37	4 November	Mr. F. T. Rusden	Road over the Windoore Range to the Aitlong Diggings	16	December	56-458	16 December
74	20 January	Mr. Martin	Sheep assessment and compensation	No Return.			13 March
71	13 January	Mr. Murray	Sibthorpe I. H., complaint against	13	March	57-221	14 August
14	8 August	Mr. Jones	Stipendiary Magistrates, Salaries and localities of	No Return.			15 August
56	9 December	Mr. Garland	Supreme Court, business in the	13	March	56-181	14 August
96	27 February	Mr. Jones	Woolloomooloo Bay, reclamation of Land at the head of	16	September	56-195	20 August
36	31 October	Mr. Nichols		30	December	56-502	30 December
8	3 June	Mr. Scott		No Return.			13 March
15	12 August	Mr. George Macleay		13	March	57-221	16 March
92	20 February	Mr. Scott		No Return.			14 August
48	25 November	Mr. George Macleay		25	November	56-369	25 November
19	19 August	Mr. Gordon		8	August	56-172	8 August
10	6 June	Mr. Hely		16	September	56-222	16 September
64	30 December	Mr. Piddington		No Return.			10 February
18	16 August	Mr. Piddington		25	November	56-305	25 November
14	8 August	Mr. Flood		10	December	56-435	10 December
82	3 February	Mr. Flood		13	March	57-223	13 March
82	3 February	Mr. Flood		16	September	56-224	16 September
77	23 January	Mr. T. G. Rusden		20	August	56-194	20 August
63	19 December	Mr. Jones		18	February	57-142	18 February
37	4 November	Mr. T. G. Rusden		18	February	57-143	Not Ordered to be Printed.
61	28 November	Mr. Holroyd		11	March	57-206	11 March
40	7 November	Mr. Forster		13	March	57-219	13 March
86	10 February	Mr. Holroyd		Not Ordered to be printed.			17 March
27	23 September	Mr. Donaldson		17	March	57-238	17 March
56	9 December	Mr. Sandeman		20	February	57-157	20 February
20	20 August	Mr. Buckley		12	March	57-207	12 March
10	6 June	Mr. Jamison		13	March	57-215	13 March
71	13 January	Mr. Murray		20	November	56-338	Not Ordered to be Printed.
40	8 November	Mr. Martin		17	March	57-236	17 March
13	7 August	Mr. Buckley		6	November	56-317	Not Ordered to be Printed.
51	28 November	Mr. E. Campbell		6	August	56-157	6 August

ALPHABETICAL REGISTER OF SEPARATE AND JOINT ADDRESSES (NOT BEING FOR PAPERS) TO THE GOVERNOR GENERAL, DURING THE SESSION OF 1856-7.

SUBJECT OF ADDRESS.	ORIGINATED IN THE ASSEMBLY.			BROUGHT FROM THE COUNCIL.			WHEN PASSED OR AGREED TO.			WHEN AND HOW PRESENTED:			WHEN AND HOW ANSWERED.			REMARKS.			
	VOTES.			VOTES.			VOTES.			VOTES.			VOTES.						
	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	Entry	No.	Date.	Entry		No.	Date.	Entry
Administration of Justice and conduct of Official Business in Country Districts	96	27 Feb.	2	96	27 Feb.	2	96	27 Feb.	2	96	27 Feb.	2	97	3 Mar.	2	97	3 Mar.	2	By whom and how. { His Excellency the Governor General.
Boyd Benjamin, Reimbursement of Expenses for search of Currency of Australian Gold Coin	63	19 Dec.	18	63	19 Dec.	18	63	19 Dec.	18	63	19 Dec.	18	64	30 Dec.	3	64	30 Dec.	3	Ditto.
Electric Telegraph, Establishment of.	61	17 Dec.	9	61	17 Dec.	9	61	17 Dec.	9	61	17 Dec.	9	64	"	2	64	"	2	Ditto.
Estimates accompanying His Excellency's Message No. 1 returned	63	19 Dec.	27	64	30 Dec.	15	64	30 Dec.	15	64	30 Dec.	15	67	6 Jan.	1	67	6 Jan.	1	Ditto.
General Treaty of Peace	34	29 Oct.	4	34	29 Oct.	4	34	29 Oct.	4	34	29 Oct.	4	26	19 Sept.	2	26	19 Sept.	2	Ditto.
Government House and Domain, Paramatta	23	16 Sept.	8	23	16 Sept.	8	23	16 Sept.	8	23	16 Sept.	8	26	19 Sept.	2	26	19 Sept.	2	Ditto.
Ditto ditto	65	31 Dec.	12	65	31 Dec.	12	65	31 Dec.	12	65	31 Dec.	12	67	6 Jan.	8	67	6 Jan.	8	Governor-General's Message
Howell Mrs. Luey, Compensation to	74	20 Jan.	4	74	20 Jan.	6	74	20 Jan.	6	74	20 Jan.	6	78	27 Jan.	1	78	27 Jan.	1	His Excellency the Governor General.
Native Police Force	67	6 Jan.	20	67	6 Jan.	20	67	6 Jan.	20	67	6 Jan.	20	71	13 Jan.	1	71	13 Jan.	1	Ditto.
Northern Districts, Separation of Public Roads, Bridges, and Ferries, Repairs of.	86	6 Feb.	7	86	10 Feb.	9	86	10 Feb.	9	86	10 Feb.	9	89	17 Feb.	12	89	17 Feb.	12	Ditto.
Railway Works authorized, Completion of.	38	5 Nov.	14	38	6 Nov.	14	38	6 Nov.	14	38	6 Nov.	14	41	11 Nov.	1	41	11 Nov.	1	Ditto.
Reply to Governor General's Opening Speech	104	12 Mar.	18	104	12 Mar.	18	104	12 Mar.	18	104	12 Mar.	18	106	17 Mar.	1	106	17 Mar.	1	Ditto.
River Hunter, Deepening of the.	24	17 Sept.	1	25	18 Sept.	1	25	18 Sept.	1	25	18 Sept.	1	7	31 May	1	7	31 May	1	Ditto.
School of Arts, Goulburn	2	23 May	5	6	29 May	6	6	29 May	6	6	29 May	6	7	31 May	1	7	31 May	1	Ditto.
Transportation	93	24 Feb.	7	93	24 Feb.	7	93	24 Feb.	7	93	24 Feb.	7	97	3 Mar.	1	97	3 Mar.	1	Ditto.
	43	25 Nov.	16	43	25 Nov.	16	43	25 Nov.	16	43	25 Nov.	16	52	2 Dec.	1	52	2 Dec.	1	Ditto.
	44	11 Nov.	4	44	14 Nov.	4	44	14 Nov.	4	44	14 Nov.	4	45	18 Nov.	1	45	18 Nov.	1	Ditto.

Legislative Assembly Offices, Sydney, 6th May, 1857.

R. O'CONNOR, Clerk of Legislative Assembly.

Legislative Assembly.

STANDING AND SELECT COMMITTEES APPOINTED
DURING THE SESSION OF 1856-7.

No. 1.

GOVERNOR GENERAL'S OPENING SPEECH.

Mr. Nichols, Mr. Barker, Mr. Hoit, Mr. Murray, Mr. Donaldson,	} } } }	Appointed 23 May, 1856.	{ { { {	Mr. George Macleay, Mr. Parker, Mr. Faucett, Mr. Jones.
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No. 2.

ELECTIONS AND QUALIFICATIONS.

John Norton Oxley, Esq., *Terence Aubrey Murray, Esq., Alexander Walker Scott, Esq., †Henry Watson Parker, Esq.,	} } } }	Appointed by Speaker's Warrant, 23 May, 1856.	{ { { {	†Richard Jones, Esq., §Peter Faucett, Esq., §Arthur Todd Holroyd, Esq.
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- * Seat declared vacant, 26 August, 1856.
Restored to Committee, 11 November, 1856.
William Munnings Arnold, Esquire, added 16 September, 1856.
† Seat declared vacant, 3 October, 1856.
§ Resigned 2 January, 1857.
‡ Resigned 6 January, 1857.
Richard Hargrave, Esquire,
James Garland, Esquire,
Samuel Deane Gordon, Esquire, } added 9 January, 1857.
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No. 3.

STANDING ORDERS.

*Mr. Donaldson, †Mr. Cowper, †Mr. Parker, †Mr. Martin, Mr. Holroyd,	} } } }	Appointed by Ballot, 3 June, 1856.	{ { { {	The Speaker, §Mr. Plunkett, *Mr. Nichols, *Mr. Macarthur, †Mr. Manning.
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- * Seats declared vacant, 6 June, 1856.
Restored to Committee, 6 August, 1856.
† Seats declared vacant, 26 August, 1856.
Restored to Committee, 17 September, 1856.
‡ Seats declared vacant, 3 October, 1856.
Mr. Parker and Mr. Manning restored to Committee 31 October, 1856.
Mr. Donaldson restored to Committee 11 November, 1856.
§ Seat declared vacant, 27 January, 1857.
Mr. Jones added 29 January, 1857.
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No. 4.

LIBRARY.

*Mr. Donaldson, The Speaker, Mr. Scott, †Mr. Martin, Mr. Garland,	}	Appointed by Ballot, 3 June, 1856.	{	†Mr. Cowper, Mr. Jones, †Mr. Parker, *Mr. Macarthur, Mr. Arnold.
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* Seats declared vacant, 6 June, 1856.
Restored to Committee, 13 August, 1856.
† Seats declared vacant, 26 August, 1856.
Restored to Committee, 17 September, 1856.
‡ Seats declared vacant, 3 October, 1856.
Mr. Parker restored to Committee, 31 October, 1856.
Mr. Donaldson restored to Committee, 11 November, 1856.

No. 5.

PETITION OF PETER RAWLINGS.

*Mr. Donaldson, *Mr. Nichols, Mr. Hely, †Mr. Martin, Mr. Irving,	}	Appointed 4 June, 1856.	{	Mr. Weckes, Mr. Lee, Mr. Pye, †Mr. Parker, Mr. Holroyd.
--	---	----------------------------	---	---

* Seats declared vacant, 6 June, 1856.
† Seat declared vacant, 26 August, 1856.
Restored to Committee, 13 November, 1856.
‡ Seat declared vacant, 3 October, 1856.
Mr. Hay and Mr. Garland added, 13 November, 1856.

No. 6.

AUDIT OF THE REVENUE ACCOUNTS.

*Mr. Donaldson, *Mr. Parker, *Mr. Hay, Mr. C. Irving, Mr. Gordon,	}	Appointed 6 August, 1856.	{	Mr. Jones, Mr. Richardson, Mr. Flood, Mr. Scott.
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Mr. Cowper added, 19 August, 1856.
Seat declared vacant, 26 August, 1856.
* Seats declared vacant, 3 October, 1856.

No. 7.

CITY COMMISSIONERS' DEPARTMENT.

Mr. Jones, Mr. Gordon, *Mr. Hay, *Mr. Parker, Mr. Scott,	}	Appointed by Ballot, 12 August, 1856.	{	Mr. Lang, Mr. Oxley, Mr. Irving, †Mr. Plunkett, Mr. Wilshire.
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* Seats declared vacant, 3 October, 1856.
Mr. Egan and Mr. Robertson added, 5 November 1856.
† Seat declared vacant, 27 January, 1857.

No. 8.

MASTERS' AND SERVANTS' ACTS CONTINUATION BILL.

Mr. Nichols, Mr. Jones, Mr. William Macleay, Mr. Marks, *Mr. Murray,	}	Appointed. 13 August, 1856.	{	†Mr. Parkes, Mr. Faucett, †Mr. Darvall, Mr. Irving, Mr. Robertson.
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* Seat declared vacant, 26 August, 1856.
† Seat declared vacant, 3 October, 1856.
‡ Seat declared vacant, 20 December, 1856.

No. 9.

SYDNEY BETHEL UNION BILL.

Mr. Forster, Mr. Garland, Mr. George Macleay,	}	Appointed 13 August, 1856.	{	Mr. Osborne, Mr. Richardson, Mr. Manning.
---	---	-------------------------------	---	---

No. 10.

IMPOUNDING LAWS.

Mr. Robertson, Mr. Lang, Mr. Arnold, Mr. F. T. Rusden, Mr. Hargrave,	}	Appointed 15 August, 1856.	{	Mr. Thomson, Mr. Cox, Mr. Jamison, Mr. Lee, Mr. Nichols.
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No. 11.

CHURCH AND SCHOOL LANDS.

*Mr. Cowper, †Mr. Plunkett, Mr. George Macleay, Mr. F. T. Rusden, ‡Mr. Parkes,	}	Appointed 19 August, 1856.	{	Mr. Piddington, Mr. Holroyd, Mr. Jamison, Mr. Arnold, *Mr. Murray.
--	---	-------------------------------	---	--

* Seats declared vacant, 26 August, 1856
 † Seat declared vacant, 20 December, 1856.
 ‡ Seat declared vacant, 27 January, 1857.

No. 12.

ADDITIONAL MINISTERIAL DEPARTMENT.

†Mr. Manning, *Mr. Cowper, †Mr. Hay, Mr. Jones, Mr. G. Macleay,	}	Appointed 20 August, 1856.	{	*Mr. Martin, *Mr. Murray, †Mr. Parker, ‡Mr. Plunkett, †Mr. Donaldson.
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* Seats declared vacant, 26 August, 1856.
 † Seats declared vacant, 3 October, 1856.
 ‡ Seat declared vacant, 27 January, 1856.

No. 13.

AUSTRALIAN TRUST COMPANY'S BILL.

Mr. Nichols, Mr. Jones, Mr. Gordon, Mr. Hargrave,	}	Appointed 19 September, 1856.	{	*Mr. Hay, Mr. Osborne, Mr. Barker,
--	---	----------------------------------	---	--

* Seat declared vacant, 3 October, 1856.

No. 14.

ELECTRIC TELEGRAPH.

Mr. Arnold, Mr. Faucett, Mr. Hay, Mr. Macarthur,	}	Appointed 31 October, 1856.	{	Mr. Irving, Mr. Cowper, Mr. Weekes, *Mr. Parkes.
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* Seat declared vacant, 20 December, 1856.

No. 15.

CUSTOMS DEPARTMENT.

Mr. R. Campbell,
Mr. Egan,
Mr. Gordon,
Mr. Buckley,
Mr. Lord,

Appointed
31 October, 1856.

Mr. Barker,
Mr. Weekes,
Mr. Holt,
Mr. Irving,
Mr. Nichols.

No. 16.

DEEPENING THE RIVER HUNTER.

Mr. Faucett,
Mr. Flood,
*Mr. Parkes,
Mr. Jones,
Mr. Nichols,

Appointed
4 November, 1856.

†Mr. Plunkett,
Mr. Osborne,
Mr. Weekes,
Mr. Arnold,
Mr. Scott.

* Seat declared vacant, 20 December, 1856.

† Seat declared vacant, 27 January, 1857.

No. 17.

NATIVE POLICE FORCE.

Mr. Hay,
Mr. Holt,
Mr. Jones,
Mr. Forster,
Mr. Buckley,

Appointed
8 November, 1856.

Mr. Hely,
Mr. F. T. Rusden,
Mr. Lang,
Mr. W. Macleay,
Mr. Sandeman.

No. 18.

RICHMOND BRIDGE COMPANY'S BILL.

Mr. Arnold,
Mr. Flood,
Mr. Forster,
Mr. Marks,
Mr. Osborne,

Appointed
8 November, 1856.

Mr. Piddington,
Mr. T. G. Rusden,
*Mr. Parkes,
Mr. Martin,

* Seat declared vacant, 20 December, 1856.

No. 19.

CIVIL SERVICE SUPERANNUATION FUND.

Mr. Jones,
*Mr. Plunkett,
Mr. Donaldson,
Mr. Marks,
Mr. Weekes,

Appointed
11 November, 1856.

Mr. Hay,
Mr. Richardson,
Mr. Cowper,
Mr. Holroyd,
Mr. Flood.

* Seat declared vacant, 27 January, 1857.

No. 20.

ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS IN
COUNTRY DISTRICTS.

Mr. Nichols,
Mr. Forster,
Mr. Hay,
Mr. Jones,
Mr. Hely,

Appointed
11 November, 1856.

Mr. Weekes,
Mr. Manning,
Mr. Piddington,
Mr. Lang,
Mr. Robertson.

No. 21.

LIVERPOOL AND LONDON FIRE AND LIFE ASSURANCE COMPANY'S BILL.

Mr. Arnold, Mr. J. Campbell, Mr. Gordon, Mr. F. T. Rusden,	}	Appointed 18 November, 1856.	{	Mr. Scott, Mr. Weekes, Mr. Cowper
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No. 22.

SOLE COMMISSIONER OF RAILWAY'S INCORPORATION BILL.

Mr. Cowper, Mr. Hay, Mr. Flood, Mr. Murray, Mr. Oxley,	}	Appointed by Ballot, 19 November, 1856.	{	Mr. Jones, Mr. Barker, Mr. Martin, Mr. Macarthur, Mr. Suttor.
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No. 23.

AUSTRALIAN GENERAL ASSURANCE COMPANY'S BILL.

Mr. Barker, Mr. Gordon, Mr. Irving,	}	Appointed 19 November, 1856.	{	Mr. Macarthur, Mr. Sandeman, Mr. Manning.
---	---	---------------------------------	---	---

No. 24.

PETITION OF MR. DAVID CROSS.

Mr. Hely, Mr. Marks, Mr. Lee, Mr. Robertson, Mr. Thomson,	}	Appointed 9 December, 1856.	{	Mr. Hargrave, Mr. Egan, Mr. Piddington, Mr. Pye, Mr. Flood.
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No. 25.

RAILWAY TERMINUS AND WHARFS AT NEWCASTLE.

Mr. Flood, Mr. Buckley, Mr. Barker, Mr. Gordon, Mr. Jones,	}	Appointed 9 December, 1856.	{	Mr. Hay, Mr. Piddington, Mr. F. T. Rusden, Mr. Weekes, Mr. Arnold.
--	---	--------------------------------	---	--

No. 26.

AUSTRALIAN MUTUAL PROVIDENT SOCIETY'S BILL.

*Mr. Plunkett, Mr. Macarthur, Mr. Cox, Mr. Lang, Mr. Jones,	}	Appointed 12 December, 1856.	{	Mr. Gordon, Mr. Thomson, Mr. Barker, Mr. Sandeman, Mr. Osborne.
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* Seat declared vacant, 27 January, 1857.

No. 27.

ALLUVIAL LANDS OF THE HUNTER.

Mr. Hay, Mr. Flood, Mr. Arnold, Mr. Jones, Mr. Piddington,	}	Appointed by Ballot, 20 February, 1857.	{	Mr. Scott, Mr. Robertson, Mr. F. T. Rusden, Mr. Weekes, Mr. Gordon.
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Legislative Assembly.

**BUSINESS OF THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES
DURING THE SESSION OF 1856-7.**

1. New Writs issued									19
2. Select Committees:									
On Public Bills	3								
On other Public Matters	15								
On Private Bills	6								
									24
3. Standing Committees									2
4. Election Committee (number of cases)									4
5. Public Bills:									
Originated in the Assembly—									
Received the Royal Assent	35								
Reserved for signification of Her } Majesty's Pleasure thereon .. }	2								
Dropped or otherwise disposed of	23								
								60	
Brought from the Council—									
Received the Royal Assent	4								
Reserved for signification of Her } Majesty's Pleasure thereon .. }	1								
Dropped or otherwise disposed of	3								
								8	
6. Private Bills:									68
Originated in the Assembly—									
Received the Royal Assent	6								
									6
7. Petitions received:									
Printed	93								
Not Printed	33								
									126
8. Divisions:									
In Whole House	111								
In Committee	203								
									314
9. Sittings:									
Days of Meeting									107
Hours of Sitting									773 hrs. 47 min.
Hours of Sitting after Midnight									31 „ 15 „
Daily Average (nearly)									7 „ 14 „
Adjourned for want of a Quorum:									
Before Commencement of Business	2								
After Commencement of Business	13								
10. Votes and Proceedings									107
Entries in Votes and Proceedings:									
Of Business done	1,405								
Of Notices of Motion	1,885								
Of Orders of the Day	1,672								
Of Questions	229								
									5,191
Daily Average (nearly)									48½
11. Orders for Papers									62
12. Addresses for Papers									38
13. Other Addresses									17
14. Papers laid upon the Table:									
By Command	151								
In Return to Orders	43								
In Return to Addresses	33								
Reports from Select Committees	36								
									263
Ordered to be Printed	258								
Not Ordered to be Printed	5								
									263

R. O'CONNOR,

Clerk of the Legislative Assembly.

Legislative Assembly Offices,
Sydney, 18 March, 1857.

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1857.

NEW SOUTH WALES.

TITULAR DESIGNATION OF MEMBERS OF THE LEGISLATIVE COUNCIL

AND

"SPEAKER" OF THE LEGISLATIVE ASSEMBLY.

Ordered by the Legislative Assembly to be Printed, 15 January, 1857.

No. 128.

Downing-street,

30 October, 1856.

SIR,

I have received and laid before the Queen your Despatch No. 87, of the 28th May, requesting Her Majesty's approval of the distinction of "Honorable," which, in a *Gazette* Notice, (whereof you transmit a copy), you had provisionally conferred upon the President of the Legislative Council, and on the Speaker of the Legislative Assembly.

You also request that the same title may be given to the Members of the Legislative Council.

In reply, I am commanded to inform you, that I have submitted both these applications to Her Majesty, who has been graciously pleased to assent thereto, and I am commanded accordingly to signify to you Her Majesty's pleasure, that all the Members of the Legislative Council, and the Speaker of the House of Assembly, should be entitled to the titular designation of "Honorable," and should be so described in the several Acts and Instruments which may be issued under your authority.

I have &c.,

H. LABOUCHERE.

Governor SIR W. DENISON,
&c., &c., &c.,
New South Wales.

1856.

NEW SOUTH WALES.

WAR WITH RUSSIA.

Ordered by the Legislative Assembly to be Printed, 5 August, 1856.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

No. 54.

*Downing-street,
3 May, 1856.*

SIR,

I have received your Despatch No. 182, of the 19th November last, forwarding a series of Resolutions, which had been adopted by the Legislative Council of New South Wales, expressive of their sense of the justice of the War in which the Allied Forces have been engaged with Russia,—of their pride in the loyalty, valour, and fortitude displayed by their Countrymen during the War, and of their sympathy in the loss which Great Britain has sustained throughout the struggle; and further expressing their gratification at the increasing cordiality between Her Majesty the Queen and the Emperor of the French.

I have laid that Despatch, and the accompanying Resolutions, before the Queen, who was pleased to receive them very graciously, and to command me to express, through you, to the Council, Her sense of the loyalty and of the cordial feeling which these Resolutions so strongly exhibit.

I have, &c.,

(Signed) H. LABOUCHERE.

GOVERNOR SIR W. DENISON,
&c., &c., &c.

1856.

 NEW SOUTH WALES.

 WAR WITH RUSSIA.
 (FALL OF SEBASTOPOL.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1856.

THE SECRETARY OF STATE FOR THE COLONIES to GOVERNOR SIR W. DENISON.

No. 48.

*Downing-street,
5 April, 1856.*

SIR,

I have received your Despatch No. 194, of the 18th December last, enclosing an Address to the Queen from the Legislative Council of New South Wales, expressing the feeling of joy with which they received the intelligence of the fall of Sebastopol, and the lively interest which they feel in the glory and success of the British Arms.

You will inform the Legislative Council, that I have laid their Address before the Queen, and that Her Majesty was pleased to receive it very graciously, and to command me to convey to the Council, through you, the assurance of Her satisfaction at this expression of their loyalty and sympathy.

I have, &c.,

(Signed) H. LABOUCHERE.

GOVERNOR SIR W. DENISON,
&c., &c., &c.

1856.

NEW SOUTH WALES.

QUESTION OF COSTS.

(In the matter of the Petition of WILLIAM BRADY, TIMOTHY MAHER, and J. CANTY, against the Election of the Members for the Electoral District of the City of Sydney.)

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE.

ORDERED TO BE PRINTED,

5 August, 1856.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 2, FRIDAY, 23 MAY, 1856.

6. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

“ By the Honorable the Speaker of the Legislative Assembly
of New South Wales.

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint

“ John Norton Oxley, Esquire,
“ Terence Aubrey Murray, Esquire,
“ Alexander Walker Scott, Esquire,
“ Henry Watson Parker, Esquire,
“ Richard Jones, Esquire,
“ Peter Faucett, Esquire, and
“ Arthur Todd Holroyd, Esquire,

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

“ Given under my Hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this twenty-third day of May, in
“ the year of our Lord one thousand eight hundred and fifty-six.

“ DANIEL COOPER,

“ Speaker.”

7. Election Petitions:—Mr. Donaldson, by *Command*, laid upon the Table the following Election Petitions which had been addressed to His Excellency the Governor General:—

* * * * *

(2.) A Petition from William Brady, Timothy Maher, and J. Canty, who had a right to vote at the late election of Members to represent the Electoral District of the City of Sydney, complaining of the Election and return of Charles Cowper, Henry Parkes, Robert Campbell, and James Robert Wilshire, Esquires, and praying that one or more of them may be adjudged and declared not duly elected, and that John Hubert Plunkett, Esquire, may be declared duly elected in the place of some one of them.

Whereupon the Speaker reported that he had this day received notice from William Brady, Timothy Maher, and J. Canty, of the withdrawal of their said Petition against the election and return of the sitting Members for the Electoral District of the City of Sydney, but withheld acquainting the House of the circumstance until the Petition should be properly before the Assembly.

VOTES No. 6, THURSDAY, 29 MAY, 1856.

2. Committee of Elections and Qualifications:—Henry Watson Parker, Terence Aubrey Murray, and John Norton Oxley, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
4. Election Petitions:—Mr. Donaldson, referring to the 65th section of the Electoral Act of 1851, moved, without previous notice,—
- (1.) That it be referred to the Committee of Elections and Qualifications, to ascertain and certify whether any, and what costs have become payable by the Petitioners against the Election and Return of the sitting Members for the Electoral District of the City of Sydney, in consequence of the presentation of their Petition, withdrawn on the 23rd instant.
- Question put and passed.
8. Committee of Elections and Qualifications:—Alexander Walker Scott, Richard Jones, Peter Faucett, and Arthur Todd Holroyd, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
10. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first Meeting of the Elections and Qualifications Committee to take place at Noon, on Tuesday next, in Committee Room No. 2.

VOTES No. 11. TUESDAY, 5 AUGUST, 1856.

5. Committee of Elections and Qualifications:—Mr. Holroyd, as Chairman brought up from the Committee of Elections and Qualifications,—
- (1.) A Report on the Question of Costs referred to that Committee on the 29th day of May last, in connexion with the withdrawn Petition of William Brady, Timothy Maher, and J. Canty, against the Election and Return of the Members for the City of Sydney.

* * * * *

Ordered to be Printed.

1856.

NEW SOUTH WALES.

QUESTION OF COSTS.

(In the matter of the Petition of William Brady, Timothy Maher, and J. Cauty, against the Election of the Members for the Electoral District of the City of Sydney.)

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

The Committee of Elections and Qualifications, duly appointed on the 23rd day of May, 1856, under the provisions of the Electoral Act of 1851, to whom it was referred, on the 29th day of the same month, to ascertain and certify whether any and what Costs have become payable by the Petitioners against the Election and Return of the Members for the Electoral District of the City of Sydney, in consequence of the presentation of their Petition, withdrawn on the 23rd day of May last, Report that they have ascertained what costs have become payable by the Petitioners, and have certified accordingly.

ARTHUR T. HOLROYD,

Chairman.

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE OF
ELECTIONS AND QUALIFICATIONS.

In the matter of the Question referred to the Committee by the Legislative Assembly on the 29th of May last—“To ascertain and certify whether any and what costs have become payable by the Petitioners against the Election and Return of the Sitting Members for the Electoral District of the City of Sydney, in consequence of the presentation of their Petition, withdrawn on the 23rd instant.”

TUESDAY, 3 JUNE, 1856.

Members Present :—

Mr. Holroyd,	Mr. Scott,
Mr. Murray,	Mr. Parker,
Mr. Jones,	Mr. Faucett.

Present for the Parties :—

Mr. Templeton, Solicitor for the Petitioners.
Mr. Pennington, Solicitor for the Members for Sydney.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. On the motion of Mr. Parker, seconded by Mr. Murray, Mr. Holroyd was elected Chairman of the Committee.
2. The Solicitors for the parties having stated that they thought it probable that they might come to some agreement between themselves, as to costs, before the next meeting of the Committee, the consideration of the Question referred to the Committee was postponed until Friday next, the 6th instant, at 11 o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 6 JUNE, 1856.

Members Present :—

Henry Watson Parker, Esquire, in the Chair.

Mr. Faucett,
Mr. Jones,
Mr. Murray.

Present for the Parties :—

Mr. Templeton, Solicitor for the Petitioners.
Mr. Pennington, Solicitor for the Members for Sydney.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

The Solicitor for the Petitioners having stated to the Committee that the Solicitor for the Members for Sydney and himself had not been able to come to any agreement as to the amount of costs to be paid by the Petitioners,—and witnesses, summoned to give evidence upon another matter referred to the Committee, being in attendance, whose time was stated to be valuable,—the Question before the Committee was postponed, with the concurrence of the Solicitors, until further notice given to those gentlemen.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 10 JUNE, 1856.

Members Present :—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Parker,
Mr. Jones,
Mr. Scott.

Present for the Parties :—

Mr. Templeton, Solicitor for the Petitioners.
Mr. Pennington, Solicitor for the Members for Sydney.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. At the request of the Chairman, the Solicitor for the Members for Sydney produced his Bill of Costs incurred in preparing to oppose the Petition.
2. The Solicitor for the Petitioners stated that he objected to the Bill, on the ground that the charges were exorbitant.

3. The Solicitors having retired, the Committee examined the Bill, item by item, and awarded that the sum of £28 3s. should be paid, by the Petitioners, to the Solicitor for the Members for Sydney.
4. The Solicitors having been called in, the Chairman informed the Solicitor for the Members for Sydney as to the amount of Costs the Committee had determined to allow in this case, and stated that he was prepared to deliver the certificate required by the Act, upon application made to him.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 13 JUNE, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Parker,	Mr. Scott,
Mr. Jones,	Mr. Faucett.

Present for the Parties:—

Mr. Templeton, Solicitor for the Petitioners.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Chairman reported that he had signed the requisite certificate for the £28 3s.
2. The Chairman then read an application, from the Petitioners, for the Balance of the Deposit of £100 made previously to the presentation of this Petition.
3. The Committee decided that they had no jurisdiction in the matter.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 17 JUNE, 1856.

Members Present:—

Mr. Jones.
Mr. Parker.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

There not being four Members present within one hour of the time appointed for the adjourned meeting to-day, Mr. Jones took the Chair, and the Members present adjourned the meeting to Friday next, at 12 o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 24 JUNE, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Scott,	Mr. Jones,
Mr. Faucett,	Mr. Parker.

Present for the Parties:—

Mr. Templeton, Solicitor for Petitioners.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Committee agreed to their Report.
The Committee then adjourned.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

1856.

NEW SOUTH WALES.

ELECTION PETITION.

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

IN THE MATTER OF THE PETITION AGAINST THE RETURN OF
BOURN RUSSELL, ESQUIRE, AS A MEMBER FOR THE ELECTORAL DISTRICT
OF THE NORTHUMBERLAND BOROUGHES;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND

EVIDENCE APPENDED THERETO.

ORDERED TO BE PRINTED,

5 August, 1856.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 2. FRIDAY, 23 MAY, 1856.

6. Committee of Elections and Qualifications :—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

“ *By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint

“ John Norton Oxley, Esquire,
“ Terence Aubrey Murray, Esquire,
“ Alexander Walker Scott, Esquire,
“ Henry Watson Parker, Esquire,
“ Richard Jones, Esquire,
“ Peter Faucett, Esquire, and
“ Arthur Todd Holroyd, Esquire,

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

“ Given under my Hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this twenty-third day of May, in
“ the year of our Lord one thousand eight hundred and fifty-six.

“ DANIEL COOPER,
“ Speaker.”

7. Election Petitions :—Mr. Donaldson, *by Command*, laid upon the Table the following Election Petitions which had been addressed to His Excellency the Governor General :—
(1.) A Petition from William Christie, of Maitland, Gentleman, complaining of the election and return of Bourn Russell, Esquire, as a Member for the Electoral District of the Northumberland Boroughs, and praying that the same may be declared to be wholly null and void, and that Elias Carpenter Weekes, Esquire, was elected, and ought to have been returned.

* * * * *

VOTES No. 6. THURSDAY, 29 MAY, 1856.

2. Committee of Elections and Qualifications :—Henry Watson Parker, Terence Aubrey Murray, and John Norton Oxley, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th Section of the Electoral Act of 1851.
4. Election Petitions :—Mr. Donaldson, referring to the 65th Section of the Electoral Act of 1851, moved, without previous notice,—
- (2.) That the Petition of William Christie, of Maitland, Gentleman, complaining of the Election and Return of Bourn Russell, Esquire, as a Member for the Electoral District of the Northumberland Boroughs, and praying that the same may be declared to be wholly null and void, and that Elias Carpenter Weekes, Esquire, was elected, and ought to have been Returned,—be referred to the Committee of Elections and Qualifications.
- Question put and passed.
8. Committee of Elections and Qualifications :—Alexander Walker Scott, Richard Jones, Peter Faucett, and Arthur Todd Holroyd, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th Section of the Electoral Act of 1851.
10. First Meeting of Committee of Elections and Qualifications :—Pursuant to the requirement of the 59th Section of the Electoral Act of 1851, the Speaker appointed the first Meeting of the Elections and Qualifications Committee to take place at Noon, on Tuesday next, in Committee Room No. 2.

VOTES, No. 11. TUESDAY, 5 AUGUST, 1856.

5. Committee of Elections and Qualifications :—Mr. Holroyd, as Chairman, brought up from the Committee of Elections and Qualifications,—
- (2.) A Report in the matter of the Petition of William Christie, of Maitland, Gentleman, against the Election and Return of Bourn Russell, Esquire, as a Member for the Electoral District of the Northumberland Boroughs, declaring that Bourn Russell, Esquire, was not duly elected, and that Elias Carpenter Weekes, Esquire, was duly elected, as a Member for the said Electoral District.

1856.

NEW SOUTH WALES.

ELECTION PETITION.

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

IN THE MATTER OF THE PETITION AGAINST

THE ELECTION AND RETURN OF BOURN RUSSELL, ESQUIRE.

THE Committee of Elections and Qualifications, duly appointed on the 23rd day of May, 1856, under the provisions of the Electoral Act of 1851, to whom was referred on the 29th day of the same month, the Petition of William Christie, of Maitland, Gentleman, against the Election and Return of Bourn Russell, Esquire, as one of the Members for the Electoral District of the Northumberland Boroughs, at the General Election now first had of Members to serve in the Legislative Assembly of New South Wales, have determined, and do hereby accordingly declare,—

That Bourn Russell, Esquire, who was returned as elected, by the Returning Officer, was not duly elected as a Member of the Legislative Assembly for the Electoral District of the Northumberland Boroughs.

That Elias Carpenter Weckes, Esquire, who was not returned by the Returning Officer, was duly elected as a Member of the Legislative Assembly for the Electoral District of the Northumberland Boroughs.

That the said Petition against the Return of Bourn Russell, Esquire, was not frivolous or vexatious.

That the opposition of Bourn Russell, Esquire, to the said Petition was not frivolous or vexatious.

ARTHUR T. HOLROYD,

Chairman.

MINUTES OF THE PROCEEDINGS
OF THE
COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

In the matter of the Petition of William Christie, of Maitland, gentleman, against the Election and Return of Bourn Russell, Esquire, as a Member for the Electoral District of the Northumberland Boroughs, at the late general Election of Members to serve in the Legislative Assembly of New South Wales.

TUESDAY, 3 JUNE, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.	
Mr. Murray,	Mr. Parker,
Mr. Jones,	Mr. Faucett.
Mr. Scott,	

Present for the Parties:—

Mr. Gilbert Wright, Solicitor for the Petitioner.
Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Chairman read the Petition of William Christie, of Maitland, gentleman, as follows:—

To His Excellency SIR WILLIAM THOMAS DENISON, Knight, Governor of New South Wales.

The humble Petition of William Christie, of Maitland, gentleman.

Sheweth,—

That an Election was held on the 26th and 28th days of March last, for the Electoral District of the Northumberland Boroughs.

That, George Robert Nichols, Esquire, Bourn Russell, Esquire, and Elias Carpenter Weekes, Esquire, were candidates at the said Election to serve as Members of the Legislative Assembly for the said Electoral District.

That, your Petitioner had a right to vote at the said Election, and did vote thereat for the said Elias Carpenter Weekes, Esquire.

That divers persons who were on the Electoral Roll or Register for the said Electoral District, and who voted at the said Election for the said Bourn Russell, Esquire, were respectively subject to legal incapacities, and were not entitled to be registered or to vote at the said Election.

That divers persons who were on the said Electoral Roll or Register, and who were entitled to be registered and to vote at the said Election, voted twice at the said Election for the said Bourn Russell, Esquire.

That divers persons who were on the said Electoral Roll or Register, and who were entitled to be registered and voted at the said Election for the said Bourn Russell, Esquire, were disqualified from voting thereat, by reason of their having parted with the qualification for which their names were respectively originally inserted in the said Electoral Roll or Register before the said Election was held.

That divers persons who were not on the said Electoral Roll or Register, and who were not entitled to be registered or to vote at the said Election, did, nevertheless, vote thereat, for the said Bourn Russell, Esquire.

That divers persons who were not on the said Electoral Roll or Register, and who were not entitled to be registered or to vote at the said Election, fraudulently personated, for the purpose of polling and voting at such Election, divers other persons who were on the said Electoral Roll or Register, and who were entitled to be registered and to vote at the said Election, and that the said persons so fraudulently personating as aforesaid the said divers other persons voted at the said Election for the said Bourn Russell, Esquire.

That divers persons who were on the said Electoral Roll or Register, and who were entitled to be registered and to vote at the said Election, fraudulently personated, for the purpose of polling and voting at such Election, divers other persons who were on the said Electoral Roll or Register, and who were entitled to be registered and to vote at the said Election, and that the said persons so fraudulently personating as aforesaid the said divers other persons voted at the said Election for the said Bourn Russell, Esquire.

That divers persons who were on the said Electoral Roll or Register, and who were entitled to be registered and to vote at the said Election, tendered their votes thereat for the said Elias Carpenter Weekes, Esquire, but that the Returning Officer of the said Electoral District and his Deputies improperly rejected such votes.

That

That, by reason of the premises, the said Bourn Russell, Esquire, obtained an apparent and colorable majority of votes over the said Elias Carpenter Weckes, Esquire, but that the majority of legal electors and voters at the said Election was in favor of the said Elias Carpenter Weckes, Esquire.

Your Petitioner, therefore, humbly prays that the Election and Return of the said Bourn Russell, Esquire, as a Member of the Legislative Assembly for the said Electoral District, may be declared to be wholly null and void, and that it may be declared that the said Elias Carpenter Weckes, Esquire, was thereby elected and ought to have been returned, instead of the said Bourn Russell, Esquire, and that the Return to the Writ for the said Election of Members to serve in the Legislative Assembly for the said Electoral District, may be amended accordingly.

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

WILLIAM CHRISTIE.

Dated this nineteenth day of April, in the year of our Lord one thousand eight hundred and fifty-six.

2. The Solicitor for the Petitioner having requested that Isaac Gorrick, Esquire, the Returning Officer for the Electoral District of the Northumberland Boroughs, be summoned to appear and produce the original of the Electoral Roll, now in force for the said District; and that the Petitioner, William Christie, of Maitland, gentleman, be summoned to appear and give evidence touching the general matter of the Petition—the Committee ordered a summons to issue accordingly, returnable on Friday next, the 6th instant, at 11 o'clock A.M.
3. The Committee then adjourned till Friday next, at 11 o'clock A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 6 JUNE, 1856.

Members Present :—

Henry Watson Parker, Esquire, in the Chair.

Mr. Faucett,
Mr. Jones,
Mr. Murray.

Present for the Parties :—

Mr. Gilbert Wright, Solicitor for the Petitioner.
Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. The shorthand writer being in attendance, Mr. Isaac Gorrick was admitted, sworn by the Chairman, and examined by the Committee. (*See his Evidence appended*). Appendix A.
2. Mr. William Christie was then called in, and having been sworn,—a member of the Committee requested that before Mr. Christie was examined, Mr. Gorrick might be re-examined.
3. Mr. Gorrick was accordingly re-examined. (*See his Evidence appended*). Appendix B.
4. Mr. Christie was then examined. (*See his Evidence appended*). Appendix C.
5. The Solicitor for the Petitioner having requested that the Voting Papers, tendered at this Election, might be produced, the Chairman addressed a written Order, for their production, to the Clerk of the Legislative Assembly, as follows :—

Committee Room, No. 2,
Sydney, 6 June, 1856.

To the Clerk of the Legislative Assembly.

SIR,

You are hereby required to produce, before the Committee of Elections and Qualifications, the sealed Voting Papers transmitted to you by the Returning Officer for the Electoral District of the Northumberland Boroughs, after the General Election now first had of Members to serve in the Legislative Assembly of New South Wales.

HY. WATSON PARKER,

Chairman, for the day, of the said Committee.

6. Whereupon the Clerk of the Assembly, in person, produced the sealed package, received by him as containing the said Voting Papers, and handed in to the Committee a written certificate, as follows :— Appendix D.

Legislative Assembly Offices,
Sydney, 6 June, 1856.

I hereby certify, that the sealed Voting Papers, produced by me this day before the Committee of Elections and Qualifications, upon the Order in writing of the Chairman for the day of the said Committee, are the same sealed Voting Papers which were in due course transmitted to the Clerk of the late Legislative Council, after the General Election lately had of Members to serve in the Legislative Assembly of New South Wales, and which were, by the said Clerk, duly transferred to my custody, on his appointment as Clerk of the present Legislative Council, and my appointment as Clerk of the Legislative Assembly.

R. O'CONNOR,
Clerk of Legislative Assembly.

7. Mr. Gorriek, being called upon by the Committee, (after having been reminded that he was still under the obligation of his Oath), declared the package to be in the same condition as when posted by him.
8. The Solicitor for the Petitioner having stated that an examination of the Voting Papers would be necessary to the establishment of his case, the same was ordered, under the following restrictions, viz. : that not more than two persons on each side should conduct the examination ; and that the same should take place in the presence, and under the direction, of the Clerk of the Assembly.

The Committee then adjourned until Tuesday next, at Twelve o'clock, noon.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 10 JUNE, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Parker,
Mr. Jones,
Mr. Scott.

Present for the Parties:—

Mr. Gilbert Wright, Solicitor for the Petitioner.
Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Solicitor for the Petitioner stated that he had not been able to complete the examination of the Voting Papers, in consequence of the inability of the Clerk of the Assembly to devote sufficient time to this object, since the last meeting of the Committee ; and that the Order of the Committee, as to the number of persons to be allowed to assist at said examination, had not been complied with by the Solicitor for the sitting Member.
2. The Clerk of the Assembly having been examined in reference to this statement, (*See his Evidence appended*), it was directed that the former order of the Committee be obeyed *literally*, during the further examination of the Voting Papers.
3. The Chairman read a letter, which he had received from the Clerk of the Assembly, as follows:—

Appendix B.

No. 56-12.

*Legislative Assembly Offices,
Sydney, 10 June, 1856.*

SIR,

I am afraid it will be found inexpedient to draw into a precedent, the duty delegated to me, by the Committee of Elections and Qualifications on Friday last—that of personally conducting an examination of Voting Papers.

This examination will occupy two whole days ; an examination for Sydney, in which the parties would be at liberty, as in this case, to copy every Voting Paper, would occupy at least fourteen whole days ; and if these were made up of the occasional hour or half hour, the Clerk could spare from his paramount duty to the Assembly, when sitting in the ordinary sessional course, the delay and expense would be formidable indeed.

The Electoral Act requires of the Clerk simply to produce the Papers, with his certificate thereon, that he produces them in the state in which he received them from the Returning Officer, (i. e. in a sealed Package).

The time of the Clerk in attendance upon the Committee, is absolutely at the disposal of the Committee, and I would respectfully suggest, that he is the proper Officer to conduct any examination the Committee desire to delegate to other hands, as he is in fact the Officer actually in custody of the Papers, after they leave the hands of the Clerk, until he restores them to the keeping of the Clerk, on the conclusion of the proceedings of the Committee.

I entertained this view on Friday last, and abstained from placing it before the Committee, only because I did not wish to disturb an arrangement evidently already made, while I had in reserve a more suitable occasion, for respectfully offering an exposition of what I consider to be the course which, in all future cases, may be pursued without delay or inconvenience to the business of the House, to the Committee, or the parties before the Committee.

It may not be out of place, perhaps, in conclusion, as in connexion with this matter, to mention that Mr. Russell, his Solicitor, and two Clerks, myself and Mr. Bernays, were kept waiting for Mr. Wright's Clerks, from 10 o'clock until half past 12 o'clock yesterday morning.

I have the honor to be,
Sir,

Your most obedient servant,

R. O'CONNOR

Clerk of Legislative Assembly.

To the Chairman of the Committee
of Elections and Qualifications.

4. Whereupon it was ordered, that the suggestion of the Clerk of the Assembly, as contained in the above letter, be complied with, and that the 2nd Clerk Assistant superintend the further examination of the Voting Papers.
5. At the request of the Solicitor for the Petitioner, the further consideration of the matter before the Committee was postponed until Friday next, the 13th instant, at 12 o'clock, noon, upon the understanding that at that time both parties would be ready to proceed.

The Committee then adjourned until Friday next, at Twelve o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 13 JUNE, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Parker,	|	Mr. Scott,
Mr. Jones,		Mr. Faucett.

Present for the Parties:—

Mr. Gilbert Wright, Solicitor for the Petitioner.
Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Solicitor for the Petitioner having stated that his first step would be to prove that Votes had been registered by persons whose names were not on the Electoral Roll, and having requested that a scrutiny of the Voting Papers be had with a view to effecting that object, the said Papers were produced, by direction of the Chairman, by the Clerk in attendance upon the Committee.
2. The Clerk of the Assembly, having been called in and sworn, was examined touching the condition of the Voting Papers, from the time of their first coming into his custody up to the period of his handing them over to the custody of the 2nd Clerk Assistant. (*See his Evidence appended.*) Appendix F.
3. The 2nd Clerk Assistant, after having been sworn, was then examined touching the condition of said Papers since they had been in his custody. (*See his Evidence appended.*) Appendix G.
4. The Committee then proceeded to the scrutiny, which resulted in twenty-one votes, which had been registered in favor of the Sitting Member by persons whose names were not upon the Register for the Electoral District of the Northumberland Boroughs, being taken off the file of votes by order of the Committee.
5. At the request of the Solicitor for Petitioner, Samuel Derrington, having been called in, was sworn and examined.
6. And a Question arising as to whether the evidence of this witness could be admitted or not, strangers were ordered to withdraw; and, strangers having accordingly withdrawn, the Committee deliberated upon the point raised.
7. Strangers having been re-admitted, the Chairman informed the Solicitor for Petitioner, that the Committee had decided that the evidence of Samuel Derrington had been prematurely received, and that it had been cancelled accordingly.
8. The Committee having proceeded to another scrutiny, at the request of the Solicitor for the Sitting Member, one vote, registered in favor of Elias Carpenter Weekes, Esquire, by a person whose name was not upon the Register for the Electoral District of the Northumberland Boroughs, was taken off the file of votes by order of the Committee; as well as one of two votes registered in favor of Elias Carpenter Weekes, Esquire, by one and the same voter.

The further consideration of the matter of the Petition against the Election and Return of the Sitting Member for the Northumberland Boroughs, was then postponed until Tuesday next, at Twelve o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 17 JUNE, 1856.

Members Present:—

Mr. Jones.		Mr. Parker.
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In attendance upon the Committee:—

The 2nd Clerk Assistant.

There not being four Members present within one hour of the time appointed for the adjourned Meeting to-day, Mr. Jones took the Chair, and the Members present adjourned the Meeting to Friday next, at Twelve o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY,

FRIDAY, 20 JUNE, 1856.

Members Present :—

Henry Watson Parker, Esquire, in the Chair.

Mr. Oxley,	|	Mr. Jones,
Mr. Scott,	|	Mr. Faucett,
Mr. Holroyd.		

Present for the parties :—

Mr. Wright, Solicitor for the Petitioner.

Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

- Appendix H. 1. The 2nd Clerk Assistant, having been sworn, was examined touching the condition of the Register for the Electoral District of the Northumberland Boroughs, when returned to his custody by the Returning Officer for the said Electoral District after the recent election of a Member to serve in the Legislative Assembly,—for the purposes of which Election the said Register had been, by order of the Chairman of the Committee, transmitted to the said Returning Officer. (*See his Evidence appended.*)
2. The Committee having proceeded to a further scrutiny of the Voting Papers, the Solicitor for the Sitting Member objected to a vote registered in favor of Elias Carpenter Weekes, Esq., by Hayden Hezekiah Hall, on the ground that the name was upon the Register as Hezekiah Hall Hayden.
3. Strangers being ordered to withdraw, the Committee deliberated; and, strangers having been re-admitted, the Chairman informed the Solicitor for the Sitting Member that the Committee had decided that the vote in question be provisionally taken off the file of Votes until further evidence adduced to prove identity.
4. The Solicitor for the Petitioner having requested that Hayden Hezekiah Hall be summoned to appear and give evidence as to his identity with the person described in the Register as Hezekiah Hall Hayden, the Committee ordered a summons to issue accordingly, returnable on Tuesday next, the 24th instant, at 12 o'clock, noon.
5. The Committee then proceeded to a further scrutiny of the Voting Papers, which resulted in one vote, registered in favor of Elias Carpenter Weekes, Esquire, by a person whose name was not upon the Register for the said Electoral District, being taken off the file of Votes by order of the Committee.

The Committee then adjourned until Tuesday next, at 12 o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant

TUESDAY, 24 JUNE, 1856.

Members Present :—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Parker,	|	Mr. Scott,
Mr. Jones,	|	Mr. Faucett.

Present for the Parties :—

Mr. Gilbert Wright, Solicitor for the Petitioner.

Mr. Templeton, Solicitor for the Sitting Member.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. The Solicitor for the Sitting Member stated that he had decided to offer no further opposition to the Petition.
2. The Solicitor for the Petitioner informed the Committee that he considered the opposition of the Sitting Member was clear from the imputation of having been either frivolous or vexatious.
3. The Committee, on deliberation, having decided upon their Report, informed the Solicitors for the Parties of their decision,—but declined giving any certificate for costs and expenses.
4. The Chairman informed the Solicitor for the Petitioner that he was prepared to deliver, upon application made to him, the necessary certificate to enable the Petitioner to obtain the Speaker's Order for the restoration of the £100 deposited, in compliance with the Electoral Act, previous to the presentation of the Petition.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

APPENDIX.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

A.

FRIDAY, 6 JUNE, 1856.

Present:—

Mr. Faucett,
Mr. Jones,Mr. Murray,
Mr. Parker.

Henry Watson Parker, Esquire, in the Chair.

Mr. Wright appeared as Solicitor for the Petitioners against the return of Bourn Russell, Esquire, one of the sitting members for the Northumberland Boroughs.

Mr. Templeton appeared as Solicitor for Bourn Russell, Esq.

Isaac Gorrick, Esq., Returning Officer for the Electoral District of the Northumberland Boroughs, sworn and examined:—

1. *By Mr. Wright:* Do you produce the Electoral Roll for the Northumberland Boroughs? I produce the collectors' lists of electors for East Maitland, West Maitland, and Morpeth, and a list of additional claims, as revised by the Bench of Magistrates—the four together forming the entire Roll for the District. [*The witness produced the documents referred to, which were marked by the Chairman, A., B., C., and D., respectively.*]

2. Is that the Roll in respect of which the return to the writ of election was made? It is.

3. What was the return made to the writ? The final declaration of the poll was as follows:

Mr. G. R. Nichols	...	...	660
Mr. Bourn Russell	...	...	521
Mr. E. C. Weekes	...	...	513

4. Mr. Nichols and Mr. Russell were declared duly elected? They were.

5. Have you ever seen a Roll like that (*handing a printed document*)? I have seen several of these printed Electoral Rolls, but they were not correct.

6. To what extent were they incorrect? I am not aware at the present time, but I had copies of the electoral lists which had been revised by that roll.

7. Do you happen to know whether the poll was taken upon the correct or the incorrect lists? From the correct list.

8. *By Mr. Jones:* Had your Deputy Returning Officers revised lists as well as yourself? They were furnished with printed copies revised.

9. *By Mr. Wright:* Did you attach your name to each of those revised copies? I did.

10. To how many? I received three; one I kept, and I gave one to Mr. Close, and one to Mr. Kingsmill, my deputies.

11. These lists that were circulated were signed by Major Crummer? I think they were.

12. *By Mr. Faucett:* Were the printed copies delivered to your deputies revised by yourself? They were, to a certain extent.

13. *By the Chairman:* Are they substantially the same as the list revised by the magistrates? Yes.

14. *By Mr. Faucett:* You have handed in the magistrates' copy? Yes.

15. Then it was by this copy that you revised the three copies upon which the poll was taken? Yes; this was handed to me by the Clerk of the Court, who kept a copy and got a number of lists printed.

16. *By Mr. Wright:* Mr. Russell was Returning Officer of the Northumberland Boroughs previous to this election? He was.

17. And resigned his position when he became a candidate? Yes.
18. Were the Deputy Returning Officers, appointed by you, members of Mr. Russell's committee—were you so yourself? I was not a member of Captain Russell's committee after I got the appointment as Returning Officer.
19. Previously to that were you a member of Mr. Russell's committee? I attended meetings of his Committee; I imagine I was considered a member of it; but I can swear positively that I never acted with any committee of Captain Russell's friends after I was appointed Returning Officer.
20. *By Mr. Templeton*: You say you gave revised lists to your Deputy Returning Officers—did you examine those lists by the Roll you have handed in? I did, partially.
21. *By the Chairman*: You believe them to have been substantially correct? I do. I beg to hand in to the Committee a receipt from the postmistress at Maitland for the packet of voting papers transmitted by post.

B.

Richard O'Connor, Esq., Clerk of the Legislative Assembly, produced, upon the written order of the Chairman, the packet of voting papers for the Electoral District of the Northumberland Boroughs, which he said was in the same state as it was received through the Post Office.

C.

Isaac Gorrick, Esq., Returning Officer, recalled and re-examined:—

1. *By the Chairman*: Remaining under the obligation of the oath which you took just now, will you state whether this packet, purporting to contain the voting papers in the recent election for the Northumberland Boroughs, is in the same state as when posted by you at Maitland? It is.

D.

William Christie, Esq., sworn and examined:—

1. *By Mr. Wright*: Are you the person described in the Roll of Electors for the Electoral District of the Northumberland Boroughs, thus:—"52. Christie, William—dwelling-house—West Maitland"? Yes.
2. Is this your signature to the petition against Mr. Russell's return? Yes.

E.

TUESDAY, 10 JUNE, 1856.

Present:—

Mr. Faucett,	|	Mr. Jones,
Mr. Holroyd,	|	Mr. Parker,
	Mr. Scott.	

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. G. Wright appeared as Solicitor for the Petitioners against the return of Bourn Russell, Esquire, one of the sitting Members for the Northumberland Boroughs.

Mr. Templeton appeared as Solicitor for Bourn Russell, Esq.

Richard O'Connor, Esq., Clerk of the Legislative Assembly, called in and further examined:

1. *By the Chairman*: What occurred yesterday morning when the voting papers were examined. I see you say here, in a letter addressed to the Chairman of this Committee—"It may not be out of place, perhaps, as in connexion with this matter, to mention that Mr. Russell, his solicitor, and two clerks, myself and Mr. Bernays, were kept waiting for Mr. Wright's clerks from ten o'clock until half-past twelve o'clock yesterday morning"? We were so. Mr. Wright's clerks came at about twelve o'clock, or a few minutes before twelve, without Mr. Wright himself, who had previously said in the Committee that he would introduce those gentlemen to me, in order that I might know them; when they came, therefore, I inquired whether Mr. Wright was with them; they said no, and one of them added that I had seen him with Mr. Wright in the committee-room, or something to that effect. I replied that this was a matter of business, and that Mr. Wright must either be present himself, or introduce them by letter, so that I might know they were duly authorized to act for him. They then went away, and before we were able to enter upon the business it was half-past twelve o'clock.
2. How many clerks had Mr. Wright there? Two.
3. How long did you sit? I did not leave the room till half-past four.
4. At what time was the sitting member here with his attorney? He was here, as near as might be, at ten o'clock.
5. Did he bring any clerks with him? Yes; his solicitor and two clerks.
6. Did all four interfere in copying the voting papers, or the clerks only? Up to a late hour only the clerks copied them, but towards evening the solicitor for the sitting member took a portion of the papers which I had allotted to his clerks, and helped them to copy.
7. Was that for the purpose of expediting the business? I understood so; indeed, had it not been for the sitting member's solicitor lending his assistance to copy some of the papers, we should have been much later.
8. Did the sitting member interfere at all? He did not.

F.

11

F.

FRIDAY, 18 JUNE, 1856.

Present:—

Mr. Holroyd,	|	Mr. Parker,
Mr. Jones,		Mr. Scott.

Arthur Todd Holroyd, Esquire, in the Chair.

Richard O'Connor, Esq., Clerk of the Legislative Assembly, called in and further examined :

1. *By Mr Wright (handing a parcel of papers to the witness) :* Were these voting papers when you handed them over to that gentleman (*pointing to Mr. Bernays, the clerk in attendance upon the Committee*) in the same state, to the best of your knowledge and belief, as they were when the seal was broken—is the bundle of voting papers in the same state as when you broke the seal—

By Mr. Jones : The question, I apprehend, is whether you handed over the voting papers to Mr. Bernays in the same state as when they were produced to the Committee? I cannot certify that; but I do state this, that the voting papers I handed to Mr. Bernays, the clerk in attendance upon this Committee, were precisely in the state in which the parties who, with myself, examined them on the first day, left them at the termination of that examination. When I was, at my own request, relieved from the duty of personally superintending their examination, I handed them to the clerk in attendance upon this Committee, in exactly the same state as they were left at the close of the examination at which he was present as my Assistant.

2. In the same state as you received them from the Committee? Yes; with the exception that they had been examined by order of the Committee, and copied at the request of both Solicitors.

G.

Lewis Adolphus Bernays, Esq., having been sworn, was examined as follows:—

1. *By Mr. Wright :* Are these papers (*referring to the voting papers produced*) in the same condition, to the best of your belief, as when you received them from the last witness? Yes; I have every reason to believe that every paper as received by me from Mr. O'Connor is here in this packet. They are, of course, not in the same order.

2. *By Mr. Jones :* They have not been tampered with? They have never been out of my own custody.

H.

FRIDAY, 20 JUNE, 1856.

Present:—

Mr. Holroyd,	|	Mr. Oxley,
Mr. Jones,		Mr. Parker,
		Mr. Scott.

H. W. Parker, Esq., in the Chair.

Lewis Adolphus Bernays, Esq., having been sworn, was examined as follows:—

1. *By the Chairman :* To the best of your belief, is this Electoral Roll (*handing a parcel of papers to the Witness*) in the same state as when it was sent up to Mr. Gorrick, the Returning Officer? Yes.

2. You received them back with the seals unbroken? With the seals unbroken.

1881

NEW SOUTH WALES

MINES DEPARTMENT

1856.

NEW SOUTH WALES.

ELECTION PETITION,

(AGAINST THE VALIDITY OF THE LATE RETURN TO A WRIT FOR THE ELECTION OF A MEMBER FOR THE SOUTH RIDING
OF THE COUNTY OF CUMBERLAND.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

DECLARING

THE LATE ELECTION FOR THE SOUTH RIDING OF THE COUNTY OF CUMBERLAND
TO HAVE BEEN AND TO BE WHOLLY VOID;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND AN APPENDIX THERETO.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

28 October, 1856.

Sydney :

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1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 2, FRIDAY, 23 MAY, 1856.

- * * * * *
6. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—
- “ By the Honorable the Speaker of the Legislative Assembly
of New South Wales.*
- “ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby
“ appoint
- “ John Norton Oxley, Esquire,
“ Terence Aubrey Murray, Esquire,
“ Alexander Walker Scott, Esquire,
“ Henry Watson Parker, Esquire,
“ Richard Jones, Esquire,
“ Peter Faucett, Esquire, and
“ Arthur Todd Holroyd, Esquire,
- “ being Members of the said Assembly, to be Members of the Committee of Elections
“ and Qualifications in the said Act referred to, during the present Session of the
“ Assembly aforesaid.
- “ Given under my Hand, at the Legislative Assembly Chamber, Macquarie-
“ street, Sydney, this twenty-third day of May, in the year of our Lord
“ one thousand eight hundred and fifty-six.
- “ DANIEL COOPER,
“ Speaker.”
-

VOTES No. 6, THURSDAY, 29 MAY, 1856.

- * * * * *
2. Committee of Elections and Qualifications:—Henry Watson Parker, Terence Aubrey Murray, and John Norton Oxley, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
8. Committee of Elections and Qualifications:—Alexander Walker Scott, Richard Jones, Peter Faucett, and Arthur Todd Holroyd, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
10. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first Meeting of the Elections and Qualifications Committee to take place at Noon, on Tuesday next, in Committee Room No. 2.
-

VOTES No. 22, TUESDAY, 26 AUGUST, 1856.

- * * * * *
2. Election Petition:—The Speaker laid before the Assembly a Petition which had been addressed to him by Augustus Morris, Esquire, one of the Candidates at the late Election of a Member to serve in this House for the South Riding of the County of Cumberland, complaining that no Poll was taken at Canterbury, one of the Polling Places for such Electoral District, and praying that the said Election may therefore be set aside, and a new Writ issued.
3. Vacant Seats:—Mr. Jones, having informed the House, by request of the New Administration, that Charles Cowper, Esquire, James Martin, Esquire, Robert Campbell, Esquire, and Terence Aubrey Murray, Esquire, had made their several acknowledgments on acceptance of Office under the Crown in this Colony,—moved,—
- * * * * *
- (4.) That the seat of Terence Aubrey Murray, Esquire, hath become and is now vacant by reason of his acceptance of the Office of Secretary for Lands and Public Works since his election and return to serve in this House as Member for the Electoral District of the Southern Boroughs.
- Question put and passed.
-

VOTES NO. 23, TUESDAY, 16 SEPTEMBER, 1856.

- * * * * *
6. Election Petition :—Mr. Jamison moved, without previous notice, That the Petition of Augustus Morris, Esquire, one of the Candidates at the late Election of a Member to serve in this House for the South Riding of the County of Cumberland, complaining that no Poll was taken at Canterbury, one of the Polling Places for such Electoral District, and praying that the said Election may therefore be set aside and a new Writ issued, be forthwith referred to the Committee of Elections and Qualifications, pursuant to the requirement of the 65th section of the Electoral Act of 1851.
Question put and passed.
16. Committee of Elections and Qualifications :—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing William Munnings Arnold, Esquire, a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

*“ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.*

*“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint
“ William Munnings Arnold, Esquire, being a Member of the said Assembly, to be a
“ Member of the Committee of Elections and Qualifications in the said Act referred
“ to, during the present Session of the Assembly aforesaid*

*“ Given under my hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, the sixteenth day of Septem-
“ ber, in the year of Our Lord One thousand eight hundred
“ and fifty-six.*

*“ DANIEL COOPER,
“ Speaker.”*

VOTES NO. 27, TUESDAY, 23 SEPTEMBER, 1856.

1. * * * * *
- Committee of Elections and Qualifications :—William Munnings Arnold, Esquire, sworn at the Table, by the Clerk, as a Member of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES NO. 33, TUESDAY, 28 OCTOBER, 1856.

- * * * * *
3. Election Petition :—Mr. Holroyd, as Chairman, brought up the Report from the Committee of Elections and Qualifications, declaring the Election lately had, of a Member to serve in this House, for the Electoral District of the South Riding of the County of Cumberland, in room of Elias Carpenter Weekes, Esquire, to have been and to be wholly void.
Ordered to be printed.

1856.

NEW SOUTH WALES.

ELECTION PETITION.

(Against the Validity of the late Return to a Writ for the Election of a Member for the South Riding of the County of Cumberland.)

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE Committee of Elections and Qualifications, duly appointed on the 23rd day of May, 1856, under the provisions of the Electoral Act of 1851, to whom was referred on the 16th day of September, 1856, the Petition of Augustus Morris, Esquire, complaining that at the late Election of a Member to serve in the Legislative Assembly for the Electoral District of the South Riding of the County of Cumberland, in place of Elias Carpenter Weckes, Esquire, resigned, no Poll was taken at Canterbury, one of the Polling Places duly appointed, as the Deputy Returning Officer for that place was either not appointed, or, if appointed, did not act, having satisfied themselves, upon due enquiry, that no Poll was in fact taken at Canterbury, at the said Election, have determined, and do hereby accordingly declare the said Election to have been and to be wholly void.

The Committee find that the omission in taking the Poll at Canterbury arose, first, from the gentleman appointed as the Deputy Returning Officer declining to act, and, secondly, from the gentleman so appointed not having apprised the Returning Officer of his intention not to do so, previously to the time for taking the Poll.

ARTHUR T. HOLROYD,

Chairman.

MINUTES OF THE PROCEEDINGS
OF THE
COMMITTEE OF ELECTIONS AND QUALIFICATIONS.

In the matter of the Petition of Augustus Morris, Esquire, one of the Candidates at the late Election of a Member to serve in the Legislative Assembly, for the South Riding of the County of Cumberland, complaining that no Poll was taken at Canterbury, one of the Polling Places for such Electoral District, and praying that the said Election may therefore be set aside, and a new Writ issued.

WEDNESDAY, 24 SEPTEMBER, 1856.

Members Present :—

Mr. Arnold,	|	Mr. Jones,
Mr. Faucett,		Mr. Oxley,
	Mr. Parker.	

Present for the Parties :—

Mr. John Ryan Brenan, the sitting Member.
The Petitioner.

In attendance upon the Committee ;—

The 2nd Clerk Assistant, who subsequently retired from indisposition, and was succeeded by the Clerk Assistant.

1. On the motion of Mr. Jones,
Mr. Parker took the Chair.
2. The Clerk, by order of the Chairman, read the reference of the Petition to this Committee, as recorded in the Votes and Proceedings of the Legislative Assembly, No. 23, section 6.
3. Petition read by the Chairman, as follows :

“ To the Honorable the Speaker of the Legislative Assembly of New South Wales.
“ The humble Petition of Augustus Morris,
“ Sheweth :
“ That a vacancy having occurred in the representation of the South Riding of
“ the County of Cumberland, through the resignation of the late Member, Elias Carpenter
“ Weekes, Esquire, your Petitioner was requested to consent to be put in nomination for the
“ vacant seat, and did so accordingly.
“ That the Nomination took place at Parramatta on the eighteenth, and the Election
“ on the twenty-first of August, but no Poll was taken at Canterbury, one of the Polling
“ places, as the Deputy Returning Officer for that place was either not appointed, or, if
“ appointed, did not act.
“ Your Petitioner is advised and insists that the Election for the South Riding of
“ the County of Cumberland is void, for the reason stated—and your Petitioner therefore
“ prays that justice may be done by the Election being set aside, and a new Writ issued.
“ And your Petitioner will ever pray.
“ Dated this twenty-sixth day of August, 1856.

“ A. MORRIS.”
4. Mr. Brenan stated that he had instructed, as his Counsel in this case, Mr. Blake, a Barrister of the Supreme Court, who was at present temporarily and unavoidably absent at Goulburn on professional business—and requested therefore that the consideration of the matter might be postponed until Mr. Blake's return.
5. Mr. Morris objected to the postponement on the ground stated.
6. Mr. Brenan objected that, as the Committee had already (on 3rd June last) appointed its Chairman, (Mr. Holroyd, now absent) under the sixtieth clause of the Electoral Act (14 Vict., No. 48), it had no power to appoint another Chairman.
7. The Committee having directed that strangers should withdraw—(and strangers having withdrawn accordingly)—proceeded to deliberate,—
 - (1.) Whether the Committee could lawfully elect another Chairman ; and
 - (2.) As regarded the solicited adjournment in the absence of Mr. Blake.
8. The Committee arrived at the decision that they had power to elect another Chairman, and to proceed to business without the presence of the Chairman originally appointed.
9. It was agreed, on the motion of Mr. Jones, that the Committee adjourn till Friday next, the 26th instant, at 11 o'clock, A.M. ; and Mr. Brenan and Mr. Morris having been re-admitted, the Chairman informed them of the decision arrived at.

CHA. TOMPSON, Jr.,
Clerk Assistant.

FRIDAY, 26 SEPTEMBER, 1856.

Members Present :—

Mr. Parker in the Chair.

Mr. Oxley.	|	Mr. Scott.
Mr. Arnold.	|	

Present for the Parties :—

Mr. John Ryan Brenan, the sitting Member.
The Petitioner.

In attendance upon the Committee :—

The Clerk Assistant.

The Committee further adjourned until Wednesday next, at 11 o'clock, A.M.

CHA. TOMPSON, Jr.,
Clerk Assistant.

WEDNESDAY, 1 OCTOBER, 1856.

Members Present :—

Mr. Arnold.	|	Mr. Jones.
Mr. Faucett.	|	Mr. Scott.

Present for the Parties :—

The Petitioner.
The sitting Member.

In attendance upon the Committee :—

The 2nd Clerk Assistant.

1. On the motion of Mr. Jones, Mr. Faucett took the Chair.
2. The Clerk, by order of the Chairman, then read the Minutes of the proceedings of the Committee at its two previous meetings in this case.
3. The Petitioner handed in to the Committee the *Government Gazette* of Friday, 15 August last, containing the Proclamation appointing Canterbury an additional Polling Place for the Electoral District of the South Riding of Cumberland,—which was read by the Clerk, as follows, viz. :—

“ PROCLAMATION.

“ By His Excellency SIR WILLIAM THOMAS DENISON, Knight, Governor General in
“ and over all Her Majesty's Colonies of New South Wales, Tasmania,
“ Victoria, South Australia and Western Australia, and Captain General and
“ Governor-in-Chief of the Territory of New South Wales and its Depen-
“ dencies, and Vice-Admiral of the same, &c., &c., &c.

“ In pursuance of the authority vested in me as Governor of New South Wales, I,
“ Sir William Thomas Denison, do hereby appoint Canterbury and Ashfield to be additional
“ Polling Places for the Electoral District of the South Riding of the County of Cum-
“ berland.

“ Given under my Hand and Seal, at Government House,
“ Sydney, this fourteenth day of August, in the year of
“ our Lord one thousand eight hundred and fifty-six, and
“ in the twentieth year of Her Majesty's Reign.

“(L.S.) W. DENISON.

“ By His Excellency's Command,
“ STUART A. DONALDSON.

“ GOD SAVE THE QUEEN!”

- A 4. At the request of the Petitioner, Mr. James Oatley, having been called in, was sworn and examined. (See his evidence appended.)
- B 5. By direction of the Chairman, the Clerk of the Assembly produced the Writ, with its endorsement certifying that John Ryan Brenan, Esquire, was duly chosen a Member for the said Electoral District. (See his evidence appended.)
6. The Petitioner having requested that Jeremiah Frederick Downes, Esquire, Returning Officer at the time of the said Election for the Electoral District of the South Riding of Cumberland, and Charles O'Connell, Esquire, of Canterbury, be summoned to appear and give evidence touching the general matter of the Petition, the Committee ordered summonses to issue accordingly, returnable on Friday next, the 3rd instant, at 11 o'clock, A.M.

The Committee then further adjourned until Friday next, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY,

THURSDAY, 9 OCTOBER, 1856.

Members Present:—

Mr. Jones, | Mr. Scott.

In attendance upon the Committee:—
The 2nd Clerk Assistant.

There not being four Members present within one hour of the time appointed for the adjourned meeting to-day, Mr. Jones took the Chair, and the Members present adjourned the Meeting to to-morrow at 11 o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 10 OCTOBER, 1856.

Members Present:—

Arthur Todd Holroyd, Esquire, in the Chair.

Mr. Faucett, | Mr. Jones,
Mr. Scott.

Present for the Parties:—
The Petitioner.

In attendance upon the Committee:—
The 2nd Clerk Assistant.

1. The Committee, having directed that strangers should withdraw,—(and strangers having withdrawn accordingly,)—proceeded to deliberate, and decided upon their Report.
2. On the motion of Mr. Faucett, seconded by Mr. Jones, the Committee resolved "That
"neither the Petition in this case, nor the opposition thereto, has been frivolous or
"vexatious."

The Committee then adjourned

LEWIS A. BERNAYS,
2nd Clerk Assistant.

APPENDIX

MINUTES OF EVIDENCE

TAKEN BEFORE

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

A.

WEDNESDAY, 1 OCTOBER, 1856.

Present:—

Mr. Arnold,
Mr. Faucett,Mr. Jones,
Mr. Scott.

Peter Faucett, Esquire, in the Chair.

Mr. James Oatley was called in, and, having been sworn, was examined as follows:—

1. *By Mr. Morris*: You are, I believe, an elector of the South Riding of the County of Cumberland? Yes.
2. You recollect the late election, in which Mr. Brenan and myself were Candidates? Yes.
3. Did you vote in that election? I did not.
4. Did you tender your vote? I went to the Sugar Works at Canterbury, and there was no Returning Officer to receive my vote.
5. You are sure of that? Yes. I went there on the day that the polling was taking place, and there was no Returning Officer.
6. Were there any other electors waiting there to record their votes? Yes; a good many during the time I was there—eleven or thirteen—I forget which; I took the names of several.
7. You are prepared to swear that there was no Deputy Returning Officer at Canterbury, on the day of polling? Yes. I was informed—
8. *By Mr. Brenan*: Never mind what you were informed—at what hour did you go there? I think it was between two and three o'clock when I was there.
9. That was the first time? Yes, and only time.
10. How long did you remain there? About half an hour; not more than half an hour, I should say.
11. Had you any conversation with Mr. Morris about going there to poll? I saw him on that day, and told him I was going out to Canterbury.
12. What did he say to you? I do not know, but—
Mr. Morris objected to the question.
Objection overruled.
The question was repeated—
I was about to remark that I told Mr. Morris I was going out there, as I heard there was no Returning Officer, and knew that several electors were going there to vote, to ascertain whether it was so or not.
13. Did you see me at that election? I saw you at Newtown.

14. In front of the Polling Place? In front of the Polling Place. I told you at the time there was no Returning Officer there.
15. You were in front of the Polling Place, within twenty yards of it? Yes.
16. You saw the polling going on there? Yes.
17. Could you not have polled? Yes, if I had thought proper.
18. Do you recollect being up at the Court House, at the Polling Place there? Yes, and at Cook's River too.
19. You might have polled at any of those places? Yes, I could have done so if I had thought proper.
20. Can you say whether any of those persons who were voters, whom you saw at Canterbury—can you, from your own knowledge, say that any of them did not poll? I will swear that Chard told me—
- Mr. Morris objected to the reception of hear-say evidence.
21. Will you swear that any of the parties whom you saw there did not poll at the election at some Polling Place? The only way I can answer that will be in this way. I was told—
22. I do not want what you were told—
23. *By the Chairman*: Can you state, as a matter of fact, whether any of the electors did not poll? I could not say; only what they told me since.
24. *By Mr. Brenan*: Where do you reside? In Bourke-street, Woolloomooloo.
25. *By Mr. Jones*: You were at Canterbury, you say, between two and three o'clock on the day of the election? Yes; I should say it was between two and three.
26. And remained how long? About half an hour, perhaps a few minutes more.
27. That was the only time you were there during the day? Yes.
28. You cannot say that the Returning Officer was not there at any portion of the time? No.
29. Does it come within your knowledge that some of the persons who were there when you were present were electors? I know they were; I think there were eleven or thirteen.
30. Did you hear them say they had not voted? Yes. In fact I filled up voting papers for two or three, and they went away home.
31. Did they state the reason they had not voted? Yes; one, Thomas Chard, stated that he had his horse and dray there, and it was not possible for him to leave it, to go to any other place to vote.
32. And, in consequence, he did not vote? He told me he did not.
33. Were there any other persons who made similar statements? No. I told the other parties that as there was no Returning Officer there, I did not consider it necessary to vote, as the election would be null and void.
34. No other person made a similar statement? No.
35. But Chard, who was an elector, made this statement to you? Yes. I told him I did not think it necessary.
36. *By the Chairman*: Can Chard be found at present? He is living near George's River.
37. *By Mr. Arnold*: Do you know that any other person besides Chard was prevented from voting? All I know is, that there were eleven or thirteen present, and I have not heard of any of them voting.
38. Do you know whether there were any besides these prevented? I cannot say; there were some people who had been there and gone on with their teams.
39. *By the Chairman*: You cannot say whether any of these eleven or thirteen went any where else to vote? I cannot; I left, and came across.
40. *By Mr. Arnold*: Can you say that fifty people were not prevented from voting? I cannot; I was there twenty minutes or half an hour, and during the time I was there, there were the number of persons I have stated present; what there may have been before or after I cannot tell.

B.

Richard O'Connor, Esquire, Clerk of the Legislative Assembly, was called, and, having been sworn, stated:—

I produce a Writ, signed by J. F. Downes, as Returning Officer for the Electoral District of the South Riding of the County of Cumberland, certifying the return of John Ryan Brenan, Esquire, as a Member of the Legislative Assembly for that district.

1. *By the Chairman*: There is not in this paper any return of the different Polling Places? No; the voting papers would shew that. If any votes had been taken at a particular Polling Place, they would be seen among the voting papers; if no votes had been taken at a particular Polling Place, of course, there would be no voting papers from that place.
2. *By Mr. Morris*: Is there not a return? No. The Writ is sent to the Speaker, and the voting papers to me. The latter are sent to me, sealed and endorsed on the outside, as being the voting papers for a certain district, which endorsement is signed by the Returning Officer for that district. I put them under lock and key. They are kept for five years, and are not opened without the order of this Committee.

FRIDAY, 3 OCTOBER, 1856.

Present:—

Mr. Faucett,
Mr. Holroyd,

Mr. Jones,
Mr. Scott.

A. T. Holroyd, Esquire, in the Chair.

John Nolan, Sergeant of Police, was called in, and, having been sworn, was examined as follows:—

1. *By Mr. Morris:* You are a Sergeant of Police? Yes.
2. Where? At Canterbury.
3. You remember the late Election, in which Mr. Brennan, myself, and others, were Candidates? Yes.
4. Were you aware that Canterbury was appointed a Polling Place? I heard so. I received an order from my Inspector to be on duty there.
5. *By the Chairman:* Have you got that order? Yes.
6. *By Mr. Morris:* Did you pay attention to that order? I did; and both my men under me attended from nine in the morning till five in the afternoon.
7. Did any polling go on at Canterbury? No.
8. Did any person vote at Canterbury? No.
9. Why? Because there was no Polling Place and no Returning Officer.
10. And no booth? No.
11. Is Canterbury an extensive place? Not very large; there is one main street in it.
12. Is it possible there could have been a Polling Place there without your knowledge? There could not.
13. *By Mr. Scott:* What place was appointed at Canterbury for polling? There was no certain place specified.
14. Not by the *Gazette*? Nothing more than that Canterbury was to be a Polling Place.
15. *By Mr. Jones:* Were you directed by your Inspector to attend at any particular place? No; in consequence of his knowing that I knew Canterbury as well as he did.
16. *By Mr. Blake:* Were you at Canterbury on the Polling Day from nine o'clock till five? Yes, until five.
17. What directions did you receive from Mr. O'Connell? On Wednesday ———
18. *By Mr. Faucett:* On what day did the polling take place? On Thursday. On Wednesday night Mr. O'Connell was going home, and he told me that as I knew the best part of the people about the place—the parties interested in the Election—I should tell them there would be no Returning Officer and no Polling Place at Canterbury, so that they should not be deceived, and might go where there was a Returning Officer, and if Mr. Oatley came there I was to let him know there would be no Returning Officer.
19. What places did Mr. O'Connell mention—did he name any places as places where votes might be recorded? He mentioned Ashfield, Burwood, and Newtown, but he said there would be no polling at Canterbury, as he did not receive the instructions in time, and he would not be able to attend to them.
20. *By Mr. Faucett:* What other places did he mention? Newtown; I am not sure whether he said Burwood.
21. *By Mr. Blake:* Did he mention Cook's River? Three places; Ashfield, Burwood, and Newtown.
22. Do you call that Cook's River? Yes, Newtown.
23. *By the Chairman:* He said he had not received the necessary instructions in time? He said he had not received his instructions in time, and that he would be unable to act.
24. *By Mr. Blake:* Were there not two Polling Places, one at Newtown, and the other at Cook's River, at Gannon's? Not to my knowledge, for I did not stir from Canterbury the whole day.
25. *By the Chairman:* Will you be kind enough to say how far it is from Canterbury to Ashfield? A mile and a-half.
26. *By Mr. Blake:* What distance is it to Burwood from Canterbury? I suppose about a mile and three quarters, or barely two miles, if it is two miles. You can go a short cut through the bush both to Ashfield and Burwood.
27. What are the distances that way? You can make it in a mile and a-half; that is persons acquainted with the bush.
28. What distance is Cook's River from Canterbury? They can go it in two miles; but persons not acquainted with it cannot go in that distance.
29. *By the Chairman:* Do you mean going by Bexley? You can go by Bexley and over the Dam.
30. *By Mr. Blake:* Did you communicate what Mr. O'Connell had told you to any person? I communicated it to the parties interested.
(Mr. Morris objected on the ground that the witness should not be asked the question, as he was prohibited by the Police Act from taking part in any Elections.)
The Witness: I should not have interfered at all, only that Mr. O'Connell told me.
31. *By Mr. Jones:* Did you deliver any messages? I went to the parties interested in the return of Mr. Morris and Mr. Brennan the same night, and told them what Mr. O'Connell had said, and I believe one of the parties did go to Mr. Brennan to inform him next morning.
32. Who were the persons you went to? A man of the name of Davison, a man named Hartshorn, and a man named Perrot.
33. Did you attend the next day at the Polling Place? I did, according to orders I had received, although Mr. O'Connell told me there would be no polling.

34. Did any persons come there during the day? I saw many persons backwards and forwards, but I took no part in it. I told any that spoke to me about it there was no Polling Place at Canterbury, and they had best go to Ashfield or Newtown.
35. How many spoke to you? About a dozen people, I suppose.
36. Did they go where you directed them? Any that came to me did go.
37. Where did they go? They went across to Ashfield.
38. About a dozen you say? About a dozen.
39. You told them to go to Ashfield, and they went there? I said that was the nearest place.
40. *By Mr. Faucett*: You told them they had better go there? Any that spoke to me in the street I directed to Ashfield as the nearest place Mr. Oatley came there in the afternoon. He asked me whether there was a Polling Place in Canterbury. I told him no, and he said he had come according to the advertisement to tender his vote.
41. What did you say to him? I told him there was no Polling Place—that I had been waiting all day; and there was no Returning Officer.
42. *By the Chairman*: Did you tell him where to go to poll? No, I did not; he knew the country better than I could inform him.
43. *By Mr. Scott*: How many voters do you suppose there are at Canterbury? I cannot give you an account.
44. I thought you said you told about a dozen? Yes.
45. Are there more than twelve? Yes, more than fifty.
46. Do you think you caused all of those fifty who tendered their votes to go to another Polling Place? No; the parties that were interested in the return of both Candidates used their influence.
47. *By Mr. Faucett*: One party to prevent them from going and the other to induce them to go? I cannot say. I saw light carts going on both sides conveying them. There may be more than fifty voters in Canterbury, or there may be less; but taking George's River and Canterbury together, there are a great deal more than that.

Mr. Brenan handed in the following return of the number of Electors who polled:—

Declaration of the Poll for the South Riding of the County of Cumberland, 21st August, 1856,—

Brenan.....	435
Morris	367
Shepherd	110
Sherwin	107

Total voting 1019

Mr. Morris admitted the same to be correct.

Mr. Brenan also stated that there were 2,210 Electors on the Roll, and that of these 46 resided at Canterbury, and 5 at the Old and New Canterbury Road, leading to Ashfield.

Mr. Morris admitted this statement to be correct.

D.

MONDAY, 6 OCTOBER, 1856.

Present:—

Mr. Faucett,	Mr. Jones,
Mr. Holroyd,	Mr. Scott.

A. T. Holroyd, Esquire, in the Chair:

Jeremiah Frederick Downes, Esq., was called in, and, having been sworn, was examined as follows:—

- By the Chairman*: You were Returning Officer at the late election for the South Riding of Cumberland, when Mr. Morris and Mr. Brenan were candidates? I was.
- Was Canterbury appointed a Polling Place? Yes.
- How long before the election was it notified? In Friday's *Gazette*; I first heard of it on Friday morning. On that morning I received a letter from the Government, which came by the Thursday evening's post.
- The nomination was on the Monday? Yes.
- When did the polling take place? On Thursday.
- You have been speaking of the Friday before the nomination? Yes.
- Did you appoint any Deputy Returning Officer for Canterbury? I did; I appointed Mr. Charles O'Connell.
- Can you say when you appointed him, and how? I came down here to try and do away with some of the Polling Places, where they were not required, and I then asked if they could name any gentleman as Deputy Returning Officer, for I was five Deputies short for other places, and it was not right to appoint them without consulting me; they said it was too late now, as the proclamation was issued, and signed by the Governor.
- Who was this conversation with? Mr. Donaldson's private secretary, Captain Scott. He said Mr. Morris had named Mr. Charles O'Connell, and I said I would adopt the suggestion, and would write out his appointment; I did so, and posted it to his address at Canterbury, given me by Captain Scott.
- Did you hear anything from Mr. O'Connell between that time and the day of election? Not directly from Mr. O'Connell; he never answered my letter at all; he did not accept his appointment by letter to me, but I sent down an express to a gentleman here who acted as my secretary—

11. Who was that gentleman? Mr. Scrutton; he had acted for Mr. Barker some years ago, and was recommended by him. I sent to Mr. Scrutton to ask why Mr. O'Connell had not accepted the appointment or declined to act; this was on Tuesday or Wednesday; and a gentleman was waiting to go express to Canterbury on Thursday morning, had I not heard from Mr. Donaldson's Secretary that Mr. O'Connell would act; that he had seen Mr. Donaldson, who had assured him that Mr. O'Connell would act. I had employed Dr. ——— to take the poll in the absence of Mr. O'Connell, but I had an express from Mr. Scrutton to say that Mr. O'Connell would be at his post; Mr. Scrutton said he had learned from Captain Scott that he had had an interview with Mr. Donaldson, who stated that he would be there.
12. In consequence of that you did not send down the gentleman you had in reserve? Yes. I thought it was of no use if Mr. O'Connell was there. Subsequently I waited upon Mr. Donaldson, who was astonished that Mr. O'Connell did not act, and said, "his last words" "were, 'I will be there, certainly.'" If Mr. O'Connell had said to me at the eleventh hour, at any time on Wednesday night, or even six or seven o'clock on Thursday morning, that he would not be there, I would have had another officer appointed.
13. *By Mr. Faucett*: From whom did Mr. Scrutton receive that information? From Captain Scott. Mr. O'Connell did not deny it.
14. Mr. O'Connell did not accept the office? Not by letter.
15. Did he say he would act? Yes; he told Mr. Donaldson he would act. I told Mr. Donaldson "if anything comes of this you must state what occurred; you made this appointment without consulting me—you have done it, and must carry me through it." He said, "I am quite astonished to find Mr. O'Connell was not there; the last thing he said when he left my carriage was, that he would be there"; and he was there, I believe, at the Polling Place—at least so I have heard.
16. He had not taken the requisite oath? No.
17. *By Mr. Scott*: You are aware that there have been no votes of any kind taken at Canterbury? I believe not; I had no return at all from there.
18. You had no Returning Officer there? I had appointed a Returning Officer, but he did not act.
19. He was not sworn in? No, I believe not. I am not sure whether he made the declaration or not.
20. *By Mr. Faucett*: Has Mr. O'Connell told you he did not act? Yes; subsequently he wrote to me to say he did not act.
21. And that he took no votes? And that he took no votes, and held no poll.
22. *By the Chairman*: What explanation did he give—have you got his letter? No. He merely said the time was too short; he did not allude to what he had said to Mr. Donaldson, but said the time was too short.
23. You have resigned your office since the election? Yes.
24. Will you be kind enough to say why you were not in attendance here on Friday last? With pleasure. I did not receive the notice to attend until Friday evening, between seven and eight o'clock. You are not aware, perhaps, that although a letter may be posted here to-day, it will not reach Prospect until to-morrow evening, though it is only twenty-three miles to Prospect. In the election time I sent every day to the post office, but generally I send two, three, or four times a week. On this occasion I sent on Wednesday night and again on Friday night.
25. You live at some distance from Parramatta? Yes, six miles; but the post-office is within a mile.
26. Where do you get your letters? From Prospect. I did not get the notice in question until eight o'clock on Friday evening, and I found it was to attend at eleven that morning. I may mention that I had intended to name a Polling Place—there was not a Polling Place between Penrith and Parramatta. I said to Captain Scott, "there is a Polling Place wanted there, for there is none for twenty miles; here you have Newtown within a short distance, Ashfield within a mile and a half of Canterbury, and Cook's River within two or three miles; but there are places where men have to go ten or twelve miles to vote, and there ought to have been Polling Places appointed." At the time I took office I had very little notice, for Mr. Finch had resigned, and I said to Mr. Donaldson, "you must give every facility for carrying out the business," for at that time I had five Deputy Returning Officers short. At the general election I had fifteen Polling Places, and was unprepared with seven Polling Places. On Friday morning I had to appoint Mr. Wilson for Ashfield.
27. *By Mr. Blake*: What distance have voters to go to Appin—I mean the most remote—what is the longest distance? I am not very well acquainted with that part of the county, but I imagine in many instances ten, twelve, or fourteen miles.
28. To Penrith what distance would voters have to go? From nine to ten miles.
29. *By Mr. Faucett*: None would have to go thirty or forty miles? No.
30. *By Mr. Blake*: Who was it mentioned Mr. O'Connell to you? Captain Scott said Mr. Morris had named Mr. O'Connell, and I said very well; I assented at once; I said I should adopt that nomination, for I was five Deputies deficient—I had not heard from five of the old Deputies.
31. *By Mr. Morris*: It often happens, I believe, that electors vote at a Polling Place where they have not their qualification—that their qualification is in another district of the county, but they vote where they happen to reside? Yes, of course at county elections you can vote in any part you like; for instance, if I have a qualification at Prospect, I can vote at Prospect, or Campbelltown, or Appin, or any of the fifteen Polling Places. A great many of the county voters polled here in Sydney.
32. A person living at Canterbury may have his qualification at Appin? Yes.

1856-7.

NEW SOUTH WALES.

*Legislative Assembly.***ELECTION PETITION.**

(AGAINST THE ELECTION AND RETURN OF WILLIAM BEDE DALLEY, ESQUIRE.)

REPORT FROM THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS,

DECLARING

THAT THE ALLEGATIONS CONTAINED IN THE PETITION AGAINST THE ELECTION
AND RETURN OF WILLIAM BEDE DALLEY, ESQUIRE, AS A MEMBER
FOR THE ELECTORAL DISTRICT OF THE CITY OF SYDNEY,
HAVE NOT BEEN PROVED;

WITH

MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND

AN APPENDIX THERETO.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

19 February, 1857.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES NO. 2. FRIDAY, 23 MAY, 1856.

- * * * * *
6. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—
- “ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.*
- “ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint
“ John Norton Oxley, Esquire,
“ Terence Aubrey Murray, Esquire,
“ Alexander Walker Scott, Esquire,
“ Henry Watson Parker, Esquire,
“ Richard Jones, Esquire,
“ Peter Faucett, Esquire, and
“ Arthur Todd Holroyd, Esquire,
“ being Members of the said Assembly, to be Members of the Committee of Elections
“ and Qualifications in the said Act referred to, during the present Session of the
“ Assembly aforesaid.
- “ Given under my Hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this twenty-third day of May,
“ in the year of our Lord one thousand eight hundred and
“ fifty-six.*
- “ DANIEL COOPER,
“ Speaker.”*

VOTES NO. 6. THURSDAY, 29 MAY, 1856.

- * * * * *
2. Committee of Elections and Qualifications:—Henry Watson Parker, Terence Aubrey Murray, and John Norton Oxley, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
- * * * * *
8. Committee of Elections and Qualifications:—Alexander Walker Scott, Richard Jones, Peter Faucett, and Arthur Todd Holroyd, Esquires, sworn at the Table by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
- * * * * *
10. First Meeting of Committee of Elections and Qualifications:—Pursuant to the requirement of the 59th section of the Electoral Act of 1851, the Speaker appointed the first Meeting of the Elections and Qualifications Committee to take place at Noon, on Tuesday next, in Committee Room No. 2.

VOTES NO. 22. TUESDAY, 26 AUGUST, 1856

- * * * * *
3. Vacant Seats:—Mr. Jones, having informed the House, by request of the New Administration, that Charles Cowper, Esquire, James Martin, Esquire, Robert Campbell, Esquire, and Terence Aubrey Murray, Esquire, had made their several acknowledgments on acceptance of Office under the Crown of this Colony,—moved,—
- * * * * *
- (4.) That the Seat of Terence Aubrey Murray, Esquire, hath become and is now vacant, by reason of his acceptance of the Office of Secretary for Lands and Public Works since his election and return to serve in this House as Member for the Electoral District of the Southern Boroughs.
- Question put and passed.

VOTES NO. 23. TUESDAY, 16 SEPTEMBER, 1856.

- * * * * *
1. Members Sworn:—
- * * * * *
- (4.) Terence Aubrey Murray, Esquire, having taken the Oath, and subscribed the Roll, took his Seat as Member for the Electoral District of the Southern Boroughs.
- * * * * *
16. Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing William Munnings

Munnings Arnold, Esquire, a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*“ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.*

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint
“ William Munnings Arnold, Esquire, being a Member of the said Assembly, to be a
“ Member of the Committee of Elections and Qualifications in the said Act referred
“ to, during the present Session of the Assembly aforesaid.

“ Given under my hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this sixteenth day of September,
“ in the year of our Lord One thousand eight hundred and
“ fifty-six.

“ DANIEL COOPER,
“ Speaker.”

VOTES NO. 27. TUESDAY, 23 SEPTEMBER, 1856.

1. * * * * *
Committee of Elections and Qualifications:—William Munnings Arnold, Esquire, sworn at the Table, by the Clerk, as a Member of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES NO. 32. FRIDAY, 3 OCTOBER, 1857.

2. * * * * *
Vacant Seats:—Mr. Nichols informed the House, by request of the new Administration, that Henry Watson Parker, Esquire, William Montagu Manning, Esquire, John Bayley Darvall, Esquire, Stuart Alexander Donaldson, Esquire, and John Hay, Esquire, had made their several acknowledgments on acceptance of Office under the Crown in this Colony, and had thereby vacated their Seats in this House.
Mr. Nichols then moved:—
(1.) That the Seat of Henry Watson Parker, Esquire, hath become, and is now vacant, by reason of his acceptance of the Office of Colonial Secretary, since his election and return to serve in this House as a Member for the Electoral District of the Town of Parramatta.
Question put and passed.

VOTES NO. 41. TUESDAY, 11 NOVEMBER, 1856.

2. * * * * *
Committee of Elections and Qualifications:—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant appointing Terence Aubrey Murray, Esquire, a Member of the Committee of Elections and Qualifications for the present Session, of which the following is a copy:—

*“ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.*

“ Pursuant to the power in that behalf vested in me, as Speaker of the Legislative
“ Assembly of New South Wales, by the Electoral Act of 1851, I do hereby appoint
“ Terence Aubrey Murray, Esquire, being a Member of the said Assembly, to be a
“ Member of the Committee of Elections and Qualifications in the said Act referred
“ to, during the present Session of the Assembly aforesaid.

“ Given under my hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this eleventh day of November,
“ in the year of our Lord One thousand eight hundred and
“ fifty-six.

“ DANIEL COOPER,
“ Speaker.”

VOTES NO. 64. TUESDAY, 30 DECEMBER, 1856.

17. * * * * *
Member Sworn:—William Bede Dalley, Esquire, having taken the Oath, and subscribed the Roll, took his seat as a Member for the Electoral District of the City of Sydney.

VOTES NO. 66. FRIDAY, 2 JANUARY, 1857.

1. * * * * *
Election Petition:—The Speaker reported that there had been placed in his hands, by Mr. Plunkett, a Petition from certain Electors of the City of Sydney, praying that the Election lately had of a Member to serve in the Legislative Assembly, for the Electoral District of the City of Sydney, in room of Henry Parkes, Esquire, resigned, may be set aside, and that William Bede Dalley, Esquire, may be declared not to have been duly elected, and that a New Writ may be issued, and a New Election may take place for the Election of a Member to serve in the said Assembly, for the said Electoral District, in room of Henry Parkes, Esquire, resigned, as aforesaid, and that justice may be done in the premises:

Mr.

Mr. Plunkett then moved, That the said Petition be forthwith referred to the Committee of Elections and Qualifications—

And the Speaker, on the request of Mr. Martin, directing the Clerk to read the said Petition, the same was accordingly read by the Clerk,—

And Mr. Martin proceeding to address the House in opposition to the Question,—

And a Debate arising on the Point of Order, whether it was competent to the House, under the terms of the 65th section of the Electoral Act of 1851, to debate the Question;

And it being referred to the Speaker to determine the Point of Order which had arisen,—

The Speaker ruled, That, as this House could not refer the Petition to the Committee of Elections and Qualifications in any other way than upon a Motion made and a Question put, it was clear that that Question might be debated as any other Question, and added that there were no words in the 65th section of the Electoral Act of 1851 which went to arrest or restrict a Debate upon any such Question.

* * * * *

3. Election Petition :—The Debate on the motion of Mr. Plunkett, That the Petition of certain Electors of the City of Sydney be referred to the Committee of Elections and Qualifications—interrupted by the foregoing Messages—resumed;

And a point of Order arising, whether it was competent to the Honorable Member then addressing the House, Mr. Martin, to go into the question whether the disqualification alleged in the Petition was, in point of fact, a disqualification at all;—

And it being referred to the Speaker to determine the point of Order which had arisen—

* * * * *

5. Election Petition :—The Debate on the motion of Mr. Plunkett, that the Petition of certain Electors of the City of Sydney be referred to the Committee of Elections and Qualifications—interrupted by the foregoing Messages—being resumed,—

The Speaker, adverting to the point of Order which had been referred to him, gave it as his opinion that it was not competent to any Honorable Member to go into any argument which would trench upon the functions of the Committee of Elections and Qualifications, but added, that as it was extremely difficult to determine the exact point at which he ought to interrupt the argument of the Honorable Member in possession of the House, he must leave it to that Honorable Member to avoid extending his argument to any point properly determinable only by the Committee of Elections and Qualifications,—

Whereupon Debate continued.

Question put,—That the Petition of certain Electors of the City of Sydney, praying that the Election lately had of a Member to serve in the Legislative Assembly for the Electoral District of the City of Sydney, in room of Henry Parkes, Esquire, resigned, may be set aside, and that William Bede Dalley, Esquire, may be declared not to have been duly elected, and that a new Writ may be issued, and a new Election may take place, for the Election of a Member to serve in the said Assembly, for the said Electoral District, in room of Henry Parkes, Esquire, resigned as aforesaid, and that justice may be done in the premises,—be referred to the Committee of Elections and Qualifications.

The House divided.

Ayes, 27.

Mr. Barker,
Mr. Holt,
Mr. Pye,
Mr. Hargrave,
Mr. Richardson,
Mr. Nichols,
Mr. Egan,
Mr. Bowman,
Mr. Plunkett,
Mr. Parker,
Mr. Donaldson,
Mr. Manning,
Mr. Hay,
Mr. G. Macleay,
Mr. Lang,
Mr. Jones,
Mr. Forster,
Mr. Darvall,
Mr. Lee,
Mr. Thomson,
Mr. Cox,
Mr. Lord,
Mr. W. Macleay,
Mr. Hely,
Mr. Marks,
Mr. Irving, } Tellers.
Mr. Garland. }

Noes, 11.

Mr. Cowper,
Mr. Flood,
Mr. Weckes,
Mr. Robertson,
Mr. R. Campbell,
Mr. F. T. Rusden,
Mr. Piddington,
Mr. Wilshire,
Mr. J. Campbell,
Mr. T. G. Rusden, } Tellers.
Mr. Martin. }

* * * * *

8. Committee of Elections and Qualifications :—The Speaker reported that, during the progress of the Debate on the Question for referring to the Committee of Elections and Qualifications the Petition of certain Electors for the City of Sydney, he had received a letter from P. Faucett, Esquire, resigning his seat as a Member of the said Committee, and a letter from Arthur Todd Holroyd, Esquire, also resigning his seat as a Member of the said Committee.

VOTES No. 67. TUESDAY, 6 JANUARY, 1857.

- * * * * *
2. Committee of Elections and Qualifications :—The Speaker reported that he had received a Letter from Richard Jones, Esquire, resigning his seat as a Member of the said Committee.

VOTES No. 70. FRIDAY, 9 JANUARY, 1857.

- * * * * *
13. Committee of Elections and Qualifications :—The Speaker, pursuant to the requirement of the Electoral Act of 1851, laid upon the Table his Warrant, appointing James Garland, Esquire, Richard Hargrave, Esquire, and Samuel Deane Gordon, Esquire, Members of the Committee of Elections and Qualifications for the present Session, of which the following is a copy :—

*“ By the Honorable the Speaker of the Legislative Assembly
“ of New South Wales.*

*“ Pursuant to the power in that behalf vested in me, as Speaker of the Legis-
“ lative Assembly of New South Wales, by the Electoral Act of 1851, I do hereby
“ appoint—*

“ James Garland, Esquire ;

“ Richard Hargrave, Esquire ; and

“ Samuel Deane Gordon, Esquire ;

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

*“ Given under my hand, at the Legislative Assembly Chamber,
“ Macquarie-street, Sydney, this ninth day of January,
“ in the year of our Lord one thousand eight hundred
“ and fifty-seven.*

*“ DANIEL COOPER,
“ Speaker.”*

VOTES No. 74. TUESDAY, 20 JANUARY, 1857.

- * * * * *
1. Committee of Elections and Qualifications :—James Garland, Richard Hargrave, and Terence Aubrey Murray, Esquires, sworn at the Table, by the Clerk, as Members of the Committee of Elections and Qualifications for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.
- * * * * *
5. Committee of Elections and Qualifications :—Samuel Deane Gordon, Esquire, sworn at the Table, by the Clerk, as a Member of the Committee of Elections and Qualifications, for the present Session, pursuant to the requirement of the 59th section of the Electoral Act of 1851.

VOTES No. 91. THURSDAY, 19 FEBRUARY, 1857.

- * * * * *
1. Election Petition :—Mr. Scott, as Chairman, brought up the Report from, and laid upon the Table the Minutes of Proceedings of and the Evidence taken before, the Committee of Elections and Qualifications, to whom was referred, on the 2nd day of January last, the Petition of Thomas Whistler Smith, Edward Kennedy Silvester, Edwin Thomas Beilby, John Smith, Robert Johnson, and Richard Thompson, and each of them, against the Election and Return of William Bede Dalley, Esquire, as a Member of the Legislative Assembly for the Electoral District of the City of Sydney, in room of Henry Parkes, Esquire, resigned, declaring that the allegations contained in the said Petition have not been proved by the said Petitioners, or any one of them, and that the said Petition was not frivolous or vexatious.
- Ordered to be printed.

1856.

ELECTION PETITION.

(Against the Election and Return of William Bede Dalley, Esquire.)

REPORT

FROM

THE COMMITTEE

OF

ELECTIONS AND QUALIFICATIONS.

THE COMMITTEE OF ELECTIONS AND QUALIFICATIONS, to whom was referred, on the Second day of January, 1857, the Petition of Thomas Whistler Smith, Edward Kennedy Silvester, Edwin Thomas Beilby, John Smith, Robert Johnson, and Richard Thompson, and of each of them, against the Election and Return of William Bede Dalley, Esquire, as a Member of the Legislative Assembly, for the Electoral District of the City of Sydney, in room of Henry Parkes, Esquire, resigned, have determined, and do hereby accordingly declare:—

That the allegations contained in the said Petition have not been proved by the said Petitioners, or any one of them.

That the said Petition against the Return of William Bede Dalley, Esquire, was not frivolous or vexatious.

A. W. SCOTT,
Chairman.

MINUTES

MINUTES OF THE PROCEEDINGS
OF
THE COMMITTEE
OF
ELECTIONS AND QUALIFICATIONS.

In the matter of the Petition of Thomas Whistler Smith, Edward Kennedy Sylvester, Edwin Thomas Beilby, John Smith, Robert Johnson, and Richard Thompson, and of each of them, against the Election and Return of William Bede Dalley, Esquire, as a Member of the Legislative Assembly, for the Electoral District of the City of Sydney.

WEDNESDAY, 28 JANUARY, 1857.

Members Present:—

Mr. Garland,	|	Mr. Hargrave,
Mr. Gordon,		Mr. Murray,
	Mr. Scott.	

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. On motion of Mr. Scott, Mr. Murray took the Chair.
2. The Committee adjourned until to-morrow, at half-past Eleven o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

THURSDAY, 29 JANUARY, 1857.

Members Present:—

Terence Aubrey Murray, Esquire, in the Chair.

Mr. Garland,	|	Mr. Hargrave,
Mr. Gordon,		Mr. Scott.

Present for the Parties:—

Mr. Robert Johnson,
Mr. Richard Thompson.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Clerk, by order of the Chairman, read the Petition in this case, as follows, viz.:—

To the Honorable the Speaker of the Legislative Assembly of New South Wales.

The Humble Petition of Thomas Whistler Smith, Edward Kennedy Sylvester, Edwin Thomas Beilby, John Smith, Robert Johnson, and Richard Thompson, and of each of them,

SHEWETH:—

That, after the last general election for, and during the continuance of, the present Legislative Assembly of New South Wales, a vacancy having occurred in the representation therein of the Electoral District of the City of Sydney, through the resignation of the late Member, Henry Parkes, Esquire, a Writ was duly issued for the election of a Member to serve in the said Legislative Assembly for the said Electoral District in the place so vacated as aforesaid.

That the nomination for the said election took place at Sydney aforesaid, on the twenty-ninth day of December now last past, when John Fairfax, of Sydney, Esquire, and William Bede Dalley, of Sydney aforesaid, Esquire, were respectively nominated, and became, and were, candidates to be elected to fill the said vacancy.

That the voting for the said election took place in Sydney aforesaid, on the thirtieth day of December now last past, when the Returning Officer, to whom the said Writ was directed, declared that the said William Bede Dalley was duly elected to fill the said vacant seat.

That

That the said Returning Officer thereupon returned to the said Writ that the said William Bede Dalley was duly elected to fill the said vacant seat in the said Legislative Assembly.

That the said William Bede Dalley, in pursuance of the said return, has taken a seat in the said Legislative Assembly as a Member thereof.

That the said William Bede Dalley was not at the time of the said nomination, or of the said election, and never was, and is not now, qualified to be elected, or to be or to act as a Member of the said Legislative Assembly, inasmuch as the said William Bede Dalley was not at the time of the said nomination, or at the time of the said election, and is not now, and never was, qualified and registered as a voter in and for any Electoral District within the said Colony.

That, on the day when the polling at the said election took place, and afterwards on the same day, at the time when the said Returning Officer made his declaration on the Hustings that the said William Bede Dalley was elected as such Member of the Legislative Assembly as aforesaid, notice was duly given to the said Returning Officer, and to all his Deputy Returning Officers respectively, and to the electors of the said Electoral District, that the said William Bede Dalley was, for the reason aforesaid, not qualified to be elected a Member of the said Legislative Assembly.

That your Petitioners are advised, and insist, that for the reasons aforesaid, the said election of the said William Bede Dalley was, and is, wholly void, and that the said return of the said Returning Officer is erroneous, and void in law; and that the said election ought to be declared void, and that a new election ought to take place for the election of a Member to serve in the said Legislative Assembly for the said Electoral District, in the place so vacated by the resignation of the said Henry Parkes, as aforesaid.

That your Petitioners respectively are persons who respectively had a right to vote, and who respectively voted at the said Election in favor of the said John Fairfax.

That your Petitioners have paid into one of the Banks regulated by Act of Council within the said Colony, namely, the Commercial Banking Company of Sydney, the sum of One Hundred pounds to the credit of the Speaker of the said Legislative Assembly, in relation to this Petition.

Your Petitioners, therefore, humbly pray that the said election may be declared to be void, and be set aside, and that the said William Bede Dalley may be declared not to have been duly elected to be or to be a Member of the said Legislative Assembly, and that a new Writ may be issued, and that a new election may take place for the election of a Member to serve in the said Legislative Assembly, for the said Electoral District, in the place so vacated by the resignation of the said Henry Parkes, as aforesaid, and that justice may be done in the premises.

And your Petitioners will ever pray, &c.

THO. WHISTLER SMITH.
EDWD. K. SYLVESTER.
EDWIN T. BEILBY.
JNO. SMITH.
ROB. JOHNSON.
RICH. THOMPSON.

Sydney, 2nd January, 1857.

2. The Committee then further adjourned until Tuesday next, 3 February, at half-past 10 o'clock, A.M.

LEWIS A. BERNAYS.
2nd Clerk Assistant.

TUESDAY, 3 FEBRUARY, 1857.

Members Present:—

Mr. Arnold,	|	Mr. Gordon,
Mr. Garland,	|	Mr. Hargrave,
	Mr. Scott.	

Present for the Parties:—

The Sitting Member,	} Two of the Petitioners.
Mr. Robert Johnson,	
Mr. Richard Thompson,	

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. On Motion of Mr. Gordon, Mr. Scott took the Chair.
2. The Clerk, by order of the Chairman, read the Minutes of the Proceedings of the Committee at its previous meetings.
3. The Sitting Member applied for a further adjournment, on the ground (1) that such delay was necessary in consequence of a notice served upon him by the Petitioners at a late hour yesterday, involving points which he wished to leave to Counsel to argue, and (2) that the gentleman retained by him as Counsel would not be able to attend until Friday next.
4. Mr. Johnson having requested that Mr. Arthur Cubitt, of Sydney, be summoned to appear and give evidence touching the general matter of the Petition, the Committee ordered a summons to issue accordingly, returnable on Friday next, the 6th instant, at 11 o'clock, A.M.

5. The Committee then further adjourned until Friday next, at 11 o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY,

FRIDAY, 6 FEBRUARY, 1857.

Members Present:—

Alexander Walker Scott, Esquire, in the Chair.

Mr. Arnold,	|	Mr. Gordon,
Mr. Garland,	|	Mr. Hargrave,
	Mr. Oxley.	

Present for the Parties:—

The Sitting Member,
Mr. Robert Johnson.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Clerk, by order of the Chairman, read the Minutes of the Proceedings of the Committee at its last Meeting.
2. The Sitting Member admitted the *locus standi* of the Petitioners.
3. In reply to questions from the Committee, Mr. Johnson stated that he was a Member of the Legislative Council, and that he appeared in the capacity of a Petitioner,—having exercised his right of voting at the Election in question,—and also as professional advocate of the other Petitioners.
4. Strangers having been ordered to withdraw, and having withdrawn accordingly, Committee deliberated.
5. Strangers having been re-admitted, Mr. Johnson applied for an order to the Sitting Member to produce a particular of his qualification.
6. The Sitting Member then addressed the Committee.
7. Mr. Johnson having replied, strangers again withdrew by order of the Committee.
8. The Committee decided against compliance with Mr. Johnson's request.
9. The Committee then further adjourned until Tuesday next, the 10th instant, at Eleven o'clock, A.M.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 10 FEBRUARY, 1857.

Members Present:—

Alexander Walker Scott, Esquire, in the Chair.

Mr. Arnold,	|	Mr. Gordon,
Mr. Garland,	|	Mr. Hargrave.

Present for the Parties:—

The Sitting Member,
Mr. Robert Johnson,
Mr. Richard Thompson.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

1. The Clerk, by order of the Chairman, read the Minutes of the Proceedings of the Committee at its last meeting.
2. Mr. Johnson addressed the Committee, arguing that the *onus probandi* lay with the Sitting Member, and that the Committee ought, therefore, to call upon that gentleman to open the case by proving his Qualification.
3. The Sitting Member then addressed the Committee, in opposition to Mr. Johnson's argument.
4. Mr. Johnson having replied, strangers withdrew by order of the Committee.
5. The Committee, upon deliberation, decided that the "*onus probandi*" lay with the Petitioners.
6. Strangers being re-admitted, the Chairman informed Mr. Johnson of the decision of the Committee.
7. Mr. Johnson thereupon addressed the Committee, in support of the Petition.
8. Mr. Arthur Cubitt, being in attendance, was called in, sworn by the Chairman, and examined. (*See his Evidence, appended.*)
9. The Witness having withdrawn, Mr. Johnson, in reply to a question put to him by the Chairman, stated that he had nothing further to urge in support of the Petition, than was already before the Committee.
10. The Sitting Member then addressed the Committee.
11. Mr. Johnson having replied, strangers again withdrew.
12. The Committee then further adjourned until Friday next, the 13th instant, at Ten o'clock.

LEWIS A. BERNAYS,
2nd Clerk Assistant.

FRIDAY, 13 FEBRUARY, 1857.

Members Present:—

Mr. Hargrave.

In attendance upon the Committee:—

The 2nd Clerk Assistant.

[There not being four Members present, within one hour of the time appointed for the Adjourned Meeting to-day, Mr. Hargrave took the Chair, and adjourned the Meeting to Tuesday next, at 11 o'clock.]

LEWIS A. BERNAYS,
2nd Clerk Assistant.

TUESDAY, 17 FEBRUARY, 1857.

Members Present:—

Alexander Walker Scott, Esquire, in the Chair.

Mr. Hargrave.

Mr. Garland.

Mr. Oxley.

Mr. Arnold.

Present for the parties:—

The Sitting Member.

In attendance upon the Committee:—

The Clerk Assistant.

1. Strangers having withdrawn, by direction of the Chairman, the Committee deliberated.

2. The Committee agreed that the allegations contained in the Petition under consideration had not been proved.

3. Mr. Gordon, arriving at this stage of the proceedings, stated that the Resolution to which the Committee had so agreed met with his full concurrence.

4. The Committee having entered into a further deliberation, on the question generally,—

Mr. Gordon moved—"That, in the opinion of this Committee, Mr. Dalley should be called upon to show that he is duly qualified to sit as a Member of the Legislative Assembly, by being a Registered Elector according to Law."

Question put.

Ayes, 4.

Mr. Gordon.

Mr. Hargrave.

Mr. Garland.

Mr. Oxley.

Noes, 2.

Mr. Scott.

Mr. Arnold.

5. The Committee then adjourned until to-morrow, at Ten o'clock, with the understanding that Mr. Dalley and Mr. Johnson be requested to have the goodness then to attend, and that the Petition, and all other papers, be then produced.

CHAS. TOMPSON, JR.,
Clerk Assistant.

WEDNESDAY, 18 FEBRUARY, 1857.

Members Present:—

Alexander Walker Scott, Esquire, in the Chair.

Mr. Garland,

Mr. Gordon,

Mr. Oxley,

Mr. Hargrave.

In attendance upon the Committee:—

The Clerk Assistant

1. Minutes of the last meeting read and confirmed.

2. The Clerk produced the Petition.

3. The Clerk reported that, pursuant to instructions given at the last meeting, a memorandum had been addressed to Mr. Dalley, the Sitting Member, of which the following is a copy, viz:—

"Legislative Assembly Office,
"Macquarie-street, Sydney,
"17 February, 1857.

"The Committee of Elections and Qualifications will meet in No. 2 Committee Room, to-morrow, 18th instant, at Ten o'clock, when the favor of your attendance is requested by the Committee.

"R. O'CONNOR,

"Clerk of the Legislative Assembly."

"To

"W. B. Dalley, Esq., M. P.,

"&c., &c., &c."

4. Whereupon the Chairman read to the Committee a letter from Mr. Dalley, in reply to the above memorandum, of which the following is a copy, viz:—

"Sydney, 17 February, 1857.

"Sir,

"I have the honor to acknowledge the receipt of a notification that the Committee of Elections and Qualifications will sit to-morrow (Wednesday) at 10 a.m., in my case.

"As the case has been closed, and is now finally before the Committee, and as I was
"this

" this day informed by the Chairman that the Committee had only met for purposes of deliberation, I do not think it necessary to attend—and await the decision of the Committee.

" I am, Sir,

" Your obedient servant,

" WILLIAM B. DALLEY."

The Chairman of the Committee
of Elections and Qualifications.

5. The Committee having deliberated and determined to report to-morrow,—further adjourned until that day at 10 o'clock, for the purpose of considering the Report.

CHAS. TOMPSON, JR.,

Clerk Assistant.

THURSDAY, 19 FEBRUARY, 1857.

Members Present:—

Alexander Walker Scott, Esquire, in the Chair.

Mr. Arnold,
Mr. Garland,

Mr. Gordon,
Mr. Hargrave,

In attendance upon the Committee:—

The Clerk Assistant.

1. Minutes of last meeting read and confirmed.

2. Committee deliberated on the Draft Report, submitted by the Chairman, as follows:—

" (1.) The Committee of Elections and Qualifications, to whom was referred, on the second day of January, 1857, the Petition of Thomas Whistler Smith, Edward Kennedy Sylvester, Edwin Thomas Beilby, John Smith, Robert Johnson, and Richard Thompson, and each of them, against the election and return of William Bede Dalley, Esquire, as a Member of the Legislative Assembly, for the Electoral District of the City of Sydney, in room of Henry Parkes, Esquire, resigned, have determined, and do hereby accordingly declare, that the Allegations contained in the said Petition have not been proved by the said Petitioners, or any one of them.

" (2.) Your Committee, deeming it expedient, in further pursuance of the inquiry imposed upon them by your Honorable House, requested, in writing, the attendance of the said William Bede Dalley, Esquire, the now Sitting Member for the Electoral District of Sydney, in order to point out to your Committee his Qualification and Registration in any of the Electoral Districts of this Colony—Whereupon the said William Bede Dalley, Esquire, by a letter (a copy of which is contained in the Minutes of the Proceedings of this Committee on the 18th of this month), declined to attend your said Committee.

" (3.) Your Committee now beg to lay the matter before your Honorable House for its consideration."

3. Draft Report then read at length, and Question put upon each paragraph separately, viz:—

1st Paragraph—

Question,—That this paragraph stand as part of the Report,—put and agreed to.

2nd Paragraph—

Question put,—That this paragraph stand as part of the Report.

Committee divided.

Ayes, 2.

Mr. Hargrave,
Mr. Garland,

Noes, 2.

Mr. Arnold,
Mr. Scott.

The Chairman gave his casting vote with the Noes, and declared the Question to have passed in the *Negative*.

3rd Paragraph—

Question put,—That this paragraph stand as part of the Report.

Committee divided.

Ayes, 2.

Mr. Garland,
Mr. Hargrave,

Noes, 2.

Mr. Arnold,
Mr. Scott.

The Chairman gave his casting vote with the Noes, and declared the Question to have passed in the *Negative*.

4. Mr. Arnold then moved, That the following new paragraph stand part of the Report, to follow paragraph (1.) as agreed to:—

" That the said Petition against the Return of William Bede Dalley, Esquire, was not frivolous or vexatious."

Question put and agreed to.

5. Whereupon Mr. Arnold moved, That the Report, as amended, be now agreed to.

Question put.

Committee divided.

Ayes, 2.

Mr. Arnold,
Mr. Scott,

Noes, 2.

Mr. Garland,
Mr. Hargrave.

The Chairman gave his casting vote with the Ayes, and declared the Question to have passed in the *Affirmative*.

6. The Committee then adjourned.

CHAS. TOMPSON, JR.,

Clerk Assistant.

APPENDIX.

APPENDIX.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON

ELECTIONS AND QUALIFICATIONS.

TUESDAY, 10 FEBRUARY, 1857.

Present;—

Mr. ARNOLD,
Mr. GARLAND,Mr. HARGRAVE,
Mr. GORDON,

Mr. SCOTT.

ALEXANDER WALKER SCOTT, ESQUIRE, IN THE CHAIR.

Mr. Arthur Cubitt, called in, sworn, and examined, as follows:—

Mr. A. Cubitt,
10 Feb., 1857.

1. *By Mr. Johnson*: You are Shipping Reporter to the *Empire*, newspaper? Yes.
2. Do you remember the late election for Sydney, at which Mr. Dalley was elected? I do.
3. Do you remember during that election seeing or hearing of a protest on the part of Mr. Fairfax, to the effect that Mr. Dalley was not qualified to be elected, not being on any Electoral Roll? I heard it stated.
4. During that day did you see Mr. Dalley after you had heard of that protest? No, before; I did not know the protest was drawn out when I saw Mr. Dalley.
5. Well, after you heard the rumour of Mr. Dalley's want of qualification, did you see Mr. Dalley? Yes.
6. Did you mention the circumstance? I mentioned to Mr. Dalley that I had heard his name was not on the Roll.
7. Where did you see Mr. Dalley? In his carriage.
8. Who was with him? Mr. Martin, and some other gentleman.
9. What did you say to Mr. Dalley. I will recall to your recollection that you made some statement in Mr. Fairfax's Committee Room, but without mentioning what that was, will you now tell us what you said to Mr. Dalley? I said it had been reported in the Committee Room that his name was not on the Electoral Roll—I think I mentioned that Mr. Egan had said so. I asked him if his name was on the Roll for Sydney, and he said he believed not.
10. Was anything said about *any* Electoral Roll—was the expression *any* Electoral Roll used—Will you tell me exactly what you said to Mr. Dalley, and what Mr. Dalley said to you—bearing in mind what you communicated on the same day to Mr. Fairfax's Committee, without saying what that was—tell this Committee exactly what you said to Mr. Dalley, and what he said to you? I think, to the best of my recollection, what I said to Mr. Dalley was, that it had been reported in the Committee Room that his name was not on the Electoral Roll—whether I used the expression *any* Electoral Roll I would not attempt to swear. His remark was "No, I am not."
11. Was the word *any* Electoral Roll used at all? No, I cannot swear that it was.
12. What do you believe? I cannot swear whether I said it or not.
13. Do you recollect Mr. Dalley using any particularly graphic expression? Mr. Dalley's reply to me was, "No, I know I am not."
14. Anything more than that? I think not from Mr. Dalley.
15. Well, in his presence? (*Mr Dalley objected to the question, but afterwards withdrew the objection.*)
16. Who else spoke in Mr. Dalley's presence? Mr. Martin.
17. What did he say? He said, "Is that a fact; are you not on the roll?"
18. Was it *the* roll or *any* roll? Mr. Martin said *the* roll—I should imagine so—upon my word I cannot say.
19. Have you no memory? I cannot say whether it was *the* roll or *any* roll. The reason I did not observe which word was used was, that I was under the impression, when I asked the question,

question, that he should be on the Electoral Roll for the City, as he was a candidate for the Mr. A. Cubitt. City.

20. Can you tell us more accurately what was said? With the exception of putting that 10 Feb., 1857. word in, I cannot say anything more than I have said—I cannot say whether it was used or not.

21. What word? The word "any."

22. What did Mr. Dalley say to Mr. Martin? Mr. Martin said, "Is that a fact?"

23. That was addressing Mr. Dalley, I suppose—what did Mr. Dalley say? He said he "believed he was not." Mr. Martin then said, "Never mind, don't say anything about it," to me.

24. Are you sure nothing more took place? That is all I remember at present.

25. I will again ask you to recollect what you reported to Mr. Fairfax's Committee? I am under the impression that what I reported is what I have already stated.

26. Do you recollect anything being said like this—"Here is a pretty go, Martin," or anything of that kind—did anything of that kind occur? I think it might have been said.

27. On your oath, was it said or not? I think words to that effect were used. I should not have thought of it if you had not mentioned it.

28. You heard what took place, and you believe that expression was used? Yes, I believe it was.

29. When was it Mr. Martin said "do not say anything about it"—was it at that time? Those were the last words said by Mr. Martin as I came away.

30. Do you remember another strong expression that was used? I do not remember anything but what I have said.

31. Did Mr. Dalley say "by God, it is true"? No; I will swear he did not say those words.

32. Or anything to that effect? No.

33. Did he not say it was true? Yes; I have said that before.

34. That is the whole? That is all I know about it.

35. Not a word was said about his being on any Electoral Roll? Not that I remember.

36. *By Mr. Dalley*: Now, I want you to state to the Committee how we came to enter into this conversation with you. I was driving up Hunter-street in my carriage—up Pitt-street—just at the corner, and you stopped us hurriedly? Yes.

37. You mentioned to us ——— I mentioned that it was said you were not on the Electoral Roll.

38. You will not swear whether you said the roll for Sydney or not? I could not say whether I used the words "the roll for Sydney," or confined myself to the word "roll."

39. Nor will you swear whether, when I said to Mr. Martin that I was not on the roll, I said the roll for Sydney or any roll? No, I did not pay attention to anything of this kind, for the reason I have stated before.

40. Do you recollect in answer to what observation on Mr. Martin's part I observed to him, "here is a pretty go, Martin"—was it in answer to your communication, or to anything he said? I do not recollect.

41. *By Mr. Johnson*: Did you hear any other conversation, excepting as to his being on the Electoral Roll? I cannot say I did.

42. To what then did this observation apply—was any other subject mentioned to which it could apply? No, I cannot say there was. I think it was in reply to what I said this expression was used.

1856.

NEW SOUTH WALES.

STANLEY BOROUGHS.

(PETITION RELATIVE TO REPRESENTATION.)

Ordered by the Legislative Assembly to be Printed, 8 August, 1856.

TO THE HONORABLE THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES, IN PARLIAMENT ASSEMBLED.

The humble Memorial of the undersigned Electors of the Borough of Ipswich, in the County of Stanley,

SH EWETH,—

That under the Act nineteenth Victoria, number twenty-eight, passed by the Legislative Council in the Session of the seventeenth year of Her Majesty's reign, intituled, "An Act to confer a Constitution on New South Wales and to grant a Civil List to Her Majesty," it is enacted that two Members shall be elected and chosen to serve in the Legislative Assembly of New South Wales for the Stanley Boroughs.

That the towns constituting the said Stanley Boroughs are the Towns of Brisbane and Ipswich, both in the said County of Stanley.

That the said Town of Brisbane is situated on the Brisbane River, about sixteen miles from the confluence of that river with Moreton Bay, while the Town of Ipswich is situated at the head of the navigation of the Rivers Brisbane and Bremer, at a distance, by water communication, of upwards of fifty miles from Brisbane.

That, from the central position of Ipswich, as regards the trade and business of the country, known as the Northern Districts of New South Wales, it has, for a number of years, been the entrepot for the greater portion of these districts, and to this place the whole of the produce of the greater portion of the Northern Districts is regularly forwarded, for transmission to Sydney and England.

That, for these reasons, and because much of the land in the neighbourhood and district of Ipswich, is rich in mineral resources, while large portions of it are well adapted for agricultural purposes, the Town of Ipswich has not only become important in a commercial point of view, but its population has for years been rapidly increasing; so much so that while the Census of 1851 shewed a population of little over nine hundred souls, and notwithstanding that, for a considerable period after the above date immigration to Moreton Bay had partially ceased, the Census of the present year shews a population, within the borough proper of Ipswich, of two thousand five hundred souls—an increase which no other town in the Northern Districts has been able to exhibit during the same period. It is also the seat of two Banking Establishments, a local Newspaper, and in its neighbourhood are several Coal Fields.

That, for these reasons, a desire has been evinced, not only on the part of the inhabitants of Ipswich, but of those whose interests are involved in the townships and Squatting Districts beyond it, that some of the Public Institutions about to be erected in the district should, for public utility, be established at Ipswich: as, for instance, a district Jail, (all prisoners, excepting those belonging to the immediate town and neighbourhood of Brisbane,

having at present to proceed through Ipswich), and the Circuit Courts, to attend which the great proportion of witnesses, (from whatever distance they may require to come,) and Jurors must proceed through and from Ipswich.

That, from the success which has hitherto attended the progress of Ipswich, without even the smallest assistance from the public funds, and because your Memorialists have expressed a desire, founded on a wish for the best interests of the districts, that no public money should be expended in the erection of new public buildings until either His Excellency had paid his anticipated visit to the district, or a Committee been appointed to determine sites for public buildings, a feeling of extreme jealousy has arisen on the part of the people of Brisbane, which, on a late occasion, they hesitated not to express, to the injury of the jural rights of the Town of Ipswich.

That, as stated in the outset of this Petition, the Towns of Ipswich and Brisbane form together the Stanley Boroughs, although your Memorialists conceive but little knowledge of these two towns could have existed when they were placed together, for the purpose of returning two Members. Their interests, instead of being similar, are, for the reasons which have been stated, and for others, which your Memorialists have no desire to allude to, altogether antagonistic; and feelings the most deprecatory have been called forth on occasions involving their joint co-operation. Perhaps the most striking instance of the opposing interests of these places, cannot be better illustrated than by reference to the result of the late return of two Members for the Stanley Boroughs; for while the Roll of Electors for Ipswich, used on that occasion, exhibited names amounting in number to about four hundred, the present Members for these Boroughs polled at that place—the one nineteen split votes, and the other thirty, many of which votes were those of Brisbane electors then in Ipswich,—their return having been carried by the Town of Brisbane, on the interests of which they stood.

That, in this state of matters, although the Town of Ipswich possessed a much larger number of qualified electors, than several of the constituencies throughout the Colony, it has, for the present, been virtually disfranchised.

That, notwithstanding that a strong probability exists that the Ipswich Roll of Electors will very soon outnumber that of Brisbane, yet your Memorialists cannot conceive that the Legislature ever intended that the franchise should be open to be exercised without reference to some leading principle of general utility, or that it should become a mere instrument of annoyance between two towns possessing equal claims to be represented.

That the only means by which the intention of the Legislature can be carried out, and the Stanley Boroughs be properly represented, will be by each Borough electing one Member. In this way no increase would be necessary to the number of Representatives, and full justice would be done to contending interests.

May it therefore please your Honorable House to take the premises into consideration, and to pass a Bill to separate the Towns of Brisbane and Ipswich for electoral purposes, and to grant to each of these towns the power of electing a Member to represent their separate interests in the Legislative Assembly.

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

[Here follow 111 signatures.]

1856.

NEW SOUTH WALES.

QUESTION OF PRIVILEGE.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

QUESTION OF PRIVILEGE,TOUCHING THE UNAUTHORIZED REMOVAL OF PAPERS LAID UPON THE TABLE OF
THE HOUSE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

5 August, 1856.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,

PHILLIP-STREET.

1856.

1856.

NEW SOUTH WALES.

QUESTION OF PRIVILEGE.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

QUESTION OF PRIVILEGE,

TOUCHING THE UNAUTHORIZED REMOVAL OF PAPERS LAID UPON THE TABLE OF THE HOUSE.

THE STANDING ORDERS COMMITTEE, for whose consideration and report was referred, on the 4th June, 1856, a matter brought under the notice of the House by Mr. Flood, in reference to the unauthorized removal of certain Papers, hereinafter more particularly mentioned, have agreed to the following Report:—

Your Committee, having consulted the Votes and Proceedings of the late Legislative Council, find, that on the 5th day of December, 1855, it was resolved,—

“ That an Address be presented to the Governor General, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

“ (1.) The amount of assessments levied in the Unsettled Districts under the Assessment on Stock Act, of 17th September, 1847, shewing the amounts appropriated under the 11th section of that Act, and the deficit not so appropriated.

“ (2.) The amount of Rent levied in each year in the Unsettled Districts, at the rate of £2 10s. per 1,000 sheep, or on the equivalent number of cattle, according to Her Majesty's Order in Council, 9th March, 1847.

“ (3.) The quantity of Land sold in the Unsettled Districts contrary or according to the sixth section of the Orders of Her Majesty in Council, 9th March, 1847; shewing the sums produced, the number of acres sold, and specifying the names of the purchasers, together with the names of the Runs, and the names of the lessees or holders of the Runs from which these quantities were abstracted.

“ (4.) The quantity of Land in the different Unsettled Districts that has, up to this date, been advertised in the *Government Gazette*, or is now open for selection.”

Your Committee also find, that on the 13th December, 1855, it was resolved,—

“ That an Address be presented to the Governor General, praying that His Excellency will be pleased to cause to be laid upon the Table of this House,—

“ (1.) A Return, describing the contents of the “*Receiving Room Iron Chest*,” in the Colonial Treasury, which was in charge of the late Dugald Macpherson, Esq., and opened and examined on the 21st April, 1854, after the death of that gentleman, giving particulars and amount of the notes, drafts, cheques, stamps, and coin found therein.

“ (2.)

“(2.) A Return, shewing how the amount and proceeds of the above were appropriated.

“(3.) A Return, shewing the particulars of all claims which were made against the late Mr. Macpherson, as Receiving Teller or Chief Clerk in the Colonial Treasury, after the moneys and other contents of the Chest had been exhausted, and stating the branch of public fund from which these claims were met, as well as the authority by which they were satisfied.

“(4.) A Return, describing parcels and papers found in the *Iron Chest*, as well as the contents of the parcels.

“(5.) A Return of the names of public officers and other persons in whose presence the *Chest* was opened.

“(6.) Copies of all correspondence on the subject, which has taken place between the Executive Government and the Colonial Treasurer; also, copies of all correspondence between that officer, or any person on his behalf, and the friends of the late Mr. Macpherson.

“(7.) A copy of the Report of the Board of Enquiry held to certify as to the state of the Treasury, at the time of the appointment of F. L. S. Merewether, Esq., to the office of Acting Colonial Treasurer, in January, 1854.”

Your Committee further find, that on the 19th day of December, 1855, the then Acting Colonial Secretary laid upon the Table the undermentioned Papers:—

“Return to the Address in reference to the Assessment on Stock, and Lands sold in the Unsettled Districts, adopted, on motion of Mr. Rusden, on the 5th instant;—” and

“Return to the Address in reference to the Colonial Treasury Accounts, adopted, on motion of Mr. Flood, on the 13th instant;—”

which, with other Papers, were by the Council ordered to be printed.

Your Committee have been informed, by the Clerk of the Legislative Assembly, that on making search for these Returns, on the prorogation of the Council that day, they could not be found; the same having been, as subsequently admitted by the Acting Colonial Secretary, to the Clerk of the late Legislative Council, taken up by him immediately after he had placed them on the Table.

Your Committee having also referred to the correspondence respecting these Papers, find that, on the 22nd February, 1856, the Clerk of the late Legislative Council addressed to the Colonial Secretary the following letter:—

“No. 56-9.

*Legislative Council Office,
Sydney, 22 February, 1856.*

“SIR,

“I have the honor to inform you that the printing of all such Council Papers of the Session 1855, as have been ordered to be printed, and as are in this office, is now nearly completed, but the two undermentioned documents, viz.,—

“(1.) Return to the Address in reference to the Assessment on Stock, and Lands sold in the Unsettled Districts, adopted, on motion of Mr. Rusden, on the 5th December, 1855;

“(2.) Return to the Address in reference to the Colonial Treasury Accounts, adopted on motion of Mr. Flood, on the 13th December, 1855;

“although laid upon the Council Table on the last day of the Session by the Colonial Secretary (*pro forma* as he afterwards told me), were immediately taken up again by that officer, to have them completed and perfected.

“To enable me to expedite, as much as possible, the completion of the printing of the Council Papers, and the issue, for the use of the Government, and Members of Council, and others, of the Votes and Proceedings of the Council for Session 1855, I have the honor to request that the two documents above-mentioned, may be supplied to me with the least possible delay.

I have, &c.,

“The Honorable

“The Colonial Secretary.

(Signed)

W. MACPHERSON,

Clerk, Legislative Council.”

To

(S)

To which he received the following reply :—

“ No. 19.

*Colonial Secretary's Office,
Sydney, 4 March, 1856.*

“ Sir,

“ In reply to your letter of the 22nd ultimo, requesting, that in order to enable you to expedite, as much as possible, the completion of the printing of the Council Papers of the Session of 1855, the Returns to the Addresses, respecting Assessment on Stock and Lands sold in the Unsettled Districts, and in reference to the Colonial Treasury Accounts, may be supplied to you with the least possible delay; I am directed by His Excellency the Governor General to acquaint you, that as it will require some time to prepare the information required by the Addresses in question, the printing of the Papers of the late Session need not be delayed for them, and that His Excellency approves of these Returns forming a portion of the Papers of the next Session.

“ I have, &c.,

“ The Clerk of the
“ Legislative Council.

(Signed) W. ELYARD,
(For the Colonial Secretary.)”

Your Committee having searched for precedents, find in the Votes and Proceedings of the late Legislative Council, that on the 30th June, 1853, it was resolved :—

“ That, in the opinion of this Council, the Journals and Records, and all Papers and accounts, presented to it, are in the custody of the Clerk of the Council, and that it is the duty of that officer not to take, or permit to be taken, any of the said Journals, Records, Papers or accounts, from the Council Chamber, without the express order of the Council.”

And your Committee are of opinion, that, the rule laid down by the late Council for the guidance of its Clerk, is equally applicable to, and ought to be made equally binding upon, the Clerk of the Legislative Assembly, by the re-affirmation thereof by your Honorable House.

It has been suggested, (and by the Colonial Secretary it is by implication admitted,) that the Returns in question, notwithstanding the entry in the Votes and Proceedings, never were laid on the Table in a completed state. If so, your Committee consider such a proceeding to be highly irregular, and recommend that steps be taken to prevent its recurrence. The Returns in question ought, your Committee think, to have been easily prepared; and the delay which has occurred in their transmission seems to them to be wholly inexcusable.

Under all the circumstances connected with the matter referred to them, your Committee recommend that the following Resolutions be adopted by your Honorable House :—

(1.) That Mr. Speaker be requested to inform the House of any recurrence of the irregularity, of placing on the Table any partial or incomplete, as a full and complete Return.

(2.) That the Return in reference to the Assessment on Stock and Lands sold in the Unsettled Districts, asked for by the Address adopted on motion of Mr. Rusden, on the 5th December, 1855; and the Return in reference to the Colonial Treasury Accounts, asked for by the Address adopted on motion of Mr. Flood, on the 13th December, 1855, be with all possible despatch delivered to the custody of the Clerk.

(3.) That the Journals and Records, and all Papers and Accounts, presented to this House, are in the custody of the Clerk, and it is the duty of that officer not to take, or permit to be taken, any of the said Journals, Records, Papers, or Accounts from the Chamber of the Assembly, without the express order of this House.

DANIEL COOPER.

*Legislative Assembly Chamber,
Sydney, 13 June, 1856.*

1856.

NEW SOUTH WALES.

STANDING RULES AND ORDERS.

REPORT

FROM THE

STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH

PROPOSED STANDING ORDERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

18 *November*, 1856.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP STREET.

1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES No. 8, TUESDAY, 3 JUNE, 1856.

5. Standing Orders Committee :—Mr. Donaldson moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz. : The Speaker, Mr. Donaldson, Mr. Plunkett, Mr. Manning, Mr. Parker, Mr. James Macarthur, Mr. Nichols, Mr. Cowper, Mr. Holroyd, and Mr. Martin, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council.
- Debate ensued ;—
- And Mr. Parkes having required that the proposed Committee be appointed by Ballot,—
- Question (1)—That a standing Orders Committee be appointed for the present Session, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council—put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed, viz. : Mr. Donaldson, Mr. Cowper, Mr. Parker, Mr. Martin, Mr. Holroyd, The Speaker, Mr. Plunkett, Mr. Nichols, Mr. Macarthur, and Mr. Manning.
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VOTES No. 12, WEDNESDAY, 6 AUGUST, 1856.

5. Standing Orders Committee :—Mr. Parker moved, pursuant to notice,—
- (1.) That the Honorable S. A. Donaldson, Esquire, The Honorable G. R. Nichols, Esquire, and The Honorable James Macarthur, Esquire, be appointed Members of the Standing Orders Committee.
- The Honorable The Colonial Secretary moved, That the Question be amended by adding at the end, the words “ and that it be an instruction to that Committee to “ prepare such Standing Rules and Orders as shall appear best adapted for the “ orderly conduct of the Business of this House, and to report the same with as “ little delay as possible.”
- Question—That the words proposed to be added at the end of the Question, be there added—put and passed.
- Whereupon Question—That The Honorable S. A. Donaldson, Esquire, The Honorable G. R. Nichols, Esquire, and The Honorable James Macarthur, Esquire, be appointed Members of the Standing Orders Committee ; and that it be an instruction to that Committee to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Business of this House, and to report the same with as little delay as possible—put and passed.
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VOTES, No. 45, TUESDAY, 18 NOVEMBER, 1856.

2. Standing Orders :—Mr. Parker, on behalf of the Chairman, brought up from the Standing Orders Committee, a Report with the Draft Standing Orders prepared by that Committee pursuant to an Instruction referred to them on the 6th August last. Ordered to be printed, and considered in Committee on Friday next.
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1856.

NEW SOUTH WALES.

STANDING RULES AND ORDERS.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY,

WITH THE

PROPOSED STANDING ORDERS.

THE STANDING ORDERS COMMITTEE, to whom was referred, on the 6th of August last, an Instruction “to prepare such Standing Rules and Orders as shall appear best adapted for the orderly conduct of the Business of this House, and to Report the same with as little delay as possible,” have agreed to the following Report:—

Your Committee, in accordance with the Instruction above recited, have prepared, and have now the honor to present to your Honorable House, the Draft of such Standing Rules and Orders as, in their opinion, ought to be adopted for the orderly conduct of the Business of your Honorable House.

DANIEL COOPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 18 November, 1856.*

PROPOSED
STANDING RULES AND ORDERS
OF
THE LEGISLATIVE ASSEMBLY OF NEW SOUTH WALES.

GENERAL CONDUCT OF BUSINESS.

1. In all cases, not specially provided for hereinafter, or by Sessional or other Orders, resort shall be had to the rules, forms, and usages of the Imperial Parliament, which shall be followed so far as the same can be applied to the proceedings of this House.

2. Whenever the House shall be informed of the unavoidable absence of the Speaker, the Chairman of Committees shall take the Chair for that day only; and in the event of the Speaker's absence continuing for more than one day, shall, if the House think fit and so order it, take the Chair in like manner on any subsequent day during such absence.

3. The Speaker shall take the Chair within half an hour after the time appointed for the meeting of the House, and if, at the expiration of such half hour, there be not a quorum of Members present, shall adjourn the House to the next sitting day.

4. If, at any time after the commencement of the business of the day, notice be taken that there is not a quorum of Members present, the Speaker shall count the House, and, if there be not a quorum present, shall, by his own authority, adjourn the House to the next day of meeting.

5. No Order for a Call of the House shall be made for any day earlier than twenty-one days from the day on which such Order shall have been made.

6. Whenever a Division shall be demanded by any Member, the Members present shall take their seats, the Ayes on the right, the Noes on the left of the Chair, respectively; and the Speaker shall appoint Tellers, two of each Party; and shall declare which has the Majority, from lists of the Members voting on each side to be handed to him by the Tellers; and, in the event of the Tellers not agreeing, the Speaker shall immediately appoint other Tellers, and so from time to time until the Tellers shall have agreed.

7. Previously to any Division, Strangers shall withdraw from the body of the House, but may remain in the Galleries unless otherwise ordered.

8. All Addresses to the Governor shall be presented by the Speaker, unless otherwise ordered by the House.

9. Whenever the Previous Question shall be proposed upon any Question consisting of a series of Resolutions, which have been brought under discussion or debate as one Motion, with the understanding that the Question be put on such Resolutions *seriatim*, the decision of the Previous Question, before putting the Question on the first of such Resolutions, shall be taken and held to be conclusive, whether in the affirmative or negative, as regards the whole of such Resolutions.

10. It shall be the duty of the Clerk to communicate to the Colonial Secretary all *Orders* for Papers made by this House; and such Papers may be laid upon the Table by any Member of this House, being also a Member of the Government.

11. At the commencement of every Session, a Select Committee on Printing shall be appointed; and to this Committee shall be referred all Petitions received, and also all Papers laid upon the Table in answer to Addresses or in Return to Orders of this House which shall not have been ordered to be printed on Motion of the Minister who shall have laid them upon the Table; and it shall be the duty of such Committee to report, from time to time, which of the Petitions and Papers referred to them ought, in their opinion, to be printed; and no other Petitions or Papers so referred to them shall be printed, unless on Special Motion upon Notice in exception to the general operation of this Rule.

12. The Clerk shall transmit to the Clerk of the Legislative Council, a sufficient number of copies of all Papers printed by order of this House, for distribution to the Members of the Legislative Council.

13. The printed Votes and Proceedings shall include, and be deemed, held, and taken to be also, the Journals of this House.

14. The custody of the Journals and Records, and of all Papers and Accounts whatsoever presented to this House, shall be in the Clerk, who shall neither take, nor permit to be taken, any of such Journals, Records, Papers, or Accounts, from the Chamber or Offices, without the express leave or order of this House.

PETITIONS.

15. No Petition shall be presented after the House shall have proceeded to the Orders of the Day.

16. It shall be incumbent on every Member presenting a Petition, to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to any Branch of the Legislature.

17. Every Member presenting a Petition shall affix his name at the beginning thereof.

18. Every Petition must be in writing, and no printed or lithographed Petition shall be received.

19. Every Petition must contain the prayer of Petitioners at the end thereof.

20. Every Petition must be signed, by at least one person, on the skin or sheet on which the Petition is written.

21. Every Petition must be written in the English language.

22. Every Petition must be signed by the parties whose names are appended thereto, with their names or marks, written or made by themselves, and by no one else, except in cases of incapacity from sickness.

23. No letters, affidavits, or other documents shall be attached to any Petition, except a Petition for a Private Bill, to which a printed copy of the Bill must be attached.

24. No Petition shall make reference to any Debate in the House.

25. No Petition shall, either directly or indirectly, pray for a grant of public money.

26. Every Member presenting a Petition, not being a Petition for a Private Bill, or relating to a Private Bill before the House, shall confine himself to a statement of the parties from whom it comes—of the number of signatures attached to it—of the material allegations contained in it—and to the reading of the prayer thereof; and the only Question which shall be entertained by the House, on the presentation of any Petition shall be, "That the Petition be received."

NOTICES AND MOTIONS.

27. No Notice of Motion shall be received after the House shall have proceeded to the Orders of the Day.

28. No Member shall make any motion, initiating a subject for discussion, but in pursuance of Notice openly given at a previous sitting of the House, and duly entered on the Notice Paper; but it shall always be in order on the presentation of any document, except a Petition, to move, without previous notice, that it be printed, and that a day be appointed for its consideration.

29. Motions shall take precedence of Orders of the Day, and be moved in the order in which they stand on the Notice Paper, or lapse.

LAPSED

LAPSED QUESTIONS AND ORDERS.

30. If a Debate on any Motion, moved and seconded, be interrupted by the House being counted out, such Debate may be resumed, at the point where it was so interrupted, on Motion upon Notice.

31. If a Debate upon any Order of the Day be interrupted by the House being counted out, such Order may be restored to the Paper for a future day, on Motion upon Notice; and such Debate shall then be resumed at the point where it was so interrupted.

32. If the discussion of any Question in a Committee of the whole House be interrupted for want of a quorum, the House may order the resumption of such Committee on a future day, on Motion upon Notice; and the discussion of such Question shall then be resumed at the point where it was so interrupted.

 COMMITTEES OF THE WHOLE HOUSE.

33. In Committees of the whole House, twenty Members, exclusive of the Chairman, shall be a Quorum.

34. Lists of Divisions in Committees of the whole House shall be printed weekly.

 SELECT COMMITTEES.

35. No Select Committee shall consist of less than five or more than ten Members, unless the House shall otherwise order.

36. It shall not be compulsory on the Speaker or Chairman of Committees to serve on any Select Committee.

37. Every Member proposing a Select Committee, and every Member introducing any Bill, Petition, or Motion, upon any subject which may be referred to a Select Committee, shall be one of the Committee without being named by the House.

38. The Notice of Motion for the appointment of every Select Committee shall contain the names of the Members the Mover intends to serve with himself on such Committee.

39. If upon any Motion for a Select Committee, any Member shall require it, such Committee shall be chosen by Ballot, in the manner following, viz. :—Each Member shall give in to the Clerk a list of the Members who he intends shall serve on the Committee, not exceeding the number proposed in such Motion; and if any such list contain a larger number of names, it shall be void and rejected; and the Members who shall be reported by the Clerk to have the greatest number of votes, shall be declared by the Speaker to be, with the Member or Members entitled to serve on the Committee as of course, the Members of such Committee; and in any case of doubt, arising from two or more Members having an equality of Votes, the Speaker shall decide which shall serve on such Committee.

40. Any Notice of Motion for discharging, adding, or substituting Members of a Select Committee, shall contain the names of such Members.

41. In all Select Committees three shall be a quorum.

42. Every Select Committee, previously to the commencement of business, shall elect one of its Members to be the Chairman.

43. At the request of any Member, or in his own discretion, the Chairman of any Select Committee shall order the withdrawal of strangers at any time.

44. The Chairman of a Select Committee may summon or direct the Clerk of the House to summon the witnesses to be examined before such Committee.

45. Every Select Committee shall have power to award payment to any professional or other witnesses they may deem it necessary to employ in furtherance of the inquiry with which the Committee is charged; and the production of the Chairman's certificate by any such witness, with a copy of such award signed by the Clerk of Select Committees, shall entitle him to the Speaker's written order to the Clerk for payment of such sum

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as may be therein stated to be due to him for the special service to be therein named ; and such order, with the Chairman's certificate and the copy of the award thereto appended, shall be sufficient authority and discharge to the Clerk for making such payment out of any public moneys in his hands, or by the ordinary course of public payments through the Colonial Treasury ; and every such award, with the sum awarded, the particulars of the service rendered, and the name of the party in whose favor made, shall be entered on the Minutes of the Proceedings of the Committee.

46. Every Report of a Select Committee shall be signed by the Chairman thereof.

PUBLIC BILLS.

47. Every Bill for the paving, lighting, or cleansing of any City or Town, shall be deemed and taken to be a Public Bill.

48. Amendments merely of a verbal or formal nature may be made on motion in any part of a Bill at any time during its progress through the House, or in Committee of the whole House.

49. Clerical and typographical errors may be corrected in any part of a Bill, by the Chairman of Committees, before it is sent to the Legislative Council for its concurrence.

50. No clause, schedule, or amendment in substance, shall be offered to be added to or made in any Bill in possession of this House, except in a Committee of the whole House.

51. Before putting the question, "That this Bill do now pass?" the Speaker shall in every case report that the Chairman of Committees has certified that it is in accordance with the Bill as passed through all its previous stages in this House.

52. When a Bill, originated in this House, shall have passed, the Clerk shall forthwith certify at the top of the first page, "That this Public (or Private) Bill originated in the Legislative Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence."

53. After a Bill shall be so certified by the Clerk, it shall be sent with a Message desiring the concurrence of the Legislative Council.

54. The consideration of all amendments in Bills which shall have first passed this House, and of all amendments upon amendments which shall have been made by this House in any Bill which shall have first passed the Legislative Council, shall be in a Committee of the whole House ; and in every case where this House shall agree to such amendments, or amendments upon their amendments, with or without amendments or further amendments of their own, the Clerk shall certify accordingly at the top of the first page of the Bill.

55. Every Bill originated in and passed by this House which shall pass the Legislative Council without amendment, and every such Bill which shall be returned to this House with amendments by the Legislative Council to which this House shall finally agree, shall be fair printed on Vellum or Parchment, and be by the Speaker presented to the Governor for Her Majesty's Assent, provided the Chairman of Committees shall have certified, in writing, on the Bill, that he has examined such fair print and found it to correspond in all respects with the Bill as finally passed by both Houses, and that at the top of the first page of such fair print the Clerk of this House shall have certified to its having finally passed both Houses.

56. Public Bills coming to this House the first time from the Legislative Council, shall be proceeded with, in all respects, as similar Bills presented in pursuance of Orders of this House ; and Private Bills so coming, if accompanied by printed copies of the Reports and Proceedings of the Select Committees of the Legislative Council to whom they may have been referred, shall be proceeded with in like manner, unless the House shall otherwise order ; and every such Bill as shall finally pass this House shall be returned by Message to the Legislative Council, with the Clerk's Certificate at the top, that "the Legislative Assembly have this day agreed to such Bill," "with" or "without amendment," as the case may require.

57. Every Public Bill, which shall have passed both Houses, and received Her Majesty's Assent, or been reserved for the signification of Her Majesty's pleasure thereon, shall be numbered at the top, by the proper Officer, in the order in which it shall

1857.

NEW SOUTH WALES.

Legislative Assembly.

TRANSMISSION OF MESSAGES BETWEEN THE TWO HOUSES.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

TRANSMISSION OF MESSAGES BETWEEN
THE TWO HOUSES.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

27 January, 1857.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILIP-STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 8. TUESDAY, 3 JUNE, 1856.

5. Standing Orders Committee:—Mr. Donaldson moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz.:—The Speaker, Mr. Donaldson, Mr. Plunkett, Mr. Manning, Mr. Parker, Mr. James Macarthur, Mr. Nichols, Mr. Cowper, Mr. Holroyd, and Mr. Martin, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council.
- Debate ensued;—
- And Mr. Parkes having required that the proposed Committee be appointed by Ballot,—
- Question (1).—That a Standing Orders Committee be appointed for the present Session, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council—put and passed.
- Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed, viz.: Mr. Donaldson, Mr. Cowper, Mr. Parker, Mr. Martin, Mr. Holroyd, The Speaker, Mr. Plunkett, Mr. Nichols, Mr. Macarthur, and Mr. Manning.

VOTES No. 60. WEDNESDAY, 17 DECEMBER, 1856.

16. Transmission of Messages between the two Houses:—On motion of Mr. Parker were referred to the Standing Orders Committee, the following Resolutions communicated by the Legislative Council, in its Message of the 10th instant, for concurrence of this House, viz.:—
- “ That this Council is willing to concur with the Legislative Assembly, if it shall think fit, in the following arrangement for the transmission of Messages from the one House to the other, viz.:—That, in addition to the mode prescribed by the present Standing Orders, with regard to Messages between this Council and the Assembly, one of the Clerks of either House may be the bearer of Messages from the one to the other. And that Messages so sent be received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst it is sitting, or in Committee, without interrupting the business then proceeding.”

VOTES No. 78. TUESDAY, 27 JANUARY, 1857.

5. Transmission of Messages between the two Houses:—Mr. Parker, on behalf of the Chairman, brought up the Report from the Standing Orders Committee, on the Resolutions in reference to the transmission of Messages between the two Houses, communicated by the Legislative Council, in its Message of the 10th December last, for concurrence of this House, which were, on the 17th of the same month, referred to the said Committee.
- Ordered to be printed, and taken into consideration to-morrow.

1857.

NEW SOUTH WALES.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

TRANSMISSION OF MESSAGES BETWEEN THE TWO HOUSES.

THE Standing Orders Committee,—to whom were referred, on the 17th December last, the Resolutions respecting the transmission of Messages between the two Houses, communicated by the Legislative Council, in its Message of the 10th of the same month, for concurrence of the Legislative Assembly,—have agreed to the following Report:—

Your Committee, having considered the Resolutions so referred to them, beg now to recommend the following Resolutions, incorporating the same, for adoption by your Honorable House:—

1. That this House doth agree with the Legislative Council in its Resolutions respecting the transmission of Messages between the two Houses, which are as follow:—

(1.) That, in addition to the mode provided by the present Standing Orders with regard to Messages between the two Houses, one of the Clerks of either House may be the bearer of Messages from the one to the other.

(2.) That Messages so sent be received at the Bar by one of the Clerks of the House to which they are sent, at any time whilst such House is sitting or in Committee, without interrupting the business then proceeding.

2. That it be the duty of the Clerk to communicate every Message so received, at the earliest opportunity without interrupting the Public Business, to the Speaker, by whom it shall be made known to the House.

3. That the foregoing Resolutions do stand as a Sessional Order of this House for the present Session.

DANIEL COOPER,
Chairman.

Legislative Assembly Chamber,
Sydney, 27 January, 1857.

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 manual and automated processes. The goal is to ensure that the information is both reliable and up-to-date.

The third part of the document provides a detailed breakdown of the results. It shows that there has been a significant increase in sales over the period covered. This is attributed to several factors, including improved marketing strategies and better customer service.

Finally, the document concludes with a series of recommendations for future actions. It suggests that the company should continue to invest in research and development to stay ahead of the competition. Additionally, it recommends regular audits to ensure ongoing compliance with all relevant regulations.

1857.

NEW SOUTH WALES.

Legislative Assembly.

THE MODE OF COUNTING THE HOUSE.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

THE MODE OF COUNTING THE HOUSE.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3 February, 1857.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,

PHILLIP-STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 8. TUESDAY, 3 JUNE, 1856.

5. Standing Orders Committee:—Mr. Donaldson moved, pursuant to *amended* notice, That the Standing Orders Committee for the present Session consist of the following Members, viz.:—The Speaker, Mr. Donaldson, Mr. Plunkett, Mr. Manning, Mr. Parker, Mr. James Macarthur, Mr. Nichols, Mr. Cowper, Mr. Holroyd, and Mr. Martin, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council.
Debate ensued;—
And Mr. Parkes having required that the proposed Committee be appointed by Ballot,—
Question (1)—That a Standing Orders Committee be appointed for the present Session, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council—put and passed.
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed, viz.:—Mr. Donaldson, Mr. Cowper, Mr. Parker, Mr. Martin, Mr. Holroyd, The Speaker, Mr. Plunkett, Mr. Nichols, Mr. Macarthur, and Mr. Manning.

VOTES No. 74. TUESDAY, 20 JANUARY, 1857.

11. Quorum of Members:—Mr. Robertson moved, pursuant to notice, (*as by consent amended*), That the following Question be referred to the Standing Orders Committee, for consideration and report thereon:—That it be resolved, that whenever, upon the Speaker taking the Chair at the expiration of half an hour after the time appointed for the meeting of the House, it shall appear that a Quorum of Members is not present, and whenever, after the commencement of the business of the day, notice is taken that there is not a Quorum of Members present, a bell shall be rung, and the Speaker shall not adjourn the House unless, at the expiration of five minutes afterwards, a Quorum shall not be present.
Debate ensued,—

And the House having continued to sit till after midnight;—

WEDNESDAY, 21 JANUARY, 1857.

Question put and passed.

VOTES No. 80. THURSDAY, 29 JANUARY, 1857.

16. Standing Orders Committee:—Mr. Parker moved, pursuant to notice, That Mr. Jones be a Member of the Standing Orders Committee.
Question put and passed.

VOTES No. 82. TUESDAY, 3 FEBRUARY, 1857.

23. Quorum of Members:—Mr. Parker, on behalf of the Chairman, brought up the Report from the Standing Orders Committee, on the proposed Question respecting the mode of Counting the House, referred for their consideration and Report on the 20th January last.
Ordered to be printed, and taken into consideration to-morrow.

1857.

NEW SOUTH WALES.

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

THE MODE OF COUNTING THE HOUSE.

THE STANDING ORDERS COMMITTEE, for whose consideration and report was referred, on the 20th January last, the proposed Question, "That it be resolved, that, whenever, upon the Speaker taking the Chair at the expiration of half an hour after the time appointed for the meeting of the House, it shall appear that a Quorum of Members is not present, and whenever, after the commencement of the Business of the Day, notice is taken that there is not a Quorum of Members present, a Bell shall be rung, and the Speaker shall not adjourn the House, unless, at the expiration of five minutes afterwards, a Quorum shall not be present,"—have agreed to the following Report:—

As regards the first proposition in the Question so referred to them, your Committee are of opinion that its adoption would be in direct contravention of the 3rd section of the Standing Orders; but, in the second proposition in such Question, your Committee so far concur as to recommend your Honorable House to adopt the following Resolution founded thereon, viz. :—

Resolved, That it be a Sessional Order of this House, that whenever, after the commencement of the Business of the Day, notice is taken that there is not a Quorum of Members present, the Sergeant-at-Arms, by direction of the Speaker, shall ring the Division Bell before the Speaker shall proceed to count the House.

DANIEL COOPER,

Chairman.

*Legislative Assembly Chamber,**Sydney, 3 February, 1857.*

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1857.

NEW SOUTH WALES.

Legislative Assembly.

"SYDNEY MUNICIPAL COUNCIL BILL."

REPORT

FROM

THE STANDING ORDERS COMMITTEE

ON

"SYDNEY MUNICIPAL COUNCIL BILL."

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
10 March, 1857.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 99. THURSDAY, 5 MARCH, 1857.

6. Sydney Municipal Council Bill :—The Speaker reported, that during the Debate on the motion for the second reading of the Assessment on Stock Act Continuation Bill, the following Message was received from the Legislative Council :—

MR. SPEAKER,

The Legislative Council having referred to their Standing Orders Committee the Message from the Legislative Assembly (dated the 24th, and received the 25th ultimo), with further amendments upon the amendments made by the Council on the "Sydney Municipal Council Bill;" with instructions to consider and report the proper course to be now pursued with respect to the Bill; having reference to the Standing Rules and Orders of Proceedings of this House, and to the practice of the Imperial Parliament in analogous cases,—have received from the Committee the following Report, viz. :—

"This Committee having taken into consideration the questions submitted to them, and having referred both to May's Practice of Parliament and to various precedents in the Journals of the House of Commons, have the honor to report as follows.

"For greater convenience of reference, they have numbered the amendments proposed by the Assembly on the Council's amendments from 1 to 14 inclusive.

"With respect to amendments 5, 6, and 7, they see no objection, in point of form, to their being entertained by the Council.

"With respect to amendments 1, 3, 8, and 9, although they find that in analogous cases reasons have been assigned by the Commons in returning Bills to the Lords, they are of opinion that it may be possible, by some latitude of construction, to regard them as falling under the head of amendments consequent upon amendments made by this House; and, considered in this point of view, might be entertained.

"With respect to the amendments, 2, 4, 10, 11, 12, 13, and 14, which are clear and unmistakable disagreements to amendments proposed by the Council, the Committee consider that the Council is imperatively precluded by the rules and usage of Parliament, and their own Standing Orders, founded thereon, from entertaining them, unless the Council be furnished, by Message, or, in conference, with the reasons of the Assembly for their disagreement."

The Council having adopted that Report, begs, for the reasons embodied therein, to signify its inability to entertain such portion of the Assembly's amendments as involves a disagreement with the amendments made by the Council, unless the Council be furnished, by Message, or, in conference, with the reasons of the Assembly for their disagreement.

J. H. PLUNKETT,
President.

*Legislative Council Chamber,
Sydney, 5 March, 1857.*

Mr. Parker then moved, That this Message be referred to the Standing Orders Committee, with an Instruction to that Committee to report whether, in their opinion, reasons ought to be given by this House for its disagreement to the amendments made by the Legislative Council in the Sydney Municipal Council Bill;—and, if it should be their opinion that reasons ought to be given, to prepare and report the reasons they would recommend this House to give.

Question put and passed.

VOTES No. 102. TUESDAY, 10 MARCH, 1857.

3. Sydney Municipal Council Bill :—Mr. Parker, on behalf of the Chairman, brought up the Report of the Standing Orders Committee on the Legislative Council's Message of the 5th instant, respecting the disagreement of this House to certain Amendments made in this Bill by the Legislative Council, which was referred to that Committee on the same day,—

And it being required that the Report be read, the Clerk read the same at length by order of the Speaker.

Ordered to be printed.

Mr. Parker then moved, that this House do now adopt the Report as read.

Question put and passed;—

Whereupon Mr. Parker moved, That the following Message be carried to the Legislative Council :—

In answer to the Message of the Legislative Council, dated 5th March, instant, the Legislative Assembly begs to assign the following reasons for its disagreement to the Amendments made by the Legislative Council in the Sydney Municipal Council Bill, which are numbered in the said Message 2, 4, 10, 11, 12, 13, and 14, viz. :—
(vide Report, page 3.)

* * * * *

Question put and passed.

1857.

 SYDNEY MUNICIPAL COUNCIL BILL.

 REPORT

THE STANDING ORDERS COMMITTEE, to whom was referred, on the 5th instant, the Message of the Legislative Council of that date, with an instruction to report whether, in their opinion, reasons ought to be given for disagreeing to the Amendments made by the Legislative Council in the Sydney Municipal Council Bill; and, if it should be their opinion that reasons ought to be given, to prepare and report the reasons they would recommend your Honorable House to give,—have agreed to the following Report:—

(1.) That it is, unquestionably, yet the practice of the Imperial Parliament, where one House disagrees to Amendments made in a Bill by the other, to communicate by Message to that other, its reasons for such disagreement.

(2.) That this course was not followed in the case of the Sydney Municipal Council Bill, only because it was thought more desirable, in the outset, to dispense with such reasons in all cases except those in which they should be demanded by the House whose Amendments have been disagreed to,—an economy of time and labor, which, in the opinion of your Committee, would be quite within the spirit of the Standing Orders, which ought not to be considered as binding your Honorable House to the observance of the non-essential in any form or practice of the Imperial Parliament.

(3.) That your Honorable House ought, therefore, in the opinion of your Committee, to comply with the request of the Legislative Council, and assign reasons for disagreeing to its Amendments in the said Bill, and communicate the same by Message.

(4.) That the reasons your Committee would recommend your Honorable House so to assign for disagreeing to the Amendments numbered, in the said Message, 2, 4, 10, 11, 12, 13, and 14, are as follow:—

2. The Legislative Assembly disagrees to so much of the clause proposed by the Legislative Council to stand clause *.* 13 of the Bill as includes the words “or a Minister of any Religious Denomination,” because, to retain those words would be an unnecessary restraint upon the choice of the body of Citizens.

4. The Legislative Assembly disagrees to the Amendment made by the Legislative Council which proposes the omission of clause 16, and the substitution of proposed clause *.* 17, because, the provision in clause 16, for determining the mode in which Aldermen shall annually retire from office is capable of uniform application to all cases, whether the election of the retiring Aldermen may have been contested or not, whilst the corresponding provision in the proposed clause would be inapplicable to cases where the retiring Aldermen had been returned without a contest.

10. The Legislative Assembly proposes to add after the two first words “Provided that” in the clause proposed by the Legislative Council to stand clause *.* 47 of the Bill, the words “no Minister of any Religious Denomination and,” because, whilst it would not disable Ministers of Religion to serve, it would nevertheless protect them from penalty for declining to serve these Offices.

The

The Legislative Assembly disagrees to so much of the said proposed clause as contains the words, "or paid the fine for not accepting such office," before the words "within five years," and proposes to add, after the word "elected," the words, "or shall have paid the fine for not accepting such office within the same period," because, these words there placed carry out more clearly the intention of both Houses.

11. The Legislative Assembly disagrees to the Amendment made by the Legislative Council in clause 49, page 8, line 26, by adding the words, "an Officer of Health and such" after "Treasurer," because, the Corporate Body has power under the clause to appoint such an officer at any time it shall in its discretion see fit, and it was not thought expedient to fetter that discretion.

12. The Legislative Assembly disagrees to the other Amendment made by the Legislative Council in clause 49, page 8, line 31, by adding after the word "whatever" at the end, the words, "excepting such portions of penalties or fines as may be awarded to any such officer, or he may be otherwise entitled to by law," because these words involve an interference with the money part of the clause, and because they are unnecessary, inasmuch as they would give to the officers and servants of the Corporation no more than they would by law be entitled to without them.

13. The Legislative Assembly disagrees to the Amendment made by the Legislative Council, by the addition of the proposed clause * * * 53, because, having disagreed to the Amendment by which it was sought to make it compulsory on the Corporation to appoint a Health Officer, this proposed clause, which relates exclusively to that appointment, is unnecessary.

14. The Legislative Assembly disagrees to the Amendments made by the Legislative Council in clause 52, page 8, line 55, by the omission of the word "Aldermen," because the Assembly had agreed that the office of Alderman ought to be a paid office.

DANIEL COOPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 10 March, 1857.*

1856.

NEW SOUTH WALES.

Legislative Assembly.

PARLIAMENTARY LIBRARY.

REPORT

FROM

THE LIBRARY COMMITTEE

OF THE

LEGISLATIVE ASSEMBLY.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

12 December, 1856.

Sydney:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1856.

1856.

 PARLIAMENTARY LIBRARY.

 REPORT.

THE LIBRARY COMMITTEE of the Legislative Assembly, appointed on the 3rd June last, have agreed to make the following Report:—

Your Committee beg to report to your Honorable House that the requirement of the Legislative Council, in regard to a suitable Library, has formed the subject of two Conferences between this Committee and the Library Committee of that Honorable House.

The first of these Conferences was held on the 20th August last, and ended in the adoption of a Resolution to the effect, that a separate Library should, as soon as practicable, be provided for the use of the Legislative Council, and that, in the meantime, the Members of that Honorable House should have the use of the Books in the Library, and of No. 1 Committee Room as a Reading Room.

The second Conference was held on the 25th ultimo, for the purpose of re-considering the said Resolution, and ended in the adoption of the Resolutions following:—

- 1st.—That the collection of Standard Works belonging to the Library of the late Legislative Council be made available for the use of both Houses, and be appropriated accordingly, as their joint property.
- 2nd.—That the Periodical Works and Books of Reference which it contains be appropriated to the use of the Legislative Assembly, any duplicates that can be spared being handed over for the use of the Members of the Legislative Council.
- 3rd.—That, as already proposed, the room at the south end of the Assembly buildings, known as Committee Room No. 1, be appropriated as a Reading Room for the Legislative Council.
- 4th.—That the proper measures be adopted for placing on the Estimates a sufficient sum to provide the necessary Periodicals and Books of Reference for the use of the Members of the Legislative Council.
- 5th.—That the present Library Room be exclusively reserved as a Reading Room for the use of the Members of the Legislative Assembly, but that the Standard Works which it contains be accessible to the Members of both Houses, on requisition to the Librarian, in the usual manner.
- 6th.—That, pending the procuring of the necessary Books of Reference for the Reading Room of the Council, those now in the present Library be also accessible to the Members of the Council.

And your Committee, concurring therein, would now recommend their adoption by your Honorable House.

DANIEL COOPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 12 December, 1856.*

1857.

NEW SOUTH WALES.

PROPOSED LIBRARY ARRANGEMENTS.

Ordered by the Legislative Assembly to be Printed, 16 January, 1857.

Mr. Speaker,

The Legislative Council having this day agreed to the Resolutions, of which a Copy is sent herewith, requests the concurrence of the Legislative Assembly in the appointment of a Joint Committee, for the purposes expressed in those Resolutions.

ALFRED STEPHEN,
President.

*Legislative Council Chamber,
Sydney, 9 January, 1857.*

- (1.) That, in the opinion of this House, it is desirable that arrangements should be made for the establishment of a general Library for the use, equally, of the Members of both Houses.
- (2.) That, in addition to such Library, separate Reading Rooms, supplied with Periodicals and Books of Reference, should be provided for the use of Members of the Assembly and of the Council, respectively.
- (3.) That proper measures should be adopted for placing on the Estimates a sufficient sum to provide Books for such general Library, and the necessary Periodicals and Books of Reference.
- (4.) That, until the above arrangements be carried out, the Books in the Library should be used jointly by Members of both Houses, and the Room at present occupied for the purposes of a Library continue to be used as a Reading Room for the Assembly; a separate room adjoining the Council Chamber being in the mean time set apart as a Reading Room for the Members of this House.
- (5.) That the appointment of a joint Committee of this House and the Legislative Assembly is desirable, for the purposes for which a Library Committee is usually appointed.
- (6.) That if the appointment of such Committee be agreed to by the Assembly, this Council will appoint Seven Members of the House to serve thereon.
- (7.) That these Resolutions be communicated to the Legislative Assembly, with a request that that House will agree to the appointment of such joint Committee.

WM. MACPHERSON.
9th January, 1857.

1857.

NEW SOUTH WALES.

Legislative Assembly.

PROPOSED LIBRARY ARRANGEMENTS.

REPORT

FROM

THE LIBRARY COMMITTEE

ON

PROPOSED LIBRARY ARRANGEMENTS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

3^d February, 1857.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP-STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF
THE LEGISLATIVE ASSEMBLY.

VOTES, No. 8. TUESDAY, 3 JUNE, 1856.

6. Library Committee:—Mr. Donaldson moved, pursuant to *amended* notice, That the Library Committee for the present Session consist of the following Members, viz. :—The Speaker, Mr. Donaldson, Mr. Parker, Mr. Plunkett, Mr. James Macarthur, Mr. Scott, Mr. Cowper, Mr. Nichols, Mr. Martin, and Mr. Garland, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council.
Debate ensued,—
And Mr. Campbell having required that the proposed Committee be appointed by Ballot—
Question—(1.) That a Library Committee be appointed for the present Session, with leave to sit during any adjournment, and authority to confer, upon subjects of mutual concernment, with any Committee appointed for similar purposes by the Legislative Council—put and passed ;—
Whereupon the House proceeded to the Ballot, and the Speaker declared the following Members to be the Committee duly appointed, viz. : Mr. Donaldson, The Speaker, Mr. Scott, Mr. Martin, Mr. Garland, Mr. Cowper, Mr. Jones, Mr. Parker, Mr. Macarthur, and Mr. Arnold.

VOTES, No. 78. TUESDAY, 27 JANUARY, 1857.

12. Proposed Library Arrangements:—On the Order of the Day being read for the consideration of the Legislative Council's Message respecting certain proposed Library arrangements,—
Mr. Parker moved, That there be referred to the Library Committee the Message of the Legislative Council, of the 16th instant, requesting the concurrence of this House in the appointment of a Joint Committee, for the purposes expressed in the following Resolutions agreed to by the Legislative Council, viz. :—
“(1.) That, in the opinion of this House, it is desirable that arrangements should be made for the establishment of a general Library for the use, equally, of the Members of both Houses.
“(2.) That, in addition to such Library, separate Reading Rooms, supplied with Periodicals and Books of Reference, should be provided for the use of Members of the Assembly and of the Council, respectively.
“(3.) That proper measures should be adopted for placing on the Estimates a sufficient sum to provide Books for such general Library, and the necessary Periodicals and Books of Reference.
“(4.) That, until the above arrangements be carried out, the Books in the Library should be used jointly by Members of both Houses, and the Room at present occupied for the purposes of a Library continue to be used as a Reading Room for the Assembly; a separate room adjoining the Council Chamber being, in the mean time, set apart as a Reading Room for the Members of this House.
“(5.) That the appointment of a Joint Committee of this House and the Legislative Assembly is desirable, for the purposes for which a Library Committee is usually appointed.
“(6.) That, if the appointment of such Committee be agreed to by the Assembly, this Council will appoint Seven Members of the House to serve thereon.
“(7.) That these Resolutions be communicated to the Legislative Assembly, with a request that that House will agree to the appointment of such Joint Committee.”
Question put and passed.

VOTES, No. 82. TUESDAY, 3 FEBRUARY, 1857.

4. Proposed Library Arrangements:—Mr. Cowper, on behalf of the Chairman, brought up the Report from the Library Committee on the Message of the Legislative Council, of the 9th of the same month, and accompanying Resolutions in reference to certain proposed Library Arrangements, which were referred to that Committee on the 27th January last.
Ordered to be printed, and taken into consideration on Friday next.

1857.

NEW SOUTH WALES.

REPORT

FROM

THE LIBRARY COMMITTEE

ON CERTAIN

PROPOSED LIBRARY ARRANGEMENTS.

THE LIBRARY COMMITTEE, to whom were referred, on the 27th January last, certain Resolutions of the Legislative Council respecting some proposed Library Arrangements, which accompanied its Message of the 9th of the same month, in which it requests the concurrence of the Legislative Assembly in the appointment of a Joint Committee "for the purposes expressed in such Resolutions," have agreed to the following Report:—

Your Committee finding, upon consideration of the Message and Resolutions so referred to them, that the Legislative Council requests the concurrence of your Honorable House, not in their Resolutions, but only in the appointment of a Joint Committee "for the purposes expressed in those Resolutions," have no alternative but to recommend that the Legislative Council be acquainted by Message that your Honorable House cannot, consistently with Parliamentary usage, agree to the appointment of a Joint Committee to carry out Resolutions in which the concurrence of your Honorable House has not been requested.

DANIEL COOPER,

Chairman.

*Legislative Assembly Chamber,**Sydney, 3 February, 1857.*

1771

1857.

NEW SOUTH WALES.

Legislative Assembly.

PROPOSED LIBRARY ARRANGEMENTS.

SECOND REPORT

FROM

THE LIBRARY COMMITTEE

ON

PROPOSED LIBRARY ARRANGEMENTS.

*ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
13 March, 1857.*

SYDNEY:
PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP STREET.

1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES, No. 78. TUESDAY, 27 JANUARY, 1857.

12. Proposed Library Arrangements:—On the Order of the Day being read for the consideration of the Legislative Council's Message respecting certain proposed Library arrangements,—

Mr. Parker moved, That there be referred to the Library Committee the Message of the Legislative Council of the 16th instant, requesting the concurrence of this House in the appointment of a Joint Committee, for the purposes expressed in the following Resolutions agreed to by the Legislative Council, viz:—

“(1.) That, in the opinion of this House, it is desirable that arrangements should be made for the establishment of a general Library, for the use, equally, of the Members of both Houses.

“(2.) That, in addition to such Library, Separate Reading Rooms, supplied with Periodicals and Books of Reference, should be provided for the use of Members of the Assembly and of the Council, respectively.

“(3.) That proper measures should be adopted for placing on the Estimates a sufficient sum to provide Books for such general Library, and the necessary Periodicals and Books of Reference.

“(4.) That, until the above arrangements be carried out, the Books in the Library should be used jointly by Members of both Houses, and the Room at present occupied for the purposes of a Library continue to be used as a Reading Room for the Assembly; a separate Room, adjoining the Council Chamber being, in the mean time, set apart as a Reading Room for the Members of this House.

“(5.) That the appointment of a Joint Committee of this House and the Legislative Assembly is desirable, for the purposes for which a Library Committee is usually appointed.

“(6.) That, if the appointment of such Committee be agreed to by the Assembly, this Council will appoint seven Members of the House to serve thereon.

“(7.) That these Resolutions be communicated to the Legislative Assembly, with a request that that House will agree to the appointment of such Joint Committee.”

Question put and passed.

VOTES, No. 82. TUESDAY, 3 FEBRUARY, 1857.

4. Proposed Library Arrangements:—Mr. Cowper, on behalf of the Chairman, brought up the Report from the Library Committee on the Message of the Legislative Council, of the 9th of the same month, and accompanying Resolutions in reference to certain proposed Library Arrangements, which were referred to that Committee on the 27th January last.

Ordered to be printed, and taken into consideration on Friday next.

VOTES No. 85. FRIDAY, 6 FEBRUARY, 1857.

9. Proposed Library Arrangements:—Mr. Cowper moved, That the Report of the Library Committee on the Message of the Legislative Council of the 9th January last, in reference to certain proposed Library Arrangements, be now adopted.

Question put and passed;—

Whereupon Mr. Cowper moved, That the following Message be carried to the Legislative Council;—

The Legislative Assembly begs to acquaint the Legislative Council, in answer to its Message of the 9th January last, in which it requests the concurrence of the Legislative Assembly in the appointment of a Joint Committee for the purposes expressed in certain Resolutions of the Legislative Council respecting some proposed Library arrangement, that it cannot, consistently with Parliamentary usage, concur in the appointment of a Joint Committee to carry out Resolutions in which its concurrence has not been requested and given.

*Legislative Assembly Chamber,
Sydney, 6 February, 1857.*

Speaker.

VOTES No. 90. THURSDAY, 18 FEBRUARY, 1857.

9. Messages:—The Speaker reported that while the House was in Committee of Supply, the following Messages were received from the Legislative Council.

(1.) * * * * *

(2.) Proposed Library Arrangements:—

Mr. Speaker,

The Legislative Council begs to communicate to the Legislative Assembly the following Resolutions, and requests the concurrence of that House therein, and, in the

the event of the same being agreed to, the appointment of a Joint Committee for the purposes named therein :—

(1.) That, in the opinion of this House, it is desirable that arrangements should be made for the establishment of a General Library, for the use of the Members of both Houses

(2.) That, in addition to such Library, separate Reading Rooms, supplied with periodicals and books of reference, should be provided for the use of Members of the Assembly and Council, respectively.

(3.) That proper measures should be adopted, for placing on the Estimates a sufficient sum to provide books for such General Library and the necessary periodicals and books of reference.

(4.) That until the above arrangements shall be carried out, the books in the Library be used jointly by Members of both Houses.

(5.) That the appointment of a Joint Committee of this House and the Legislative Assembly is desirable, for the purposes for which a Library Committee is usually appointed.

(6.) That if the appointment of such Committee be agreed to by the Assembly, this House will appoint seven Members of the House to serve thereon.

J. H. PLUNKETT,
President.

*Legislative Council Chamber,
Sydney, 12 February, 1857.*

Referred, on motion of Mr. Parker, for consideration and report of the Library Committee.

* * * * *

VOTES No. 105. FRIDAY, 13 MARCH, 1857.

3. Proposed Library Arrangements :—Mr. Cowper having, on behalf of the Chairman, brought up the Report of the Library Committee, on the Message of the Legislative Council of 12th February last, in reference to certain proposed Library arrangements which was referred to that Committee on the 18th February last,—the same was by the Clerk read at length by order of the Speaker.

Mr. Cowper then moved,—That the Report, as read, be now adopted by this House. Debate ensued.

Question put and passed.

Mr. Cowper moved,—That the Report be printed.

Question put and passed.

Ordered to be printed.

Mr. Cowper then moved,—That the following Message be carried to the Legislative Council :—

The Legislative Assembly being of opinion that it is most undesirable either to disturb the present arrangement of the Buildings appropriated to the two Houses of Legislature, or to make any addition to them, but such as may be absolutely indispensable, temporarily, and inexpensively, to meet some pressing emergency, begs to communicate to the Legislative Council, for its concurrence, the following Resolutions in lieu of those communicated to this House for concurrence, by its Message of 12th February last, viz. :—

That a Building be erected, according to the accompanying Plan, at the back of Committee Room No. 1, the basement floor of which shall communicate with the Legislative Council Chamber, in the same manner as the present Library communicates with the Legislative Assembly Chamber, and shall be appropriately fitted up as a Reading Room and Library for use of the Legislative Council.

(2.) That the floor over this be appropriated as a Committee Room and Shorthand Writers' Office for use of the Legislative Assembly.

(3.) That half the Books, Periodicals, and Works of Reference in the present Library be transferred to the shelves of the Legislative Council Library, with the distinct understanding that the Members of each House shall be at liberty to use the Books, Periodicals, and Works of Reference in either Library.

(4.) That an Assistant Librarian be placed in the Legislative Council Library to carry out this arrangement, in correspondence with the Librarian to be continued in the Legislative Assembly Library.

(5.) That the annual vote of £300, to provide Books for the present Library be increased to £450, to provide Books for both Libraries.

(6.) That it be a Sessional Order that the Library Committee of the Legislative Assembly have powers, by a Sub-Committee or otherwise, to confer and act with the Library Committee of the Legislative Council in all matters relating to one or both of the Libraries.

*Legislative Assembly Chamber,
Sydney, 13 March, 1857.*

Speaker.

Debate ensued.

Question put.

The House divided.

Ayes, 19.

Noes, 8.

1857.

PROPOSED LIBRARY ARRANGEMENTS.

SECOND REPORT.

THE LIBRARY COMMITTEE of the Legislative Assembly, to whom was referred, on the 18th February last, the Message of the Legislative Council of the 12th February last, communicating Resolutions in reference to certain proposed Library Arrangements, in which it requests the concurrence of the Legislative Assembly, have agreed to the following Report :—

Your Committee having had under consideration the Message and Resolutions so referred to them, and having had several plans submitted to them, shewing various modes by which increased accommodation for Library and other purposes might be obtained, and having also had under consideration the estimated cost of those several modes, as well as the sums already expended in temporarily adapting the present Buildings to the immediate exigencies of the two Houses, have come to the conclusion that it is altogether inexpedient to enter upon any expensive work, such as a Room calculated to serve as a General Library for both Houses, unless in connexion with a new suite of Buildings.

Your Committee have, however, approved of a plan which will secure such additional temporary accommodation for Library and other purposes, at a comparatively small cost, as may, in their opinion, meet the necessities of both Houses for a year or two longer, in the hope that the next outlay of public money in this direction, will be upon permanent Buildings, of a character to reflect credit upon the Colony, and afford convenient and healthful accommodation to its Legislature.

The plan adopted by your Committee shews a new Building in rear of Committee-Room No. 1, the basement floor of which communicates with the Legislative Council Chamber, as the present Library communicates with the Legislative Assembly Chamber, forming a Library and Reading Room for the Legislative Council; and over it is a Committee Room and Short-hand Writers' Office, communicating with the balcony, for the accommodation of your Honorable House,—at an estimated cost of £850.

Your Committee were governed in their choice of this plan, by the consideration that your Honorable House is rather in need of additional Committee accommodation, than in a position to yield up any portion of that which you already possess.

Your Committee are of opinion, that if half the Books, Periodicals, and Works of Reference in the present Library, be transferred to the shelves of the Legislative Council Library, with the distinct understanding that the Members of each House shall be at liberty to use the Books in either Library, and an Assistant Librarian be placed in the Legislative Council Library to carry out this arrangement in correspondence with the Librarian to be continued in the Library attached to your Honorable House, and the present annual vote of £300 to provide Books for the Library, be increased to £450 to provide Books for both Libraries, that the convenience of both Houses, in regard to Library arrangements, will have been sufficiently consulted, until, by the erection of a new suite of Buildings, more complete arrangements can be made.

Your

Your Committee are further of opinion, that the appointment of a Joint Library Committee of the two Houses will not be necessary, if these arrangements be carried out, especially as it will be competent to your Committee, to confer with the Committee of the Legislative Council, on matters of mutual concernment, under the power conferred, in that behalf, by your Honorable House, on 3rd June last.

Before leaving this branch of the matter referred to them, your Committee desire to acquaint your Honorable House, that in consequence of the very inadequate and unhealthy quarters allotted to the Librarian, and the absence of all provision whatsoever for the Messengers in attendance upon your Honorable House, who are frequently exposed to wet, and have no place in which to dry or change their clothes, they have adopted a plan, shewing three rooms to be added to the Librarian's Quarters, at an estimated cost of £460, and one detached room to be appropriated for use of the Messengers, at an estimated cost of £100, bringing the cost of all the additions your Committee would recommend to be made to the present Buildings, under almost any circumstances, to the sum of £1,410.

It now only remains to your Committee to suggest to your Honorable House, that the substance of such of these recommendations as relate to the proposed Library Arrangements be communicated, by Message, to the Legislative Council, for its concurrence, in lieu of the Resolutions communicated by the Legislative Council, for concurrence of your Honorable House, in its said Message of 12th February last.

DANIEL COOPER,
Chairman.

*Legislative Assembly Chamber,
Sydney, 13 March, 1857.*

1857.

NEW SOUTH WALES.

LEGISLATIVE COUNCIL AND ASSEMBLY BUILDINGS.

(EXPENDITURE UPON SINCE 1843.)

Ordered by the Legislative Assembly to be Printed, 13 March, 1857.

RETURN to an *Order* from the Honorable the Legislative Assembly, dated 4 March, 1857, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table of the House,—

“ (1.) A Return of all moneys expended on the Buildings at
 “ present in use by the Legislative Council and Legislative
 “ Assembly, including moneys expended on additions, altera-
 “ tions, and repairs to the said Buildings, from 1st January,
 “ 1843, to 1st March, 1857, and specifying the Expenditure in
 “ each year.

“ (2.) A Return of the unexpended balance of the sum of
 “ £15,000, voted in 1855, for additions, alterations, and repairs
 “ to the same Buildings.

“ (3.) An account of the manner in which the said sum of
 “ £15,000, or any part of it, has been expended.”

LEGISLATIVE COUNCIL AND ASSEMBLY BUILDINGS.

(No. 1.)

A RETURN of all Moneys expended on the Buildings at present in use by the Legislative Council and Legislative Assembly, from 1st January, 1843, to 28th February, 1857, specifying the Expenditure in each year.

AMOUNT EXPENDED IN						TOTAL.
1843	...	...	...	...	£2,850	5 0
1844	...	...	...	...	258	8 9
1845	...	...	...	...	260	19 9
1846	...	...	...	...	254	1 1
1847	...	...	...	...	97	0 4
1848	...	...	...	...	99	16 9
1849	...	...	...	...	224	3 9
1850	...	...	...	...	117	2 10
1851	...	...	...	...	78	8 3
1852	...	...	...	...	441	10 2
1853	...	...	...	...	300	6 1
1854	...	...	...	...	642	1 1
1855	...	...	...	...	1,233	16 6
1856	...	...	...	...	9,571	4 6
1857	...	...	...	...	1,425	0 6
						17,854 5 4

Audit Office, Sydney, New South Wales,
13 March, 1857.

W. C. MAYNE,
Auditor General.

(No. 2.)

A RETURN of the Expenditure out of the sum of £15,000 voted in 1855 for Additions, Alterations, and Repairs to the Legislative Council and Assembly Buildings, and of the Balance remaining unexpended on the 28th February, 1857.

PARTICULARS OF EXPENSE.	AMOUNT.	TOTAL.
Purchase of Iron Building	1,835 0 0	
Cash paid T. Spence on account of his contract } for works	4,000 0 0	
Expenditure incurred under the direction of the } Colonial Architect	4,572 5 2	
Furniture supplied by A. Lenehan and T. Sly	631 19 10	
Advertisements.....	2 15 6	
		10,942 0 6
Balance remaining unexpended		4,057 19 6
	Total.....£	15,000 0 0

Audit Office, Sydney, New South Wales,
13 March, 1857.

W. C. MAYNE,
Auditor General.

1856.

NEW SOUTH WALES.

ADMINISTRATIVE ARRANGEMENTS.

Ordered by the Legislative Assembly to be Printed, 30 October, 1856.

E. DEAS THOMSON, ESQUIRE, to HIS EXCELLENCY THE GOVERNOR GENERAL.

*Barham,
Sydney, 2 July, 1856.*

SIR,

In obedience to your Excellency's request, as conveyed to me in your letter of the 24th ultimo, I have the honor to submit for your consideration the following suggestions for the division of the Cabinet or Administration, under Responsible Government, into different Ministerial Departments, and the distribution of the public business amongst them.

2. In undertaking this important task, I feel no little diffidence in my ability to propose such a plan as will be found, upon mature consideration, to be entirely free from objection, or calculated to stand the test of practical operation. It is no easy matter to adapt the machinery of Government to the altered form necessary under the New Constitution, so as to make it work at once harmoniously and satisfactorily. There must necessarily be a period of transition, during which inconvenience will be more or less experienced. Having no longer access to those sources of official information and documents so necessary for a large and comprehensive view of the intricate and difficult questions involved, I fear that my proposals may be found in some respects crude and undigested. It is true that, in the expectation at one time of this duty devolving upon me as a Member of the New Administration, I had put together some rough notes on the subject, but I had not reduced them into such a shape as to be either satisfactory to myself, or easily intelligible to others. I am well aware that it is scarcely possible for any one mind to grasp the whole of this important subject in all its bearings, direct and indirect, and that it is only by the rude test of experience that the matter can be finally and satisfactorily settled and adjusted. It was my intention, if I had been a Member of the new Administration, to have proposed that the subject should have been submitted to a Commission of experienced Officers of the Government, selected from the different departments, and intimately acquainted with all the details of the public business. I should scarcely have presumed to have taken upon myself the task without such assistance, notwithstanding my long experience in official matters. Your Excellency has, however, in such very flattering terms, sought my assistance in the matter, that I feel that I should ill perform my promise to you, or my duty to the Colony, which has placed me under such deep obligations, if I failed to give the subject my most earnest and attentive consideration, and to submit the result for Your Excellency's better judgment.

3. It appears to me that the subject will be better understood if I first explain the general principles which have guided me in proposing the division of the Administration, and the distribution of the public business amongst the different Ministers composing it. It is necessary, of course, that the business of the Government should be so arranged that none but such as is of a homogeneous character should be assigned to any Minister. A difficulty no doubt exists in determining in some instances to which of the Ministers particular Departments should be attached, the duties appertaining to them not exclusively belonging to any one section of the Ministerial Divisions. In such cases, I have endeavored to adopt the arrangement which seemed to promise to work most conveniently for the public service. It is also requisite that the subordinate Departments should be charged with the transaction of details, so that in the changes of Administration which may from time to time take place under the new form of Legislative Responsibility, the machinery of Government should never be liable to be stopped or impeded. It is assumed that the Ministers will direct those large measures of general policy for the promotion of which they have undertaken the labors and responsibilities of office, rather than the details, which will more appropriately devolve on the Heads of the Departments respectively placed under them. To prevent inconvenience, however, to the public service, there must be attached to each Minister a permanent Under-Secretary and Clerical Staff; so that on the assumption of office by any new Minister, the business of the Department may continue to be conducted with due regularity.

4. In arranging the division of the Administration, I have not found it expedient to adhere to that which appears to have been contemplated in the Constitution Act, but it is believed that the power to nominate additional Officers as eligible for Seats in the Legislative

Assembly, will obviate any inconvenience which might otherwise arise from adopting a different arrangement. What legislation may become expedient on the subject, it is not necessary now to enquire. I would observe, however, that when the division of the Administration has been approved by the Legislature, it will be found very expedient to make permanent appropriations for the Salaries of the Ministers, rather than to submit them for Annual Votes. No Officer occupying so high and so important a position should be subjected to the invidious remarks which such a practice is likely to call forth.

5. In the apportionment of the business, I have endeavoured to distribute it in such a manner that each Minister should have his appropriate share. If any distinction has been made, it has been in that which is proposed to be allotted to the Principal Secretary. It has been assumed that as he will, as Prime Minister, have the general supervision of the whole Government, and be answerable more particularly than his Colleagues for its general policy, he should not have cast upon him the same amount of detail as has been assigned to the other Ministers. And here I would take leave to offer one or two observations in respect to the great improvement which is likely to take place in the transaction of public business, from the introduction of Responsible Government. It will be distributed amongst the several Ministers, instead of being centralised in the Office of the Colonial Secretary. That course was indispensable under the system hitherto in force. All authority was vested in the Governor alone. His decision could only be obtained through the recognised organ of the Government. Hence the circuitous, operose, and unsatisfactory course necessarily adopted. It is only just to bear in mind that the delays and inconveniencies which resulted from it were attributable to the system, and not to the Officers concerned. With the establishment of Responsible Government, if efficiently carried out by competent Ministers, no such ground of complaint should be allowed to remain. Mere matters of detail will be immediately decided by the Minister to whose department they belong. Measures only of general policy or regulation will have to be submitted to the Cabinet or to the Governor General and Executive Council—excepting, of course, such as under the authority delegated by Her Majesty, require the Governor General's personal action—I allude more particularly to the exercise of the Royal prerogative of mercy, and the issue of Commissions of Appointment, Deeds of Grant, and other matters of an analagous character.

6. With these preliminary remarks I will now proceed to explain the plan which has occurred to me as most suitable for the division of the Cabinet into different Ministerial Departments. It is of course essential for the efficiency of the service that the subdivision of the public business amongst them should be so regulated that no more should be thrown upon each Minister than can be easily and satisfactorily performed by him. On the other hand, for obvious reasons of economy, the number of Ministerial Departments should not be inordinately increased. Bearing these principles in view, I am inclined to think that the Cabinet should consist of six Responsible Ministers, exclusive of the Auditor General, whose office I propose to place on an entirely new and improved footing, as will be explained further on.

7. The Cabinet would therefore consist, under this arrangement, of the following Ministers, viz. :—

1. Principal Secretary to the Government and Premier.
2. Attorney General }
3. Solicitor General. }
4. Minister for Finance and Trade.
5. Minister for Public Instruction.
6. Minister for Crown Lands and Public Works.

Although there are six Cabinet Ministers, there would only be five Departments, as the Attorney and Solicitor General would act conjointly in the supervision of that which it is proposed to place under their direction. Under this arrangement these officers would in effect discharge the functions of a Minister for Justice.

8. To each of the Ministers, with the exception of the last-mentioned, I would, as already stated, propose that there should be attached a permanent Under Secretary and Clerical Staff to conduct the correspondence. With respect to the Crown Law Officers, I think that the ordinary correspondence, having reference only to legal matters, might, with proper clerical assistance, be conducted under their direction, in Civil matters, by the Civil Crown Solicitor, and in Criminal matters, by the Criminal Crown Solicitor. If this additional duty and responsibility be placed upon the Crown Solicitors, it will be necessary, of course, that their salaries should be adequately increased. The correspondence, however, of the Judges should, I think, be addressed direct to the Crown Law Officers; and, bearing in mind the high position which their Honors occupy, it will probably be found proper and expedient, that any suggestions which they may deem it right to make to the Government, should form the subject of discussion and settlement by the Governor General, with the advice of his Executive Council. As regards all correspondence having reference to *political* and *confidential* subjects, I think that it should be addressed also direct to the Crown Law Officers.

9. I will now describe the manner in which I would propose to distribute the public business amongst the several Ministers, viz. :

- 1st. The Principal Secretary to the Government should have assigned to him—
 1. Legislative Business, not including the preparation of Bills.
 2. Naval and Military Establishments, including the Volunteer Corps.
 3. Foreign Correspondence.
 4. Postal Arrangements and Contracts.
 5. Police, including Petty Sessions.
 6. Gaols and Penal Establishments.
 7. Medical Departments, including Quarantine and Vaccination.
 8. Lunatic Asylums.
 9. General Registration, including Statistics.

10. Government Printing, including the Gazette.
11. Proclamations.
12. Commissions and all other instruments under the Great Seal.
13. Observatory and Meteorological Tables.
14. City Commission.
15. Municipal Institutions.
16. Hospitals and Charitable Institutions for the support of the poor and sick.
17. And all other matters of internal arrangement not confided to any other Minister.

10. The Departments which would be placed under the immediate control and supervision of the Principal Secretary, would be the following, viz. :—

- Postmaster General.
- Inspector General of Police.
- Government Resident at Moreton Bay.
- Police Magistrates.
- Visiting Justices of Gaols, Penal Establishments, and Lunatic Asylums.
- Clerks of Petty Sessions.
- Principal Medical Officer.
- Health Officer.
- Registrar General.
- Government Printer.

11. The Principal Secretary would also have to correspond with the President and Clerk of the Legislative Council, the Speaker and Clerk of the Legislative Assembly, Returning Officers, the Clerk of the Executive Council, the Naval and Military Authorities, the City Commissioners, the Wardens or other Principal Officers of Municipal Institutions, the Committees of the Benevolent Asylum and Sydney Infirmary, the Local Authorities charged with the management of the Hospitals in the Country Districts, the Foreign Consuls resident in the Colony, the Secretaries of the various Colonial Governments, the Land and Emigration Commissioners, and the Colonial Agent General. In England, the Post Office, as a branch of the Revenue, is subordinate to the Treasury; but in this Colony, where the expenditure for postal arrangements and contracts greatly exceeds the collections, I have considered that it would more appropriately be entrusted to the supervision of the Principal Secretary.

12. If, as is proposed, the Gaols be placed under the Principal Secretary, it appears to me to be very desirable, at least as regards those in the Country Districts, that the Sheriff should be relieved from all duty connected with them. Resident in Sydney, he can only exercise a nominal control over the Establishments. It will be far preferable, I think, that the Visiting Justices should be constituted the legal custodians of the prisoners, and that the Establishments should be placed entirely under their direction and control.

13. As the Department of the Principal Secretary would be relieved of all that relates to Finance, to Land, to Public Works and Buildings, and to Law, it appears to me that a considerable reduction might be made, without inconvenience, in the present Establishment. I conclude, however, that the just claims of the clerks who would be reduced under this arrangement, to re-employment in the Public Service in no less favorable positions than they have hitherto occupied, would not be overlooked. I am disposed to think also, that the preparation of the Annual Statistics, and the "Blue Book," might, with advantage, be transferred to the Department of the Registrar General. These are matters of detail which should not be cast upon the Head of the Government. I likewise incline to the opinion, that the Registration of Deeds of Grants and of Conveyances should be transferred from the Supreme Court to the General Registry Office. If so, it is obvious that the salary of the Registrar General should be increased, in a degree corresponding with his increased duties and responsibilities. The system of registration adopted in Scotland, at the General Registry Office in Edinburgh, might, perhaps, be advantageously introduced into this Colony.

14. Under this arrangement, the Principal Secretary would perform the duties which devolve on the Secretary of State for the Home Department, in England, as well as those with which the Secretary of State for the Foreign Department is charged. In this Colony, the duties of the latter description are so light, that it is obvious no separate Department is required for their performance.

II. AND III. ATTORNEY AND SOLICITOR GENERAL.

The business devolving on these Ministers I would propose to be as follows:—

1. The Administration of Justice generally.
2. Judicial Establishments.
3. Law Departments.

The Departments to be placed under their immediate supervision and control, would be the following:—

- The Civil Crown Solicitor.
- The Criminal Crown Solicitor,
- The Crown Prosecutor at Quarter Sessions.
- The Clerks of the Peace.

15. These Ministers would also correspond with their Honors the Judges of the Supreme Court, the Commissioner of the Court of Requests, the Chairman of Quarter Sessions, the Curator of Intestate Estates, the Coroners, the Police Magistrates, and the Magistrates of the Territory, in cases in which the opinion and advice of the Crown Law Officers might be required; but, as already proposed, this correspondence would be conducted, in respect of civil matters, through the Civil Crown Solicitor, and in respect of criminal matters, through the Criminal Crown Solicitor. It should, however, be understood, as already suggested, that all matters of importance affecting the Supreme Court and Judges, would be submitted by them to the general body of the Administration.

16. I am disposed to think that some new arrangement will be necessary, in respect to the preparation of Bills to be laid before the Legislature, and that a competent Barrister should be appointed for the purpose, at an adequate salary. The Bills, when prepared, would, of course, require to be revised and approved by the Crown Law Officers, before being laid before either House of Parliament. It has been suggested, I believe, that instead of one Parliamentary Draftsman, two, dividing the salary equally between them, should be appointed to perform the duty. From long experience in drafting Bills, I am inclined to think that this arrangement, as it does not involve any increased expenditure, would be found the most eligible. There is great advantage, in being able to confer with some other competent person, in devising and maturing the difficult and complicated points which arise in preparing Legislative measures. In those, especially, which must necessarily engage the attention of the new Administration, in carrying out the comprehensive scheme of Legislation indicated in Your Excellency's Opening Speech, more than ordinary difficulties are likely to arise. The Parliamentary Draftsmen should attend the sittings of the Legislative Houses, during the passage of Bills, to aid in preparing and adjusting clauses. Being two, one might be in each House, when both Houses are engaged at the same time upon Bills. Having regard to the new duties which will devolve on the Crown Law Officers, in superintending generally the Administration of Justice, it is not unreasonable that they should be relieved from some of the current duties which they have hitherto discharged.

17. I deem this also a fitting time to suggest an important alteration in one of the duties which the Attorney General has hitherto been called upon to perform—those of Public Prosecutor. In his capacity of Attorney General, he was charged with two distinct functions—In the one he acted officially, and was amenable, as other Officers, to the authority of the Governor General; in the other he acted, as it were, judicially, and was subject to no control but that which was imposed upon him by virtue of the oath which he took to administer justice impartially. I need not point to the admirable manner this duty has been performed by my friend, the late Attorney General, Mr. Plunkett; nor have I occasion to say, that equal confidence would not be placed in the present holder of that Office. But it appears to me, that the advent of Responsible Government has clearly created such a state of circumstances, that no incumbent of the Office, who is appointed to it by party influence, and by the power which he and his colleagues in the Cabinet have to command a majority in the Houses of Parliament, can continue to perform the delicate and most important duties of Public Prosecutor, without laying himself, as well as his colleagues, open to serious imputations of partiality,—especially in cases in which the Government may, however remotely, be considered to be concerned or interested. The performance of the duty, under such circumstances, could never be satisfactory to the public. If this be admitted—and I think that few will dispute the soundness of the argument advanced—some other means must be devised of providing for the duty. I believe that the opinion is rapidly growing in England, that the Grand Jury system does not work either efficiently or satisfactorily. Assuming, therefore, that it is inexpedient to introduce that system into this Colony, the only alternative that remains is to appoint a Public Prosecutor, whose tenure of office shall be wholly independent of the Government for the time being. He should be assured of the emoluments of it during good behaviour, and only be removable from it by Addresses from both Houses of Parliament. In fact, his office should be placed, in all respects, on the same footing as that of the Judges of the Supreme Court under the New Constitution Act. I think it not unlikely that some objection will be made to the creation of a new office, on the score of the increased expense; but, admitting that this is a consideration which should not be entirely lost sight of, it appears to me, that the reasons which I have advanced in favor of the measure greatly outweigh any such objection.

IV.—MINISTER FOR FINANCE AND TRADE.

The business which I would propose to entrust to him is as follows:—

1. Finance generally.
2. Trade and Commerce.
3. Revenue
4. Expenditure.
5. Taxation.
6. Public Debt.
7. Customs.
8. Mint.
9. Distilleries.
10. Postage Stamps.
11. Immigration and Emigration.
12. Port and Harbour Regulations, including Pilots, Light Houses, and Telegraphs.
13. Steam Navigation supervision.
14. Powder Magazine.

18. The Departments to be placed under his immediate control and supervision are the following:—

- The Colonial Treasurer.
- The Collector of Customs.
- The Chief Inspector of Distilleries.
- The Immigration Agent.
- The Portmaster.
- The Shipping Master.

He would also have to correspond with the Deputy Master of the Mint, whose office, as a branch of the Royal Mint, is under the supervision and control of the Master of the Mint in England,

England, and the Lords of the Treasury; with the Steam Navigation and Pilot Boards; and with the Banks. It will be perceived, that I propose to make the Colonial Treasurer an Officer subordinate to the Minister of Finance. It appears to me, that great inconvenience would be likely to arise, if the Officer charged with the custody of the Colonial Funds were liable to be changed on every change of Administration. It is requisite that he should give security in a large amount, and this in itself constitutes a strong reason for making him a permanent rather than a political officer. If the Office be placed on the footing proposed, some diminution might be made in the amount of salary now appropriated for the purpose.

19. It would be the duty of the Finance Minister to watch over the Finances of the Colony, generally. He would be responsible to the Ministry that the Expenditure was kept within the Ways and Means, and that no payment was made unless duly authorized by law, without first obtaining the sanction of the Governor and Executive Council, which, it is presumed, would not be given unless in cases of sufficient emergency to justify such a course. He would be charged with the preparation of the Financial Statements, and of the Estimates of Revenue and Expenditure, to be laid before the Legislative Assembly, and with the duty of bringing them forward in the House. As by law no sum can be appropriated to any public purpose, unless previously recommended by the Governor, nor issued from the public Treasury unless by Warrant under his Hand, it will be necessary, of course, that the intended appropriations, in each Session, should be first submitted for his allowance and approval. Nor should any expenditure be incurred by any department of the Government without first obtaining the sanction and concurrence of the Governor, through the Finance Minister. One of the most important duties of the Finance Minister would be, to watch carefully the state of the public debt, and to suggest the proper measures for providing the means of paying the interest and principal of the Debentures, as they fall due, either in the Colony or in England, in order that the strictest faith may be kept with the public creditor, and that the credit of the Government may be duly upheld.

20. It may be considered, perhaps, that the business connected with Immigration does not appropriately belong to the Department of the Finance Minister. The reason which chiefly induced me to propose that it should be assigned to him is, that it is one of those services which involves one of the largest items of expenditure, requiring also constant attention to the remittances to England necessary for the purpose. Even if the business were transferred to any other department, frequent references would be necessary to the Finance Minister, on the points suggested. I presume that, subject to the provision made for this service by the Legislature, and any conditions attaching to its expenditure, the Governor and Executive Council would determine the extent to which Immigration should be carried on, and the regulations under which it should be conducted. The duty of the Finance Minister would be simply to give effect to the measures determined on for the purpose.

V.—MINISTER FOR PUBLIC INSTRUCTION.

21. The following is the business which I would propose to confide to this Minister:—

1. Education generally.
2. Sydney University and Colleges within the University.
3. Grammar Schools.
4. National Schools.
5. Denominational Schools.
6. Protestant Orphan School.
7. Roman Catholic Orphan School.
8. Institution for Destitute Children.
9. Literary and Scientific Institutions.
10. Schools of Arts.
11. Ecclesiastical Establishments.

By far the greater number of these Institutions are now under the control of Committees and other governing bodies, although the whole of them receive State support—in some cases the private contributions forming only a small portion of the sum requisite for their maintenance,—whilst others, such as the Protestant and Roman Catholic Orphan Schools, are entirely provided for at the public expense. What change in the management of some of these Institutions may be considered expedient it is not necessary here to determine. There can be no doubt that in cases where so considerable an amount of public expenditure is involved, it is the duty as well as the right of the Government to keep a vigilant watch over their management; and with this view the Minister for Public Instruction should be vested with the proper authority for exercising a supervision over them. The large provision which is annually made for the Primary Schools seems to demand that some efficient check should be exercised on their management. With the free Institutions which have been granted to the Colony under the new Constitution, it becomes every day more necessary to increase the facilities of imparting instruction to the children and youth of the Colony, that when they grow to manhood they may be the better able to exercise, with discretion and upon right principles, those political privileges which have been bestowed upon the community. Perhaps in the whole range of Government there is no nobler field open to the ambition of a Statesman than will be comprehended within the sphere of duty allotted to this Minister. To devise the measures which shall give an impress and character to the rising generation worthy of its British origin, and to prepare it, by a sound, moral, and religious education, for the duties which each member of society is called upon to perform in the station to which he has been called, offers such inducements to the true philanthropist, that it is hoped that men of competent ability will not be wanting to undertake a post which is calculated, with a due sense of the responsibility which it imposes, to confer such great and important benefits on the whole mass of the Colonial community. With the very liberal provision made by the Legislature for education, by the Primary Schools, the Grammar School, the Suffragan Colleges, and the University, and with a proper provision for scholar-

ships and exhibitions, the road to ambition, to fame, and to the highest offices of the State, may, under judicious encouragement by an enlightened Minister, be thrown open to the sons even of the humblest members of the community, if they possess the requisite ability, industry, and character, which can alone fit them for such a distinction. The effects of such a system will not be confined to the individuals who reap the highest rewards. The opportunity which will be afforded of obtaining the great prizes, will operate as the leaven which will leaven the whole mass. Many who fail to reach the goal, will yet have made such progress in the race as to become most useful and valuable members of society—and the general result cannot fail, therefore, to be highly beneficial. I hope I have stated enough to justify the establishment of a new Office on which such important duties will devolve. It is, of course, not proposed that this Minister should exercise any control over, or in any way interfere with, the management of Ecclesiastical matters by the various Churches, or their governing bodies; but simply that he should, with the concurrence of the Cabinet, administer the pecuniary aid and other assistance granted for Public Worship; and should be the medium of correspondence with the Government upon matters requiring its authority or intervention.

VI.—MINISTER FOR CROWN LANDS AND PUBLIC WORKS.

The following is the business which I would propose to allot to him, viz. :—

1. The Survey, Sale, Occupation, and Management of Crown Lands.
2. The Reserves for public purposes and recreation.
3. The Church and School Estates.
4. Preparation of Deeds of Grant and Leases.
5. The Gold Regulations.
6. Mines generally.
7. The Aborigines.
8. Roads, Railways, and other means of Internal Communication, including Bridges and Ferries, Canals, River Navigation, Ports and Harbours.
9. Docks and Wharves.
10. Works of Defence.
11. Public Buildings.
12. Stores.

22. The Departments which would be placed under his immediate superintendence and control would be the following, viz. :—

- Surveyor General, and Chief Commissioner of Crown Lands.
- Gold Commissioners.
- Agent for Church and School Estates.
- Railway Commissioners.
- Colonial Engineer.
- Colonial Architect.
- Inspectors of Roads.
- Colonial Storekeeper.
- Director of the Botanical Garden.
- Inspector of Coal Fields.

He would also correspond with the Commissioners of Claims to Grants of Land and the Road Trusts.

23. From the magnitude of the interests concerned, and of the works to be performed, I have hesitated whether I would not recommend that these duties should be divided, and entrusted to two Ministers instead of one; and I still feel very great doubt on the subject. When I consider the vast importance of placing the Land Regulations upon a permanent and satisfactory basis—when I consider, also, the great complication which has, unavoidably, arisen out of the various tenures under which land is held, both within and beyond the Settled Districts, as well as the extent and variety of public works which must necessarily be undertaken, I may well entertain a doubt whether any one Minister will be able to perform satisfactorily all the duty which will thus be required of him. If a division of the business should be ultimately found expedient, there is obviously so marked a line of demarcation between the services which relate to lands and to public works, as well as in respect to the departments concerned, that I think it quite unnecessary to point out the manner in which the separation should be effected. For the present, however, I consider it by no means impracticable, with the aid of the departments enumerated, especially if the details of the management of the Crown Lands beyond the boundaries continue to be confided to the Surveyor General, that the general supervision and control of both these branches of the public service should be exercised by one Minister. It will be his duty, in conjunction with the other members of the Cabinet, to lay down those rules of general policy which the interests of the Colony require on these vitally important subjects. In all that relates to the technical and professional branches of them, he will have the most ample and valuable assistance from the heads and other members of the departments mentioned. In this way he will be relieved from the details which would otherwise prevent his giving that attention to general principles so desirable in every point of view.

24. As the Gold Fields are for the most part situated on Crown Lands, and as the Commissioners beyond the Settled Districts already act where necessary, in carrying out the Gold Regulations, and communicate direct on the subject with the Surveyor General, I have thought it most convenient that this branch of the public service should be placed under the control of the Minister for Crown Lands and Public Works. For somewhat similar reasons I have proposed that he should be specially charged with the care and protection of the Aborigines, a sacred duty to which I would particularly invite the attention of your Excellency and the members of the present Government. By far the greater number of them occupy portions of the Territory beyond the Settled Districts, and the Commissioners of

Crown

Crown Lands are obviously, therefore, the proper officers to carry out any measures that can be practically devised for their physical and moral improvement.

25. The various Public Works enumerated so obviously belong to the Department of this Minister, that it seems unnecessary to enter into any explanation respecting them. As regards, however, the business connected with the department of the Colonial Storekeeper, it is one which, with equal propriety, might have been attached to the Principal Secretary, or the Minister for Finance and Trade; but, upon the whole, as the articles to be provided will in most cases be required for the departments to be placed under the Minister for Crown Lands and Public Works, and as the professional officers placed under him will be better able to assist the Colonial Storekeeper in deciding upon the most eligible contracts, and on the quality of the articles supplied, it has appeared to me that there was sufficient to justify the recommendation which has been made on the subject.

26. In a former part of this paper I have stated that I intended to propose that the Office of Auditor General should be placed on a new and improved footing. It is proper to explain that the suggestion has been taken from the course proposed under similar circumstances in the neighbouring Colony of Victoria. There the Office has been made one entirely independent of the Government for the time being. Its tenure is during good behaviour, and the Auditor General is secured in its emoluments, and only removable from it on Addresses from both Houses of the Legislature. A similar immunity, I find, attaches to the office of Comptroller General of the receipt and issue of Her Majesty's Exchequer, in England, under the Statute 4 and 5 William IV., cap. 15. In Murray's Official Handbook it is stated, that "he is charged with the control and record of the receipts and payments of the public revenue, both of Great Britain and of Ireland, and the preparation and issue of Exchequer Bills;" and it is further remarked that "the Comptroller General fills an office of great importance, which is independent of politics. He is vested with the fullest authority to prevent any unauthorized issue of public money, and (responsible only to both Houses of Parliament jointly, in case of an abuse of that authority) to control any direction which issues from the Treasury." The Auditor General should be invested with all the powers that are possessed by the Audit Board in England, the duties of which he will discharge in conjunction with many of those consigned to the Comptroller General; and he should be authorized to communicate direct with the Governor General, and the Legislature, on matters connected with his Office. It will be necessary, of course, if this suggestion be carried out, that the duties and powers of the Auditor General, and the tenure of his office, should be regulated by legislative enactment. I would further suggest that, in any Act for this purpose, a clause should be inserted, rendering it compulsory on the Government to lay before the Legislative Assembly, a statement of all surcharges exceeding £20, which the Auditor General may, in the exercise of his duty, have thought it necessary to make,—of the steps which have been adopted for recovering the amount,—the result of such proceedings,—or the reasons which have influenced the Government in relieving the officer surcharged from its payment. Hitherto, the Auditor General has been, in effect, the Financial Officer of the Government charged with the preparation of the Estimates of the Revenue and Expenditure, and with their explanation in the Legislative Council. It is proposed to relieve him entirely of all such duty, and to divest his office of all political character. He should, in fact, be placed in so high and independent a position that, if need be, he may surcharge the Members of the Government itself. The preparation of the warrants, authorizing the payments for the public service, which have hitherto been made out in the office of the Auditor General in minute detail, can be modified under the new arrangements in such a manner as to enable the Treasurer to make ordinary payments for the current expenditure without a special authority in each case. By this means much labour will be saved, and claims on the Government will be more promptly satisfied.

27. Having now suggested the apportionment of the public business amongst the several Ministers of the Cabinet, it may not be superfluous to add a few observations in reference to the duties devolving on the Ministry generally. It is assumed that each Minister will be held responsible to his colleagues for the efficiency of the Departments placed under his supervision. In all matters relating to them he will convey the instructions of the Government. As in England the Minister is presumed not to act on his own authority, but on that of the Sovereign, so in this Colony the Minister will act on the authority of the Governor General as representing Her Majesty. In all matters of merely Executive arrangement, this is a recognised principle in the Monarchical Government of England, which should never be lost sight of in the forms adopted in this Colony, whose Constitution has been framed upon the same standard of deference to the supreme authority of the Crown. In England the Secretaries of State "exercise, by direction of the Queen, a large portion of Her prerogative; representing Her Majesty in all cases where the subject of Administration has not been specially delegated to any other officer." Each Minister, except with respect to the higher offices, will recommend for appointment to any vacancies occurring in the departments placed under his supervision, such candidates as he may consider properly qualified to fill them. In like manner he will recommend for promotion such of the officers placed under him as there may be an opportunity, under the Regulations of the Government, of advancing in the public service. The Ministers will communicate with each other personally, or by writing, on all matters requiring their joint action. They will of course take care to advise each other of all matters of importance, submitting to the Cabinet such documents as they may deem necessary. In cases where it may be considered desirable to place on formal record the decision of the Government, the Minister to whose department the business may belong, should submit the question in the shape of a Minute to the Governor General, in order that His Excellency may bring the subject under the consideration of the Executive Council. When the decision of that body has been formally obtained, and the Minute of its proceedings approved by him, as required by the Queen's Instructions, it should be sent to the

the proper Minister, in order that he may issue such directions as may be necessary in the case. It will probably be found the most convenient course with respect to all Despatches received from the Secretary of State, that they should be laid before the Executive Council for the information of the Cabinet. In cases where any proceeding is necessary, the Despatches should be sent from thence to the Minister to whose department the business may belong, in order that they may be acted on accordingly. With respect to Despatches sent by the Governor General to the Secretary of State, except, of course, such as are of a private and confidential nature, it may be convenient also that copies should be laid before the Executive Council for the information of the Cabinet.

28. It may not be uninteresting in the consideration of this question to note the manner in which the business of the Supreme Government in England is conducted by the Ministers of the Crown, in their joint capacity as a Cabinet. The following extract on the subject is taken from "Murray's Official Handbook of Church and State."

"The *Privy Council*, consisting of the great Officers of State, and such other persons as Her Majesty may summon as Her advisers, is the recognized Executive Council of the Crown. The actual plans and business of the Government are, however, exclusively discussed and determined by the *Cabinet Council*, which, though formed of part of that larger body, is unknown to the law in its separate and special character. All important measures and questions, which occupy from time to time the attention of the Government, whether domestic, foreign, or Colonial, and all plans of action, whether to be carried out in Parliament, or purely administrative, are first proposed, considered and adopted by the Cabinet, which, though the origin of all Government action, is nevertheless a deliberative body only, and, whatever powers may belong to its members individually, has no authority collectively, to issue Proclamations or Warrants, or to do any of those acts binding the subject, which belong to the Privy Council.

* * * * *

"The meetings of the Cabinet are held on the summons of any one of its Members, usually at the Foreign Office; its business and deliberations are, of course, confidential, and subjects of secrecy; it is unattended by any Secretary, or other Officer; its resolves, of which no formal record is kept, are carried into effect by those of its Members to whose Departments they appertain."

29. As regards the Annual and other Contracts, an alteration in the course hitherto followed will be necessary under the new order of things. The Tenders in all such cases have been required to be sent to the Colonial Secretary's Office, where they were opened by a Board, of which he, and the Auditor General, and the Officer to whose Department the Contract belonged, were the Members. The Tenders were then placed in Schedule, and a Certificate recommending the acceptance of the most eligible, or the rejection of the whole, attached to it. These Schedules were then submitted for the Governor General's decision. In lieu of that course, I would propose that each subordinate Department should receive the Tenders for the services belonging to it,—but that they should be opened by a Board composed of Officers belonging to the same branch of the Administration, and submitted in Schedule, with their recommendation, to the Minister under whose supervision they are placed. For instance, in the case of Public Buildings, the Tenders should be sent to the Colonial Architect, and they would be opened by a Board consisting of the Surveyor General, the Chief Railway Commissioner, and himself. When placed in Schedule, with their Certificate of recommendation, they would be submitted to the Minister for Crown Lands and Public Works, who would either decide on them himself or submit them to the Governor General, in order that they might be brought under the consideration of the Executive Council, should the importance of the case render such a course desirable or necessary.

30. I have not found it possible to make any, even an approximate estimate of the probable expense of placing the Ministerial Departments upon the footing recommended. I have endeavoured however to keep them as low as possible, having regard to their proper efficiency. Even if Responsible Government should be found somewhat more expensive than the form hitherto in force, the boon which it confers on the Colony will, no doubt, reconcile both the Legislature and the public to the additional charges which, after all, I hope will not, if my suggestions be carried out, be found either very large or burthensome.

31. I have presumed that one at least of the Ministers will hold a seat in the Upper House to conduct the general business of the Government; but it may be necessary hereafter, as the business of the Colony increases, that Parliamentary Under Secretaries should be appointed in some of the Departments, so that they may be represented in both Houses of the Legislature.

32. In conclusion, I have to express my apprehension that I have not been able to perform the task imposed upon me so satisfactorily as Your Excellency may have expected. If, however, there are any points upon which further explanation may be deemed necessary, it will afford me great pleasure to furnish it.

I have the honor to be,

Sir,

Your Excellency's most obedient humble servant,

E. DEAS THOMSON.

HIS EXCELLENCY

SIR WILLIAM THOMAS DENISON, KNT.

GOVERNOR GENERAL,

&c., &c., &c.

P.S.—Since the foregoing was written, it has occurred to me, that the supervision of the Observatory and Meteorological Tables would be more appropriately placed under the Minister for Public Instruction than the Principal Secretary.

1856.

NEW SOUTH WALES.

RULES OF COURT.

(IN INSOLVENCY.)

Ordered to be Printed.

THE CHIEF COMMISSIONER OF INSOLVENT ESTATES to THE HONORABLE THE
COLONIAL SECRETARY.

*Insolvency Department,
Sydney, 25 March, 1856.*

Sir,

I do myself the honor to acknowledge the receipt of your letter of the 10th instant, requesting me to furnish you with copies of all Rules of Court made by the Judges, in matters of Insolvency, since the date of those laid before the Legislative Council, on the 16th of June, 1852.

I beg to state that no new Rules have been made by the Judges since the period above referred to.

I have, &c.,
(Signed) WM. A. PUREFOY,
Chief Commissioner of Insolvent Estates.

THE HONORABLE
THE COLONIAL SECRETARY.

1856.

NEW SOUTH WALES.

RULES OF COURT.

Ordered, by the Legislative Assembly, to be Printed, 26 May, 1856.

*Supreme Court Office,
Sydney, 16th April, 1856.*

SIR,

In answer to your letter of the 10th ultimo No. 200, I have the honor to inform you that no Rules of Court have been promulgated by their Honors the Judges under the Joint Stock Company's Act 11 Vict., No. 19, since 16th June, 1851.

I have, &c.,

(Signed) S. RAYMOND,

Prothonotary.

THE HONORABLE
THE COLONIAL SECRETARY,
&c., &c., &c.

THE UNIVERSITY OF CHICAGO

INSTITUTIONAL REVIEW BOARD

MEMORANDUM FOR THE CHAIR

DATE: 10/15/2001

RE: [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

1856.

 NEW SOUTH WALES.

RULES OF COURT.
 (EQUITY PRACTICE.)

Ordered by the Legislative Assembly to be Printed, 5 August, 1856.

THE PROTHONOTARY to THE COLONIAL SECRETARY.

Supreme Court Office,
 2 June, 1856.

SIR,

In answer to your letter dated 30th May, 1856, I do myself the honor of informing you, that no specific Rule of Court, under the Equity Practice Act of 1853, has been made since those forwarded to you last year; but all the Rules of Court, of whatever description, both in Equity and Common Law, made and promulgated by their Honors the Judges since then, were transmitted to you in my letter of the 16th of April last, for the purpose of being laid before the Legislative Assembly.

I have, &c.,
 (Signed) D. B. HUTCHINSON,
 (For the Prothonotary.)

THE HONORABLE
 THE COLONIAL SECRETARY,
 &c., &c., &c.

1856.

NEW SOUTH WALES.

RULES OF COURT.

Ordered by the Legislative Assembly to be Printed, 26 May, 1856.

GENERAL RULES OF THE SUPREME COURT OF NEW SOUTH WALES.

IN THE SUPREME COURT OF } SATURDAY, THE 23RD DAY OF FEBRUARY, 1856.
NEW SOUTH WALES.

IT IS HEREBY ORDERED, that on and after the 1st day of March next, all the present Rules of this Court relating to the Trial of Causes at Law, (including the setting down of the Cause for Trial, and the moving for a New Trial, or in Arrest of Judgment, or for Judgment *non obstante Veredicto*.) shall be repealed; and the following Rules be in force in lieu thereof. Provided that nothing herein shall repeal or affect any Rule establishing or altering any Fee, now by law payable.

I. There shall be annually six Sittings at Sydney, for the Trial of Causes; commencing on the second Monday in February, April, June, August, and October, and the third Monday in November; and ending severally on the second Saturday next following.

II. At those Sittings respectively, the days for Special Jury Causes, triable by a Jury of Twelve, shall be the last three days; and no Cause for Trial by a Jury of Four persons shall be set down, for any of those days.

III. Common Jury Causes, shall be set down for the first Tuesday in Term only; and any of such Causes not then disposed of, will be proceeded with on such day or days, as the presiding Judge may direct.

IV. Undefended Causes, and Actions on Bills, and Promissory Notes, triable by a Jury of Four, may be set down for any day of the Sittings for Causes, or for the second Tuesday in Term.

V. To the extent limited for each day, as next mentioned, Causes shall be set down consecutively only;—unless, in any particular case, by Order of a Judge. No more than six Causes shall be set down for any day, for Trial by a Jury of Four persons, nor more than three Causes for Trial by a Special Jury of Twelve persons, or four Causes by a Common Jury.

VI. Provided that any additional number of Causes, not exceeding four, may be set down for any day; if the Prothonotary shall see fit.

VII. For each day of the Sittings for Causes, there shall be two separate Cause Lists which will be taken separately, but simultaneously; two Judges sitting for that purpose.—These Lists will be respectively marked No. 1 and No. 2:—and until both have been filled, in accordance with the 5th Rule, no Cause shall (except by Order of a Judge) be set down in the List for any subsequent day.

VIII. Provided that Double Lists shall not be opened, for Causes triable by a Jury of Twelve persons; unless the Court shall otherwise order.

IX. Jury Causes will be taken, on every day throughout the Sittings, Saturdays included.—Provided that only one Jury Court will then sit; and that no cause shall by Order of a Judge) be entered for any Saturday.

X. All Causes remaining untried, at any Sittings, shall be transferred by the Prothonotary to the then next Sittings, for Juries of Four, or of Twelve, as the case may require; and no new Notice of Trial, or to produce Documents, shall be necessary.—And every such Cause shall have precedence, over Causes previously set down for those Sittings.

XI. Provided that Causes, remaining untried, at the Sittings in April, shall be set down for the first and second Tuesdays after the Second Term respectively; that is to say “Juries of Four” Causes on the former, and “Juries of Twelve” Causes on the latter day.

XII. Causes for Trial or Assessment in the Circuit Courts, respectively, shall be entered for such days as the Judges shall from time to time appoint.

XIII. Eight clear days’ Notice of Trial (except in the cases next mentioned) shall be given in all cases. But where the Defendant (or any Defendants, if there be more than one,) resides above one hundred miles from Sydney, the number of such days shall be twelve, or, where any Defendant resides above two hundred miles from Sydney, sixteen days.

XIV. Short Notice of Trial shall be half the number of clear days, that are herein before expressed for ordinary Notices of Trial.

- Countermand.** XV. Four clear days of Countermand of Notice of Trial (except in the cases next mentioned) shall be given in all cases. But where any Defendant resides above one hundred miles from Sydney, the number of such days shall be *six*, or where any Defendant resides above two hundred miles from Sydney, *eight* days.
- Notice under s. 91 of Common Law Procedure Act.** XVI. The number of days' Notice to a Plaintiff, under the 91st Section of the Common Law Procedure Act of 1853, shall be *eight* instead of twenty days, as prescribed by the said Section. But where the Plaintiff (or any Plaintiff, if there be more than one,) resides above one hundred miles from Sydney, the number of such days shall be *twelve*, or where any Plaintiff resides above two hundred miles from Sydney, *sixteen* days.
- Jury Motions.** XVII. Where either of the parties in a Cause shall desire to have the same tried by a Jury of Twelve persons, he shall within ten days after Issue joined, give *two* clear days' notice of his intention to move, on the then next Motion day, for such Jury; specifying the class of Jurors for which he intends to apply, and referring to the Affidavit, or Affidavits intended to be used, (and of which he shall serve a Copy with his Notice,) for the grounds of such Motion.
- Setting down Causes for Assessment.** XVIII. After interlocutory Judgment by Default, the Plaintiff may set down his Cause for Assessment of Damages, on any day allowed by the Rules for that purpose; provided that it be so set down four clear days before that day.
- Time limited for bringing Causes to Trial.** XIX. After Issue joined, the Plaintiff shall set his Cause down for trial, and proceed to trial, at the then next Sittings for Causes; or, where the "Venue" is laid in a Circuit Town, at the next Assizes to be there holden:—unless Issue shall have been joined within fourteen days, (or, if a Country Cause, within twenty days,) next preceding the first day of such Sittings or Assizes; in either of which cases, the Plaintiff need not bring the Cause on to trial, before the Sittings or Assizes next but one ensuing.
- Town and Country Causes.** XX. Every "Town Cause" shall be set down in the Prothonotary's book eight days, and every "Country Cause" twelve days, (or, if to be tried at a Circuit Town, sixteen days,) before the day of Trial.—And, for all purposes, every cause shall be deemed a "Country" Cause, unless the Defendant resided in Sydney at the commencement of the Action, or within forty miles thereof.
- Second Trials** XXI. After a New Trial ordered, the Plaintiff shall set his Cause down for trial, and proceed to trial, if practicable, at the then next Sittings, (in Sydney, or at the Assizes, as the case may require,) unless the Court or a Judge shall allow further time in that behalf, on such terms as may be thought reasonable.
- Pleadings to be taken into Court.** XXII. On every day appointed for the Trial of Causes in Sydney, the pleadings in all Causes for Trial on that day, together with all Particulars filed therein, and Examinations *de bene esse*, if any, (but excluding all other papers in the Cause,) shall be ready for delivery, to the Clerk of the Court, at a quarter before ten o'clock; and shall be delivered to him at the opening of the Court.
- Pleadings on Circuit** XXIII. In like manner, at a convenient time before the holding of any Circuit Court, the Prothonotary shall deliver the Pleadings in all Causes for Trial before such Court, with other papers in the Cause as aforesaid, to the Clerk of Assize for such Court;—who shall bring the same into Court on the day of Trial, and afterwards return the same to the Prothonotary's Office, with a Minute of the Proceedings at the Trial.
- Pleadings to have effect of Record.** XXIV. All such pleadings so delivered as aforesaid, shall stand in the place of, and be of the same effect as, a Record of Nisi Prius
- Referring to Particulars filed.** XXV. All particulars filed, whether of any Locality, or of Demand, Set-off, or other Matter, shall be deemed part of the Record; and may be referred to by either party accordingly, without giving the same in evidence.
- Production of other Papers.** XXVI. Any other Papers or Paper in the Cause, (including any Writ, Præcipe, Affidavit, or Judge's Order,) which may be required by either party, may at his instance be delivered to the Clerk of the Court; and, on production by him, may be read in evidence without other proof.
- Clerk responsible for Return of papers.** XXVII. Where such Pleadings and other Papers have been so delivered, the Clerk receiving them shall be responsible for their safe custody, and return to the Prothonotary's Office, or (where the Cause still remains for Trial) for their delivery to the Clerk next in attendance: and, to prevent mistakes, every Clerk delivering or re-delivering any such Pleading, or Paper, shall obtain a receipt for the same.
- Custody of Exhibits.** XXVIII. The Clerk in Court will also be responsible, for the safe custody of all Exhibits read in evidence; and he shall not deliver them, to any person other than the Prothonotary, without a Judge's Order. On such delivery, he will take care to obtain a receipt for the same.
- Case Paper.** XXIX. Six Causes only shall, ordinarily, be entered on each day's Cause Paper. But the Prothonotary may, at his discretion, insert therein four additional Causes, together with all then untried Short or Undefended Causes. A copy of such Cause Paper shall, before each day's sitting, be exhibited in the Entrance Hall; and no Cause not in such paper will on that day be called on.
- Postponing a Trial.** XXX. All applications to remove a Cause from any Cause List, or to postpone the Trial of a Cause, shall, where practicable, be made to a Judge in Chambers; and, where the application is on the ground of the absence of any witness, there shall be an Affidavit, stating the matters which he is expected to prove.
- The like, in Court.** XXXI. Provided that nothing in the preceding Rule shall prevent a Defendant, in cases of necessity, from applying to the Judge presiding at the Trial, in any case where, in England, a Defendant might apply to the Judge at Nisi Prius.
- Causes ordered to be tried on Circuit; and the converse.** XXXII. Where it shall be made to appear, on application to a Judge, that any Cause set down for trial at Sydney, or in which the "Venue" is there laid, may—having reference to the nature of the question, or the residence of the witnesses, or other circumstances,—be more advantageously tried on Circuit, an Order may be made (on such terms

RULES OF COURT.

as the Judge shall think reasonable) for the trial to take place at such Circuit Town as the Judge shall appoint.—An Order may in like manner be made, for the trial of any Cause in Sydney, which has been set down for trial (or wherein the "Venue" has been laid) at any Circuit Town.

XXXIII. On every day on which Causes are set down for trial, they will be called on in the order in which they have been entered; unless the presiding Judge shall make an order to the contrary. Short and Undefended Causes, if they cannot be conveniently taken on the day for which entered, shall be first disposed of on the following morning; unless the then presiding Judge shall otherwise order.

Calling on Causes.

XXXIV. Where the whole of the Plaintiff's case is admitted on the record, the Defendant shall at the Trial be entitled to begin; whatever may be the nature of the Action. Provided that, where the amount of Damages only, or of the Debt, is in question, the Plaintiff shall be entitled to begin.

Right to begin.

XXXV. Every Verdict shall be immediately noted down by the Clerk, and read in open Court, and shall be entered in the Prothonotary's book, next after the entry of the Pleadings:—and in case of a Special Verdict, the same shall as soon as possible afterwards, be drawn by Counsel for the respective parties; and, in case any difference shall arise, the Judge who presided shall settle the Verdict, from the Notes so read—or, where they shall be deficient, from his own.

Verdicts to be noted down.

XXXVI. Where, after Verdict, either party shall intend to move for a Nonsuit, or New Trial, or in Arrest of Judgment, or for Judgment *non obstante Verdicto*, (whether on any point reserved at the trial or not,) he shall file in the Prothonotary's office a Notice of such intention; together with the Affidavits (if any) intended to be used in support of the Motion. Provided that any such Affidavit may be filed afterwards, if the Judge who tried the Cause, or the Court, shall think it reasonable so to order.

Motions for New Trial.

XXXVII. Every such Notice shall state briefly the day on which the Cause was tried, the name of the Judge who tried it, the Verdict given, the Motion intended to be made, and the grounds upon which it will be so made. And every such Notice shall be accompanied by a Certificate, signed by one or more Counsel, that, in his or their opinion, the grounds specified are sufficient to support such Motion.

Contents of Notice.

XXXVIII. The filing of any such Notice, within the time hereinafter limited, shall operate as a stay of Execution; unless the Judge who tried the Cause shall otherwise order.

Effect of Notice.

XXXIX. Every such Notice shall be so filed, and a copy thereof delivered to the Judge, or left at his Chambers, within six days after the Trial. But, where the party (Plaintiff or Defendant) giving such Notice resides above one hundred miles from Sydney, the number of such days shall be eight, or, where he resides above two hundred miles from Sydney, or the Cause was tried on Circuit, the time allowed shall be twelve days.

Time for filing.

XL. No particular Motion day need be named in the Notice, if the intention stated be to move on the then next Motion day, or so soon after as Counsel can be heard.—And, on the hearing of any such Motion, the party who filed the Notice shall begin; the party showing cause shall follow, and one Counsel in support of the Motion shall reply.

Day of Hearing.

XLI. On every day in Term, after the first day, the first six New Trial Motions, according to the order in which the Notices respectively were filed, shall be inserted in the Motion Paper.—Any of these may be called on, as the Court shall order; and those in which no Brief has been delivered for the moving party, (or he shall not be prepared to move, or shall not move, if required by the Court,) may be struck out, with leave to the adverse party to sign Judgment.

New Trial Motion Paper.

XLII. Where a New Trial is granted without mention of Costs, each party will bear his own Costs of the first Trial.—Where the Costs of the first Trial are ordered to *abide the event*, such Costs will not be allowed to the finally successful party, unless he succeeded on both Trials.—The Costs of the Motion will, in all cases, follow the event of the *second* Trial; unless the Court shall otherwise order.

Costs on New Trials.

XLIII. No New Trial Motion shall (without leave of the Court) be entered for argument, until the several Exhibits in the Cause shall have been lodged with the Prothonotary.

Exhibits to be lodged.

XLIV. Provided that, where the party who succeeded at the Trial, shall have lodged his own Exhibits, or shall not have adduced any, the case may be entered at his instance:—and if, upon calling it on for argument, the Exhibits of the party who has to move, have not been lodged, the Court may strike the Cause out of the Paper, with leave to the successful party to sign Judgment.

Default by party who has to move.

XLV. If the party who has to move shall have lodged his own Exhibits, or shall not have adduced any at the Trial, and his Adversary shall not, within 24 hours after notice so to do, lodge as aforesaid his Exhibits, the party having to move, may enter the case for argument *ex parte*.

Default by party who succeeded at the trial.

XLVI. The appropriate amount of Jury Fees, as required by the 11 Viet. No. 20 s. 32, shall be paid to the Prothonotary, on the entering of the Cause for Assessment or Trial. Provided that, where an Order is made for a Jury of Twelve, at the instance of the Defendant, the amount shall be paid by him within 48 hours after such Order, or the same shall wholly lapse.

Payment of Jury Fees.

XLVII. If, after the payment of any such Fees, no Trial or Assessment shall take place, the amount shall be returned by the Prothonotary, to the party who paid the same, immediately after the discontinuance or other disposal of the Cause.—Subject to such return of Fees by him, the amount of all Jury Fees shall be accounted for by the Prothonotary, and paid into the Colonial Treasury, as in the case of other Public moneys coming to his hands.

Return of such Fees.

(15 Vic. No. 3. s. 3., and 18 Vic. No. 18. s. 4.)

Fees payable
on Trials.

XLVIII. All Court Fees, incurred on any Trial or Assessment, shall be paid over on demand to the Clerk, or Tipstaff, collecting the same; and by him, within ten days after the close of the Sittings, to the Prothonotary.—And, on the first or last day of every Term, the Prothonotary shall, in open Court, report the names of all Parties, who shall then be in arrear for any such Fees.

ALFRED STEPHEN, C. J.
J. N. DICKINSON.
R. THERRY.
S. F. MILFORD.

CHAMBER BUSINESS AND MOTIONS.

IN THE SUPREME COURT OF } THURSDAY, THE 28TH DAY OF FEBRUARY, 1856.
NEW SOUTH WALES.

Rules respect-
ing Chamber
Business and
Motions.

IT IS ORDERED THAT, on and after the 10th day of March next, all the present Rules of this Court, relating to Applications in Chambers, and to Motions, (including Motions in Equity by Rule Nisi, and the making and use of Affidavits in relation thereto respectively,) shall be repealed; and the following Rules be in force in lieu thereof. Provided that nothing herein shall repeal, or alter, any of the Rules made on the 23rd day of February instant, or any Rule establishing or altering any Fee now by Law payable.

Chamber
Business.

I. Chamber Business will be taken, in Term and Vacation alike, on Mondays, Wednesdays, and Fridays, at Ten o'clock.

Sittings of two
Judges.

II. The Court will sit, as in Banco, on every Saturday out of Term, at ten o'clock, (to be holden before two or more Judges,) in its Insolvency Jurisdiction; and then to take Motions for Rules Nisi in Equity;—after which, Motions for Juries of Twelve will be disposed of, and Cases under the Justices' Acts of 1850 and 1853.

Motions in
Term.

III. On Mondays and Thursdays, Motions will have precedence, and then Demurrers.—On Tuesdays and Wednesdays, New Trial Motions will have precedence; and on Fridays, Causes in Equity by Rule Nisi.

Rule Absolute
after Notice.

IV. Where Notice shall have been given of any Motion, the Court may—if it shall think fit—grant a Rule Absolute in the first instance; unless application shall then be made, and sufficient ground be shown, for delay.

Costs of oppo-
sing Motions.

V. When Notice of a Motion shall have been given, if the Court shall refuse the same, or the party who gave the Notice shall fail to appear, the Costs of opposition, or of attendance by any party to oppose, shall be in the discretion of the Court; and such party, so attending, may at the rising of the Court apply for an Order for such Costs.—Provided that the Court may, in its discretion, allow the Motion to stand for some future day.

Affidavits in
support of
Motions.

VI. In all Cases where a Motion is made in pursuance of any Notice, no Affidavit shall be used in support thereof, (without leave of the Court,) unless a Copy of the same, or Notice of its having been filed, shall have been served before one o'clock in the afternoon of the preceding day.

Reference to
Papers in the
Cause.

VII. For the purposes of any Motion, or Application in Chambers, the parties may (on production by the proper Officer) use any of the Pleadings, or any Order made, or Writ issued, or Praecipe or Particulars filed, in the Cause, without further or other proof.—But no Affidavit shall be used, (unless made for the purposes of such Motion or Application,) without Notice of the party's intention so to do;—such Notice to be served before one o'clock in the afternoon of the preceding day.

Carriage of
Orders.

VIII. In all cases, the party moving the Court, or applying to a Judge, shall have the carriage of the Rule or Order, whether in his favour or not;—provided that, where the same is not procured, and served, within two days next following, the carriage thereof shall be in his adversary.

Enforcing a
Judge's Order

IX. Where a Judge's Order is made a Rule of Court, such Rule shall be drawn up with Costs, to be paid by the party against whom it is made, if an Affidavit be filed that the Order was served on such party, or his Attorney, and has been disobeyed.

Motion to
make Rule
Absolute.

X. On moving to make any Rule Absolute, the party moving shall enter into his case; and one Counsel only be heard in reply.—And, before the opening, the Affidavits in support of the Rule shall be read, unless the Court shall otherwise order.

Judge's
Summons.

XI. Every Summons for the attendance of any party before a Judge, shall be signed by the Prothonotary's First Clerk; and may be obtained at any time, returnable on the next Chamber day.—Provided that any Summons may be signed by a Judge, returnable at any time; and that nothing herein shall affect Summonses in Equity, or in Insolvency.

Service.

XII. Every Summons shall be served, on the party whose attendance is required, before one o'clock of the preceding afternoon; unless a Judge shall otherwise order.

Clerks attend-
ing Chambers.

XIII. All Chamber Business will be transacted by the First Clerk; except that the Judge will be attended, in Chambers, by one of the Judge's Clerks.—The Papers are to be delivered, before the time appointed for the Sitting, to the Judge's Clerk; who will return them to the First Clerk, or the Prothonotary, with a Note of the Order of the Judge, if then made, before the closing of the Office, on the same day.

Marking
Order.

XIV. No Order will be signed by a Judge, except in cases of urgency, until marked by the First Clerk, or a Judge's Clerk.

First Clerk's
absence.
Grounds to be
stated.

XV. In the First Clerk's absence, his duties under these rules, may be discharged by the Prothonotary, or by the Second Clerk.

Proviso.

XVI. Every Summons shall state shortly the grounds of the Application, or the points intended to be relied on; and, where an Amendment is required, the nature of such Amendment:—or, if any Irregularity be complained of, the particular Irregularity shall be specified.

XVII. Provided that, where the grounds or points necessarily appear on the face of the Summons, or are stated in some Affidavit or Affidavits, thereby referred to, as containing them, (and of which, in such case, a copy shall be served with the Summons,) no further specification shall be necessary.

XVIII.

RULES OF COURT.

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XVIII. The last two Rules shall be equally in force, with respect to Notices of Rules Nisi Motion and Rules Nisi.—Provided that the Court may, in any case, in granting any such and Notices... Rule, dispense with the service, or give further time for the service, of the Affidavits, in its discretion.

XIX. Leave to plead or reply Several Matters, or to plead and demur, may, if the Judge shall see fit, be granted *ex parte*. Several Pleas &c.

XX. No Order for time to Plead or Reply, or to file Particulars, or do any other act, extending beyond two clear days, shall be granted *ex parte*. Time to plead, &c.

XXI. Where any Order, granting such Leave or Time, shall have been made *ex parte*, the same may on cause shewn be rescinded, or varied, by the imposition of terms or otherwise, by the Judge who made such Order, or any other Judge. Rescinding any such Order.

XXII. In all cases where application is made to a Judge, under the 4th Vict. No. 22, s. 14, (or to the Court, or a Judge, under the 5th Vict. No. 9, s. 15, and the Statute 1st Wm. 4, c. 22, there referred to,) the Rule or Summons to shew Cause may be served, at any time before five o'clock in the afternoon preceding;—and no ground need be stated therein, otherwise than by reference to the Affidavit or Affidavits filed, of which no Copy need be served. Examination *de bene esse*.

XXIII. Where any such Application is opposed, the Costs of the Application, and of such Opposition, shall be in the discretion of the Court or Judge:—but, where the Application is unopposed, or no Order is made as to Costs, the Costs of such Application shall be borne by the party applying. Costs of Application.

XXIV. No Costs shall be allowed, to the party succeeding in a Cause, in respect of any Interlocutory Motion or Proceeding, unless he also succeeded therein, (either in the Application, if made by himself, or in his Opposition thereto, as the case may be,) or unless the Costs thereof were awarded to him, or expressly made Costs in the Cause.—But nothing in this Rule shall be construed to prevent the Court, or Judge, before whom any Motion or Proceeding is had, from making such Order respecting Costs, as such Court or Judge might have made without reference to this Rule. Interlocutory Proceedings.

XXV. Every Affidavit, to be used for the purposes of, or in opposition to, any Motion or Rule, or Application in Chambers, shall be in the form now (or hereafter to be) prescribed for Affidavits generally: and no such Affidavit shall be used, (without leave of the Court, or a Judge,) having any erasure or interlineation therein, unless the same be noticed in the margin opposite thereto, by the Officer taking such Affidavit. Form, &c., of Affidavits.

XXVI. The Affidavits, on which any Rule Nisi in Equity was obtained, and the Affidavits used in shewing Cause, shall be taken to be the pleadings between the parties; and the Rule Nisi the Prayer of the Complainant, for Discovery or Relief.—Provided that Cause may be shewn, without Affidavit, by way of *Demurrer*; and that, after such *Demurrer* overruled, or after Affidavits setting up any matter by way of *Plea*, the Court may give leave, on such terms as it shall think just, to shew additional Cause by Affidavit. Rules Nisi in Equity.

XXVII. All Affidavits, intended to be used in answer to any such Rule, shall be filed two days at the least before the day appointed for shewing Cause:—and the Court may then, or afterwards, on such terms as it shall think just, allow the Complainant to file Affidavits by way of Amendment, or in Reply. Affidavits in Answer or Reply.

XXVIII. Where the Respondent in any such Rule shall intend to take an objection, on the ground of the *Non-joinder* of any Person, or other Matter going to postpone the Hearing, he shall give Notice of such intention to the Complainant, two days at the least before the day for shewing Cause. Nonjoinder or other Matter postponing.

XXIX. In all cases of applications to refer an Attorney's Bill for taxation, under s. 2 of 11 Victoria, No. 33, where the Rule or Order was made *ex parte*, no Rule or Order for Judgment shall be had or made, without Notice to the Party, or a Rule or Summons on him to shew cause. Taxation of Bills. 11 Vic. No. 33.

ALFRED STEPHEN, C. J.
J. N. DICKINSON.
R. TERRY.
S. F. MILFORD.

OFFICERS OF COURT AND PRACTICE GENERALLY.

IN THE SUPREME COURT }
OF NEW SOUTH WALES. }

SATURDAY, THE 1ST DAY OF MARCH, 1856.

THE following General Rules and Orders are established, to take effect on the 25th day of March instant, respecting Officers of the Court, and Practice generally, and certain Miscellaneous Matters, instead of the now existing Rules and Orders on those subjects severally.—Provided that nothing herein shall affect any Rule, respecting the Admission of Attorneys, or establishing any Fee now payable.

I. The Hours of Attendance, in the several Offices of the Court, on every day not being Sunday or a Holiday, (in Term and Vacation alike,) shall be from a quarter before 10 o'clock in the morning, until 4 o'clock in the afternoon.—Provided that the Offices shall only be open to the public, from 10 to half-past 3 o'clock; and that, during the Half-yearly Vacations, the Hours of Attendance shall be from ten o'clock until one only.—Provided also, that on every day on which the Court sits, in whatever Jurisdiction, the Offices shall be opened at not later than half-past 9 o'clock. Hours of Attendance.

- Master in Equity.** II. The Master in Equity shall, by himself or his Clerks, discharge all the duties which are discharged in England by the Masters, Examiners, Registrars, and Clerks, of the High Court of Chancery;—and shall also, whenever specially so directed, by Rule or Order in any Cause or Matter, discharge such other duties, as shall by such Rule or Order be entrusted to him.
- Prothonotary.** III. The Prothonotary shall be Curator of Intestate Estates; and shall have charge of the Records, in the Common Law and Criminal Jurisdictions, as well as in the Ecclesiastical Jurisdiction of the Court:—and he shall, by himself or his Clerks, discharge all other duties incident to the Offices of Master, Taxing Officer, and Sealer of Writs, in the Queen's Bench, and to the Office of Registrar in the Prerogative Court of Canterbury.
- Judges' Clerks.** IV. The Judges' Clerks, in addition to their ordinary duties as such, shall discharge all the duties appertaining to Clerks in Chambers, or in attendance for Chamber Business; and shall sit, severally, as Clerks of Arraigns, and of Assize and Nisi Prius, in Sydney, as well as on Circuit.—They shall prepare also the Criminal Calendars, and Returns, and all Estreats and Jury Precepts.
- Orders and Petitions; how signed.** V. Every Rule or Order, issued by the Master or Prothonotary, shall respectively be signed by him; and be under the appropriate Office Seal. And every Petition shall be dated, and signed by the Petitioner, or his Counsel or Attorney.
- Party or Attorney.** VI. In every case where a matter or thing is, by any Rule of this Court, directed or allowed to be done by, or any notice is to be, or may be given to, the Party in a Cause or Proceeding, the same may be done by, or given to, his Attorney, Solicitor, or Proctor; unless there be something in the context, or in the nature of the case, to show that the party was himself alone intended.
- Subjoining or indorsing.** VII. Every Memorandum, or Notice, required by any Rule of this Court, in any of its jurisdictions, to be subjoined to any Form, may be indorsed thereon; and, where required to be indorsed, the same may be subjoined.
- Clear days.** VIII. Whenever, in any Rule of this Court, the words "clear days" are used, or a certain number of days is specified, with the words "at the least" added, the days shall be reckoned exclusively of Sunday, and of Christmas Day, or Good Friday, when intervening; and exclusively both of the day of notice, (or Demand, or Summons, as the case may be,) and of the day on which the thing or matter is to be done, or to come on to be heard, (or moved, as the case may be,) but not exclusively of any other days or day.
- What days inclusive.** IX. In all other cases, a specified number of days shall be reckoned, inclusively of the day of Notice, Demand, or Summons, and exclusively only of the day of performance, hearing, or motion.
- The word Attorney.** X. Whenever, in any Rule of this Court, the word Attorney is used, the same shall be taken to mean equally a Solicitor or Proctor; unless there be something in the context opposed to that construction.—And in like manner, the word Solicitor shall be taken equally to mean a Proctor, or an Attorney.
- Rules of construction.** XI. The five last preceding Rules shall be equally in force, with respect to every Rule of this Court, in any branch of its Jurisdiction, hereafter made; unless the contrary shall, in any such Rule, be expressed.
- Pleadings, &c. how written.** XII. All Pleadings and Matters in writing between parties, filed or delivered by any Attorney, in any Cause or Proceeding in this Court, shall be written in a clear and distinctly legible hand, on foolscap paper, having a quarter margin;—and no Pleading or Paper shall be filed, or received by any Officer of the Court, unless so written.—Provided that Records shall be on parchment, as at present.
- Uniformity in folios, &c.** XIII. All Pleadings, Special Cases, and Affidavits, filed by any Attorney, or intended by him to be used in any Cause or matter, shall be written on one side of the paper only, and folded lengthwise;—and, in the case of Affidavits, with the name of each Deponent indorsed thereon.—And no such Pleading, Special Case, or Affidavit, shall have less than three folios, (where it shall comprise so many,) or more than four folios, of seventy-two words, on any page thereof.
- Form of Affidavits.** XIV. Every Affidavit made in this Colony, to be used in any Proceeding in the Court, in any branch of its Jurisdiction, shall commence in the following, or some equivalent form. "On this twelfth day of September, in the year one thousand eight hundred and fifty-five, James Williams, of (*add the place, and degree, calling, or description,*) being duly sworn, maketh oath and saith as follows:—"after which, the Deponent's statement shall be throughout in the first person.—And the word last, or instant, if occurring in the Affidavit, may be taken in connexion with the date so given.
- Form of Jurat.** XV. The Jurat of every such Affidavit shall be as follows.—"Sworn by the Deponent," (*or, where more than one, by the two Deponents, or by the several Deponents,*) "on the day first above mentioned, at (*place,*) before me, Thomas Grey:—" adding the words, "A Commissioner for Affidavits," where the Affidavit is sworn before any such Commissioner.
- Deponent not able to write.** XVI. In all cases where any Deponent is unable to write, the Officer administering the oath shall add to the Jurat as follows.—"The Deponent (*or A. B., one of the Deponents*) "having heard the contents read, and appearing to me to understand the same."
- Receiving informal Affidavits.** XVII. Provided that it shall be lawful for the Court, or a Judge, to allow any Affidavit, not in accordance with the three preceding Rules, to be received, where justice shall appear so to require;—on such terms, as to costs and otherwise, as to such Court or Judge shall seem meet.
- Affirmations.** XVIII. The said three Rules shall equally apply to Affirmations and Solemn Declarations; so far as such Rules shall be applicable thereto respectively.
- General Rule of Practice.** XIX. In all Proceedings at Law, where no other course of Practice shall have been (*or shall hereafter be*) prescribed, by any Rule in that behalf, the Practice and Forms of the Queen's Bench,—(*or, in Revenue Matters, of the Court of Exchequer,*)—at Westminster, so far as the circumstances of the Colony may require and admit, shall be followed.

RULES OF COURT.

XX. Where any party, in any Cause or Proceeding at Law, shall sue, prosecute, defend, appear, or otherwise act, in person, he shall leave a Memorandum with the Prothonotary, at the time of taking his first step, specifying some known place in Sydney, where service shall be deemed good service on him;—or, in default, service on him may be effected by leaving the paper to be served in the Prothonotary's Office. Parties suing, &c., in person.

XXI. For the purpose of delivering Judgment, in any Cause or Matter at Law, or in Equity, in which Judgment shall have been reserved, the Sitting of any two Judges in Vacation, in open Court, on any day on which the Court sits in its Insolvency Jurisdiction, shall be taken to be a Sitting of the Court as in Banco:—and any Judgment in such Cause or Matter, delivered at any such Sitting, may be entered accordingly—as if the same had been delivered by the Court, in Term. Delivery of Judgment in Vacation.

XXII. The Prothonotary shall set down Special Cases, Special Verdicts, and Demurrers, for Argument, so soon as the Demurrer Book, (or the Case or Verdict, as settled,) shall have been filed:—and one copy only of such Case, Verdict, or Demurrer Book, for the use of the Judges, (to be left with the Clerk of the Chamber Judge, two clear days before the Argument,) shall be necessary. Setting down Demurrers, Special Cases, &c.

XXIII. In the month of November in every year, and on every change of Office or Place of Business, every Attorney shall cause to be filed with the Prothonotary, or entered in a book there to be kept for that purpose, a Memorandum or Notice under his hand of his Office or Place of Business;—and, if he does not practice in Sydney, or within one mile thereof, he shall add the name of some Attorney, practising in Sydney, at whose Office all Process, Notices, and Papers, for him, in any Cause or Proceeding in the Court, or before any Judge thereof, may be served. Registration of Attorneys' Offices.

XXIV. The Prothonotary shall register every such Memorandum or Notice forthwith, in the book so kept; which shall be open for inspection by any person:—and all Process, Notices, and Papers, in any Cause or Proceeding, may be served on any such Attorney, by being left at the Office or Place of Business last so entered; provided the same be so left in the daytime, between the hours of nine and five.—And no Process shall be issued, by or in the name of any Attorney, whose Office or Place of Business has not been so registered. Consequences of Registration, or Default.

XXV. The Sheriff shall, in all cases, carry every Writ into execution, according to the nature thereof, with the least practicable delay; notwithstanding that the same may not be immediately returnable.—And where, under any Writ, any moneys have been received by him, he shall on demand, pay them over to the Plaintiff, or his Attorney, (deducting all lawful charges,) whether such Writ be then returnable or not:—provided that he shall not have received any Notice to retain the same, from some person claiming to be interested therein. Sheriff's duty under Writs.

XXVI. On the first Monday in January, April, July, and October, the Sheriff shall file in the Office of the Prothonotary, an Account of all Moneys received by him, or any of his Officers, during the three months preceding, under any Writ issued out of this Court, containing the particulars next mentioned;—that is to say—Name of the Cause;—Writ when lodged;—Amount of Receipts under same;—Date of Receipt;—Amount retained or paid thereout;—Amount in Hand. Quarterly Return of Receipts.

XXVII. The Master in Equity, and Prothonotary, shall on the same days file in the same Office an Account of all Moneys, (the property of Suitors, or for any Cause paid into Court,) received during the previous three months by them, or their Clerks, respectively;—shewing the date and amount of Receipt in each case; the Cause or Matter in which received; the Amounts retained or paid thereout, severally, in detail; and the Amount or Balance in hand. The like, Master and Prothonotary.

XXVIII. There shall also be a Memorandum, subjoined to every such Account, shewing the amount in hand at the commencement of the quarter, and all payments thereout since the last Account. Reference to former Account.

XXIX. The Master shall also, in the months of January, and July, in each year, file in the same Office a List of all Securities held by him, whether then productive or not, shewing the Cause or Matter in which deposited, and for what purpose. Securities held by Master.

XXX. All such Accounts shall be in charge of the Prothonotary's First Clerk; and be open to inspection, by all parties claiming to be interested therein, at all times during Office hours. Inspection of Accounts.

XXXI. Every Commissioner within any Circuit District, authorized (under the 13 Subpœna at Vict., No. 34, s. 2,) to issue Writs of Summons, is hereby empowered also to issue Subpœnas in any case, Civil or Criminal.—No such Subpœna is to contain more than four names. Circuit towns.

XXXII. In all cases, where it shall be necessary to cite, or refer to, any rule of this Court, it shall be sufficient to do so by its date, and number, merely. Citation of Rules.

XXXIII. During the Half-yearly Vacations, no time shall run for Pleading, or the doing of any other thing, at Law or in Equity.—Provided that all Writs may be issued, executed, and returned, in Vacation. When time does not run.

ALFRED STEPHEN, C. J.
J. N. DICKINSON.
R. TERRY.
S. F. MILFORD.

BARRISTERS.

RULES OF COURT.

BARRISTERS AND ATTORNEYS.

The following is a List (according to seniority) of all Barristers on the Roll, resident in the Colony;—and of all Attorneys, whose Offices have been registered for the year 1856, under the Rule corresponding with No. 23.

BARRISTERS.

John Hubert Plunkett. (a)	James Sheen Dowling. (h)
William Montagu Manning. (b)	Robt. Macintosh Isaacs.
Charles Knight Murray.	Edward Wise.
Henry Cary. (c)	Peter Faucett.
William Alexander Purefoy (d)	John O'Neil Brenan. (i)
Samuel Raymond. (e)	Geo Hibbert Deffell.
Alfred Cheeke. (f)	Fred Wm. Meymott.
Isidore John Blake.	Charles Riley.
Edward Broadhurst.	Ratcliffe Pring.
John Bayley Darvall.	Charles Throsby.
Thomas Callaghan. (g)	John Alexander Jackson.
Alfred Jas. P. Lutwyche.	Matthew Henry Stephen.
Thomas James Fisher.	Herman Milford.
Arthur Todd Holroyd.	Joshua Frey Josephson.

Edward Butler.

(a) Attorney General. (b) Solicitor General. (c) Master in Equity. (d) Chief Commissioner in Insolvency. (e) Prothonotary. (f) Chairman of General Sessions. (g) Crown Prosecutor in Quarter Sessions. (h) Police Magistrate. (i) Sheriff.

SYDNEY ATTORNEYS.

NAMES.	OFFICES.
Abel Alexander	24, Macquarie Place.
Abbott, Robert Palmer	19, King-street.
Allen, George Wigram (t)	51, Elizabeth-street.
Adams, Thomas	22, King-street.
Brenan, John Ryan (a)	3, King-street.
Barker, William (b)	4, Elizabeth-street.
Bradley, Henry Burton (c)	1, Margaret-street.
Boyton, Francis James	59, Pitt-street.
Bowden, Thomas Kendall (t)	51, Elizabeth-street.
Billyard, William Whaley	Macquarie-street North.
Broughton, Robert	19, Pitt-street.
Brown, Stephen Campbell (d)	63, Pitt-street.
Banbury, Robert	229, George-street.
Cory, Edward James	55, Pitt-street.
Dawson, John (dd)	21, Pitt-street.
Dillon, John	60, Elizabeth-street.
Deane, William	20, Hunter-street.
Dunsmure, John (e)	42, Castlereagh-street.
Daintrey, Edwin	12, Elizabeth-street.
Dick, Alexander (d)	63, Pitt street.
Frazer, James... ..	81, Botany-street, Surry Hills.
Fitzhardinge, W. G. A.	25, King-street.
Gurner, John (f)	158, George-street.
Greer, James	1, Wentworth Place, Elizabeth-street.
Garrett, H. B. (r)	1, King-street.
Hart, James (u)	55, Elizabeth-street.
Holden, George Kenyon (g)	12, Castlereagh-street.
Hardy, William (h)	15, Elizabeth-street.
Husband James	19, Pitt-street.
Holdsworth, Richard (j)	49, Elizabeth-street.
Hayward, Augustus	36, Ditto.
Iceton, Thomas (k)	15, Castlereagh-street.
Jones, John Russell (l)	221, George-street.
James, Layton O. David (c)	152, George-street.
Jones, Henry	
Johnson, Robert (m)	59, Pitt-street.
Johnson, Richard (m)	59, Ditto
Levy, David Lawrence (n)	219, George-street.
Lee, John James	Macquarie-street, North.
Long, Parry	3, King-street.
Laudor, Jonas... ..	504, Crown-street.
Lipscombe, Thomas	25, King-street.
Martin James... ..	56, Elizabeth-street.
Michael, James Lionel (n)	219, George-street.
M'Carthy, William Godfrey (g)	12, Castlereagh-street.
Mayne, Henry	19, Pitt-street.

SYDNEY

SYDNEY ATTORNEYS.—Continued.

NAMES.	OFFICES.
M'Carthy, William Frederick	... 12, Castlereagh-street.
Milford, Henry	... 37, Elizabeth-street.
Moffat, William Palmer	... 219, George-street.
Nichols, George Robert (o)	... 61, Pitt-street.
Norton, James (b)	... 4, Elizabeth-street.
Norton James, Jr. (b)	... Ditto.
Newbon, Henry	... 46, Elizabeth-street.
O'Reilly, Edward Dormer	... 126, King-street.
Pownall George (k)	... 15, Castlereagh-street.
Pennington, William George (u)	... 24, Elizabeth-street.
Russell, William (a)	... 3, King-street.
Roberts, William	... 126, King-street.
Roxburgh, John Pirie (p)	... 2, Pitt-street.
Reynolds, Maurice	... 229, George-street.
Rodd, Brent Clements (dd)	... 21, Pitt-street.
Robberds, Robert William (f)	... 158, George-street.
Redman, William	... 63, Pitt-street.
Rowley, George (j)	... 49, Elizabeth-street.
Readett, Wood	... 47, Elizabeth-street.
Spain, William (q)	... 322, George-street.
Stephen, Montague Consett	... 56, Elizabeth-street.
Stenhouse, Nichol Drysdale (h)	... 15, Elizabeth-street.
Stafford, Charles (c)	... 42, Castlereagh-street.
Smith, John	... 15, O'Connell-street.
Shuttleworth, J. N.	... 229, George-street.
Templeton William Ralph (l)	... 221, George-street.
Teale, William (r)	... 1, King-street.
Thompson, John Malbon (s)	... 43, Elizabeth-street.
Tompson, Piddock Arthur	... 158, George-street.
Thorburn, James	... 80, Castlereagh-street.
Thurlow, William (d)	... 63, Pitt-street.
Thomas, Charles	... 47, Elizabeth-street.
Williams, John (o)	... 61, Pitt-street.
Want, Randolph John (p)	... 2, Pitt-street.
Want, George (p)	... Ditto.
Way, Richard Henry (s)	... 43, Elizabeth-street.
Williams, Thomas	... 24, Macquarie-place.
Wilson, George	... Newtown.
Weedon, Thomas E.	... 223, George-street.
Wright, Gilbert	... 1, King-street.
Young, William (q)	... 322, George-street.
Yarnton, George Swinerton	... 63, Pitt-street.

(a) Brennan and Russell. (b) Norton, Son, and Barker. (c) Bradley and James. (d) Thurlow, Dick, and Brown. (dd) Rodd and Dawson. (e) Dunsmure and Stafford. (f) Gurner and Robberds. (g) Holden and M'Carthy. (h) Stenhouse and Hardy. (j) Rowley and Holdsworth. (k) Iceton and Pownall. (l) Templeton and Jones. (m) Johnson and Johnson. (n) Levy and Michael. (o) Nichols and Williams. (p) Want, Roxburgh, and Want. (q) Spain and Young. (r) Teale and Garrett. (s) Way and Thompson. (t) Allen and Bowden. (u) Pennington and Hart.—(List corrected by the Registry, to 1st March, 1856.)

COUNTRY ATTORNEYS.

NAME.	PLACE.	AGENTS.
Allman, George C.	Yass	Dunsmure and Stafford.
Briggs, William	Maitland	Ditto.
Blackmore, Samuel F. (a)	Goulburn	Iceton and Pownall.
Baker, Henry	Newcastle	Ditto.
Coley, Richard	Windsor	Ditto.
Chambers, Joseph	Maitland	Way and Thompson.
Devereux, John Walter	Mudgee	Pennington and Hart.
Deniehy, Daniel Henry	Goulburn	Ditto.
Gould, John Morton	Parramatta	Way and Thompson.
Grantham, Wilkinson	Albury	William Roberts.
Home, James Stirling	Bathurst	Bradley and James.
Issac, George F.	Brisbane	Iceton and Pownall.
Lyons Charles Bethel	Parramatta	Teale and Garrett.
Little, Robert	Brisbane	Holden and M'Carthy.
Mullen, William Henry	Maitland	Iceton and Pownall.
M'Intosh, John Nepean (b)	Bathurst	Teale and Garrett.
Minter, Robert B.	Maitland	M. C. Stephen.
M'Alister, Arthur	Ipswich	Dunsmure and Stafford.
O'Meagher, Joseph	E. Maitland	R. P. Abbott.

COUNTRY ATTORNEYS.—Continued.

NAME.	PLACE.	AGENTS.
Ocock Richard	Brisbane	Iceton and Pownall.
Owen, Percy	Kiama	Dunsmure and Stafford.
Owen, Robert	Wollongong	Ditto.
Oxenham John	Armidale	Bradley and James.
Overton, Jefferson John	Parramatta	
Pinnock, George (b)	Bathurst	Teale and Garrett.
Ryall, Joseph	Yass	M. C. Stephen.
Roberts, Daniel Foley	Brisbane	Rowley and Holdsworth.
Rogers S. Sandiland	Wollongong	Thurlow and Co.
Sergeant Saml. Benny	Bathurst	Bradley and James.
Walsh Chs. Hamilton (a) ...	Goulburn	Iceton and Pownall.
Wadson, Samuel	Bathurst	M. C. Stephen.
Walsh, James	Ipswich	Bradley and James.
Ward, Thomas	Maitland	Rowley and Holdsworth.
White, George	Campbelltown	James Husband.
Walker William	Windsor	Templeton and Jones.

(a) Walsh and Blackmore. (b) M'Intosh and Pinnock.

JUDGMENT AND EXECUTION.

IN THE SUPREME COURT }
OF NEW SOUTH WALES. }

THURSDAY, THE 6TH DAY OF MARCH, 1856.

Rules as to Judgment and Execution. IT IS HEREBY ORDERED, that, on and after the 24th day of March instant, all the present Rules of this Court relating to the obtaining of Judgment, the issue of Execution, and the Sheriff's duty under the Writ, shall be repealed; and the following Rules be in force in lieu thereof.—Provided that nothing herein shall repeal, or affect, any Rule establishing or altering any Fee now by law payable.

Judgment after Verdict for Plaintiff. I. The Plaintiff, having obtained a Verdict, shall be entitled to sign Judgment and issue Execution, (except in the cases next mentioned,) at the expiration of eight days after such Verdict:—but where the Defendant (or any Defendant, if there be more than one,) resides above one hundred miles from Sydney, the number of such days shall be twelve, or, where any Defendant resides above two hundred miles from Sydney, sixteen days.

The like; Defendant succeeding. II. Any Defendant, having obtained a Verdict, shall be entitled to Judgment and Execution, at the expiration of a like number of days; having regard to the residence of the Plaintiff, or Plaintiffs, severally.

For want of Appearance. III. The Plaintiff, having obtained Judgment under the 23rd section of the Common Law Procedure Act of 1853, may, on filing such Verified Account as is hereinafter mentioned, issue Execution forthwith.

Affidavit of Debt in certain cases. IV. Where Judgment is entered up in pursuance of any Warrant of Attorney, or Cognovit Actionem, the Plaintiff shall, before suing out Execution, file an Account of what is justly due to him, under such Judgment;—which Account shall be verified on the oath of such Plaintiff, or (if he be absent from the Colony) on the oath of his Agent, or Attorney, to the best of such Agent's or Attorney's belief.

The like in certain other cases. V. A similar Account, verified in like manner, shall be filed, before any Execution shall be sued out, on any Judgment more than one year old;—or on any Judgment by Default, in any Action for a Debt, or Liquidated Demand, in any case where there shall have been no Writ of Inquiry, or Assessment, or Order for calculation of Damages.

Statement or Account. VI. Where, from the nature of the demand, an Account shall be inapplicable, or the Account would extend over three folios, a Statement of the demand—verified as aforesaid—shall be sufficient.

The like before Renewal. VII. In every case, in which such Verified Account or Statement is required to be filed, before Execution issued, the same shall be necessary before every Writ of Execution, or Renewal thereof:—and no such Account or Statement shall be effectual, unless such Writ shall be sued out, or renewed, within ten days next following.

Judgment on Warrant of Attorney. VIII. Judgment shall in no case be signed, on any Warrant of Attorney, unless such Warrant be executed in the presence of an Attorney, or of some Justice of the Peace, residing near the Place where such Warrant is executed:—which Attorney or Justice, shall certify on such Warrant, that, before execution thereof, he cautioned the Party about to execute the same as to the nature and consequence of his act.

Cognovit Actionem. IX. The last preceding Rule, except as to the Certificate therein mentioned, shall equally apply to every Cognovit Actionem.

Writs of Scire Facias. X. Every Writ of Scire Facias may be made returnable at any time, and a Copy may be served upon the Defendant, without Summons; and such service, on proof thereof, shall amount to a Scire Feci:—and, in case the Defendant cannot be found, a Judge may order Notice of such Writ to be inserted in the Gazette, and one other newspaper, requiring him to appear at a certain day, and show cause according to the exigency of such Writ:—and if the Defendant shall fail to appear, according to such Notice, such default shall be sufficient to found a Judgment.

Writs how tested. XI. Writs of Execution shall be tested in the name of the Chief Justice for the time being, and may be made returnable immediately after the execution thereof.

XII.

XII. Upon every Writ of Execution, before the same shall be issued, the sum *bonâ fide* due shall be indorsed, and the Sheriff shall levy accordingly;—and if a larger sum be indorsed than is due, either for Debt or Costs, restitution may be awarded by summary application to a Judge. Sum due to be indorsed.

XIII. The Costs of all steps after Judgment, rendered necessary by any Rule of this Court, may be allowed by the Prothonotary as Costs, incident to the issue of the Writ. Costs of Execution.

XIV. In all cases where the Sheriff is served with Notice to return any Writ, or to bring in the body of any Defendant, he shall return such Writ, or bring in such Defendant, within four days after receipt of such Notice. Notice to return Writ.

XV. All Expenses attending the execution of Process by the Sheriff may, on Summons to shew Cause, be taxed and assessed, if the Judge thinks fit so to order, by the Prothonotary;—and an Order may in like manner be obtained, by any party interested, for the rendering of an Account by the Sheriff, of such Expenses, and of the proceeds of any Sale or Sales by him. Sheriff's charges.

XVI. No Bailiff shall be compellable to go more than forty miles from his own Residence, for the service of any Process; nor shall more than one hundred miles be allowed, in any case, without the Order of a Judge. Mileage on Writs.

XVII. Every Writ of Execution for the Queen, on any Estreated Recognizance, or to levy any Fine, shall be against the *person*, in the first instance,—on the Sheriff's failure to find sufficient property, as well as against the party's lands, moneys, and goods. Execution for Fines, &c.

XVIII. No greater Expense shall be chargeable against any Party, respecting whom or whose Property the execution of Process is made, for the *extra* cost of executing the same at a distance from Sydney,—than the cost of transmitting the same by the least expensive mode, to and from the place of residence of the nearest Deputy;—and Mileage, according to the mode of execution, and distance of the place where the same shall be made, from the place of Residence of such Deputy.—And no Mileage shall be allowed to any Deputy, unless he shall state in his Return to the Sheriff, the number of miles the Party lives from his Residence. Expenses on Country Writs.

XIX. The Sheriff shall appoint fit and proper persons, to be his Deputies at each of the following Towns; and at such other places as he shall think fit:—that is to say, at Bathurst, Campbelltown, Goulburn, Maitland, Muswell-brook, Parramatta, and Brisbane. Sheriff's Deputies.

XX. The Sheriff shall not be required to act, upon any *conditional order* for suspending the execution of any Process; but only upon an absolute order in writing to that effect:—which order may be at any time withdrawn, by the same Party lodging with the Sheriff a written instruction to execute the said Process. Suspension of Writs.

XXI. In all cases, where the Sheriff shall take both Real and Personal Estate belonging to the same Party, in execution, he shall, unless the Party shall otherwise desire, cause the *Personal Estate* to be first sold; and if the proceeds be not sufficient to satisfy the Execution, then he shall sell the Real Estate. Goods to be first sold.

XXII. Where the Party shall allege that his Lands are more than sufficient to satisfy the Execution, he may point out to the Sheriff, what part or parts he will have first sold, and the same shall be sold accordingly:—but if the same be not sufficient to satisfy such Execution, then the Sheriff shall proceed to sell the whole of the Lands, or such other parts thereof as shall be sufficient to satisfy the Claim, including all Costs.—And the Sheriff shall in all cases pay to the Owner the surplus, if any, arising from any levy, within six days after he shall have received the same. What Lands first sold.

XXIII. The like privilege shall belong to the Party, in respect of his Chattels taken; subject to the same condition as in the last Rule. Same as to Goods.

XXIV. All Property of every description, taken in execution, shall be put up for Sale as early as may be, with a due regard to the interests of all Parties:—Provided, that if the Sheriff cannot effect an early Sale of any Property, without a sacrifice of its reasonable value, it shall be competent for him to delay the Sale;—and, by application to a Judge, to obtain an Order for enlarging, if necessary, the time for returning the Writ. Selling Lands or Goods.

XXV. In all cases it shall be the duty of the Sheriff, before he makes Sale of any Property, diligently to inform himself whether it would be best, with the view of obtaining the highest prices for the same, to cause the Sale to be at the Place of Levy, or elsewhere;—and he shall sell at such place, as in his judgment is the best calculated to obtain such prices. Place of Sale.

XXVI. Where any Property is to be put up for sale in *Sydney*, or within twenty miles thereof, the Sheriff shall cause Notice of the time, and place, and particulars thereof, to be given by Advertisement in one or more of the *Sydney* Newspapers;—and, in all other cases, he shall cause such Notice to be given, by affixing the same on the Premises, and also in the most Public Place or Places, near to the intended Place of Sale. Advertising.

XXVII. Within eight days after the last day of each Sitting for Causes in *Sydney*, and of every Session of Gaol Delivery, and Sitting of any Circuit Court,—a Schedule of all Fines imposed, and Recognizances forfeited thereat, shall be made out by the Clerk of the Court, sitting at the time of such impositions and forfeitures respectively. Schedules of Fines.

XXVIII. Every such Schedule shall contain the name, residence, and trade, profession, or calling, of every Party named therein; and the Amount or Sum forfeited by each, respectively, with the cause of Forfeiture;—and shall be signed by the Clerk making out the same, and be verified by his Affidavit before a Judge, that the Schedule has been by such Clerk carefully made up, and examined,—and that all Fines and Recognizances, imposed and forfeited at the Sittings there mentioned, are (to the best of his knowledge and understanding) therein truly inserted. Contents of Schedule.

XXIX. Every such Schedule shall, within ten days after the Sittings, be filed with the Prothonotary; who shall thereupon issue out of his Office, and deliver to the Sheriff, as many Summonses as there are names therein, against which any Fine or Forfeiture is set;—

which

which Summonses shall be in the form now in use, or in such other form as shall hereafter be prescribed, in that behalf; and shall be made returnable, either on the first, or the last day, of the then present or next ensuing Term.

Service thereof.

XXX. The Sheriff shall, without delay, cause every such Summons to be served, upon every person therein named, by leaving a copy thereof with him, or at his dwelling with some member of his household there,—six days at the least (or, where the party resides fifty miles or more from Sydney, ten days at the least) before the Return day of the Summons;—and he shall return every such Summons into Court, according to the exigency thereof, with a statement of the mode in which it has been served, and an account of all sums received by him under the same.

Proceedings on Return.

XXXI. On the first or last day of Term, (as the case may be,) every Schedule then undisposed of shall be brought into Court by the Prothonotary; and the names of the Parties, against whom any such Fine or Forfeiture is set, and of which the amount has not been paid, shall be called;—and, unless sufficient cause be then shewn, why the unpaid Fines and Forfeitures should not be levied, the Court shall direct the Prothonotary to issue, and deliver to the Sheriff, Writs of Execution against the parties in default, respectively, for levying the amount of the same.

Payment over by Sheriff.

XXXII. Every sum levied under any such Writ by the Sheriff, or his Officers, shall be immediately paid over by him to the Colonial Treasury, and be accounted for in the manner appointed by law.

ALFRED STEPHEN, C. J.
J. N. DICKINSON.
R. THERRY.
S. F. MILFORD.

IN THE SUPREME COURT OF }
NEW SOUTH WALES. }

SATURDAY, THE FIFTH DAY OF APRIL, 1856.

1. In the months of April and October, in each year, the Master, Sheriff, and Prothonotary, and also the Chief Commissioner of Insolvent Estates, shall severally transmit a report to the Judges on the state of their Departments respectively:—having reference therein not only to the efficiency, but the amount of Clerical Assistance, and the extent of Office Accommodation, in each department; and shewing the amount of Business transacted as compared with that of the half-year preceding.

2. The said four Officers shall form a Board, for the purpose of jointly reporting to the Judges, in the month of April in each year, the state of the two Court Houses, in King-street, and at Darlinghurst, in reference more especially to the accommodation therein for Jurors, Witnesses, and the Public:—and the Board shall report in that month accordingly.

3. The King-street Court House shall be under the charge of the Prothonotary, and the Darlinghurst Court House, under that of the Sheriff.

ALFRED STEPHEN, C. J.
J. N. DICKINSON.
R. THERRY.
SAML. FREDK. MILFORD.

1857.

NEW SOUTH WALES.

SUPREME COURT.

(BUSINESS OF.)

Ordered by the Legislative Assembly to be Printed, 12 March, 1857.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 7 November, 1856, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table of this House :—

“(1.) A Numerical Return of all Causes tried, and of all Motions or Applications made before the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855—specifying the name or names of the officiating Judge or Judges in each case, and the number of days occupied in such adjudications or decisions.

“(2.) A Numerical Return of all New Trials granted by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the Judge or Judges who tried the original case; the reasons—if on record—succinctly stated, why, in each case, the New Trial was granted,—and the number of days occupied in each of such adjudications or decisions.

“(3.) A Numerical Return of all Judgments reserved by the Supreme Court of this Colony, in its several Jurisdictions, since the beginning of the year 1855,—specifying the name or names of the officiating Judge or Judges; the reasons—if on record—succinctly stated, why, in each case, judgment was reserved,—and the number of days occupied in each of such adjudications or decisions.”

SUPREME COURT.

(BUSINESS OF.)

No. 1.

A NUMERICAL RETURN of all CAUSES tried before the Supreme Court of the Colony of New South Wales, since the beginning of the Year 1855 to the 7th of November, 1856—specifying the Name of the officiating Judge, and the Number of Days occupied in such adjudications or decisions.

Number of Causes tried by the Chief Justice.	Number of Days occupied in such Adjudications.	Number of Causes tried by Mr. Justice Dickinson.	Number of Days occupied in such Adjudications	Number of Causes tried by Mr. Justice Terry.	Number of Days occupied in such Adjudications	Number of Causes tried by Mr. Justice Milford.	Number of Days occupied in such Adjudications
120	84	132	102	80	59	59	40

Total number of Causes tried 391

Total number of days occupied..... 285

A RETURN of all Motions and Applications made before the Supreme Court of this Colony, in its Common Law, Insolvency, and Ecclesiastical Jurisdiction, since the Year 1855, up to the 7th November, 1856—specifying the Name or Names of the officiating Judges in each case, and the Number of Days occupied in such adjudications.

Number of Motions, &c., in the Common Law and Ecclesiastical Jurisdiction.	Same in Insolvency Jurisdiction.	Total.	Number of Days occupied in such Adjudications.	Names of the Judges.
688	548	1236	168	Before three of the Judges sitting in Banco.

Memo.

The accompanying Returns do not embrace the Civil and Criminal Causes tried at the several Circuit Courts of Bathurst, Goulburn, Maitland, and Brisbane; the former of which are holden twice a year, and occupy the time of the presiding Judge (including going and returning), on the average, seventeen days each Circuit. Brisbane Circuit is holden three times a year, and the presiding Judge is absent, on the whole, about three weeks each Circuit.

Nor do these Returns include the Sittings of the Criminal Court at Sydney, of which there are six Sessions each year, each Session occupying, on the average, eight days.

For the Prothonotary,

D. B. HUTCHINSON,
First Clerk of Supreme Court.

No. 2.

A NUMERICAL RETURN of all NEW TRIALS granted by the Supreme Court of this Colony, in its Common Law Jurisdiction, since the beginning of the Year 1855 up to the 26th of November, 1856 (end of the fifth Term)—specifying the name or names of the Judge or Judges who tried the original Case; the reasons, if on record, succinctly stated, why, in each case, the new Trial was granted, and the Number of Days occupied in each such adjudication.

Date of Hearing.	Plaintiff.	Defendant.	Judge who tried the Cause.	Number of days occupied.	Reasons why New Trial granted.
1855.					
17 April	Jones	Zahel	Chief Justice.	The number of days occupied by the full Court in hearing these applications for New Trials are included in the Return of all Motions and Applications made to the full Court.	<p>{ Because the verdict of the Jury was not satisfactory to the Court; and as the Jurors were not unanimous a New Trial was granted upon payment of costs of former trial. Decided on day of argument.</p> <p>{ For misdirection of the Judge. Decided on day of argument.</p> <p>{ Because in this case, though there were several issues on the record, by the consent of Counsel only one of them was tried, submitted to the Jury. The Court being of opinion that the Judge's direction was inapplicable to that issue, and there being a contest between the Counsel as to whether or not it was agreed at the trial that all points should be laid before the Jury under the issue submitted to them, the Court ordered a New Trial. This case was decided on day of argument.</p> <p>{ Because the Judge erroneously non-suited the Plaintiff.</p> <p>{ Because the verdict of the Jury had no evidence to support it.</p> <p>{ Granted upon payment of costs by the unsuccessful party, because, though there was evidence on both sides, the Court thought the weight of it was in favour of the unsuccessful party, and because topics were used in argument which had no legitimate bearing on the question before the Jury by which they might have been influenced.</p> <p>{ A New Trial was offered in this case, but not accepted.</p> <p>{ Because the evidence so much preponderated in favour of the unsuccessful party, that the Court was not satisfied that justice had been done; but as there was evidence on both sides, the New Trial was granted, on payment of costs of the former trial by the unsuccessful party. Decided on the day of argument.</p>
19 April	Crawley... .. v.	Brown	Dickinson, J....		
12 May	Brady	Cohen.....	Chief Justice.		
13 July	Dick	Kidd	Dickinson, J....		
18 July	Cullen	Gilchrist	Therry, J.		
24 July	Anderson ... v.	Fisher.....	Dickinson, J....		
25 July	{ London Char- tered Bank } v.	Lavers	Chief Justice.		
28 July	Emery	Armstrong.....	Dickinson, J....		
25 August	Aland	Murnin	Chief Justice.		
10 October ...	Cope	Trudgett	Therry, J.		
24 October ...	Postlethwaite v.	O'Hara	Dickinson, J....		
10 December ..	Anderson ... v.	How	Chief Justice.		
10 December ..	How & Same v.	Same	Chief Justice.		
18 December ..	Marshall ... v.	Cardwell	Chief Justice.		
19 December ..	Samuel	Youngman.....	Dickinson, J....		
1856.					
1 May	Gannon	Spinks	Therry.		
1 May	Korf	Perry.....	Milford, J.		
5 May	Mary Lord v. {	{ City Commis- sioners ... }	Dickinson, J....		
6 May	Morris	Thornton	Therry, J.		
16 May	Fawcett..... v.	Thorne	Chief Justice.		
24 June	Wolfenden .. v.	Wolfenden.....	Milford, J.		
28 June	Brady	Kain	Milford, J.		
9 July	Waller	Harvey	Chief Justice.		
30 July	Kinloch ... v.	Rourke	Chief Justice.		
25 August ...	Mortimer ... v.	Mort	Milford, J.		
29 October ...	Kirchner ... v.	Venus	Chief Justice.		
31 October ...	Wolfenden .. v.	Wolfenden.....	Milford, J.		
4 November ...	O'Brien	Austen	Milford, J.		
6 November ...	Daveny	Maedonald.....	Milford, J.		
10 Novem. {	{ Toole and another } v.	Rotton	Dickinson, J....		
11 November..	McDougall v. {	{ Christian and another ... }	Chief Justice.		
15 November..	Holroyd ... v.	Parkes	Chief Justice.		
26 November..	Gannon	Spinks	Therry, J.		

No. 3.

A NUMERICAL RETURN of all JUDGMENTS reserved by the Supreme Court of this Colony, in its Common Law Jurisdiction since the beginning of the Year 1855, up to 22 November, 1856 (the end of Fifth Term), specifying the Names of the officiating Judge or Judges, the Reasons (if on record), succinctly stated, why in each case Judgment was reserved, and the Number of Days occupied in each of such adjudications or decisions.

Name of Cause.	When Reserved.	When Delivered.	Number of Days from the Reservation to the Delivery of Judgment.	Names of Judges.	Reasons why Judgments were reserved.	
	1855.	1855.				
Hayes v. Morris	13 April ...	28 April.....	15	Judgments reserved by the Full Court.	{ To consider what the Judgment should be.	
Aland v. Murnin.....	18 April ...	25 August ...	129		Do.	
Tully v. Van Nordern.....	23 April ...	12 May	19		Do.	
Bateman v. Berkleman	24 July	26 July	2		Do.	
Queen v Reynolds	12 October ..	.....	.....		Do.
In the Will of Erwin	22 October ..	27 October ..	5		Do.	
		1856.				
Oliver v. Elliott	23 October ..	7 June	228		Do.	
Hardy v. Wise	26 October ..	14 June	232		Do.	
Dewson v. Williams	14 December	30 July	228		Do.	
Queen v. Nash	20 December	22 December	2		Do.	
Birnstingl v. Blau	24 December	.....	.....		Do.
O'Connor and another v. Hill	27 December	29 December	2		Do.	
Darvall v. City Commissioners	} 1856.					
E. Lord v. City Commissioners	27 February	26 April.....	90		Do.	
Mary Lord v. do.	4 March.....	5 May	62		Do.	
Williamson v. New South } Wales Marine Assurance } Company	5 May	16 May	11		Do.	
Weston v. Ewen	7 May	23 June.....	47		Do.	
Lang v. Peters.....	7 May	9 July	63		Do.	
Fawcett v. Thorne	14 May	16 May	2		Do.	
Willis v Campbell	17 May	31 May	14	Do.		
Kinlock v. O'Rourke	28 June.....	30 July	32	Do.		
Mortimer v. Mort.....	2 July	25 August ...	54	Do.		
Smith v. Pye and others.....	3 July	4 July	1	Do.		
Strachan v. Fisher	4 July	30 July	26	Do.		
Dutton v. Gaggin	8 July	9 July	1	Do.		
Gannon v. Spinks	10 July	28 October...	110	Do.		
Grenfell v McDonald	12 July	19 July	7	Do.		
Macpherson and another v. } Morris	12 July	19 July	7	Do.		
Holroyd v. Parkes	3 September	15 November	82	Do.		
Gibbs v. Melville.....	1 September	28 October...	83	Do.		
Smith and others v. Frith } and others	29 October..	30 October...	1	Do.		
New South Wales Assu- } rance Company v. Gibson }	1 November..	22 November	21	{ Special case for the opinion of the Court, to consider what the judgment should be.		
Gannon v. Spinks	14 November	22 November	8	{ To consider what the Judgment should be.		

1856.

NEW SOUTH WALES.

I N S O L V E N C I E S .

(SUNDRY RETURNS RELATIVE TO PROCEEDINGS IN.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1856.

Return to an Order ;—MR. WEEKES : 8 August, 1856.

I hereby certify that I have carefully examined all the Papers, Documents, and Minutes of Proceedings in each of the Insolvent Estates comprised in the several Returns hereunto annexed, marked A, B, and C, respectively, as filed in the Office of the Chief Commissioner of Insolvent Estates; and I do further certify, that I believe the said Returns to be correctly and accurately made out.

GEO. CURTIS,

Accountant.

2 December, 1856.

INSOLVENCY RETURNS.

A.

CLAUSE No. 1.

The number of Insolvencies from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
100	93	45	19	78	280
Total of Insolvencies for the six years					615

CLAUSE No. 2.

The Total Amount of Liabilities as stated by Insolvents' Schedules.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 50,082 5 10½	£ s. d. 197,134 14 3½	£ s. d. 23,720 4 7	£ s. d. 6,112 0 2	£ s. d. 168,959 8 1	£ s. d. 721,084 4 1½
Total of Liabilities for the six years					£ 1,167,092 17 1½

CLAUSE No. 3.

The Total Amount of Assets as stated by Insolvents' Schedules.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 19,031 11 8	£ s. d. 47,239 7 5½	£ s. d. 14,118 7 1	£ s. d. 3,442 16 6	£ s. d. 93,702 19 3¼	£ s. d. 447,088 7 1½
Total Assets as per Schedules for the six years					£ 624,623 9 1¼

CLAUSE No. 4.

The Total Amount of Debts proved as per Plans of Distribution.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 35,032 0 4	£ s. d. 41,111 12 2½	£ s. d. 16,699 14 4½	£ s. d. 5,049 13 9	£ s. d. 124,254 7 8	£ s. d. 422,958 12 10
Total of Debts proved for the six years					£ 593,806 1 2

CLAUSE No. 5.

The Total Amount of Assets realized, as per Plans of Distribution.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 13,319 8 11	£ s. d. 24,214 0 11	£ s. d. 5,535 2 1	£ s. d. 886 15 2	£ s. d. 18,846 4 9	£ s. d. 72,374 12 2
Total of Assets realized for the six years					£ 135,176 4 0

INSOLVENCY RETURNS.

3

CLAUSE No. 6.

The Total Amount of Dividends paid from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 2,361 11 0	£ s. d. 9,250 17 6	£ s. d. 4,266 3 11	£ s. d. 768 4 10	£ s. d. 13,174 7 9½	£ s. d. 38,164 18 11½
Total of Dividends for the six years.....£					67,986 4 0

B.

CLAUSE No. 7.

The Average of Dividends paid from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
8s. 7d. in the pound.	6s. 4½d. in the pound.	8s. 6½d. in the pound.	12s. 9½d. in the pound.	3s. 10d. ½th in the pound.	4s. 8½d. in the pound.
General Average of Dividends paid for the six years					{ 6s. 11½d. in the pound.

CLAUSE No. 8.

The Average of Time between the filing of the Schedule and the Declaration of the first Dividend.

1850.	1851.	1852.	1853.	1854.	1855.
Months. Days. 8 13	Months. Days. 7 22	Months. Days. 6 12	Months. Days. 10 8	Months. Days. 7 29	Months. Days. 7 8
General Average of Time for the six years					Months. Days. 8 2

CLAUSE No. 9.

The Total Amount of Assignees' Commission from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 228 12 1	£ s. d. 1,129 10 4	£ s. d. 294 15 2	£ s. d. 50 18 0	£ s. d. 984 1 10	£ s. d. 4,070 18 9
Total of Assignees' Commission for the six years.....£					6,758 16 2

CLAUSE No. 10.

The Total Amount of Law Charges from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 31 12 6	£ s. d. 465 4 10	£ s. d. 132 3 11	£ s. d. 21 5 6	£ s. d. 778 18 1	£ s. d. 1,912 4 4
Total of Law Charges for the six years.....£					3,341 9 2

CLAUSE

INSOLVENCY RETURNS.

CLAUSE No. 11.

The Total Amount of Incidental Expenses from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
£ s. d. 338 19 8	£ s. d. 3,125 16 2	£ s. d. 525 13 4	£ s. d. 67 10 1	£ s. d. 2,616 0 3¼	£ s. d. 9,490 12 3
Total Incidental Expenses for the six years.....£					16,154 11 9¼

CLAUSE No. 12.

The Total number of Certificates granted from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
35	35	38	19	16	91
Total number of Certificates granted for the six years.....					234

C.

CLAUSE No. 13.

The Total number of Certificates suspended from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
4	1	3	2	3	6
Total of Certificates suspended during the six years....					19

CLAUSE No. 14.

The Total number of Certificates refused from the 1st of January, 1850, to the 31st of December, 1855.

1850.	1851.	1852.	1853.	1854.	1855.
Nil.	2	Nil.	1	3	4
Total of Certificates refused during the six years.....					10

CLAUSE No. 15.

The Total number of Prosecutions for Fraudulent Insolvency for the six years.

YEAR.	NUMBER.	GUILTY.	NOT GUILTY.
1850	2	1	1
1851	Nil.	Nil.	Nil.
1852	Nil.	Nil.	Nil.
1853	Nil.	Nil.	Nil.
1854	Nil.	Nil.	Nil.
1855	1	1	Nil.
Total.....	3	2	1

CLAUSE No. 16.

The Total Amount of Unclaimed Dividends on the 31st of December, 1855, was £1,013 2 11

This sum of Unclaimed Dividends was held as follows, viz.:—

In the hands of the Chief Commissioner.....	£426 2 8
In the hands of Mr. John Morris, Official Assignee	£587 0 3

RIDER.

The number of Insolvencies for the whole period are shown to be 615 ; but only 253 out of that number have paid Dividends, as a large proportion had no Assets available, nor is it probable any funds will be realized wherewith to pay Dividends. There are many Estates that were sequestrated in 1855, which will pay and increase the Dividends for that year, so soon as the obstacles which at present exist are removed. The Dividends, therefore, have been calculated upon those Estates only in which Dividends have been declared.

It will be seen, on reference to Clause No. 5 in the Synopsis, that the amount of Assets realized is stated to be in excess of the sum actually disbursed by the Assignees ; this arises from a number of Estates having been released from sequestration, some of these Estates having paid Twenty Shillings in the Pound, and many others having been released under compositions. The amounts of compositions agreed to be paid in such Estates are included in the amount of Assets realized, but the Dividends under compositions, and the charges and incidental expenses are not shown, on account of no plans of these Estates having been lodged in Court.

The Clause No. 11, showing the incidental Expenses, gives not only petty charges, such as Fees of Court, Postages, Stationery, and Advertisements, but also Allowances to Insolvents, Wages, Travelling Expenses, and large sums in payment of Mortgages, the whole of which charges are incidental to Insolvency, indeed, these last items form the principal portion of the amount set down under the head of incidental expenses.

GEO. CURTIS,
Accountant.

2 December, 1856.

1857.

NEW SOUTH WALES.

JUSTICES OF THE PEACE.

(APPOINTMENTS DURING PRESENT ADMINISTRATION.)

Ordered by the Legislative Assembly to be Printed, 20 February, 1857.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 20 January, 1857, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table :—

“ A Nominal Return of all Gentlemen appointed Justices
 “ of the Peace during the present Administration, with the
 “ Date of their Appointments, and the Police Districts in
 “ which they reside, respectively.”

JUSTICES OF THE PEACE.

A NOMINAL RETURN of all Gentlemen appointed Justices of the Peace during the present Administration, with the Date of their Appointments, and the Police Districts in which they reside, respectively.

NAME.	Date of Appointment.	Police District.
Washington Murphy, Esq.	5th November, 1856	Beechworth, Victoria.
Boyle Travers Finnis, Esq.	29th November, 1856	South Australia.
Thomas Shuldham O'Halloran, Esq. ...	... Ditto ...	Ditto.
Richard Francis Newland, Esq. ....	... Ditto ...	Ditto.
Peter Egerton Warburton, Esq. ....	... Ditto ...	Ditto.
Charles Bonney, Esq. ....	... Ditto ...	Ditto.
James William Macdonald, Esq. ....	... Ditto ...	Ditto.
Charles Mann, Esq. ....	... Ditto ...	Ditto.
Heighway Jones, Esq. ....	... Ditto ...	Ditto.
Edward Bate Scott, Esq. ....	... Ditto ..	Ditto.
Andrew Watson, Esq. ....	... Ditto ...	Ditto.
James Kinghorne Chisholm, Esq.	15th December, 1856	Gledswood, Goulburn.
Joseph Cooper, Esq. ....	... Ditto ...	Muswellbrook.
Nathaniel Connolly, Junior, Esq. ....	... Ditto ...	Carcoar.
Nicholas Richard Besnard, Esq. ....	... Ditto ...	Kangiaroo, Yass.
Thomas Laidlaw, Esq. ....	... Ditto ...	Yass.
William Douglas Campbell, Esq. ....	... Ditto ...	Yass.
Kenneth Mackenzie, Esq. ....	... Ditto ...	Bandanoon, Molong.
John Lindon Biddulph, Esq. ....	... Ditto ...	Erie, Maitland.
André de Mestre, Esq. ....	... Ditto ...	Terrara, Shoalhaven.
Walker Rannie Davidson, Esq. ....	... Ditto ...	Kirkconnell, Bathurst.
Andrew Wyndham, Esq. ....	... Ditto ...	Dalwood, Maitland.
Alexander Macarthur, Esq. ....	... Ditto ...	Sydney.
Robert Augustus Haddon Kemp, Esq.	... Ditto ...	Macleay River.
John Robert Radford, Esq. ....	... Ditto ...	Yarrowford, Wellingrove.
Clark Irving, Esq. ....	... Ditto ...	Sydney.
George Taylor Rowe, Esq. ....	... Ditto ...	Liverpool.
Edward Joy, Esq. ....	... Ditto ...	Newtown, Sydney.
Henry Day, Esq. ....	... Ditto ...	Windsor.
Marcus Freeman Brownrigg, Esq. ....	... Ditto ...	Carrington, Stroud.
Robert Johnstone, Esq. ....	... Ditto ...	Dingo Creek, Wingham, Port Macquarie.

1857.

NEW SOUTH WALES.

LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Ordered by the Legislative Assembly to be Printed, 20 February, 1857.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 23 January, 1857, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table:—

“ A Return of the Names of all Gentlemen in the Commission
“ of the Peace.”

LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Adye William, Boambolo, Yass.
 Alcorn Andrew, Shoalhaven.
 Allardice Archibald, Sydney.
 Alexander John, Woolloomooloo.
 Allen George, Toxteth Park.
 Anderson Peter Dalgairus, Gigoomgan, Wide Bay.
 Andrews James Macbrayne, Underbank.
 Antill John Macquarie, Picton, Coroner.
 Arkins John, Sydney.
 Ascough James, Lower Hawkesbury.
 Ashbee Edward, Kickerbill.
 Atkins Heyward, Police Magistrate, Albury.
 Atkinson James, Kentucky, New England.
 Archer Charles, Eidswold, Burnett District.
 Antill Edward Spencer, Molonglo, Queanbeyan.
 Alleyne Robert Joseph, Uroly, Lower Murrumbidgee.
 Adams Augustus Alfred, Generai, Gwydir.
 Ashe John Joseph, Bathurst.
 Bacon Charles Basil, Murray River.
 Baker William Fury, Bront.
 Baker John Thomas, Dundee, New England.
 Balfour John, Brisbane River.
 Barber George Hume, Glenrock, Bungonia.
 Barker Thomas, Darlinghurst.
 Barney George, Chief Commissioner of Crown Lands, Sydney.
 Barney John Edward, Kangaroo Point, Moreton Bay.
 Barton Robert Johnstone, Boree Nyrang, Molong.
 Battye Edward Montague, Superintendent of the Mounted Patrol.
 Baylis Thomas Henry, Rylstone.
 Bayly Henry, Mudgee.
 Bayly Charles Luke, Mudgee.
 Beckham Edgar, Binalong.
 Bell Archibald, Corinda.
 Bell James Thomas, Bellmont.
 Bell Joshua Peter, Jimbour, Darling Downs.
 Bell David, Bringelly.
 Bennison William John, Saint Oners, Braidwood.
 Beresford Henry Bury, Belar, Bligh District.
 Besnard Nicholas Richard, Kanjiaroo.
 Bettington James Brindley, Oatlands.
 Bettington John Henshall, Merton.
 Bettington Joseph Horwood, Liverpool Plains.
 Betts Matthew, Mudgee.
 Biddulph John Lindon, Erie.
 Bigge Francis Edward, Moreton Bay.
 Bigge Frederick, Moreton Bay.
 Bingle John, Newcastle.
 Blackstone John, Rylstone.
 Blackwell Richard, Picton.
 Blair James, Victoria.
 Blake Isidore Maurice, Yass.
 Blaxland Arthur, Gammon Plains.
 Blaxland Edward James, Newington.
 Blaxland John, Hunter's Hill.
 Bligh Richard, Warialda.
 Bloomfield John Roe, Coolamatong.
 Bloxsome Oswald, North Shore.
 Bloxsome Oswald, junior, New England.
 Bolton Charles, Newcastle.
 Bonney Charles, South Australia.
 Bossley John Brown, Liverpool.
 Boswell Patrick Charles, Lachlan.
 Botts William Currie, Sydney.
 Boucher John, Maneroo.
 Bowerman Henry, Darling Downs.
 Bowler John, Bathurst.
 Bowman William, Richmond.
 Boyd John Christian Curwen, Darlinghurst.
 Boydell Charles, Camyr Allyn, Paterson.
 Boydell William Barker, Gresford.
 Boyle Henry, Molong.
 Bradley William, Darling Point.
 Bray John, Denfield.

Brenan John O'Neil, Garryowen.
 Broadribb William Adams, Bullanamang.
 Brodie Peter, Murrurundi.
 Brougham John, Edward River.
 Brougham Patrick, Edward River.
 Broughton John Archer, Tumut.
 Broughton Thomas Bradley.
 Broughton William Henry, Broughtonsworth, Burrowa.
 Brown Andrew, Hartley.
 Brown John Coulston, Gresford.
 Brown John Dowling, Paterson.
 Brown Thomas, Hartley.
 Brown Henry Hort, Gayndah.
 Browne John, Singleton.
 Browne Hutchinson Hothersall, North Shore.
 Brownrigg Marcus Freeman, Carrington.
 Buchanan William Frederick, Carlisle Gully, New England.
 Bull John Edward Newell, Victoria.
 Bundock Alexander Frederick, Richmond River.
 Bundock Wellington Cochrane, Richmond River.
 Burges George, Beardie Plains.
 Burgoyne George Frederick, Dullunty Plains.
 Burke Edmund, Mittagong.
 Burnell Henry Clay, Araluen.
 Busby Alexander, Cassilis.
 Byrnes James, Parramatta.
 Blaxland Charles, Merriwa.
 Broughton Alfred Delves, Assistant Gold Commissioner.
 Bagot Walter, Goondobolin, Mooney River.
 Bligh James William, Sydney.
 Brewster John, Rosevale, Moreton Bay.
 Blanford Charles, Lieutenant Native Police.
 Bogue Patrick, Tambaroura.
 Bell Charles William, Panbula.
 Bowman George, Richmond.
 Buchanan James, Sub-Commissioner for the Gold Districts.
 Bowman George Pierce, Archerfield, Singleton.
 Boughton John Herring, Tillinby, Paterson.
 Buckley Henry, South Brisbane.
 Bingham Edward, Caliguel.
 Blyth James Alexander, Palmy Creek, Lower Condamine.
 Broughton William, Deniliquin, Edward River.
 Bowman John Woodward, Harrowfield, Durham.
 Browne William, Adjutant New South Wales Yeomanry and Volunteer Corps.
 Bayly Nicholas Paget, Mudgee.
 Busby George, Bathurst.
 Busby William, Cassilis.
 Calder Henry, Cumbercoona.
 Callaghan Thomas, Darling Point.
 Campbell Allan, Yass.
 Campbell Archibald, Lorn Bank, Bathurst.
 Campbell Archibald Macarthur, Victoria.
 Campbell John, Sydney.
 Campbell Ronald, Bangalore.
 Campbell Thomas Winder, Sydney.
 Campbell William, Broulee.
 Cardew Pollet, Burnett.
 Carne Thomas Broughton, Edward River.
 Carter Richard, Garrangola, Hunter's River.
 Carter William, St. Leonard's.
 Cassels David, Island Lake, Maneroo.
 Champain M'Kenzie, Paterson.
 Chatfield William, Goulburn.
 Chauvel Charles George Temple, Tabulam.
 Cheeke Alfred, Darling Point.
 Cheeseborough Job Webster, Merriwa.
 Child William Knox, East Maitland.
 Chisholm James, Gledswood.
 Christie John, Murrumbidgee River.
 Church John George, Wagga Wagga.
 Clarke George Thomas, Penrith.
 Clerk Edward George, Clerkness, Tamworth.
 Cole Robert Martin, Illawarra.
 Cole Stephen, Lower Darling.
 Cook Thomas, Dungog.
 Cooper Daniel, Sydney.
 Cordeaux William John, Berrima.

Corlette James, Port Stephens.
 Cornish Edward Brooking, Dubbo.
 Cory Edward Gostwyck, Paterson.
 Cowper Charles, Sydney.
 Cox Alfred, Windsor.
 Cox Edward, Fern Hill, Mulgoa.
 Cox Edward King, Rawden, Dabee.
 Cox George, Winbourne, Penrith.
 Cox William, Muswellbrook.
 Crawford Alexander Fitzgerald, M'Leay River.
 Croker John, Peel's River.
 Croper John, Lake Bathurst.
 Crummer John Henry, Maitland.
 Curtis Samuel, Wellington.
 Cox George Henry, Mudgee
 Campbell John Bredalbane, Bombala.
 Chisholm John William, Mummell, Goulburn.
 Capel John, Thule, Murray River.
 Chalmers James, Noorong, Niewur Creek, Wacool Creek
 Crawford Thomas, Wollombi.
 Cadell Thomas, the younger, Ben Bullen, Hartley.
 Corfield Henry Cox, District of Wide Bay.
 Cassells Robert, Island Lake, Maneroo.
 Cockburn Laurence, Edward River, Moolpar.
 Campbell Alexander, Sydney.
 Clements John Finlater, Summer Hill.
 Cory Gilbert, Varuy, Paterson.
 Cunningham Andrew, Lonyon, County of Murray.
 Cloete Laurence Peter, Sub-Commissioner of the Gold Districts.
 Collins Alexander Keith, Kimo, Gundagai.
 Calder Henry, Cumberoona.
 Campbell David Henry Douglas, Binalong.
 Comrie James, Sydney.
 Campbell William Douglas, Burrowa.
 Carmichael Henry, Porphyry Point, Seaham.
 Chisholm James Kinghorne, Gledswood, Camden.
 Christmas George Beresford, Picton.
 Clarke Walter, Kerarbury, Wagga Wagga.
 Cobham Francis, Swan Hill, Victoria.
 Cobham Richard, Bugabegal, Lachlan River.
 Collett William Truman, Mungerira, Moruya.
 Connelly Nathaniel, junior, Carcor.
 Cooper Joseph, Gammon Plains, Merriwa.
 Cooper L. Morse, Sydney.
 Cowper Charles, junior, Chatsbury.
 Cowper John, Clifton, Tenterfield.
 Cox Richard William, Rawden, Rylstone.
 Crawford Thomas, Beechworth, Victoria.
 Cruikshank Alexander, Murrumbidgey, Dubbo.
 Dalyell James Rigg, Raymond Terrace.
 Dangar Henry, Singleton.
 Daniel Sylvanus Brown, Lower Darling.
 Darby Sydney Hudson, Bundarra River.
 Darley Benjamin, Sydney.
 Davidson Gordon Forbes, Cassilis.
 Davidson James, Wellington.
 Dawes William, Sydney.
 Dawson Robert Barrington, Maitland.
 Day Edward Denny, Police Magistrate, Port Macquarie.
 Deloitte William Salmon, Sydney.
 Denison Alfred, Cassilis.
 Denny David, Edward River.
 Dight John, Albury.
 Dobie John, Clarence River.
 Docker Joseph, Scone.
 Donaldson Stuart Alexander, Sydney.
 Dorsey William M'Taggart, Ipswich.
 Douglass Henry Grattan, Sydney.
 Dowling James Sheen, Sydney, Police Magistrate.
 Doyle Cyrus Matthew, Maitland.
 Dulhunty Laurence Vance, Dubbo.
 Dumaresq William, Rose Bay.
 Duncan William Augustine, Brisbane, Moreton Bay.
 Durbin John Henry, Tamworth.
 Dangar William John, Neotsfield, Hunter's River.
 DeMestre Prosper, Shoalhaven.
 Dunlop David Henry, Nanima, Wellington.

Douglas John, Sub-Commissioner of the Gold Districts.
 Doyle Andrew, Cooma, Namoi, Wee Waa.
 Davidson Robert, Gundagai.
 Davys James Edmond, Gragin, Warialda, Gwydir.
 Desailly George Peter, Guninjera, District of Bombala.
 Davis William, Ginninderra, County of Murray.
 Deuchar John, Rosenthal, Warwick.
 Davidson Gilbert, Canning Downs, Warwick.
 Dight Arthur, Carroll, Liverpool Plains.
 Dangar Thomas Gordon Gibbons, Drilldool, Wee Waa.
 Daveney Charles Beevor, Ipswich.
 Davidson Walker Rannie, Kirkconnell.
 Davis Anthony Aransolo, Goballion, Wellington.
 Day Henry, Windsor.
 D'Mestre Andre, Ferrara.
 Douglas George, Nundle.
 Douglass Edward Octavius, Talgai, Darling Downs.
 Dowling Vincent, Canninggalla, Dungog.
 Downes Jeremiah Frederick, Greystanes, Prospect.
 Ebsworth James Edward, Sydney.
 Edenborough Henry, Goulburn.
 Edge John, Goulburn.
 Egan Daniel, Sydney.
 Ellis James, Yass.
 Evans Herbert, Port Macquarie.
 Everett George, New England.
 Ewer James Garnett, Drayton.
 Eyrie John Edward, South Australia.
 Everett John, Ollera, New England.
 Ebsworth Frederick, Sydney.
 Ellis Knox, Bushfield, Para Meadow, Illawarra.
 Elliott Gilbert, Sydney, Chief Commissioner.
 Elliott Gilbert William, Yarrowford, Wellingrove.
 Fairholme George Knight Esrkine, Darling Downs.
 Faithful William Pitt, Goulburn.
 Falder Robert, Illawarra.
 Fanning William, Sydney.
 Farquharson Archibald, Gayndah.
 Faunce Alured Tasker, Queanbeyan.
 Fawcett Charles Hugh, Richmond River.
 Fenwick Christopher Dawson, New England.
 Fenwick George Thomas, Paterson.
 Ferriter John Stephen, Moreton Bay.
 Finch Charles Wray, Wellington.
 Finnis Boyle Travers, South Australia.
 Fisher Henry, Sydney.
 Fisher Thomas John, Sydney.
 Fitzgerald Robert, Windsor.
 Flanagan Francis, the younger, Broulee.
 Forbes David, Parramatta, Police Magistrate.
 Forbes George, Sydney.
 Forster Thomas, Brush Farm.
 Fry Oliver, Clarence River.
 Fry Robert Baker, Jamberoo.
 Fulford George, Callandoon.
 Fyans Forster, Victoria.
 Fitzsimons Charles, Gorah, Liverpool Plains.
 Freeman William Henry, Rollaud's Plains, Port Macquarie.
 Ferrett John, Wallaun, Lower Condamine.
 Futter John Sedley, Lumley, Bungonia.
 Fairs Charles, Wollongong.
 Forster Thomas, Wagonga, Broulee.
 Fortescue William Hamilton, Sub-Lieutenant of the Native Police.
 Gaggin John, Singleton.
 Gardiner Frederick, Fish River.
 Gammie George, Sydney.
 Garland James, Lachlan Vale, Appin.
 Garrard Henry, Richmond River.
 Geary William Henry, Port Macquarie.
 Gerard Gerard, Illawarra.
 Gerard John, Goulburn.
 Gibbes Francis Blower, Paterson.
 Glasson John, Bookanan, Bathurst.
 Graham Alfred Henry, Goballion, Wellington.
 Gray George Johnstone, Leichhardt District.
 Grenfell John, Bugabegal, Lachlan River.
 Gilchrist John, Sydney.

6 LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Gill John, Bickham.
 Gibson Andrew Faithfull, Goulburn.
 Glennie Henry, Singleton.
 Glennie John, Namoi River.
 Glennie James, Darlington.
 Gordon Hugh, New England.
 Gordon Hugh, Braidwood.
 Gordon James, Port Macquarie.
 Gordon John, Bonderbo.
 Gordon William Francis, Maitland.
 Gore Ralph Thomas, Drayton.
 Grahame William, Dry Plains, Cooma.
 Grant Patrick, Sydney.
 Gray Charles George, Ipswich, Police Magistrate.
 Gray James Mackay, Kiama.
 Green Charles Henry, Commissioner of Western Gold Fields.
 Green Peter, West Maitland.
 Griffiths George Richard, Sydney.
 Gwynne William Augustus, Edward River.
 Green Henry, Resident Colonial Surgeon and Coroner at the Ovens Gold Fields,
 Colony of Victoria.
 Griffin James Harrop, Sub-Commissioner for the Gold Districts.
 Grierson John, Terara, Moulamein.
 Gore St. John, Yandilla, Darling Downs, Drayton.
 Girard Alfred Michael, Branga Park, District of New England.
 Gordon Henry, Wood Brook, Illawarra.
 Gardiner Henry, Commissioner of Crown Lands, Leichhardt District.
 Gordon Samuel Dean, Sydney.
 Greenway Henry John Valentine, Colleymungool, Gwydir.
 Haig Isaac, Tamworth.
 Hall Charles, Liverpool Plains.
 Hall Henry, Queanbeyan.
 Hall Thomas Simpson, Dart Brook.
 Haly William O'Grady, Burnett.
 Hamilton Alexander, Maneroo.
 Hamilton Edward, Cassilis.
 Hamilton Hugh, Sofala.
 Hardy John Richard, Yass.
 Hargrave Richard, New England.
 Hargraves Edward Hammond, Sydney.
 Harris Richard, Parramatta.
 Harrison James, Brisbane Water.
 Hawkins Thomas Jarman, Bathurst.
 Hawthorne James, Manning River.
 Hay James Leith, Darling Downs.
 Hay John, Wallerawang.
 Hay William Leith, Darling Downs.
 Haydon Thomas, Murrurundi.
 Hayly William Foxton, Queanbeyan.
 Heathorn Henry, Bathurst.
 Henderson Andrew Inglis, Gimboombah, Logan River.
 Hetherington William Carruthers Boushaw, Frazer's Creek, Severn River.
 Hebden George, Bombala.
 Hely Hovenden, Brisbane Water.
 Herbert Henry Arthur, Burnett.
 Herriott Elliott, Currabubla.
 Hickey Edwin Augustus, Osterley, Hunter River.
 Hill Richard, Sydney.
 Hill George, Sydney.
 Hill Hugh, M'Leay River.
 Hobler George, Lower Darling.
 Hobler George, the younger, Lower Darling.
 Hodgson Arthur, Darling Downs.
 Holden John Rose, Sydney.
 Hook John, Dungog.
 Holmes Benjamin, Coonargo, Murrumbidgee.
 Holmes Thomas, Clarence Town.
 Holt Thomas, the younger, Liverpool.
 Hood Alexander Charles, Boree.
 Hood Thomas Hood, Kissing Point.
 Horsbrugh Boyd, Brisbane Water.
 Hosking John, Sydney.
 Howell William Hilton, Goulburn.
 How Robert, Sydney.
 Howe Edward, Glenlee.
 Howe William, Glenlee.
 Howe William, the younger, Glenlee.
 Hughes Henry, Darling Downs.
 Hume Hamilton, Yass.

LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE. 7

Hungerford Emanuel, Maitland.
 Huthwaite Augustus George Dunstan, Warialda.
 Hardy William, Turon River.
 Hay Norman Leith, Gigoomgan, Wide Bay.
 Humphreys William, Wetheron, Gayndah.
 Harper George Mitchell, Police Magistrate at Wangaratta, Owens Gold Fields,
 Colony of Victoria.
 Hindmarsh Michael, Alne Bank, Gerringong, Illawarra.
 Houghton Charles, Burnett District.
 Houghton Richard, Burnett District.
 Halloran Arthur Edward, Commissioner of Crown Lands, Wide Bay.
 Hay Charles Leith, Port Curtis.
 Hope Honorable Louis, Rosalie Plains; Drayton.
 Hopkins Richard John, Benares, Illawarra.
 Irving Clark, Sydney.
 Icely Thomas, Coombing, Carcoar.
 Innes Archbald Clunes, Police Magistrate, Newcastle.
 Irby Edward, Tenterfield.
 Irving David, Shoalhaven.
 Irving David Maxwell, Bathurst.
 Jardine John, Dubbo.
 Jameson Robert, Baraba, Liverpool Plains.
 Jenkins Richard Lewis, Liverpool Plains.
 Jenkins Robert Pitt, Gundagai.
 Jenkins William Warren, Wollongong.
 Johnstone Robert, Dingo Creek, Manning River.
 Jones David Bowen, Gunanbill, Albury.
 Jones Keighway, Mosquito Plains, South Australia.
 Joy Edward, Newtown.
 Johnson William, Turon.
 Johnstone Robert, Annandale.
 Jones William Frederick, Prospect.
 Josephson Joshua Frey, Newtown.
 Jobling George, Goolowa, Port Macquarie.
 Isaac Frederick Nevil, Gowrie, Darling Downs.
 Irving Samuel James Crummer, Sub-Lieutenant of the Native Police.
 Jeffreys Herbert Castleman, Moomanoomana, Murray River.
 Jebb Cornelius De Witt, Police Magistrate, Gundagai.
 Icely Thomas Rothery, Carcoar.
 Jeffreys Julius, Cumbamurro, Binalong.
 Jeffreys Richard Lowther, Cumbamurro, Binalong.
 Johnstone Robert Gudgeon, Port Macquarie.
 Jones David, Sydney.
 Jones Thomas, New Farm, Brisbane.
 Jenner Captain Augustus Frederick, 11th Regiment.
 Kater Henry Herman, Molong.
 Keatinge James Jeffrey, Albury.
 Kemp William, M'Leay River.
 Kennedy John, Gunning.
 Kennorly Alfred, Bringelly.
 Kerr Andrew, Summerhill.
 Kerr Charles, Kurrajong.
 Keene William, Stockton.
 Kelly John, Deniliquin.
 Kembell Arthur Clark, Brisbane.
 Kemp Robert Augustus Haddon, M'Leay River.
 Keon George Plunkett, Eden.
 Keys John Hudson, St. Heliers.
 King Frederick, Tenterfield.
 King John, Bungonia.
 King Phillip Gidley, Port Stephens.
 King Phillip Parker, Sydney.
 King William Essington, Commissioner Southern Gold Fields, Braidwood.
 Kinghorne Alexander, Goulburn.
 Kinghorne James, Jervis Bay.
 King Charles, Turon River.
 Kemp William Henry, Boningii, M'Leay River.
 Keene Theophilus Joseph, Reedy Lake, Loddon, Victoria.
 Kemp Charles, Sydney.
 King Joseph, Myall Creek.
 Keyes Richard, Shancamore, Cumberland.
 Laidlaw Thomas, Yass.
 Lang Thomas, Kangatton, Victoria.
 Lang William, Mungadal, Wagga Wagga.
 Lewes Henry Sayer, Moira, Murray River.
 Lydiad John Henry Stonehouse, Moolpar, Edward River.
 Lamb John, Sydney.

8 LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Lambie John, Maneroo.
 Lane John Tom, Blackman's Swamp.
 Lane William, Bathurst.
 Lang Andrew, Maitland.
 Larnach Donald, Sydney.
 Lawson William, Prospect.
 Lawson Alexander Robertson, Burnett.
 Lee William, Claremont, Bathurst.
 Leslie George Farquhar, Sydney.
 Leslie Patrick, Darling Downs.
 Leslie Walter Davidson, Canning Downs.
 Lester Leonard Edward, Coudamine River.
 Lethbridge Robert Copland, Penrith.
 Lethbridge John, Singleton.
 Lindsay Thomas, Wollombi.
 Little Andrew, Brinbenang.
 Little Archibald, Invermein.
 Livingstone John, Shoalhaven.
 Lloyd John, Pambula.
 Lloyd John Charles, Namoi.
 Lockhart Charles George Norman, Albury, Commissioner of Crown Lands,
 Murrumbidgee.
 Lockyer Charles, Lockyersleigh.
 Lockyer Edmund, Sydney.
 Lockyer Frederick McDonald, Goulburn.
 Lord George, Sydney.
 Lowe James Willard, Bathurst.
 Lowe Robert, Mudgee.
 Lowe William Willard, Mudgee.
 Lowe Charles Bland, Mudgee.
 Lavender William, Swan Hill, District of Murray, Victoria.
 Lane William Hannibal, Rose Hill, Orange.
 Loder Andrew, Murrurundi.
 Langley George, Coolah, Wellington.
 Laidley James, Drayton.
 Le Socuef Albert Alexander Cochrane, Nangatta, Twofold Bay.
 Lloyd George Alfred, Darlinghurst.
 Loder George, Apperley Green, Singleton.
 Lord Francis, Littleburn, Bathurst.
 Labatt Hugh Rowland, Gragin, Gwydir.
 Lloyd Edward Henry, Burburgate, Liverpool Plains.
 Macansh John Donald, Binalong.
 McArthur Charles, Gundagai.
 McArthur John Francis, Goulburn.
 McArthur William, Camden.
 McArthur Alexander, Sydney.
 McArthur John, Warra Warra, Darling Downs.
 McDonald James William, Koorenga, South Australia.
 McKay George, Dungog.
 McKellar Donald, Putta Bucca, Mudgee.
 McKellar John, Jinglemoney, Braidwood.
 McKenzie Kenneth, Bandanoon.
 McKinnon Charles Farquhar, Moolpar, Edward River.
 McLeay Alexander Donald, Kerarbury, Wagga Wagga.
 Mann Charles, Adelaide, South Australia.
 McConnel David Cannon, Moreton Bay.
 McConnel John, Moreton Bay.
 McCrae Andrew Murison, Victoria.
 McDonald Allan Ronald, Mount Broughton.
 Macdonald Cheeseborough Claudius, New England.
 Macdonald Donald Rankin, Mudgee.
 McDouall John Chrichton Stuart, Singleton.
 McDougall Andrew Louis, Baulkham Hills.
 McDougall John Frederick, Texas, Severn River.
 McFarlane James, Goulburn.
 Mackay George Edward, Ovens.
 Mackay James Cruikshank, Wide Bay.
 Mackellar Alexander, Braidwood.
 Mackenzie Colin John, Moreton Bay.
 Mackenzie Robert Ramsay, New England.
 Mackenzie William, New England.
 Marshall Sampson, Gundirdindah, Callandoon.
 Morse Henry, Newcastle.
 Murphy Washington, Beechworth, Victoria.
 McKinlay Ellar McKellar, Dungog.
 McLean John, Sydney.
 McLean Mordaunt, Broulee.

LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE. 9

- Macleay George, Murrumbidgee.
 Macleay William, Murrumbidgee.
 McLeod Donald, Gundaroo.
 McLeod Magnus, Warwick.
 McLerie John, Sydney, Superintendent Metropolitan Police.
 Macquoid Thomas Hyacinth, Waniassa.
 Maddrell Robert, Braidwood.
 Mallard Charles, Darling Downs.
 Manning James Alexander Louis, Cumbamura, Yass.
 Manning William Montagu, Sydney, Solicitor General.
 Marsh Charles William, New England.
 Marsh John Milbourne, Yass.
 Marsh Matthew Henry, New England.
 Marshall Charles Henry, Darling Downs.
 Marshall Richard Purvis, Callandoon, Sub-Lieutenant, Native Police.
 Massie Hugh Hamon, Twofold Bay.
 Massie Robert George, Armidale, Commissioner of Crown Lands.
 Maxwell John, Wellington.
 Mayne William Colburn, Sydney, Inspector General of Police.
 Menzies Robert, Jamberoo.
 Merewether Edward Christopher, Sydney, Acting Inspector of Distilleries, and
 Church and School Agent.
 Miller Kenneth, Toogong.
 Mitchell Sir Thomas Livingstone, Knight, Darling Point, Surveyor General.
 Mitchell James, Sydney.
 Moffatt Thomas De Lacy, Darling Downs.
 Moore John, Brisbane Water.
 Moore Samuel, Liverpool.
 Moore Thomas Matthew, Maneroo.
 Morey Edmund, Lower Darling.
 Morey George John Dowling, Lower Darling.
 Moriarty Merion Marshall, North Shore, Port Master.
 Morphy John, Bungonia.
 Morris Augustus, Sydney.
 Mort Henry, Moreton Bay.
 Mostyn Harry Porter, Moolpah.
 Murphy Francis, Moolpah.
 Murray James Fitzgerald, Queanbeyan.
 Murray Terence Aubrey, Yarrowlumla.
 Maxwell Alexander Charles, Sydney, Registrar of the Court of Requests.
 Macarthur Hannibal Hawkins, Braidwood.
 Markham Thomas John, Armidale.
 Marsh Francis, Camira, Clarence River.
 Murphy Francis, Tarawingee, Ovens River, Victoria.
 McLean Harold, Assistant Gold Commissioner.
 Miller Thomas Digby, Assistant Gold Commissioner.
 Manning Arthur Wilcox, Commissioner of Crown Lands.
 Murray John, Lieutenant, Native Police.
 Master Francis Robert Chester, Gladfield, Warwick.
 Moreing Henry, Araluen.
 McRae Christopher, Beamba and Warrina, District of Bligh.
 Murnin Michael Egan, Glebe, near Sydney.
 MacPherson Ewen, Newcastle.
 Morisset Edric Norfolk Vaux, Bathurst.
 MacCabe Francis Peter, Surveyor in Charge at Port Curtis.
 MacLean John Donald, Westbrook, Darling Downs.
 McCarty James, Cranebrook, Penrith.
 Master Henry, Commissioner of Crown Lands, Leichhardt District.
 McDonald Charles Edward Stewart, Caliguel.
 McHattie Richard, Bathurst.
 Macarthur Arthur Hannibal, Goomburra, Warwick.
 Mackay Alexander, Wallandbran, Binalong.
 Mackay Patrick, Cannida, Burnett District.
 McDouall Rawdon, Ullumbarella, Gwydir.
 McDougall Andrew, Kelso-place, Singleton.
 McPhee Donald, Mila, Bombala.
 McPhillamy Charles, Bathurst.
 Macarthur James, Camden.
 Newland Richard Francis, South Australia.
 Nicholson John, the younger, Sutton Forest.
 North Edward James Campbell, King's Plains.
 North Joseph, Moreton Bay.
 North Samuel, Water Police Magistrate, Sydney.
 North William, Moreton Bay.
 Nicholson Henry Albert, Maneroo.
 Nicoll Francis, Sub-Lieutenant of Native Police.
 Nicholson Charles Lindsay, Sutton Forest, Berrima.

10 LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Oakes George, Parramatta.
 Oakes Rowland Hassall, Crookwell.
 Oakes Francis, Goulburn.
 Oakes John, Binda.
 O'Brien Cornelius, Yass.
 O'Brien Henry, Yass.
 O'Connell Maurice Charles, Government Resident, Port Curtis.
 O'Connell William Bligh John, Mondur, Burnett River.
 Ogilvie Edward David Stuart, Clarence River.
 Ogilvie William, Merton.
 Ogilvie William, the younger, Gwydir.
 Ogilvie Christian, Billabong, Lachlan River.
 O'Halloran Thomas Shouldham, South Australia.
 Osborne Alick, Dapto.
 Osborne Henry, Illawarra.
 Osborne John Alexander, Duralong, Gosford.
 Otley Richard Byam, Gwydir River.
 Oxley Henry Molesworth, Wingecarribee.
 Oxley John Norton, Kirkham.
 Palmer George Thomas, Queanbeyan.
 Palmer William Hall, District of Wellington.
 Panton John, Ipswich.
 Park Edwin, Bathurst.
 Parker Henry Watson, Parramatta.
 Perry Thomas Augustus, Merriwa.
 Peter John, Gumby Gumby.
 Phelps John Lecky, Lower Darling.
 Phillips John, Edward River.
 Pike John, Merton.
 Pickering William, Tyringham, New England.
 Plunkett John Hubert, Sydney, Attorney General.
 Plunkett Patrick, Goulburn, Police Magistrate.
 Powell Nathaniel Stephen, Queanbeyan.
 Powlett Frederick Armond, Victoria.
 Prior Thomas Lodge Murray, Moreton Bay.
 Pollhill George, Wellingrove.
 Palmer Edward, Fairy Meadow, near Wollongong.
 Peek Samuel, East Gosford and Sydney.
 Perrott Robert Issell, Meadow Bank, Jamberoo.
 Perry George Murray, Commissioner of Crown Lands, Albert District.
 Price Matthew, Acting Inspector of Police, Ovens Gold Fields, Colony of Victoria.
 Price Francis, Peel River, Tamworth.
 Park Robert, Lewis Creek, Paterson.
 Phelps Joseph James, Windomal, Balranald.
 Phillips Alfred William, Bona Vista, Paterson.
 Phillpotts Octavius, Murray River.
 Pigot Peter, Gayndah.
 Parnell Edward, Carrington Park, Durham.
 Pritchard William, Liverpool.
 Radford John Robert, Yarrowford.
 Ramsay Robert, the younger, Darling Downs.
 Ranken Arthur, Hunter.
 Ranken George, Bathurst.
 Ranken John, Ipswich.
 Rawson William, Maronan, Wellingrove.
 Reid David, Bungonia.
 Reid James Blain, Namoi.
 Richards James Byrne, Bathurst.
 Rickards Henry, Wellington.
 Riley James John, Westwood.
 Riley Alexander Raby, Clifton, Tenterfield.
 Robertson Kinnear, Maneroo.
 Rodd James Savery, Bathurst.
 Rodd Robert Adamson, Iremayne.
 Rolland John, Port Stephens.
 Rolleston Christopher, Sydney.
 Ronald Rowand, Sydney.
 Rossi Francis Robert Lewis, Goulburn.
 Rothery William Montagu, Carcoar.
 Rowley George Henry, Manning River.
 Rowe George Taylor, Liverpool.
 Royds Charles James, Juanda, Dawson River.
 Royds Edmund Molyneaux, Juanda, Dawson River.
 Rusden Francis Townsend, Gwydir.
 Russell William Lloyd, Jerry's Plains.
 Russell William, Regentville, Penrith.
 Russell Bourne, Maitland.
 Rutledge Thomas, Molonglo.

LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE. 11

- Ryan David, Wee Waa.
 Ryan Edward Michael, Waterview, Clarence River.
 Ryrie Stewart, the younger, Maneroo.
 Robertson John Anderson, District of Bligh.
 Rudder Enoch William, Cann's Plains.
 Ross James Halden, Frocester and Barney Downs, New England.
 Robey Ralph Meyer, City of Sydney.
 Ross Robert Scott, Sydney.
 Ross William, Meilmane, Lower Darling.
 Rae John, Sydney, Commissioner for the City.
 Rattray George, Cowra, Lachlan and Sydney.
 Ryan John Nagel, Galong.
 Sadleir Richard, Liverpool.
 Samuel Lewis, Sydney.
 Samuel Saul, Bathurst.
 Sandeman Alfred, Darling Downs.
 Scarr John, Marengo, Lachlan.
 Searvell John Larkins, Windsor.
 Scott David Charles Frederick, St. Leonards.
 Scott Walter, Paterson.
 Scott Edward Bate, Worundee, South Australia.
 Seaver Charles, Shipping Master, Port of Newcastle.
 Selwyn Arthur Edward, Namoi.
 Shadforth Henry Tudor, Mulgoa.
 Sharp James Burleigh, Gundagai.
 Sheaffe William, Illawarra.
 Sherwin John, Round Hill, Billabong, Albury.
 Shoobert James, Illawarra.
 Simpson Charles, Scone.
 Simpson Percy, Parramatta.
 Simpson Stephen, Moreton Bay.
 Simpson David, 11th Regiment, Sydney.
 Sinclair Charles Alexander, Rylstone.
 Single John, Penrith.
 Smart Thomas Ware, Darling Point.
 Smith Charles Ferdinand Hamilton, Wee Waa.
 Smith Charles Throsby, Wollongong.
 Smith John, Gamboola.
 Smith Jones Agnew, Morpeth.
 Smith William Elisha, Edward River.
 Smith William Kempton, Gundagai.
 Smith William Villeneuve, Albury.
 Smith Francis, Cooleringdong, Cooma.
 Spain William, Sydney, formerly Inspector General of Police.
 Spence Edward Jones, Tambarourah.
 Stacey John Edward, Newcastle.
 Steel Watson Augustus, Bathurst.
 Stewart George, Victoria.
 Stirling John, St. Leonard's, now Acting Auditor General.
 Sturt Charles, South Australia.
 Sturt Evelyn Pitfield Shirley, Victoria.
 Suttor George Banks, Baukham Hills.
 Suttor William Henry, Brucevale, Bathurst.
 Styles James Richard, Bungonia.
 Sylvester Samuel Augustus, Edward River.
 Swift Jacob Meade, Brisbane, Moreton Bay.
 Smith Samuel, Mulgunnia.
 Smythe Henry William Hutchinson, Murray District, Victoria.
 Simpson Robert Percy, Warialda.
 Syer Thomas Dunningham, Bathurst.
 Smith John Thomas, formerly Mayor of the City of Melbourne, Victoria.
 Scott Helenus, Police Magistrate, Carcoak.
 Smith Richard Joseph, Ipswich.
 Suttor John Bligh, Wyagden Park, Bathurst.
 Serocold George Pearce, Tamworth.
 Shepherd Isaac, Binda.
 Taylor William, Port Macquarie.
 Templar Edward Merson, Narrambla, Orange.
 Templar John Arthur, Narrambla, Orange.
 Thacker John, Sydney.
 Thomson Archibald M'Murdo, Richmond River.
 Thomson David, Murrurundi.
 Thomson James, Shoalhaven.
 Thorne George, Sydney.
 Throsby Charles, Berrima.
 Tindale John Richard, Bathurst.
 Tourle Thomas, Balaba.

Towns

12 LIST OF GENTLEMEN HOLDING THE COMMISSION OF THE PEACE.

Towns Robert, Sydney.
 Traill Rowland John, Tenterfield.
 Tuckerman Stephen, Portland Head.
 Tyers Charles James, Victoria.
 Thornton William Henry, New England.
 Thornton George, Sydney.
 Throsby Charles, the younger, Throsby Park, Berrima.
 Thorn Daniel Humphrey, Brisbane Grove, Goulburn.
 Turner William, Beechworth, Victoria.
 Tindal Charles Grant, Ramornie, Clarence River.
 Taylor James, Myall Creek.
 Thomas Henry Arding, Hawkwood, Burnett District.
 Uhr Edward Blucher, Wide Bay.
 Vyner Frederick Wheler, Tumut.
 Vigne Frederick, Tenterden, New England.
 Walker Charles James, Clarence River.
 Walker James, Hartley.
 Walker James, Sydney, Twofold Bay.
 Walker Frederick, Callandoon, Commandant Native Police.
 Walker William, the younger, Twofold Bay.
 Warland William Henry, Page's River.
 Warne John, McLeay River.
 Warren Alexander, Seaham.
 Watson Henry Gunsley, Gosford.
 Watson John, Yass.
 Watson Sydney Grandison, Tumut.
 Watt William Redfern, Bombaldry.
 Wauch Robert Andrew, Port Macquarie.
 Waugh David Lindsay, Jamberoo.
 Waugh John Neil, Gundagai.
 Welman John Cameron, Binalong.
 Wentworth D'Arcy, Bathurst, Police Magistrate.
 West John Boucher, Muswellbrook.
 Weston Edward, Horsely, Liverpool.
 White James, Muswellbrook.
 Whitty Henry, Maranoa District.
 Whitty John Charles, Tumut.
 Wickham John Clements, Brisbane, Moreton Bay, Government Resident.
 Wigley Henry Rodolph, South Australia.
 Williams Allen, Gresford.
 Williams John George Llewellyn, Yass.
 Wilson William, Richmond River.
 Wilshire Austin Forrest, Sydney.
 Wilson James, Victoria.
 Wilson William, Mount Flinders, Moreton Bay.
 Windeyer Archibald, Raymond Terrace.
 Windeyer Charles, Sydney.
 Wise George Foster, Bathurst.
 Wiseman Thomas, Wollombi.
 Woore Thomas, Goulburn.
 Wright Philip Wentworth, Murrurundi.
 Wright William Henry, Victoria.
 Wyndham George, Dalwood.
 Wilkin Robert, Yenolah, Gayndah.
 Wauchope Andrew, Moredun, New England.
 Walker Archibald, Loowie, Mudgee.
 Walsh William Henry, Degilba, Wide Bay.
 Wienholt Arnold, Maryvale, Warwick.
 Wingate Thomas, Sydney.
 Warden David, Ulladulla.
 Walker Robert George, Sub-Lieutenant of the Native Police.
 Weekes Elias Carpenter, City of Sydney.
 West Joseph, the younger, Macquarie Plains, Bathurst.
 Wright James, Cuppacumbalong, County of Cowley.
 Walford Joseph, Sofala.
 Watson John Benton, Liverpool.
 West Joseph, (tertius), Omay, Lachlan.
 White James Charles, Stroud.
 Whitting Joshua John, Pitton, Drayton.
 Wren Henry, Bega.
 Warburton Peter Egerton, Commissioner of Police, South Australia.
 Watson Andrew, Penola, South Australia.
 Watts John, Eton Vale, Drayton.
 Weaver Charles Thomas, Gundagai.
 Wilson John Kerr, Wambo.
 White Francis, Beltrees, Scone.
 Wyndham Alward, Dalwood, Hunter River.
 Zouch Henry, Bungendore, Superintendent Mounted Patrol, Southern District.

NOTE—Several of the Gentlemen named herein are understood to be dead, and others to have left the Colony.

1857.

NEW SOUTH WALES.

STIPENDIARY MAGISTRATES.

(NOMINAL RETURN OF, DURING THE YEARS 1853-4-5.)

Ordered by the Legislative Assembly to be Printed, 20 February, 1857.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 28 November, 1856, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table :—

“ A Return of the Names, Salaries, and Localities of the
 “ Stipendiary Magistrates in this Colony, with the number of
 “ Cases brought before each Stipendiary Magistrate in the years
 “ 1853, 1854, and 1855.”

STIPENDIARY MAGISTRATES.

No. 1.

A LIST of the Names and Salaries of the several Stipendiary Magistrates in the Colony of New South Wales, during the years 1853, 1854, and 1855, and the places where stationed.

NAME.	SALARY.			PERIOD.		STATION.
	£	s.	d.	1853.	1855.	
James S. Dowling	675	0	0	1 January ...	31 December...	Sydney.
D'Arcy Wentworth.....	400	0	0	Do.	19 December...	Bathurst.
William H. Palmer	400	0	0	20 December...	31 December...	
Samuel North.....	375	0	0	1 January ...	31 December...	Carcoar.
Helenus Scott	400	0	0	1 January ...	31 December...	
Patrick Plunkett	400	0	0	1 January ...	Do.	Goulburn.
Heyward Atkins.....	375	0	0	Do.	18 March	Ipswich.
Charles G. Gray	400	0	0	19 March	31 December...	
James H. Crummer.....	366	13	4	1 January ...	31 December...	Maitland.
Archibald C. Innes	366	13	4	1 January ...	Do.	Newcastle.
David Forbes.....	366	13	4	1 January ...	Do.	Parramatta.
Edward D. Day	366	13	4	Do.	Do.	Port Macquarie.
Archibald C. Innes	100	0	0	1 September..	Do.	Raymond Terrace
Heyward Atkins	400	0	0	19 March	Do.	Albury.
C. DeWitt Jebb.....	400	0	0	1 January ...	Do.	Gundagai.
John O'Neill Brenan ...	600	0	0	1 January ...	31 December...	
Samuel North.....	616	13	4	1 January ...	31 December...	Water Police, Sydney.

Audit Office, Sydney,
29 December, 1856.

W. C. MAYNE,
Auditor General.

No. 2.

A RETURN shewing the number of Cases brought before the Stipendiary Magistrates at the undermentioned places, during the years 1853, 1854, and 1855.

LOCALITY.	NUMBER OF CASES DURING		
	1853.	1854.	1855.
Albury	236	262	202
Bathurst	1,480	1,353	1,455
Carcoar	217	204	183
Goulburn.....	824	593	745
Gundagai.....	.....	142	205
Ipswich	530	645	790
Maitland	233	630	883
Newcastle .....	.....	1,088	1,078
Parramatta	923	1,065	963
Port Macquarie.....	79	75	67
Sydney.....	3,854	8,984	8,040
{ Central Police Office	1,793	2,603	3,699
{ Water Police Office.....			

1856.

Legislative Assembly.

NEW SOUTH WALES.

PROGRESS REPORT

FROM

THE SELECT COMMITTEE

ON THE

ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL
BUSINESS IN COUNTRY DISTRICTS;

*

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

16 December, 1856.

SYDNEY:

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
PHILLIP STREET.

1856.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 41, TUESDAY, 11 NOVEMBER, 1856.

18. Administration of Justice and conduct of Official Business in the Country Districts:—
Mr. Robertson moved, pursuant to *amended* notice,—
(1.) That a Select Committee be appointed to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official business in the Country Districts.
(2.) That such Committee consist of Mr. Nichols, Mr. Forster, Mr. Hay, Mr. Jones, Mr. Hely, Mr. Weekes, Mr. Manning, Mr. Piddington, Mr. Lang, and the Mover.
Debate ensued.
Question—(1.) That a Select Committee be appointed to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official business in the Country Districts,—
put and passed.
Question—(2.) That such Committee consist of Mr. Nichols, Mr. Forster, Mr. Hay, Mr. Jones, Mr. Hely, Mr. Weekes, Mr. Manning, Mr. Piddington, Mr. Lang, and the Mover,—
put and passed.

VOTES No. 45, TUESDAY, 18 NOVEMBER, 1856.

10. Police Magistrate at Queanbeyan:—Mr. Forster moved, pursuant to *amended* notice, That a Petition, signed by 193 Inhabitants of the District of Queanbeyan, praying for the appointment of a Police Magistrate for that Town, be referred for consideration to the Select Committee appointed to inquire into the Police, and Administration of Justice in the Country Districts.
Question put and passed.

VOTES No. 50, THURSDAY, 27 NOVEMBER, 1856.

3. Police Matters:—Mr. Parker moved pursuant to notice, That the Return to the Address in reference to the Commission of Inquiry into Police Matters, laid upon the Table yesterday by him, be referred to the Select Committee now sitting on Police and Official Business in the Country Districts.
Question put and passed.

VOTES No. 51, FRIDAY, 28 NOVEMBER, 1856.

18. Joseph Wilkes:—Mr. Parkes moved, pursuant to notice, That the Petition of Joseph Wilkes, presented by him on the 26th instant, complaining of the conduct of a Magistrate and certain Police Officers, be referred to the Select Committee now sitting to inquire into the Administration of Police in the Country Districts.
Question put and passed.

VOTES No. 60, TUESDAY, 16 DECEMBER, 1856.

2. Administration of Justice and Conduct of Official Business in Country Districts:—
Mr. Robertson, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 11th November last, to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official business in the Country Districts.
Ordered to be printed.

1856.

ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS
IN COUNTRY DISTRICTS.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly appointed on the 11th November last, "to inquire into the arrangements for the purposes of Police and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official Business in the Country Districts," have agreed to the following Progress Report.

The inquiry which your Committee have been enabled to institute during the brief period since their appointment, has been too limited for them to report fully and satisfactorily upon the various matters under investigation. They, therefore, abstain for the present from making other recommendations than such as it is desirable should be submitted to your Honorable House before the Estimates of Expenditure for 1857 are passed.

The Evidence taken by your Committee has been that of:—

1. Captain Mayne.
2. Colonel Barney.
3. J. Thompson, Esq., Deputy-Surveyor General.
4. L. H. Sibthorpe, Esq., Clerk of Petty Sessions, Muswellbrook.
5. E. W. Hollinworth, Esq., Chief Clerk Revenue Branch, Colonial Treasury.
6. M. Fitzpatrick, Esq., Under-Secretary of Lands and Works.
7. The Honorable W. M. Manning, Attorney General.
8. R. P. Marshall, Esq., late Commandant of Native Police.
9. A. C. S. Rose, Esq., Clerk of Petty Sessions, Wee Waa.

After careful consideration, your Committee feel confident that such arrangements of the Police and other official business of most of the Country Districts may be made as will materially economise the expenditure, and at the same time ensure greater efficiency to the Public Service than is at present obtained.

Your Committee find, that in the Settled Districts of the Colony there are thirty-three Commissioners of Crown Lands, to whom, for certain services, is paid £1 per day, for such number of days in each year as they may be engaged thereon, and also a commission on their sales of Crown Lands, which latter amounted in the aggregate, from May 1853 to December 1855, to £20,000, or an average rate of upwards of £227 per annum each; and, further, that while there is no provision for the publicity of the positions of the Commissioners' Offices, nor for the day or days on which they shall be open, the Commissioners receive in some instances £50 per annum as an allowance for rent for the same, in others £25; and that no provision is made to guard against a Commissioner receiving rent for two or more Offices, if he happen to be Commissioner for several Districts.

Your Committee regret that they have not been put in possession of more recent data than those alluded to, with reference to the Commissions on Sales of Crown Lands, and, generally, that they have not been enabled to learn from the Official gentlemen they have examined the exact amount the Commissioners cost the Colony; but sufficient has transpired to warrant your Committee in believing that the same cannot be less than an average of £300 per annum each, or for thirty-three Commissioners, (including rent,) £9,900.

Your Committee have also experienced much difficulty in their efforts to ascertain the duties of the Commissioners—it appearing that no Officer of the Central Government has hitherto had entire and distinct charge of them.

Your

Your Committee have ascertained that there are in the Settled Districts—

22 Police Magistrates, costing.....	£6,080	0	0
39 Clerks of Petty Sessions whose pay, independently of certain small perquisites, arising from the sale of Crown Lands and otherwise, amounts to.....	7,225	0	0
34 Chief Constables, at £175 each	5,950	0	0
34 District Constables	3,878	2	6
33 Commissioners of Crown Lands, and the rent for their Offices, before alluded to	9,900	0	0

In all that the expenditure for Commissioners of Crown Lands, Police Magistrates, Clerks of Petty Sessions, and Chief and District Constables, in the Settled Districts, amounts to, say

	£33,033	2	6
--	---------	---	---

And that, notwithstanding that enormous expenditure, the business intended to be thereby provided for is performed most unsatisfactorily; that far too many Officers are retained; and that while none have sufficient employment, some are very much over, and others underpaid, and that the whole of their duties could be well performed by the following staff:—

39 Stipendiary Magistrates, whose duty it should be to perform the Clerical Work at the Courts of Petty Sessions, pay the Police, and act as Commissioners of Crown Lands at £350 each	£13,650	0	0
39 District Constables, at £125 each	4,875	0	0
	£18,525	0	0

Thus effecting in those branches of the Public Service a saving of £14,508 2s. 6d., and at the same time providing means for furnishing Stipendiary Magistrates to seventeen Districts which have not been provided for by the Estimates submitted by the Government.

Your Committee find further, that not only does much inconvenience arise at present from the scarcity of Magistrates in many Country Districts, and from their inattention to their duties in others—occasioning the postponement of cases under the Masters' and Servants' Act, the Vagrant Act, and other laws—but great injustice also; and that greater regularity of attendance to Magisterial duties would follow the appointment of Stipendiary and other additional Magistrates, and that the duties of the rural Constabulary would be much reduced.

Your Committee believe, that if for each of the great thoroughfares of the Colony there were appointed two escort constables, (in all 14,) the escort duty would be better performed, and that a reduction of one constable in each Police District on those lines, as well in the unsettled as in the settled districts, might be effected without in the least interfering with the efficiency of the Police Establishments, the necessity for the present overgrown staff, arising, to a great extent, from the liability of the constables to be called away on escort duty. The difference of cost would be as follows:—

14 Escort Constables, at £125 each	£1,750
1 Constable in each of 70 Police Districts, at £100 each	7,000

Being a clear saving of £5,350

From the evidence taken by your Committee, they are warranted in the conclusion that the number of Commissioners of Crown Lands in the Unsettled Districts should be reduced, it appearing that the older Unsettled Districts no longer require their services; and seeing that the lowest payment received by these gentlemen is £365 per annum, and that they are furnished at the public expense with attendants styled "Orderlies," their cost must approach £500 each, or for six, the reduction your Committee recommend, £3,000.

The only other reduction which your Committee at present venture to suggest, is the abolition of the office of Chief Constable in the Unsettled Districts, say,

29 Chief Constables at £175 each	£5,075
which could be effected without injury to the Public Service, if there were simultaneously appointed, say—	
20 District Constables at £125 each	2,500
(11 being already provided for in the Estimates)	

Being a saving of.....

	£2,575
--	--------

It.

It will be seen that if the suggestions and recommendations which your Committee have made are carried out the following reductions, besides a large amount for forage, &c., will be effected, and concurrently they feel assured, greater efficiency obtained in the services under consideration.

On the items for Commissioners of Crown Lands, Clerks of Petty Sessions, and Chief and District Constables in the Settled Districts	£14,508	2	6
On the Ordinary Constabulary, by altering the Escort Duty...	5,350	0	0
On Commissioners of Crown Lands in the older Unsettled Districts	3,000	0	0
On Chief and District Constables in the Unsettled Districts ...	2,575	0	0
	<u>£25,433</u>	<u>2</u>	<u>6</u>

In recommending the appointment of Stipendiary Magistrates, your Committee desire that such officers shall not, as heretofore, have greater powers than those intrusted to the unpaid Magistracy, whatever those powers may hereafter be; nor take precedence as Chairmen of Benches *ex officio*.

Your Committee are aware that in some of the more populous districts it would be unwise to enforce their recommendations to the letter, as they are only intended to meet the cases of ordinary districts, leaving the requirements in special instances to be dealt with on their merits; and that they are also aware, that should the reductions contemplated be made, cases will unquestionably arise wherein reasonable compensation to the parties interested will be necessary.

Your Committee abstain from attempting in this Report to follow out the whole of the reductions and alterations that it may be desirable to make in the arrangements for the conduct of official business in the country districts, but venture to suggest that the inquiry on these subjects should be resumed in the ensuing Session.

Your Committee will, however, before the close of the Session, endeavour to Report on the subjects of the Petitions referred for their consideration.

*Legislative Assembly Chamber,
Sydney, 16 December, 1856.*

JOHN ROBERTSON, *Chairman*

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 14 NOVEMBER, 1856.

Members Present:—

Mr. Robertson.	Mr. Jones.
Mr. Forster.	Mr. Weekes.
Mr. Piddington.	

Mr. Robertson was called to the Chair.

The Chairman stated his object in asking for the appointment of this Committee.

Committee deliberated as to the best course to be pursued in conducting this Inquiry, and resolved to classify it under three distinct heads.

- (1.) As to the Police and Officials within the Settled Districts.
- (2.) As to the Police and Officials in the Gold Districts.
- (3.) As to the Police and Officials beyond the Settled Districts.

Motion made (Mr. Forster) and Question, "That the Chairman be requested to move that there be laid upon the Table of the House copies of all official correspondence that has taken place in reference to the appointment of a Commission of Inquiry upon matters relating to Police, appointed in June last, and the report of such Commission, for the purpose of being referred to the Committee."—*Agreed to.*

After further deliberation, Committee decided upon taking evidence.

Whereupon Motion made (Mr. Jones) and Question,—"That Captain Mayne, (Auditor General,) be summoned before this Committee, as a witness, on Wednesday next, to be then examined relative to the existing Police arrangements in the Country Districts."—*Agreed to.*

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

WEDNESDAY, 19 NOVEMBER, 1856.

Members Present:—

John Robertson, Esq., in the Chair:	
Mr. Piddington,	Mr. Forster,
Mr. Jones,	Mr. Hay,
Mr. Hely,	Mr. Lang.

The Clerk, by direction of the Chairman, read the Minutes of Proceedings taken at the last Meeting of the Committee.

Captain *Mayne*, Auditor General, examined.

Motion made and Question,—"That Colonel Barney, R. E., Surveyor General be summoned before this Committee, as a witness, to-morrow."—*Agreed to.*

[Adjourned till to-morrow, at half-past Ten o'clock.]

THURSDAY, 20 NOVEMBER, 1856.

Members Present:—

John Robertson, Esquire, in the Chair.	
Mr. Forster,	Mr. Jones,
Mr. Piddington,	Mr. Weekes.

The Clerk, by direction of the Chairman, read the Minutes of Proceedings taken at the last Meeting of the Committee.

Colonel *Barney*, R. E., Surveyor General, examined.

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

TUESDAY, 25 NOVEMBER, 1856.

Members Present:

John Robertson, Esquire, in the Chair.	
Mr. Lang,	Mr. Jones,
Mr. Piddington,	Mr. Hely,
Mr. Nichols,	Mr. Hay.

At the request of the Clerk, the Chairman brought under the notice of the Committee the evidence of Captain *Mayne*, in which considerable revisions had been made, and the Committee requested the Chairman to peruse the same, prior to its being printed, for the purpose of ascertaining whether these revisions were of such a nature as to be admissible.

The Chairman then laid before the Committee a copy of the Rules and Regulations for the Constabulary Force, which had been transmitted by Captain *Mayne* for the information of the Committee.

Mr.

Mr. John Thompson, Deputy-Surveyor General, and Mr. L. H. Sibthorpe, Clerk of Petty Sessions at Muswellbrook, examined.

Motion made and Question,—“That M. Fitzpatrick, Esquire, and E. W. Hollinworth, Esquire, be summoned before this Committee, as witnesses, on Thursday next.”—*Agreed to.*

[Adjourned till Thursday next, at half-past Ten o'clock.]

THURSDAY, 27 NOVEMBER, 1856.

Members Present:—

John Robertson, Esquire, in the Chair.		
Mr. Jones,	|	Mr. Forster,
Mr. Lang,		Mr. Hely.

The Clerk, by direction of the Chairman, read the Minutes of Proceedings taken at the last meeting of the Committee.

Mr. E. W. Hollinworth, Chief Clerk of the Revenue Branch of the Colonial Treasury, and Mr. Fitzpatrick, Under Secretary for Lands and Public Works, examined.

[Adjourned till to-morrow, at Twelve o'clock.]

FRIDAY, 28 NOVEMBER, 1856.

Members Present:—

John Robertson, Esquire, in the Chair.		
Mr. Forster,	|	Mr. Manning,
		Mr. Piddington.

Mr. Manning, the Attorney General, a Member of the Committee, examined in his place.

Committee deliberated as to the expediency of taking further evidence, or of at once making a Progress Report to the House.

Motion made (Mr. Piddington), and Question,—

(1.) That at such an advanced period of the Session, when this Committee will be precluded from fully perfecting an enquiry so comprehensive in its proposed operation as the present, involving, as it does, not only a careful scrutiny into the entire Police arrangements in the Country Districts, but also into the general conduct of official business therein, this Committee is of opinion that it is advisable to report progress to the House.

(2.) That the Chairman be accordingly requested to draw up a Progress Report for the consideration of the Committee.

Agreed to.

A Petition from certain Magistrates, landholders, and inhabitants in the District of Queanbeyan, urging the appointment of a Police Magistrate at Queanbeyan, referred to the Committee on the 18th instant, was considered.

[Committee then adjourned.]

THURSDAY, 11 DECEMBER, 1856.

Members Present:—

John Robertson, Esquire, in the Chair.		
Mr. Jones,	|	Mr. Lang,
Mr. Hay,		Mr. Piddington,
		Mr. Forster.

Mr. R. P. Marshall, late Commandant of Native Police, and Mr. Rose, Clerk of Petty Sessions at Wee Waa, examined.

Draft Progress Report, proposed by the Chairman, read 1°.

Committee deliberated on the same.

[Adjourned till Tuesday next, at half-past Eleven o'clock.]

TUESDAY, 16 DECEMBER, 1856.

Members Present:—

John Robertson, Esquire, in the Chair.		
Mr. Jones,	|	Mr. Weekes.

Draft Progress Report, proposed by the Chairman, read 2°.

Committee deliberated on the same.

Chairman requested to report, together with the Minutes of Evidence.

Motion made and Question,—“That this be the Progress Report of the Committee”—*agreed to.*

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1856.

NEW SOUTH WALES.

Legislative Assembly.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON THE

**ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS
IN THE COUNTRY DISTRICTS.**

WEDNESDAY, 19 NOVEMBER, 1856.

Present:—

MR. FORSTER,
MR. HAY,
MR. HELY,
MR. LANG.

MR. JONES,
MR. PIDDINGTON,
MR. ROBERTSON.

JOHN ROBERTSON, ESQ., IN THE CHAIR.

William Colburn Mayne, Esquire, M.L.C., called in and examined:—

1. *By the Chairman*: I think you have been for some years in the position of Inspector General of Police? For nearly five years. Wm. Colburn
Mayne, Esq.
M. L. C.
19 Nov., 1856.
2. From your position in that office, have you become acquainted with the Administration of Justice, and the general conduct of Official Business in the Country Districts? That did not form part of the duty of my office as Inspector General of Police. I had opportunities of becoming acquainted with the subject as a Magistrate in Country Districts.
3. Did you become acquainted with the duties of the Courts of Petty Sessions in the country districts? Incidentally, but not to any considerable extent.
4. And also at the Gold Fields? No.
5. In the unsettled districts I think you have had opportunities of becoming acquainted with the matter? In the same way as in the settled districts.
6. *By Mr. Forster*: That is to say as a Magistrate, but not in your official capacity? Just so.
7. *By the Chairman*: Still you have a general knowledge of the manner in which these duties are conducted in the country districts? I believe so.
8. Have you also an acquaintance with the conduct of general official business, with reference to the Commissioners of Crown Lands? I was a Commissioner of Crown Lands many years myself.
9. You will perceive, from the Minute you have heard read by the Clerk, that the Committee have determined to conduct this inquiry under three heads; namely, the Settled Districts, the Unsettled Districts and the Gold Fields' Districts. I will first ask you a few questions as to the conduct of business in the Settled Districts. Are you aware that in most of the Settled Districts there are Crown Land Commissioners? I know there are in several; I cannot say as to most.
10. Are you aware how they are paid? I believe by a commission on the sales of land.
11. Do you know what average amount that commission will give? I have no knowledge whatever.
12. You have no knowledge whatever of the cost of the Commissioners? None whatever.
13. You are aware, I presume, of the cost of the Petty Sessions officers? Yes.
14. Of the cost of the Chief Constables? Yes.

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15. Each Chief Constable has £175 a-year? Yes.
16. And in most districts there are three or four other constables? Yes.
17. At a cost of about £100 each per annum? Yes; their pay is 5s. 6d. a-day.
18. In some districts there are also Police Magistrates, are there not? Yes.
19. And, I presume, you are aware that many districts, in fact the country districts generally, are seeking the appointment of Police Magistrates? I know that several are.
20. Have you any idea what these Magistrates will cost in each district? There is no fixed rule which applies, but I believe the general rate of salary is £300 a-year. That is the existing rate of salary.
21. *By Mr. Forster*: That generally does not include the residence? They are very rarely found.
22. That includes everything? Yes. It is only in cases where there were existing residences belonging to Government, that Magistrates have been provided with them.
23. *By the Chairman*: Is there in your knowledge such compatability in the offices of Commissioner of Crown Lands, Police Magistrate, and Clerk of Petty Sessions, that all the duties can be performed by one officer? I know too little of the amount of duty that falls upon a Commissioner of Crown Lands in the Settled Districts; to say whether that could be compatible with the duties of Police Magistrate and Clerk of Petty Sessions. The duties of Police Magistrate and Clerk of Petty Sessions I think could be combined; with the exception of large towns, such as Maitland.
24. In case of the appointment of Stipendiary Magistrates having these duties combined, will it not be a good arrangement to place the control of the police under that officer? I think not.
25. You think there must be a necessity to continue the appointment of Chief Constable? I do.
26. Do you admit that the duties of laying informations, &c., at present provided for to be performed by the Chief Constable, could be performed by a District Constable, at, say £125 a-year? I think it might be done by a District Constable.
27. You are aware that there are two classes of duties which appertain to the Chief Constable, one the control of the police, and the other the laying of informations—you think the latter might be done by a District Constable? I think so. You are of course aware that the exact terms of some Acts require certain duties to be performed by the *Chief* Constable.
28. Will you be good enough to state some reasons why you think the superintendence of the police should not be placed in charge of the Stipendiary Magistrate, assuming there was a District Constable? Because it is opposed to what I hold to be an essential principle of police, that judicial should not be combined with executive duties.
29. In a country like this, where districts are so thinly populated, does it not become necessary, as a matter of economy, to unite these things, without strong reasons exist against their union? I think not. I consider the most efficient police the most economical.
30. *By Mr. Forster*: Do you not think, upon the principle you have laid down now as to the impropriety of combining the judicial and executive duties, that the combination of these duties in the persons of Commissioners of Crown Lands in the interior is an impropriety, which has for a long time required remedy? I think in all cases it is a violation of a principle, and that I hold to be objectionable.
31. Do you not think that a Crown Land Commissioner should not be a Magistrate at all—are you prepared to go that length? I am not.
32. *By the Chairman*: Will you be kind enough to point out some practical objections to the alterations I suggest, with reference to the duties of the Chief Constable and Police Magistrate; that is, that the whole superintendence of the Police should be in the hands of the Stipendiary Magistrate, and the filing of informations in the hands of the District Constable? I hold it to be utterly opposed to principle to place the control of the Police in the hands of a Stipendiary Magistrate charged with judicial duties.
33. In what way are the duties incompatible? I think it would be highly dangerous to personal liberty, for one thing. I am perfectly satisfied, that in the minds of men engaged in the pursuit of criminals, there springs up insensibly so keen a desire of running down (I mean prosecuting to conviction) that criminal, and of proving his guilt, as to render it unsafe for such a person to sit in judgment.
34. You misunderstand my question. I do not mean for one moment that a Stipendiary Magistrate should take any part in the capture of a prisoner, but merely in ordering where the Police should go; for instance, as an escort? That is clearly part of the duty of the Police, but if the Magistrate have the control he will direct their movements in pursuit of a criminal; and in many cases it will be his duty to go with the Police.
35. With reference to filing informations, you are aware that an Act of Parliament will be required to place this duty upon District Constables—that will be all that will be necessary? That could be easily done; in fact, in some cases the difficulty has been met. For instance, under the Publicans' Licensing Act certain acts can strictly be done only by a Chief Constable or Sergeant of Police, and in localities where there is a District, but not a Chief Constable, the titular rank of Serjeant has been given, to meet the requirement of the law.
36. Besides, the Act could easily be altered? Of course it is quite in the hands of the Legislature.
37. You are aware, that notwithstanding the Commissioners are paid for the duties belonging to their office, the work is frequently done by Clerks of Petty Sessions? I have no knowledge of the carrying out of the duties of Commissioners within the Settled Districts.
38. Are you aware that, in many instances, even unpaid Magistrates have for years acted as their own clerks? I know there are places where Petty Sessions are held where there are not clerks, and of course, I presume, that in those places Magistrates must act as clerks. I may state that I never had any difficulty in taking down depositions myself, and I rather preferred doing so, as it tended to fix the facts more firmly on my memory.

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39. Are you aware that there are many districts where the inhabitants suffer much inconvenience from the scarcity of Magistrates? I have had several representations to that effect before me.

40. Would not the more regular attendance upon Benches, which the appointment of Stipendiary Magistrates would ensure, much reduce the duties to be performed by the constables? I am not quite certain that it would. I think there is a strong tendency to litigation, and to bringing cases before Courts, in this country, and that the regular attendance you speak of would tend to facilitate and increase it.

41. You are aware that cases are frequently postponed for want of the attendance of a second Magistrate? No doubt.

42. Does not the postponement of these cases necessarily increase the duties of the constabulary? I do not see that it does necessarily; the postponement is only to another Court day, and, as the parties have to attend under summons, it is presumed they are present when the postponement takes place in consequence of the absence of the Magistrate, and, therefore, they do not require the service of a fresh summons.

43. The witnesses require fresh subpoenas, and these have to be served by the constables? It is a duty often cast upon them, but it is not a duty which properly attaches to them. In criminal cases it unquestionably would attach, but I think not in many cases; for instance, under the Hired Servants' Act, which furnishes the staple of cases in the country districts.

44. Has it not frequently struck you, that even as the business is now conducted, there are far more constables than are necessary in the country districts, or in many of them? I am not prepared to say that, through the whole of the country, there are many more constables than are at present required. I think if there were a good and perfect system of police, a better distribution of the constabulary might be made, and I think it probable that some reduction might then be made.

45. Do you happen to have in your mind a district called Ryalstone? Yes; I know the place.

46. Do you know how many constables there are there—or rather, do you know what is the staff? I believe there is a Chief Constable, and three Ordinary Constables; and I believe that number to be necessary for the place, taking into account its position.

47. There is a Commissioner of Crown Lands? I believe there is.

48. And a Police Magistrate? Not that I am aware of.

49. A clerk of Petty Sessions? Yes.

50. A chief constable? Yes.

51. How many other constables? Three, I believe.

52. Are you aware that there is not one case there in a week? That does not come before me, and never did. The judicial business of Benches in no way came before the Inspector General of Police, except incidentally.

53. Is it possible that all these officers can be required in a district where there are only one or two cases a week? I should think not. I beg not to be understood as including the Commissioner of Crown Lands, for, as I have already stated, I know nothing of the extent of his duties.

54. Assuming that the Commissioner of Crown Lands has £300 a year; the Police Magistrate, £300 a year; the Clerk, £175; the Chief Constable, £175; and the three constables, £300, that will be, in all £1,250 a year—can it be possible that a place where there are only one or two cases tried in a week can require that expenditure? That includes the expenditure for an officer not included in your question, and respecting whom I am not in a position to give an answer. It includes the duties of the Commissioner of Crown Lands; and the nature and extent of his duties I am entirely ignorant of.

55. Can it be possible that a necessity exists for a Police Magistrate at £300 a year, a Clerk at £175, a Chief Constable at £175, and three constables at £300, making a total expenditure of £950, in a district where there are not more than from one to two, or from two to three cases tried in a week? I should think, so far as my knowledge of the district extends, that a Police Magistrate is not necessary; but I must repeat, that I am not aware that there is a Police Magistrate. I never heard of the existence of such an officer there.

56. Do you think that the duties of such a district as Ryalstone, and other districts of that class—in fact most of the country districts within the settled districts—require such staffs. Would not a District Constable with £125 a year, and two ordinary constables with £100 a year each, be sufficient? I think not, certainly, particularly on lines where there is much escort duty. As Ryalstone has been referred to, I think it right to draw attention to the fact that it lies between Hartley and Mudgee, a line upon which there is a great deal of escort duty, and a very lengthened line with only that one relief.

57. Are you of opinion that the efficiency of the police, in country districts, would be increased by the appointment of Stipendiary Magistrates? I feel some difficulty in answering that question positively, because I have already stated my opinion of the violation of principle it involves. If you mean comparatively between the present state, where there is no responsible head of the police, I think it would be an improvement.

58. I now put the abstract question, would it not increase the efficiency of the police to appoint Stipendiary Magistrates, with the ordinary duty of Magistrates—not connecting the question about the duty of Chief Constable with it? I am quite aware, but I am still something at a loss as to whether you propose to give them the control of the police.

59. Apart from that question—supposing you do not? Under that supposition I do not see how the appointment can affect the efficiency of the police.

60. By Mr. Hay: Apart from any change in the system, would the administration of justice be improved by the appointment of Stipendiary Magistrates? The appointment of Stipendiary Magistrates would, in some places, advance the administration of justice.

61. By the Chairman: Are you aware that at present parties seeking summonses in Courts of Petty Sessions, in many instances, are required to travel many miles to the Clerk of Petty Sessions to draw up an information? I have heard so.

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62. You are, I presume, aware also, that after the information has been thus drawn up, the parties have to travel some more miles to find a Magistrate? I know it is often done, but I think needlessly.
63. Do you consider that the efficiency of the police establishment would be assisted by the appointment of a Stipendiary Magistrate who should have to perform the duty of a Clerk of Petty Sessions—that duty for instance? I may explain, that I see no difficulty whatever. I have not myself practically found it in the person who seeks a summons going direct to a Magistrate making his statement to him, and in getting a summons from him without the intervention of a clerk.
64. Are you not aware that in some districts—Scone, for instance—it is quite the custom to go to the Clerk for a summons? I believe it is, in some districts.
65. Would it not assist the speed of the business to appoint a Stipendiary Magistrate, who should be empowered to perform the duty of a Clerk of Petty Sessions? Yes, no doubt, in those particular districts.
66. *By Mr. Forster:* Supposing the Stipendiary Magistrates to be in no way invested with superior powers—to be merely in the same position as unpaid Magistrates, with the exception that they would receive a salary—do you not think the business of Courts of Petty Sessions would be more efficiently performed? As far as regularity of attendance would go; I do not see that it would do more than that; you make a man responsible for regular attendance, which unpaid Magistrates are not.
67. *By the Chairman:* Are you not aware that frequently, in country districts, much hardship is suffered, by persons lying in lock-ups under charges which cannot be settled from the absence of Magistrates? I have heard so, but no instance has come under my personal observation.
68. Would not the appointment of Stipendiary Magistrates in a great measure obviate that difficulty? No doubt. I may mention that that was involved in my answer to Mr. Forster's question, when I said, that so far as regular attendance would go, it would be an improvement.
69. Would it not save suitors much loss of time and many journeys? Unquestionably.
70. It would be more efficient, in fact; that comes to what I said at first,—Are you aware that gentlemen in country districts object to the appointment of Stipendiary Magistrates? I have heard so; but I have seen so many applications for the appointment of such an officer, that I can hardly suppose such a feeling to be general.
71. Has it not been brought under your notice that the principal reason why unpaid Magistrates object to the appointment of Police Magistrates is, that the latter have more power than the former? I have never heard it.
72. You have lived in country districts? Yes.
73. Have you never heard of constables alluding to private Magistrates as "petty Magistrates"? Never.
74. *By Mr. Forster:* Are you of opinion that the general appointment of Police Magistrates throughout the interior, upon the understanding I mentioned before, that is, that they should be equal in authority, would generally be acceptable to that portion of the public not included among unpaid Magistrates? I think so.
75. Have you reason to think, without wishing to cast any imputation upon the unpaid Magistracy, that the paid Magistrates would generally be more impartial than the unpaid? Judging from my knowledge of human nature, it would be reasonable to suppose that the paid Magistrate would be the more impartial, as he would be more aloof from those influences which might affect his impartiality.
76. *By Mr. Hay:* After a residence of some duration in a particular district would that hold? I think so.
77. From your experience, have you found them much more free from prejudice or partiality than unpaid Magistrates? From my own experience I cannot say that I have. I am merely arguing from the general principles of human nature. I would be sorry to say I have seen a want of impartiality in unpaid Magistrates.
78. *By the Chairman:* Assuming that Country Magistrates do dislike the appointment of Police Magistrates for the reason stated, do you think if paid Magistrates were appointed, with the same powers as private Magistrates, any objection on the part of the latter would be much obviated? Assuming the existence and cause of the objection, the removal of the cause would of course also remove the objection.
79. Could there be any objection to the appointment of Stipendiary Magistrates with merely the same powers as ordinary Magistrates? There is this objection: where it is not easy to obtain the attendance of a second Magistrate, it would leave unremedied the delay in dealing with cases requiring two Magistrates.
80. Can you say why it is safer to trust a paid Magistrate than an unpaid—why he should have special power? On the general principle that he acts under a specific and immediate responsibility, while the other has a moral responsibility only.
81. *By Mr. Forster:* With reference to two particular Acts—the Masters and Servants and the Impounding Acts—may I ask whether you consider them unpopular—is there a feeling against them? I think so.
82. Have you reason to believe they would be more generally acceptable to the parties interested in them if the duties connected with, or arising out of them, were administered by Stipendiary rather than by unpaid Magistrates, as at present? Among the class generally dealt with under the Masters' and Servants' Act I think there would be a feeling of greater confidence.
83. With reference to the Impounding Act you would probably make the same remark? As it would be possessors of property who would institute proceedings under this Act, there would, probably, in the persons proceeded against be greater confidence if the matter were decided by a Stipendiary Magistrate.
84. Do you think the efficiency of the Police Magistrates would be increased by rendering it

it incumbent upon them to vary their places of session; that is, to travel from one place to another within a certain range? I think their usefulness might be largely extended by the application of such a principle.

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8 *By the Chairman*: Do you think, assuming the duties of a Stipendiary Magistrate and Clerk of Petty Sessions were united, that in cases where Clerks of Petty Sessions can obtain recommendations from the Magistrates in their districts, or other responsible recommendation, and can find the necessary security, there can be any objection to their appointment as Stipendiary Magistrates? I see no objection to the appointment being given to any suitable person, clearly competent to the discharge of the duty.

86. And could obtain the recommendation of the whole Bench—what means would you take to arrive at the knowledge of his competency? I confess I have seen so many instances of recommendations being given through kindness of feeling, or facility of disposition, that I am not disposed to attach too much confidence to recommendations. Individual feeling, rather than a feeling of duty, too often leads to the giving recommendations.

87. What principle could then be depended upon in the appointment of these officers? I would not relieve the Executive from the responsibility of selecting proper instruments.

88. Of course they would have the responsibility? Then I would not fetter or interfere with that responsibility.

89. Are you aware whether there are many Clerks of Petty Sessions fit for the office of Stipendiary Magistrate? My personal acquaintance with them is not sufficient to enable me to speak upon that point. I have met Clerks of Petty Sessions who would be competent, and I have met several who would not.

90. In the event of such an arrangement as that to which we have referred, of course there would be some Clerks of Petty Sessions who would require some provision to be made for them, as they would not all be competent to be put in the Commission of the Peace—what compensation do you think they ought to have? Where there is not a charge against the incumbent, I think in no case ought the compensation to be less than a year's pay for the office.

91. I suppose if a Government office of equal value were given, so that no loss were sustained, there would be no necessity for such compensation? Certainly not. You, of course, understand my answer to your former question, that in cases of lengthened service, the compensation should be more than the amount of a year's pay, but that in no case should it be less.

92. What principle would you lay down? I would not lay down any fixed rule, but would deal with every case on its particular merits.

93. I think you said something about lengthened service—would you arrange each particular case by the number of years' service? You might fix the rate of compensation according to the number of years' service. There are scales of compensation fixed for superannuation allowances, which might be taken as the basis.

94. *By Mr. Hely*: What length of service do you think would give this extraordinary claim? There is a rule, which has been admitted to a certain extent, of allowing a month's pay for a year's service; do you think up to twelve year's service, that compensation would be sufficient? I think not, I think it would be very inadequate. Up to five year's service, I think perhaps a year's pay would be a fair compensation; above that, I think it ought to be extended.

95. Will you give the Committee your opinion as to what amount should be allowed for every year's service beyond five years? I would give two month's pay for every additional year's service.

96. In your opinion, is there any incompatibility in the duties ordinarily performed by Clerks of Petty Sessions and those performed by Magistrates, so as to make it improper that they should be combined in the same person? I think not.

97. You do not think there is any difficulty as to keeping the records of the Court? I not.

98. Would you, for your own part, prefer that Stipendiary Magistrates should be distributed through the country, making each Clerk of Petty Sessions a Stipendiary Magistrate in the district where he had been clerk, or would you prefer having Itinerating Magistrates who should take charge of two or three Benches, with a Clerk of Petty Sessions for each? I would prefer Itinerating Magistrates, with a clerk at each place of holding Court.

99. Will you give your reasons for that preference? I think, in the first place, it would be economical; it would enable you, by combining the duties of several Benches in one Magistrate, to give a better salary, and to obtain a more efficient man to discharge the duty.

100. Under such an arrangement as that, do you think a Clerk of Petty Sessions might take up some other official duty, for which a resident official is necessary; for instance, might he combine the duty of District Registrar with the duties of Clerk of Petty Sessions? I see no difficulty whatever.

101. Do you see any difficulty in his conducting the land sales? I see none whatever.

102. You think several of these small duties, which are not sufficient to occupy the time of one individual, but which must be performed on the spot, might be combined? I think so.

103. This need not interfere with the appointment of Itinerating Magistrates? I think not.

104. Would there be any advantage in the wider knowledge of the district, which would be gained by the Itinerating Magistrate? I think a decided advantage.

105. And knowledge of the Police? I think a decided advantage.

106. And of the character of the persons ordinarily liable to be dealt with? I think a decided advantage.

107. *By Mr. Hely*: Do you not think the office of Coroner could be combined with that of Police Magistrate? In many cases, the duty of Coroner is performed by the Magistrate, but I am not prepared to say that the duties could safely be combined, as those of the Coroner are of such an uncertain nature, that they would draw the Police Magistrate away from his regular attendance at these Courts.

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108. In most of the country districts, the Coroner takes leave of absence whenever he wishes, leaving his duties to be performed by the unpaid Magistrate. If these duties were combined, he could not leave his district without leave of absence; he must always be on the spot? I think perhaps, under the view Mr. Hay has been contemplating, by his questions of these circles of larger extent, in which the Police Magistrate would act, he could hardly perform the duties of Coroner.

109. *By Mr. Hay*: In the less populated parts of the country, perhaps there might be no necessity for the appointment of a Coroner, the duties may be performed by a Police or unpaid Magistrate? I have always been of opinion, that in such districts Coroners can be dispensed with, leaving the duties to be discharged by the unpaid Magistrates; in fact I believe myself, that the greater part of the inquiries in cases of death are held in these districts by unpaid Magistrates.

110. *By the Chairman*: Have you not, during the time you have been Inspector General of Police, contemplated any specific plan to obtain greater efficiency in the Police, and at the same time greater economy—have you made no suggestions? I have always looked to one, and only one way of making an efficient Police; that is, a properly organized and centralized Police. I have held that a centralized Police is the most efficient. I asserted long since, and I have never seen reason to modify my opinion in any way, that cost and efficiency being in strict relation and proportion, the most costly Police is, in reality, the least expensive to a community.

111. However right that principle may be within certain bounds, may it not be carried to an absurdity? Long before the cost could approach that height, such a Police would, under the conditions I stated, either have annihilated or reduced to the minimum possible in any community, what is far more costly than any Police, viz., crime.

112. Then you have not recommended any reduction in the police, but rather an increase? I have not said so; on the contrary, I have said such a system would promote efficiency and economy, and might, very possibly, involve some reduction.

113. *By Mr. Hay*: You are in favor of the complete separation of the judicial and executive functions of the Magistrate? Yes, and always have been.

114. Supposing things are left as to that matter upon their present footing, do you think the superintendence of the Stipendiary Magistrate over the police more or less objectionable than that of the unpaid Magistrate? I think it quite as objectionable in principle.

115. In practice? In practice you get a responsible instead of an irresponsible control, and that responsible control is more likely to be effective.

116. *By the Chairman*: Has it ever been brought under your attention that Clerks of Petty Sessions are not sufficiently paid? It has been very frequently represented to me.

117. Do you think Clerks of Petty Sessions ought to have less pay than third class clerks in offices in Sydney? I think Clerks of Petty Sessions ought to receive a higher rate of pay, and ought to have more to do than they have, and the principle I strongly recommended was, that the duty of Benches not more than twenty or twenty-five miles apart should be discharged by one clerk, and not by two.

118. Are you aware that third class clerks after being a certain number of years in their offices are entitled to promotion? I am not aware of it; they are entitled to an increase of salary.

119. You are aware that there is no such provision for Clerks of Petty Sessions? Yes; but the increase to which I have referred is given only upon the head of the department certifying that the clerk is deserving of it from competency and assiduity.

120. But where deserving from competency the Clerk of Petty Sessions is not entitled to such an increase? I am aware no such regulation exists.

121. You are also aware that Clerks of Petty Sessions are placed in a more responsible situation than third class clerks; they are, in fact, heads of departments in the districts; there is no one to control them? I always understood they were under the Bench of Magistrates.

122. I suppose you are aware that sometimes for months together there is no Magistrate in a district? The greater amount of the responsibility that attaches to the Clerk of Petty Sessions is that he is in some cases, a receiver of revenue.

123. For this reason do you not think his position should be at least as remunerative as the third class clerk? Yes, giving him more work than, in the majority of cases, Clerks of Petty Sessions at present have.

124. *By Mr. Hay*: Do you see any difficulty in Clerks of Petty Sessions acting as agents for the sale of Crown Lands? No.

125. *By the Chairman*: With regard to the Unsettled Districts, I suppose most of the observations you have made as to police matters will apply? Yes.

126. *By Mr. Förster*: With reference to the opinion you gave just now as to the impropriety of combining the judicial and executive functions, I understood you to say that the principle you laid down applied to the present union of the executive and judicial functions in the Crown Lands Commissioners beyond the boundaries? The principle is one of general application.

127. Then, to carry out that principle properly, beyond the boundaries, do you not think Commissioners of Crown Lands ought not to be Magistrates at all? No, I do not.

128. Does it not appear to you that the principle cannot be carried out if they retain the office of Magistrate? No; the principle is strictly carried out in the Irish constabulary. The officers are Magistrates, to enable them to issue warrants in case of necessity, and I think there should be the same power in the Commissioners of Crown Lands.

129. You think still they ought to be Magistrates? Yes.

130. The difference between them and the Irish police is this, that the Irish police are a body under the supervision of the Magistrates, whereas —? They act as the assistants of Magistrates in carrying out their ministerial and judicial acts, but they do not receive their orders direct from the Magistrates.

131. Are not the duties of the officers of this body more properly police than magisterial? Wm. Colburn
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Yes.
132. Their magisterial duties are merely collateral? Yes; to grant warrants where necessary to carry out the business of police. They do not sit as Magistrates. 19 Nov., 1856.
133. Then, if I understand you correctly, the appointment of Crown Lands Commissioners as Police Magistrates is an impropriety, and a departure from the principle you would carry out? Certainly; so is the appointment of any Police Magistrate under present organization.
134. What is your opinion as to the proper mode by which the country police should be supervised? There should be officers subordinate to the general head in Sydney; precisely upon the principle of the Irish constabulary.
135. *By Mr. Hay*: Are you aware whether that principle has been carried out in any of the adjoining Colonies? I believe in Victoria it is strictly carried out.
136. Do you not think there is a difficulty in carrying it out in a thinly peopled country? Principally from the reason that you must give a subordinate officer a greater amount of work to perform than he would have in a country more thickly peopled.
137. Does not the extent of a district operate as a bar upon the proper performance of the duty? If the districts are of too great extent, yes.
138. Then the system would break down there? You must have a sufficient number of officers to carry out the system. You must not impose on any man a greater amount of duty than he can fairly and properly discharge.
139. *By the Chairman*: What class of officers would you have to carry out the instructions of the head of police in Sydney? Precisely the same as there are in the Irish constabulary—provincial or district inspectors, sub-inspectors, and the ranks that correspond to those of non-commissioned officers and privates in a military force.
140. What would they cost? I think, to an officer of the superior class, you could not give less than £400 a year.
141. How many of these do you think it would be desirable to appoint? I think the whole of the duties could be performed by six of these officers.
142. £2,400 a year, that would be? Yes.
143. How many sub-inspectors would you have? I would attach two to each of these superior officers.
144. How much would you pay them? Not less than £300 a year.
145. That would be £6,000, for inspectors and sub-inspectors, beyond the present expense? Yes, under that head; but you must bear in mind, that, under such a system, I contemplate a reduction in the police. I think you would get increased efficiency with fewer numbers; and you would get, also—what would compensate for all that expense—a large diminution of crime.
146. *By Mr. Forster*: That, of course, would render the affair cheaper in the remote districts particularly—in the unsettled, which are the most remote, would there not be a danger that these officers, not being subject to local supervision, would become virtually irresponsible? They would be subject to provincial inspectors.
147. To whom would the provincial inspector be responsible? To the central head in Sydney.
148. Would there not be a danger of him becoming virtually irresponsible, from the distance at which he was removed from supervision? I think not; it is not found to be so in Ireland.
149. I need not remind you that the circumstances of Ireland are very different from the circumstances of this Colony. Have you not seen instances of departments in this country having been rendered inefficient by the circumstance of complaints made against it not being listened to by the central authority—I allude to the Native Police? I think complaints ought always to be listened to by the central authority.
150. You are aware that the Native Police were subject to a local head, whose authority was similar to what you would give to the provincial inspector. Are you not aware that complaints made against that head—complaints which were made for years—were not listened to? I am aware, from public report, that complaints were made, but I am not aware that they were not listened to.
151. Are you aware that many of those complaints were found to be virtually correct—to be true? I am not aware of the precise nature of the complaints. I have heard that there was very good ground for complaint.
152. *By Mr. Piddington*: Was not the head of the Native Police, as a matter of course, subject to the Inspector General of Police? No.
153. *By Mr. Forster*: Of course I only allude to the Native Police incidentally, as an instance of the operation of such a system as you propose; but would there not be danger of an inspector of police being inefficient from the same causes, that, in the instance referred to, rendered the officer of the Native Police inefficient? The causes that made him inefficient were causes relating purely to himself.
154. May not such causes operate again in the case of any other officer? There is no possibility of guarding against that.
155. *By Mr. Hely*: Do you not think the appointment of provincial inspector would tend to diminish the authority of the local magistracy over the police? I think the local magistracy ought not to seek or to have control over the police farther than to insist upon their ministerial and judicial acts being given effect to.
156. Did you not hear a complaint, during the existence of these provincial inspectors some years ago, of a constable refusing to attend at the Bench, on the ground that he had received no order from the provincial inspector, and that he must abide by that? I do not remember such an instance coming before me; but, I think, a constable, when required by a Magistrate to do anything in opposition to his orders, should inform him that it was inconsistent with the order given by his immediate superior.
157. *By the Chairman*: Do you think that country gentlemen would consent to hold the position

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position of Magistrates, if there were to be Stipendiary Magistrates with double the power of private gentlemen; and, secondly, that there should be inspectors, and sub-inspectors, who should have the control of the police? I do not know whether they would; but I know such a system has been in existence in Ireland for some years, and that it works excellently well, and without the gentlemen who act as unpaid Magistrates feeling it to be a grievance. I believe, in Victoria, there has been no such feeling.

158. As regards Ireland, it seems to me that the powers of the officers of police are something like those of the officers of police in Germany—they may become a sort of dictators to the people—it appears to me that there is no check upon them? I do not agree in that view. It appears to me that there is a most efficient check. I consider, and it is, I believe, admitted, that the most efficient rural police in the whole world is the Irish constabulary.

159. *By Mr. Forster*: How do you propose to apply the remedy, to balance the inefficiency of an officer—if, for instance, an inspector did not choose to obey the orders of the Magistrates, or took it into his head not to comply with the warrants issued by them, how would you provide a check for that evil, so as to make that check useful? I would do so by making the most rigid and full inquiry in every case of complaint, and by dealing with the case upon its merits. If, upon inquiry, it was found that the officer had done wrong, I would punish him to the extent of the wrong, or remove him if he were found inefficient or negligent.

160. Are you not aware that it was the system of Government, in former days, to receive the report of the person complained of, and to take his explanation as conclusive? I am not aware that such was the practice in other departments; whenever complaints were made to me respecting those under my control, I had a formal inquiry, which I either held myself or appointed a subordinate officer to hold; and I had the whole of the depositions and proceedings before myself.

161. *By the Chairman*: Do you think it safer to entrust these inquiries to the hands of one paid gentleman than to leave the decision in the hands of half-a-dozen private gentlemen on the spot where the complaint has originated? Charges against an officer should not, in my opinion, be the subject of inquiry by Magistrates of his district, on the principle that an officer of the constabulary should be kept entirely free from local influence of any kind.

162. *By Mr. Piddington*: Is it not your opinion that the object of the Irish police is more to meet any tumultuous attempt at riot, than for the purpose of thief taking? Assuredly not.

163. What is the nature of the control exercised by the Police Magistrate over the police in New South Wales? The same as that of an ordinary Magistrate.

164. What is the nature of the control that any Magistrate can exercise over the police in his district? In the present state of things there is no organized system that defines the extent of the Magistrate's power; it is the general principle of law alone.

165. To what does the control extend—does it go to the extent that a master would have over his servant? Within the duty of a constable, it does.

166. Within the entire range of the duties that ordinarily fall to the constable, the control of the constable by the Magistrate is the same as a master would have over a servant? Yes.

167. *By the Chairman*: What powers would inspectors and sub-inspectors have? They would have, within their districts, the entire supervision and personal control of the police.

168. Then, in what way would the Magistrates have the control you spoke of in answer to Mr. Piddington's question? I was then speaking of the present system.

169. Which you would abolish? Yes; I would take away from the Magistrates the personal control of the police.

170. Before what tribunal would you try any negligence of the police, under your proposed system? The Magistrate would naturally make a complaint to the officer in charge of the police; and it would be the duty of that officer immediately fully to inquire into the circumstances of the case; if it were an offence of a minor kind, such as must necessarily be left to the discretion of the officer, he might deal with it; but, if it were a serious offence, it would be his duty to refer it to the head of the department, suspending the man in the meantime.

171. Then you think it would be safer to entrust this matter to a sub-inspector than to leave it in the hands of half a dozen magistrates? In carrying on the principle I contend for, it should be left to the decision of the head of the department, who would be responsible to the Executive.

172. You think it would be a safer principle? On that principle.

173. *By Mr. Hely*: Do you think many country gentlemen would take the office of Magistrate if they had not the control of the Police? It is done in Ireland, and I do not see why the same principle should not be carried out here.

174. *By Mr. Forster*: How do you propose that district inspectors should be supervised? By the head in Sydney. They would be subject, as in Ireland, to the constant supervision of a jealous and watchful public.

175. There is, as you must be aware, very little public opinion in the interior of the Colony. Do you not think it would be an improvement of your plan that the district inspectors, in common with other heads of departments in the interior, should be subject to local officers, supposing the establishment of municipal bodies in the interior? I clearly think not, because you would then break up the unity of action in the Police if you make them subject to municipal or other local bodies.

176. I do not propose that these inspectors should be actually dismissable by the local officer, but that the local officer should exercise some supervision so far as instituting inquiries respecting their conduct, and recommending their dismissal or suspension? I think not. It should be confined to representing any misconduct or shortcoming, the dealing with which rests with the Executive.

177. On what ground do you come to the conclusion that a central authority in Sydney would be more capable of managing the affairs of a country district than a body on the spot?

I do not say any part of its affairs but its Police affairs; you destroy the unity of the Police if you allow any local body to interfere with it.

178. Then do I understand you, that the further an authority is moved from the spot where its officers operate, the better that authority is capable of exercising its control? I think that would be an inference not borne out by anything I have said.

179. At what distance do you think a central authority can operate efficiently? I think a central authority in Sydney, as regards matters of police, is sufficient to control the whole police throughout the Colony.

180. I suppose you would not carry out your principle so far as to say that a central authority, whose head was in England, would control the Police of this Colony much better than we do, having the head of the authority here? Certainly not.

181. Then how can an authority in Sydney control the Police of Wide Bay better than a local body at Wide Bay? Because you cannot have an united Police if you subject them to the control of local bodies.

182. Would not your argument apply to the whole of the Police of Great Britain? I think the whole of the Police of England might fairly be placed under one head in London, as the whole of the Irish constabulary is under one head stationed in Dublin.

183. You would not say that the whole of the Police of Ireland should be managed in England? It is so far centralised as that both the English and Irish Police are subject to the Home Secretary.

184. *By Mr. Hely*: Was not the office of provincial inspector here abolished because the working of that system was found to be inefficient? I did not consider it inefficient.

185. *By the Chairman*: Why was the office abolished? Because the system was unpopular in the country.

186. *By Mr. Forster*: Will you be kind enough to state to what extent of area you would confine your principle of centralisation? I do not think you can define or limit it by mere area irrespective of other considerations.

187. You do not think your system of centralisation could be applied by combining the five Colonies into one; you think, as the Colony is divided at present, your system would operate better in each locality separately than if combined? I do not see how, under separate Governments, you could apply it to all. You have distinct Executives to which the Police would necessarily be subject.

188. *By Mr. Puddington*: As I understand you, you limit your proposed police to the boundary comprised within any one Civil Government? Yes, precisely.

189. *By Mr. Hely*: In the event of your plan being adopted, how would you propose to distribute your eighteen inspectors and sub-inspectors among the districts? I cannot at this moment tell you the circles I would make; that would require consideration, and might, after experience, require modification.

190. *By Mr. Hay*: Do you, from what you know, think the system had a fair trial when it was last attempted in the Colony? Certainly not, either in sufficiency of officers, organization, or duration.

191. Are you at all informed with regard to the old mode of conducting police arrangements in England? They were very imperfect.

192. Was there any centralisation? Not as regards the country; the centralised system in England was only carried out in the metropolitan districts.

193. How were the Police managed in the country districts generally? They were under local management.

194. Was that found to be a matter of complaint? Very generally, as regarded inefficiency, and as regarded expense, I believe, too.

195. Has the tendency in England been to carry out an uniform system of police? Certainly; only during last Session of Parliament, the matter was under consideration as regards centralisation.

196. Can you inform the Committee how, in your proposed system of police, the connexion between the magisterial and executive functions could be maintained—how the Magistrate could operate upon the Police? He would issue his warrants in any case where it was necessary these instruments should be issued. These warrants would be handed to the nearest officer, and it would be his duty to select the man of the force most competent to carry that out into prompt and efficient operation; in other words, to secure the prisoner against whom the warrant was directed.

197. In case of any negligence on the part of this officer, where would the remedy lie? The person neglecting would be subject to two forms of being dealt with. An inferior officer would be subject, for any neglect of duty, to be brought before the Bench of Magistrates, and to be dealt with by them by fine; and he would further be subject to be dealt with by his own superior, for neglect of duty. The Magistrates have the power of fining up to a certain extent. If you refer to the Act 14 Victoria, 38, or 16 Victoria, 33, you will find the clause.

198. In what do you consider the great advantage to lie, in having the Police Establishment uniform throughout the whole of any particular Colony or Country? That it ensures unity of action; that it ensures *esprit de corps*, and thereby gets rid of the jealousy which in a disunited force will exist. In a disunited force the officers will seek their own advantage, their own commendation, the gaining applause by their own particular individual efficiency, and not by the general efficiency of the force; therefore they will keep all the information they can obtain to themselves. By a general system you will get rid of that evil.

199. As to the limits of such an uniform Establishment of Police, am I to understand that you consider that the limits within which a general Government could be efficiently carried on, are the limits within which you would confine this uniform Police Establishment? Yes.

200. The responsibility would be the general responsibility of the Government? Of the Government.

201. *By the Chairman*: You stated just now, that the reason the office of Provincial Inspector was abolished, was that the system was unpopular in the country? Yes.

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202. What means were there of ascertaining that unpopularity—there must have been some strong effort made for its abolition, I presume? It was represented as unpopular; that was the feeling of the Legislature of the day.
203. Were there petitions or remonstrances from the Country Districts? Not that I am aware of.
204. *By Mr. Jones:* Have you reason to believe that the non-existence of Stipendiary Magistrates in the Country Districts has in any way interfered with the proper administration of justice? The want of Magistrates?
205. The non-existence of Stipendiary Magistrates? I cannot answer that. If there have been Magistrates to act, it cannot have been necessary that there should have been Stipendiary Magistrates; but I am aware of the absence of Magistrates in some Districts, and the absence of materials from which they could be appointed.
206. Have you, in your official capacity, received any complaints of this? To the extent that there were neither Magistrates nor persons fit to be made Magistrates. The carrying out the ends of justice was interfered with, by the absence of Magistrates, Stipendiary or other.
207. What circumstances, do you think, would justify the appointment of Stipendiary Magistrates, or would call for their appointment? Where there were not gentlemen in the Commission, or eligible persons in the District, to be put into the Commission.
208. In the event of there being a sufficient number of Magistrates in the District—or if not, a sufficient number of gentlemen eligible for the Commission—do you think a Stipendiary Magistrate would then be necessary? So long as these gentlemen would undertake and discharge the duty, I think not.
209. If they would not, then it would be cast upon the Government to provide for the necessities of the District? Yes.
210. Do you think there are any other circumstances that would justify or require the appointment of Police Magistrates—as, the amount of business to be done in any District? If that business exceed the means of carrying it out.
211. Then, if I understand you rightly, there are two cases in which the appointment of paid Magistrates may be necessary to secure the administration of justice; that is, where there are not sufficient Magistrates, or the material to form them, and where the amount of business is more than could fairly be thrown upon unpaid Magistrates? Precisely.
212. Do you think it desirable or necessary that the appointment of paid Magistrates should extend beyond those cases? I do not.
213. You do not think the public would be sufficient gainers by their appointment, to compensate for the expenditure that would be incurred? I do not; because the state of things pre-supposed is that the Magistrates would do their duty.
214. Have you ever made an estimate of the cost of the establishment of a general system of paid Magistrates? No; it has not been under my notice.
215. Do you think the duties of Stipendiary Magistrate and Clerk of Petty Sessions are reconcilable with each other? I think so.
216. Do you not think there may be cases where the combination of these duties in one individual would be found inconvenient, and lead to inconvenient consequences, as between himself and his brother Magistrates. For instance, to illustrate my question, I will suppose the case of a Bench composed of two or three unpaid Magistrates, and this functionary, who performs the duty of a paid Magistrate, and who wished to exercise the function of a Magistrate, while his brother Magistrates wish him to act as Clerk of Petty Sessions? I would not place him in such a position as that he should be in any way subject to dictation or control by other Magistrates; he must be upon a perfect equality with the other magistrates.
217. Can you conceive of his discharging the duties of both offices, in that case, satisfactorily? I can; I have frequently taken down the proceedings in a Court Martial, as a member of the Court. I have almost invariably done so when holding inquiries. I have seen no objection to do so; on the contrary, I rather prefer it, because, as I have already said, it fixes the evidence on my mind.
218. Do you not think it would bring these functionaries into rather awkward collision with their brother Magistrates, and that it would be rather difficult to define their duties as Clerks of Petty Sessions, and their duty as Magistrates? No, I think not; I think they might be combined without difficulty. I can imagine that if there were a bad feeling existing between the individual holding the office and the body generally, he might be exposed to unpleasantness.
219. Would he not, as Clerk of Petty Sessions, be a subordinate officer to the Magistrates? I think not; he would merely, as Stipendiary Magistrate, have devolved on him the performance of certain clerical duties. I have never even imagined the possibility of the unpaid Magistrates conceiving that they could regard him as their Clerk.
220. Supposing he were required to perform the duty of Clerk of Petty Sessions, would he not be bound to carry out the decisions of the Bench? To record the decision. He being one of the parties to decide, it would be only to record his own and his brother Magistrates decision.
221. Do you think the functions of paid Magistrate and Chief Constable would be at all compatible? Certainly not.
222. Of Clerk of Petty Sessions and Chief Constable? I think not.
223. Why? Because the Chief Constable ought to be available at any moment to send to any part of the district, and he ought not to be fettered by having other duties to perform which might require him to remain in one place.
224. Have you any idea of the duties performed by Clerks of Petty Sessions in country districts? I believe, generally, they have very little to do.
225. Have you any idea what they amount to per day or per week? I cannot say.
226. Have you reason to think that Clerks of Petty Sessions, in two out of three country districts, are occupied, on an average, more than two hours a day? I think not. It is under that

- that impression I have long recommended the union of adjacent districts,—districts at such distances apart as would enable one Clerk of Petty Sessions to attend two Benches.
227. Do you not think the amount of remuneration they now receive is adequate to the amount of duty they perform? Making it referable to the amount of duty, I think so; but you must bear in mind, that you take the man's whole time, and what you take you must pay for.
228. I am speaking with reference to the amount of work now performed? I think it is, with reference to the amount of duty.
229. You think the public do not get more benefit from his services than his salary is a compensation for? Yes; but I do not think the salary is sufficient for the absorption of the whole time of a competent man.
230. Have you examined the Estimates for Police for the present year? I have, some.
231. I suppose you are pretty well acquainted with the Estimates of last year? Yes.
232. I suppose you have pretty extensive and accurate knowledge of the character of our country population? Yes, I think so.
233. Do you think, looking to the amount of population, that there is any great excess of crime, as compared with other colonies? I am not prepared to speak of other colonies.
234. Or with Home Countries? I think not.
235. Do you think, relatively, we require a much larger amount of police than the Mother Country? I do not; and I think you have not.
236. Do you not think the cost of our police, relatively with that of the Mother Country, is much greater? The cost is another point, and is attributable to the higher rate of labor in the Colony.
237. And to the higher rate of pay of the police, consequent upon the higher rate of wages? Yes.
238. You do not think we have a greater number of police, relatively to population, than England? I think not.
239. The Irish, or central system of police, was, I believe, established in this Colony some years ago? Partially.
240. It was never established in its integrity? Never; it was never brought into full operation.
241. How long did it continue to be in operation in this Colony? The law was in force two years.
242. And the practice? I took charge of the department on the first of the January before the law was altered; I then found very few districts in which it was in operation.
243. During that time there were Provincial Inspectors appointed? Yes.
244. Were there also sub-inspectors? No; that was one of the defects, and there was, consequently, an amount of duty cast upon the Provincial Inspectors that it was physically impossible for them to perform.
245. That system is now, I presume, abandoned? Yes.
246. It is in no respect in existence? In no respect in existence as a system.
247. What were the chief causes of its being abandoned? I attribute it to the disinclination of Country Magistrates to work with that system.
248. You found that the Country Benches of Magistrates were not willing to discharge their duties as Magistrates unless they had the control of the police? In the majority of instances. It was unpopular with the Country Magistrates, and that unpopularity acting through them on the Legislature led to the abandonment of the system.
249. You have recently resigned office as Inspector General of Police? I have been promoted to the office of Auditor General.
250. You consider that the system to which we have referred has now ceased? It exists, as regards centralization, as far as Sydney is concerned.
251. Has the gentleman who succeeded you in the office of Inspector General of Police the performance of the same duties and functions as were discharged by you? Excepting that he is released from the control of the Native Police and the correspondence with the several Benches throughout the Colony.
252. *By Mr. Forster*: You laid it down as a rule that the system you proposed would in general operate within the limits within which a general government would operate? Yes.
253. Then, I presume, when you reach those limits beyond which a general government would not operate, your system ought not to be carried out? I do not say that.
254. Would you not come to that conclusion on the same principle? You must first shew me that a general government could not act beyond those limits.
255. I only suppose a case in which a general government could not act, for we must suppose that beyond some limits or other a general government could not operate? I must explain. I think a general government could be carried on which would include Victoria and this Colony; for I consider that separation was not a necessity, and within those limits therefore this system might operate.
256. Where general government could not be carried on successfully, would you not suppose that your system of police would also fail? I think so. I would not say would fail, but that it would be inexpedient to attempt to carry it out.
257. In cases where it would be attended by failure to attempt to carry on the business of general government, or where municipalities were pre-supposed or had become necessary, would you not say you had reached the limit at which your system could not be carried out successfully? No. I would establish a new government in that case.
258. In that case you would not allow the supervision of the police in any way by any municipal authority? I would not; it has been proved inefficient in England.
259. You have spoken of the unpopularity of the system; have you ever been led to consider that there was any cause for that, apart from the disinclination of the Magistrates to act under it—any cause in the system itself? Not in itself; properly referable to the system.

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- Wm. Colburn 260. Are you, from your general knowledge of the Country, aware of any towns in the interior which require Police Magistrates? At this distance of time I do not recollect any particular case. I would have to refer to the records of the office to see what representations had been made to that effect, and the conclusion at which I had arrived respecting them.
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261. Are you of opinion that a Police Magistrate might be necessary with reference rather to the traffic or situation of a place than to the actual population of a district? Clearly so. You must take into consideration all the points that would affect the question.
262. Did you not say that you thought the duty of Coroner might be performed by the Magistrates generally? Yes.
263. In fact, that Coroners are not necessary except in very thickly populated localities? I think, generally speaking, the duties are performed by Magistrates.
264. *By Mr. Piddington*: Is there anything in the duty of Clerk of Petty Sessions that, in your opinion, you would consider below the dignity of a Magistrate to perform? I think not.
265. In the case of disobedience of orders by an officer in a distant district, would not the ends of justice be likely to be frustrated in consequence of the time that would be required to lodge a complaint with the head in Sydney? I think not.
266. Not in the case of disobedience of orders on the part of a constable? That might be dealt with by the officer on the spot, by instant suspension. Reference to the regulations of the force under the Act 14 Vict., No. 38, (copy herewith,) pages 21, 22, 26, will afford the Committee information as to the mode of dealing with charges against the constabulary, as their perusal generally will, as to the way in which the system was to be carried out.
267. Then the subordinate officer—the District Inspector—would have ample authority under such a system to at once take cognizance of any disobedience of that description? Clearly he could suspend the man on the spot. He would not have the right of dismissal, but of suspension, and proof of the offence would involve dismissal.
268. Are you aware whether there is a Commissioner of Crown Lands appointed to every Police District? I am not.
269. I understand, from one of your replies, that, pre-supposing the extension of Police Magistrates, you are in favor of a system whereby Itinerary Magistrates could be secured? Yes, I am decidedly in favor of that in preference to the union of the duty of Clerk and Magistrate. I merely speak of the latter as a possibility.

THURSDAY, 20 NOVEMBER, 1856.

Present:—

MR. FORSTER,	MR. ROBERTSON,
MR. JONES,	MR. WEEKES.
MR. PIDDINGTON,	

JOHN ROBERTSON, Esq., IN THE CHAIR.

Colonel George Barney, R.E., called in and examined, as follows:—

Col. George
Barney, R.E.

20 Nov., 1856.

1. *By the Chairman*: You are Chief Commissioner of Crown Lands? I am.
2. From your position in that office, have you become acquainted with the duties appertaining to the Commissioners of Crown Lands in the Settled Districts? Yes, partially.
3. And also in the Unsettled Districts? Yes.
4. And also in the Gold Fields Districts? Yes.
5. As we have determined to take these matters under these several heads, I will first ask you respecting the duties of the Commissioners in the Settled Districts. Will you be kind enough to tell the Committee how many Commissioners there are in the Settled Districts? I should tell you that I have very little to do with the Commissioners in the Settled Districts. In my position, as Chief Commissioner of Crown Lands, my principal duty is with Commissioners beyond the Settled Districts.
6. Under whom are the Commissioners of Crown Lands in the Settled Districts? I do not know, officially, what the duties of the Commissioners in the Settled Districts are.
7. You are aware that they sell the public lands in the settled districts, and transmit the moneys received from such sales to the Treasury? Yes.
8. Are you aware how these gentlemen are paid? By a commission on the sales.
9. Do you know what amount is paid to these gentlemen—what their per centage amounts to in the aggregate? The average receipt, by 26 Commissioners, from 1st January to 30th June, 1856, appears to have been £105, the highest being £295, the lowest 9s. 6d. Fees to Commissioners, 5 per cent. up to £5,000, over that amount 2½ per cent.
10. Supposing Stipendiary Magistrates were appointed, whose duty it should be to act as Magistrates in Courts of Petty Sessions, and to control the police, could the same officer perform the duty of Commissioner of Crown Lands within the boundaries? No doubt; there is no difficulty in the matter.
11. Are you aware that in many instances the Clerk of Petty Sessions performs the duty proper to the office of Commissioner of Crown Lands? Yes; he sells the land.
12. And the Commissioners receive the pay? I do not know that.
13. Do you not know that there are many glaring instances where the Commissioners who have not been in their districts for months have received large amounts of pay? No. It is a matter which would not come under my cognizance at all.
14. Have you not heard of a matter, which is in the mouths of many persons connected with Captain Hovell, the Commissioner at Goulburn, who received £750 for commission upon the sale of land though he was not in the district, and though the Clerk of Petty Sessions did all the work, for which he was paid by £50? No, I have not heard of it.

15. The correspondence is not sent to you from those districts? No.
16. You can give no evidence as to the money being sent through the Clerks of Petty Sessions? No; all that I get is the return of the sales.
17. You do not see the receipts for the moneys? No; they go the Treasury.
18. Referring to the unsettled districts, could the same arrangement be applied to the Commissioners of Crown Lands in the Unsettled districts with reference to the performance of the duties of Magistrates? I do not see any objection to the Commissioners acting as Stipendiary Magistrates, and they might also perform the duty of selling the lands; although they are occasionally absent from head quarters for a considerable period, which might in some way interrupt the regular course of sales; but then there would be sure to be somebody on the spot who would conduct them, the Commissioner being the responsible party.
19. There is considerable difference between the duties of a Commissioner in the Unsettled and of one in the Settled Districts? Yes, very considerable. In the first place, the former has an extensive district of country under his management; and, in the next place, he acts as Police Magistrate for his district.
20. He also manages the assessment—does he not? Yes.
21. Which the Commissioner inside the boundary does not? There is no assessment within the boundaries.
22. Is there any other difference in their duties? The most laborious part of the duty of the Commissioner beyond the boundaries is the inspection of ground embraced in tenders. By his instructions he should examine the ground before he reports upon any tender, and state whether it should be accepted or otherwise, from actual observation.
23. But you are aware, I apprehend, that is not done in practice? It is difficult for me to come to the knowledge that it has not been done, unless I call for a particular statement that the Commissioner has visited the ground. I am, however, quite satisfied that there are cases where the ground has not been visited. I have had to send the reports back; but if the Commissioners keep the areas of the tenders marked upon the plans, it gives them an opportunity of knowing, in many cases, prior to the receipt of a tender, whether there is a vacant piece of ground in a particular locality; and as the runs are now nearly all of the same size, the Commissioner can ascertain whether the particulars of that tendered for are correct, because he has the boundaries of the adjoining runs shewn upon the plan.
24. How many Commissioners are there in the Unsettled Districts? Sixteen.
25. At what cost are they maintained? There are three who receive rather more than the rest, from having charge of Gold Fields. The estimate for the Crown Lands Department for 1857 is £17,926, in round numbers.
26. With regard to the Gold Fields, have you charge also of the Commissioners there? In the unsettled districts, that is the Northern Gold Districts, the Rocky River and Hanging Rock, and the Murrumbidgee Diggings.
27. You have not in the Settled Districts? No.
28. Who has charge of them? They report direct to the Colonial Secretary.
29. Are there Commissioners of Crown Lands at the gold fields? There is one Assistant Commissioner at the Rocky River, and one at the Hanging Rock, and there is a provision for one at Murrumbidgee when the gold fields assume a certain character—when they are fairly established Assistant Commissioners have been appointed.
30. What provision is there made for the payment of these gentlemen? They are provided for in the Estimates—£6,000 for 1857.
31. Could there not be a farther amalgamation of these officers—could not one gentleman perform the duties of Commissioner of Crown Lands, Commissioner of Gold Fields, and also those of Stipendiary Magistrate? I am afraid the duties of the Gold Fields are too great; they require the constant attention of the Commissioner on the ground, and he would, therefore, be compelled to neglect his other duties.
32. You think the Gold Fields would suffer by such an amalgamation? Yes.
33. Generally, can you suggest any arrangement in the department under your control which, at the same time, will reduce the cost and preserve the efficiency? I do not know that I could, at this minute, suggest anything; but I may state that I have taken the opportunity, when the work in the district of one Commissioner has fallen off very much—when the Commissioner has nearly completed the details of his district—to recommend that two districts should be made into one. This I have done in three instances.
34. You are speaking of the Unsettled Districts? Of the Unsettled Districts.
35. Of course the nearer unsettled districts are now nearly all filled up, so that the duties of the Commissioners will become much less; in fact, as soon as the capabilities of the runs are assessed, the duties will be almost entirely confined to the stock assessment returns, and the duties of Police Magistrates? Commissioners will not have to traverse their districts as they now have, for the purpose of examining the country. I should state, however, that as soon as leases have been issued much will have to be done in reference to pre-emptive purchases.
36. *By Mr. Forster:* Has it ever struck you that there is any incompatibility in the kind of duties at present imposed upon Commissioners of Crown Lands; that is to say, in the combination of the duty of Police Magistrate with that of Crown Commissioner? No, it has not. If there were any large amount of work devolving upon him as Commissioner of Crown Lands it would interfere considerably with his duty as Police Magistrate; but he is instructed that the duties of Police Magistrate are to give way to those of the Commissioner of the district.
37. I refer particularly to those cases where the Crown is prosecutor—cases of trespass. You are aware, I suppose, that there are many cases of breaches of the Crown Lands Act—do you not think it in some measure impairs the efficiency of the Crown Commissioner considered as a Police Magistrate, that he is obliged to act as prosecutor on behalf of the

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Crown, before the Bench where his authority is paramount? It appears so; but I have heard no complaint of the kind.

38. Are you not aware of any instances of instructions being sent to the Police Magistrate to act according to his instructions, without reference to evidence? No, I am not. I should not be aware of these instructions because the instructions under which these officers act as Police Magistrates do not go through my office.

39. In some cases there is not a nice line of distinction between Crown Land Commissioner and Magistrate, in dealing with Crown Land cases. Are you aware that they both sit on the Bench, and decide upon informations which they have put in motion themselves? Yes.

40. Do you not think that exhibits the incompatibility of the two functions in a very glaring way? I think that is a case of very unfrequent occurrence; but, as I have already said, I do not know when these occurrences take place, for they are not communicated to me.

41. You think the effect is not material? I do not.

42. Meaning that they do not often occur? Yes.

43. I suppose, in that view of the case, you would admit that, in the abstract, there is a degree of inconsistency in the combination of these functions? Yes.

44. Would you, then, recommend, for the present at least, that Crown Commissioners should be retained as Police Magistrates—do you think it would be advisable for the public benefit? I think, at the present time, there could be no objection to it.

45. Do you think it a proper state of things that the duties of the Police Magistrate should, in his general instructions, be subordinate to the duties of Crown Commissioner? It was under my recommendation that Commissioners were appointed Police Magistrates. In two or three years, or perhaps earlier than that, it may occur in some districts that Commissioners may not be necessary; it will then become desirable to make them permanent Police Magistrates rather than to make new appointments, for you could hardly turn out many of these gentlemen, who have been a series of years in the service.

46. Are there forage allowances allowed to the Commissioners? Yes.

47. Will you explain whether it is the general custom for the Government to insist upon the forage being supplied, or whether it is left to the Commissioner to say whether he will take the forage allowance, and provide forage himself? In some cases there is a fixed allowance given, in other cases the forage is supplied by contract; but in either case the money is paid for forage under a certificate that it has been supplied. There is generally a considerable saving in expense—in fact, the full amount of forage is not provided for, as I have given instructions to the Commissioners who have paddocks attached to, or in the immediate neighbourhood of their quarters, that so long as there is grass for their horses they are to be turned out, and are not entitled to draw forage.

48. In such cases they would not receive forage? No.

49. Are you aware that Mr. Bedwell, late Commissioner of Wide Bay, drew his forage allowance every year? I do not know; he has been dead some time, but I could obtain that information for the Committee.

50. With regard to the duty of orderly, will you state what you consider that to be? First of all, his principal duty is to accompany the Commissioner on tours of inspection.

51. That is his principal duty? Yes. The Commissioners cannot move without their orderlies, particularly in parts of the country which are not inhabited. They have a variety of duties—they act as constables, they escort prisoners, have charge of the stores, of the paddocks, and public grounds attached to the establishment.

52. Are you positive as to their being constables? Yes.

53. Are you positive that in all cases they have been sworn in as constables? Such is the instruction.

54. You could not state, then, whether the orderlies who attended the Commissioner at Wide Bay were sworn in as constables? No; I could not say positively. I took it as a matter of course, and it has not come to my knowledge that they have not been sworn in.

55. If it should be proved that certain orderlies were not sworn in, would you consider that the Commissioner had departed from his duty in not having them sworn in? Yes.

56. Have you not said that it was incumbent upon them that their orderlies should be sworn in as constables? Yes.

57. With regard to the Commissioner at Wide Bay, Mr. Halloran—are you aware that any of his orderlies had been employed in Sydney as gardeners, or had been taken up there as gardeners? No.

58. If such were the fact, would you consider that an impropriety? Certainly. It would probably lead to his removal from the service if such a statement were made to the Government and proved, that a man had been engaged as an orderly, with a view to his employment as a gardener.

59. Are you aware of another circumstance of this kind—that a boy was hired by another Commissioner down there as an orderly, and received only £17 or £18 a year, the actual wages of an orderly being £100 a year, out of which the orderly finds his rations—does he not? In some cases he does, however, that would appear from the vouchers. I could ascertain whether a small payment of that kind was made, but I don't think so. I think I must have noticed it, if a boy had been hired at £17 or £18 a year. I have no doubt the orderly received the full allowance.

60. Are you aware that it is the practice of the Commissioner at Wide Bay, or any other place, to employ the orderly in general as his house servant? No; it is contrary to rule. It is not correct to do so, but, in many instances, in these outside districts, you cannot get people as servants, I do not say that orderlies are to be employed as domestic servants, but if they perform the duties of orderlies, and have time to spare, I would not consider, under certain circumstances, although it is not quite correct, that it should be taken notice of.

61. Are you aware whether it is proper—would you consider it within the Government regulations, for the Commissioner to send an ordinary constable round, to ascertain certain facts

- Facts with reference to stock in the district, for the Blue Book—or, would the orderly be the proper person to employ in that case? I think the orderly would be the proper person to send.
62. Do you understand that the Commissioners of Crown Lands have more authority over the ordinary constables than the other Magistrates? No, certainly not.
63. The orderlies, would you consider them exclusively under the orders of the Commissioners? Yes, I think so. Like the Commissioner, they ought to be sworn in, and, as the Commissioner is the Police Magistrate of the district, that would give him the control.
64. You consider the duty of constable to be collateral, in order that the orderly might be of use in case of an emergency, but his principal duty is to attend the Commissioner in going through his district? Yes, that is his principal duty, but he is employed, as before stated, in various ways.
65. With regard to the Commissioners of Crown Lands in the settled districts, do you approve of paying them by fees—do you think that the best system? I think it is; they attend more to the duty from having an interest in the matter; I receive very frequent complaints if there are only a few sales in a district.
66. You think it has a beneficial influence upon the sale of land in the district? Yes, I think so.
67. What do you consider the principal duty the Gold Commissioners have to perform—is it for the collection of revenue or the preservation of order they are appointed? They are so intimately connected that I could hardly say which should take precedence; of course, as Police Magistrates they have most important duties, but still the collection of the revenue is a matter of great importance too.
68. Do you think the cost of the establishment of Gold Commissioners is compensated by the amount of revenue collected? I believe it has not been, with the exception of my own districts; but since I have had charge of two or three Gold Districts, I have always made the receipts more than cover the expenditure. There was a saving last year, not very large, a saving of some £1,200, but I have been very careful in the expenditure.
69. Do you not think their duties as Police Magistrates would be much better performed if they had nothing whatever to do with the collection of the revenue? No doubt, so far as police is concerned, because they might to devote their whole time to that.
70. Then, in fact, does not what you say go to this extent—that the important duty of preserving order is rather impaired by making them collect the revenue, a revenue which, in general, hardly pays the expense of collecting? There is something in that, but still, as I said before, the duties are so intimate that they can scarcely be separated. The one Commissioner in charge of the police must be on the same ground, and at work at the same time as the officer who is to collect the license fees.
71. Then in fact, to have these two different duties done, you have two different officers in general? You have not now, but if a division were made in the duty, you would require two officers.
72. But supposing, as you seem nearly to admit, that the Gold license is scarcely worth collecting, do you not think it would add to the public benefit if the Gold revenue were abandoned, and the Commissioners were simply to conduct the business of Police Magistrates? There is a considerable amount of revenue collected, although it may not meet the expenditure, but if you abolish the license fees, you still require a police, and your expenditure will be what it is now, without any money coming in to meet it.
73. *By Mr. Weekes*: The Commissioners of Crown Lands have a fixed salary, and a commission on the sale of Crown Lands besides; have they not? No. There are two distinct classes of Commissioners; those within the settled districts are paid by a commission on the sale of lands; and those beyond the boundaries are paid by a fixed salary.
74. What is the Moreton Bay Commissioner, Captain Wickham? He is within the Settled Districts, and is paid by a per centage upon sales.
75. Do you know whether his commission has reached beyond £2,000 in any one year? I cannot tell; I have heard so, but that was before any of these arrangements came under my knowledge.
76. Then he has no fixed salary? Not on that score; he has a fixed salary as Government Resident, but this sale of land is an extra duty thrown upon him.
77. Then, in point of fact, it is almost a matter of necessity for a Crown Lands Commissioner to urge the sale of land in order to get a living? Of course it is their interest to do so. One advantage of this arrangement is that they urge land to be brought forward for sale which otherwise might be overlooked.
78. *By Mr. Piddington*: The license fees payable by miners are collected in the Unsettled Districts by the Commissioners of Crown Lands, who also act as Police Magistrates? No; by the Assistant Crown Lands or Gold Commissioner. I have only three Gold Districts under me—two of them have Assistant Commissioners attached, who are in charge of the gold fields. Although almost independent, their reports come through the Commissioner of the district.
79. Then if there were any change of the law, and the license fee were abolished, you still think it would be necessary to have a Police Magistrate on the gold fields? You must have some police establishment where large bodies of people are collected.
80. *By Mr. Jones*: Under whose immediate superintendence are these Commissioners of Crown Lands within the Settled Districts? Under the Colonial Secretary.
81. You yourself are not in a position to inform us accurately in detail the nature of the duties of the Commissioners within the Settled Districts? Their duty, I believe, is confined entirely to effecting land sales, auction leases, and the protection of Crown Lands within their Districts.
82. Have they not also some other charge over the public lands within the Settled Districts? Not that I am aware of.
83. As I understand, the mode of remunerating these officers is by fees—by a commission on the land sales? Yes.

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84. Most of these gentlemen are also Police Magistrates, or Government Residents, as at Moreton Bay? I know but of two of the latter class.
85. Will you describe what are the duties of the Commissioners of Crown Lands in the Unsettled Districts—first with regard to Crown Lands? The first duty is that of reporting upon applications for runs. In the tender sent to my office for land, there is a description of the land applied for; that description is sent to the Commissioner, with an instruction to report upon every point connected with it; as to whether it is mineral land, and numerous other questions of a similar kind. These matters he has to ascertain and report upon. When applications are made for purchase under pre-emptive right, I send to the Commissioner in whose district the land is situated, to ascertain whether the application is correct, whether the party be entitled to purchase under pre-emptive right, and whether he has any objection to offer on the part of the Government. He is also required to state, as far as his knowledge goes, the probable value of the land. He has also another duty, namely, to prevent trespass and illegal occupation. It is his duty to ascertain and report upon such cases, and to compel parties in illegal occupation to remove. These are the principal duties connected with the lands.
86. What are the Commissioner's duties with regard to the assessment? He has to issue the assessment notices, and to prepare and submit the general information for the Blue Book.
87. Does he personally collect these assessments, or go round his district? No.
88. Through what agency does he collect information as to assessments? In many cases parties call upon him, in others the papers come by post, but otherwise he is obliged to send his orderly. This relates only to the issue of notices. The Commissioners do not collect money.
89. Then, as I understand you, the chief duties of the Commissioner of Crown Lands have reference to the management of the land within his district, and the collection of assessment? Not the collection, the issue of notices of assessment.
90. And any duties as Police Magistrate are held to be subordinate or incidental to these? Yes; his instructions are that the duties of Police Magistrate are not to interfere with his duties as Commissioner of Crown Lands.
91. What are his duties as Police Magistrate? Simply to attend the Bench; the common course of duty of the Police Magistrate.
92. As such Police Magistrate he would have no special control of the police within his district, any more than an ordinary Magistrate? No.
93. *By the Chairman:* You have said, in reference to Commissioners of Crown Lands beyond the boundaries, that they are required for the purpose of collecting the assessment; could not that be done by direct communication with the Colonial Treasury, instead of by post, as you have mentioned, to the Commissioners—without their intervention at all? I do not think it would be so promptly received; parties who are at a distance from a post office would neglect sending their returns in proper time, and, of course, they would get into difficulty about it.
94. As a matter of fact, do not the moneys in most instances come direct from the parties to the Treasury, without passing through the hands of the Commissioners of Crown Lands at all? I dare say they do; but as they do not come to me, I cannot directly answer that question. I do not think that the Commissioners receive any money.
95. Are you not aware, also, that it is a matter of arrangement with the great majority of squatters, that their agents in Sydney pay their assessment regularly into the Treasury? Yes; I am.
96. Then that duty of the Commissioner might in some measure be dispensed with? One applies to the license fee, to the license for the run, the rent of the run—and the other applies to the collection of the assessment on stock.
97. In answer to Mr. Jones' question, in reference to the settled districts, I think you said the Commissioners had no other duties to perform but the sale of land; are you not in error upon that point—have they not also to collect the rents of Crown Lands let in the settled districts? I am not quite certain about that; they do not come through me.
98. Through whom do they come? I suppose they go direct to the Treasury.
99. Are you aware that Police Magistrates have more power than ordinary Magistrates? Yes; I think so.
100. Do you think it desirable they should have? I think there should always be some one at the head of the police in each district, through whom official papers should pass to the seat of Government.
101. In his judicial capacity, do you think he should have more power than other Magistrates? That is a question.
102. It is a question the Committee have to settle, and they wish to know whether it is your opinion that they should have more power than other magistrates? Yes.
103. I mean more judicial power? Yes.
104. *By Mr. Weekes:* Do you not think it would be an advantage to give an ordinary Magistrate the same power that a Police Magistrate has. At present one Police Magistrate is equal to two ordinary Magistrates; he can take cases by himself which would require two unpaid Magistrates? I have already stated that I think the Police Magistrate should have a controlling power.
105. Instead of maintaining that distinction, do you not think it would be an advantage, looking to the difficulty in many instances of obtaining two Magistrates, to give to each Magistrate the same power? That is a legal question; but I have no doubt it would be convenient, as there is now considerable delay in administering justice from want of Magistrates. Indeed, it is reported to me that in many places Magistrates, although they live within reach, will not attend, but leave the entire duty to the Police Magistrate.
106. As Police Magistrates are not necessarily lawyers, do you see any good reason why any gentleman holding the Commission of the Peace should not have the same extent of power

- as the Police Magistrate? As stated already, I think there should be a controlling power. Col. George
 107. *By the Chairman*: May not one great cause of the objection on the part of unpaid Barnsey, R.E.
 Magistrates to attend at the Bench, be attributable to the fact that they feel themselves placed in an inferior position as compared with the Police Magistrate? I do not know; it 20 Nov., 1856.
 may be so, but I do not see why it should.
108. *By Mr. Wickes*: Can you inform the Committee the number of applications to purchase under the pre-emptive right? A return shewing this information has been called for, and is in preparation.
109. *By Mr. Forster*: Do you not think the duties of the Commissioner, as far as regards the assessment upon stock, could as well be performed by the Bench? Yes; I do not see why they could not.

TUESDAY, 25 NOVEMBER, 1856.

Present:—

MR. HAY, MR. HELY, MR. JONES,	|	MR. LANG, MR. NICHOLS, MR. PIDDINGTON,
MR. ROBERTSON.		

JOHN ROBERTSON, Esq., IN THE CHAIR.

John Thompson, Esq., called in and examined:—

1. *By the Chairman*: Will you be good enough to state to the Committee what office you J. Thompson, Esq. hold? I am Deputy Surveyor General.
2. From your position in that office, have you become acquainted with the duties appertaining to the office of Commissioner of Crown Lands? Yes, I have. 25 Nov., 1856.
3. You are aware that there are three classes of Commissioners of Crown Lands,—those in the Settled, those in the Unsettled, and those in the Gold Fields' Districts? Yes.
4. Are you acquainted with the duties of Crown Lands' Commissioners in all those districts? Yes. One class of the Commissioners you have mentioned appertain to the Intermediate and Unsettled Districts equally.
5. With reference to the Commissioners in the Settled Districts,—will you tell the Committee how many Commissioners there are in those districts? Thirty-four; at least there are thirty-four Local Land Offices; there may be some Commissions with which I am not acquainted,—some Commissions in abeyance.
6. What are the duties of these gentlemen in the Settled Districts? They act as Crown Bailiffs, under the Act of Council 4 William IV., No. 18, passed in the year 1833, and an amended Act 5 William IV., No. 12.
7. What duties do these Acts provide that these gentlemen shall perform? They provide that they shall have the custody of Crown Lands, perambulate boundaries, set up marks, and remove all intruders.
8. And also sell Crown Lands? Yes; that is a distinct appointment.
9. And collect the rental for Crown Lands let on lease? Yes, for the leased lands within the Settled Districts.
10. Will you state how they are paid? In their character of Bailiffs they are allowed a guinea a day for every day they are out upon duty; in their capacity of Local Land Officers or Commissioners they receive five per cent. upon all sales.
11. And have also £25 a year for their offices? Yes.
12. What does the whole of this amount to—what average will it give to each per annum? It varies very much.
13. What would be about the average receipts of these thirty-four gentlemen? I am not prepared to say; I know some of them receive some thousand a year, and some nothing at all; you could scarcely strike an average upon a thing so very irregular.
14. Could you not take the gross amount and divide by 34? No doubt; but that would hardly give a fair idea.
15. Are you aware that in many instances the Clerks of Petty Sessions perform the duty proper to this officer? I am aware, from my own personal observation, that some Clerks of Benches take a very active part in the duties,—I observed that in my journeys into the interior.
16. In the letters from Scone, from the Commissioner there, or from his department, have you not observed that they are almost invariably signed "James Smith, for the Commissioner," instead of by the Commissioner himself? I am not aware.
17. You do not receive the receipts for money so as to ascertain whether they are signed in the same way? No.
18. Can you tell us whether there is any officer of the Central Government in Sydney whose special duty it is to supervise these Commissioners? I consider the Treasurer is the proper officer. I should observe, however, that the Colonial Secretary has control over them in their character of Crown Bailiffs, because they can only act upon the authority of the Governor General.
19. Then, if I understand you rightly, the Colonial Secretary has control of them as Crown Bailiffs, while the Colonial Treasurer — ? Has the control in their fiscal capacity.
20. The Colonial Treasurer has control in some other character, and the Surveyor General in some other character? No; the Surveyor General can scarcely be said to have any control over them, but he is bound to furnish them with information, and receives the irreturns.

- J. Thompson, Esq.
25 Nov., 1856.
21. There is no officer in Sydney having a general control? No, unless it be the Colonial Secretary.
22. Do you think any inconvenience will arise from uniting the office of Commissioner of Crown Lands in the Settled Districts with that of Stipendiary Magistrate, from your knowledge of the duties of this office? I do not see that any inconvenience can arise, further than that, in their capacity of Crown Bailiffs, they could not very well adjudicate upon their own cases. I have here a Return of all the Commissioners who act for the purpose of selling Crown Lands, both in the Settled and Unsettled Districts, which I beg to hand in. (*The witness handed in the same. Vide Appendix A.*) I have also brought a copy of the Commission issued to all the Commissioners, both under the Squatting and under Sir Richard Bourke's Act. (*The witness handed in the same. Vide Appendix A.*)
23. *By Mr. Lang*: Is there much, or any, land sold beyond the Settled Districts? Yes; in the neighbourhood of townships.
24. Who manage the sales there? The sales are managed by the Clerks of Petty Sessions, and they receive one per cent.
25. So that if the Commissioners beyond the Settled Districts were removed it would not interfere with the sale of land? No. The Squatting Commissioners have nothing at all to do with the sale of land, excepting that, in their capacity of Magistrates, they superintend whilst the Clerk of Petty Sessions acts as auctioneer.
26. Any other Magistrate would do the Commissioner's share of the business? Yes.
27. *By Mr. Piddington*: In what respect does the Colonial Treasurer control the official conduct of the Commissioners in the Settled Districts? As receiver of public moneys.
28. Simply as Receiver General of the Revenue? Yes.
29. In what respects does the Surveyor General control the Commissioners within the Settled Districts? I do not consider that we have any control of them. When I was acting as Surveyor General, if I had any cause of complaint in their fiscal capacity, I represented it through the Treasury.
30. You are not aware whether the Colonial Secretary is considered their practical head? I think not as regards their fiscal duties.
31. As Crown Bailiffs—as Commissioners of Crown Lands? Yes; because they cannot act without directions from his office.
32. From whence does the Commission, a copy of which you have laid on the Table, issue? From the Colonial Secretary's office. Their appointment as collectors of moneys is under the Local Land Office Regulations, dated 8 March, 1853—so recent is the establishment of these Local Land Offices.
33. Were they established under the authority of an Act of Council? No, under a notice.
34. Under what authority are those Local Land Offices established? Under this notice only.
35. Who issued that notice? The Colonial Secretary, by His Excellency's Command;—this is signed "E. Deas Thomson." In the first clause of this regulation it is said: "All sales of land and of leases will, in future, be effected under the immediate superintendence of the Commissioner of Crown Lands within whose district the land shall be situated."
36. *By Mr. Jones*: Can you state whether Clerks of Petty Sessions within the boundaries are charged with any duties in connexion with the sale of Crown lands? No.
37. Whether they are bound in any way to assist the Commissioners of Crown Lands in the sale of lands? I am not aware of it.
38. You are not aware that Clerks of Petty Sessions are charged with any duty in connexion with the sale of Crown lands in the settled districts? Not in the settled districts.
39. Can you describe the duty of Commissioners within the boundaries, with regard to the sale of lands? They have to keep an office, and attend that office two days in the week, to supply all necessary information to the public; for which purpose they are furnished with maps and plans from our department, and with lists and instructions from the Treasury.
40. When sales of land take place in their districts, what particular duty do they perform in connexion with them? They receive and transmit the money to the Treasury.
41. They superintend the sale, receive the money, and are responsible for the safe transmission of the money? Yes.
42. Can you state, under the departmental arrangements which have recently been made, under whose department Commissioners of Crown Lands within the boundaries will be placed? They will still be under the Treasurer.
43. Under the Treasurer so far as the Commissioner is a financial officer, and under the Secretary of Crown Lands in his other capacity? I think not under the Secretary for Crown Lands.
44. You cannot say positively? No. I do not remember seeing that in the programme of administrative arrangements.
45. *By the Chairman*: Is there any reason why the sale of land could not as well be performed in the settled districts, by Clerks of Petty Sessions, as it now is by those officers in the unsettled districts? There can be no objection to that, except that it would be necessary to transfer all the land offices to the Court Houses.
46. That would save £25 a year, and also the charge for the Commissioner? Five per cent.; or say four per cent., if one were allowed to the Clerk for selling.
47. Then, in point of fact, the Commissioner is no more wanted for the sale of lands in settled, than he is for that purpose in the unsettled districts? No, if an office were kept. I should state, however, that the appointment of these Local Land Office Commissioners was made with the view of inducing them to exert themselves, to give the public every possible information, and to facilitate the sale of lands, which the Clerks of Benches would not be so likely to do if they only received one per cent.
48. Do you think they would not exert themselves if they only received one per cent.? I think not.
49. *By Mr. Piddington*: I understood you to say that part of the duty of the Commissioners within the settled districts is to attend twice a week at their offices? Yes.

50. Do you know whether they take any means of notifying to the public the particular days when they are to be found in attendance? They do not sufficiently notify that. I remarked during the tour of inspection I took, that some of them had no notice upon the doors of their offices that they would be open upon certain days.

J. Thompson,
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51. In remote districts, where no newspaper is published, would not the absence of such notice tend to prevent persons attending, from want of knowledge? Yes, it might.

52. Do you know whether any instructions have been given upon that subject? I am not aware.

APPENDIX A.

LIST of LOCAL LAND OFFICES, with Names of PERSONS in Charge.

SETTLED DISTRICTS.			
Names of District in which Office is situated.	Names of Commissioners of Crown Lands in Charge.	Names of Magistrates in Charge.	REMARKS.
1 Brisbane		J. C. Wickham	
2 Bathurst	J. B. Richards		
3 Berrima	H. M. Oxley		
4 Braidwood	W. E. King		
5 Carcoar	N. Connolly, junr.		
6 Dungog	Thomas Cook		
7 Eden		Police Magistrate	
8 Gosford	Jas. Harrison		
9 Goulburn	Edwd. Maitland		
10 Hartley	Thomas Brown		
11 Ipswich		C. G. Gray	
12 Kiama	J. Gray		
13 Maitland	Jas. Thomson		
14 Mudgee	G. R. McDonald		
15 Moruya	F. Flanagan		
16 Muswellbrook	Jas. Gaggin		
17 Murrurundi	G. G. Brodie		
18 Newcastle	C. B. Ranclaud		
19 Orange	G. A. Templar		
20 Paterson	J. C. Phelps		
21 Penrith	R. C. Lethbridge		
22 Port Macquarie		E. D. Day	
23 Pictou	J. M. Antill		
24 Queanbeyan	J. F. Hayley		
25 Raymond Terrace	John Windeyer		
26 Rylstone	C. A. Sinclair		
27 Scone	C. A. Little		
28 Shoalhaven	A. K. McKay		
29 Singleton	John Gaggin		
30 Wellington	Saml. Curtis		
31 Windsor	R. Coley		
32 Wollongong	C. T. Smith		
33 Wollombi	H. Scott		
34 Yass	N. R. Besnard		
UNSETTLED AND INTERMEDIATE DISTRICTS.			
NAMES OF DISTRICT.	IN CHARGE.	REMARKS.	
1 Albury	Police Magistrate		
2 Armidale	Do.		
3 Bennelong	Do.		
4 Belgrave	Do.		
5 Bombala	Do.		
6 Casino	Do.		
7 Cooma	Do.		
8 Deniliquin	Do.		
9 Drayton	Do.		
10 Dubbo	Do.		
11 Gayndah	Do.		
12 Gladstone	Do.		
13 Grafton	Do.		
14 Gundagai	Do.		
15 Molong	Do.		
16 Maryborough	Do.		
17 Moulamein	Do.		
18 Moama	Do.		
19 Nundle	Do.		
20 Tenterfield	Do.		
21 Tamworth	Do.		
22 Tumut	Do.		
23 Wellingrove	Do.		
24 Warialda	Do.		
25 Wogga Wogga	Do.		
26 Warwick	Do.		
		The Clerks of the Benches act as Auctioneers, and receive 1 per cent. on all sales; but the Magistrates do not receive any allowance.	

Mr. Luke H.
Sibthorpe.

Mr. Luke Homan Sibthorpe, called in and examined:—

- 25 Nov., 1856.
1. *By the Chairman*: I believe you are Clerk of Petty Sessions at Muswellbrook? Yes.
 2. How long have you held that office? Three years and better.
 3. You have been a long time in the Colony, I believe? Twenty-one years.
 4. During that time, have you had opportunities of observing the conduct of official business in the settled districts? Nothing more than as a superintendent before I got into office.
 5. Within the twenty-one years you have mentioned, I presume is included the period during which you have been Clerk of Petty Sessions—have you had opportunity generally of becoming acquainted with the conduct of official business in country districts? Yes, I have.
 6. Have you also in the unsettled districts? Yes.
 7. You were a Clerk of Petty Sessions in one of the unsettled districts before you came to Muswellbrook? Yes, at Surat.
 8. We have determined to consider the conduct of official business in country districts, under three heads, the settled, the unsettled, and the gold fields districts? Of gold districts, I know nothing whatever; I never saw a gold field.
 9. Are you aware, that in most of the settled districts there is a Commissioner of Crown Lands? Yes.
 10. What are his duties? The selling of Crown Lands, the receipt of rent for leases, and pre-emptive leases.
 11. Do you know how these Commissioners are paid? Yes; by a per centage on the sales.
 12. Have you any idea what that amounts to, as an average payment? I cannot say what would be the average payment; in our district it is very small, and in the contiguous district it is very large.
 13. Do you happen to know what it is in your district—what the Commissioner of your district receives? The Commissioner who is over our district has a very large extent of country that I am not conversant with. He has the County of Durhan, part of Northumberland, part of Bligh, part of Brisbane, and part of Philip. Now, there are parts of those five counties that come under my cognizance, but the part of Durhan about Singleton, where there are the most extensive land sales, I know nothing about, because it is not in the Police District of Muswellbrook.
 14. Have you any idea what his income is? He told me some time ago that out of one-quarter he got £740. He asked me to do the duty in the part of the district I come from. I told him I had no objection, if he gave me compensation, and he very handsomely offered me one per cent, which I declined.
 15. Suppose Stipendiary Magistrates were appointed, who should perform the clerical duties in the Courts of Petty Sessions, and control the Police—could the same officer perform the duty of Commissioner of Crown Lands? In my district he could.
 16. Are you aware that in many districts the Clerks of Petty Sessions perform the duty proper to the office of Commissioner of Crown Lands? I know I did myself for eighteen months, and had all the perquisites of office from Mr. White, he only signing the letters which I wrote, and remitting the money. I never remitted any money, but in the district of Scone, all the money goes through the clerk's hands.
 17. And the Commissioner receives the pay? Yes. I suppose there is some arrangement between them about it.
 18. In the case you speak of at Scone, does the clerk conduct the correspondence, and do the whole of the business connected with the Commissionership? So he has informed me.
 19. He remits the money to the Treasury, without the intervention of the Commissioner? He does.
 20. Do you perform these duties for any Commissioner? I have done, but I do not now.
 21. How were you paid when you performed those duties? The same as he was, or ought to have been—five per cent.
 22. Will you tell us whether there are any, and what, checks to insure that the whole of the money derived from land sales finds its way to the Treasury? Yes; the Commissioner's books would shew it. The office could be made much more lucrative if the lessees were compelled to pay the lease money to the Commissioner, but it is optional to the leaseholder to pay the money to the Treasury, or to the Commissioner, and if it be paid to the Treasury, the Commissioner gets no per centage from it.
 23. What payment do the Commissioners receive for the rent of an office? £25 a year.
 24. Do they keep their office open? Two days a week.
 25. Is that the case in your district, Muswellbrook? It is.
 26. Is the Commissioner there two days a week? He is never there. The charts are left with me, although I receive no remuneration for it, and, for the public convenience, I let them remain in the office.
 27. He resides at Singleton? Yes.
 28. That is thirty miles away? Yes.
 29. Besides a Commissioner of Crown Lands, there is in most country districts a Clerk of Petty Sessions? Yes.
 30. In most instances, as appears from the Estimates, he has £175 a year? I am sorry to say that I appear on the Estimates at only £150.
 31. A Chief Constable at £175? Yes.
 32. Three other Constables at £300? I do not know what their pay is.
 33. You are aware, that in many districts the people are petitioning for the appointment of Police Magistrates? I have heard so.
 34. Have you heard of a movement of that kind in your district? Yes.
 35. The pay of a Police Magistrate would be £350 a year, I believe? Yes.
 36. Then, assuming that Commissioners of Crown Lands have upon the average £450 a year,
which

which I believe is a low average, the cost of these districts would be £1,450, that is: £450 for the Commissioner, £175 for Clerk of Petty Sessions, £175 for Chief Constable, £300 for three Constables, and £350 for a Police Magistrate? Yes.

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37. Suppose there was a Stipendiary Magistrate appointed in your district, for instance, or in districts where there are similar duties to be performed, and that he should be called upon to perform the clerical duties of the office, to control the Police, and also the duties of the Commissioner of Crown Lands, could not these be performed by one officer? They might be.

38. That is to say, a Stipendiary Magistrate with the duties of Clerk of Petty Sessions, and of Commissioner of Crown Lands? They might be.

39. If such an officer had £350 a year, would that be a suitable remuneration for the appointment? In some districts the office of Commissioner of Crown Lands is far more onerous than in others, and even during the short time I held the office, there was more correspondence required from my office than even I had in my own; but, nevertheless, a clerk could very well perform the duties.

40. In your office the duties were performed from Merriwa and Cassilis? Yes, and Mudgee.

42. There is a Clerk of Petty Sessions at each of those places? Not at Merriwa; there is a clerk at Mudgee, and also at Cassilis.

43. Assuming that these were carried out through Mudgee and Cassilis, he would take some of the duties of Commissioner from your office? Yes.

44. With a Stipendiary Magistrate with the duties I have mentioned, a District Constable, whose duty would be to lay informations, as is now done by the Chief Constable, at say a salary of £125, two Ordinary Constables at £100 a year each, do you think the requirements of a district such as yours would be met? No.

45. What more would you require? More protection. The town duty might be performed by two constables, but the Committee should recollect that there is escort duty to be done, the bringing of prisoners from one town to another. In some cases it is dangerous to send this escort even with two constables, as happened the week before last, when one constable was nearly murdered going down to Singleton.

46. How many constables would you recommend for Muswellbrook? The lock-up keeper is also a constable. I do not think you could well carry out the police business of any district without four constables.

47. That is including the District Constable? Yes.

48. Then you think with a Stipendiary Magistrate performing the duties I have described, a District Constable at £125 a year, three Ordinary Constables at £100 each, the police business of Muswellbrook, or such districts, might be performed? I dare say they might.

49. That would amount to £775, instead of £1,450? A great deal would depend upon the kind of men you had as District Constables, for the Chief Constable carries on all the correspondence of the police with the Inspector General. They are generally a superior class of men to the District Constables.

50. Do you think it would be better to continue the present arrangement with regard to the Chief Constable? I do.

51. You think a better arrangement would be to have a Stipendiary Magistrate, as proposed, a Chief Constable at £175 a year, three Ordinary Constables at £300 a year—do you think that would be sufficient? Yes.

52. I presume that from the more regular attendance on Benches that the appointment of Stipendiary Magistrates would ensure greater efficiency than would be obtained under the more expensive system now in force? There is no expense in our district as to a Magistrate.

53. We have passed over items shewing something like £1,450 on account of police, and you have said that officers such as those described could be had for about £700 or £800 a year; now the question is, will there be not only that saving from the appointment of a Stipendiary Magistrate, but also greater efficiency by the more regular attendance of Magistrates, which that appointment would insure? As a matter of course; for all the Magistrates in our part are graziers, and none of them resident in the town; they cannot always leave their own duties to attend the Court. But I suppose a paid Magistrate would reside in the town, and be always upon the spot.

54. That arrangement would also save the necessity of renting a land office, as of course the business of the land department would be conducted at the Police Office? It would be.

55. Do you think any difficulty or unpleasantness would arise from the Stipendiary Magistrate being called upon to perform the duties now performed by the Clerk of Petty Sessions, I mean in his intercourse with his brother Magistrates? When I heard of it at first I did consider so, and I am not quite at rest now that it would not. A gentleman filling the office of Magistrate, and at the same time of Clerk of Petty Sessions, might not always be blest with the best of tempers, and his brother Magistrates might give him a great deal of trouble, by asking him for this and that paper.

56. Are you aware that this has been carried out in some districts? No.

57. Are you aware that in many instances even unpaid Magistrates have for years performed the work of Clerk of Petty Sessions? Yes, for years.

58. Are you of opinion, that in every district it would be necessary to keep up so many constables as you have recommended for this district of Muswellbrook—Rylstone, for instance? Rylstone is a place where I lived a long time ago, and it is not in the direct road to Mudgee. The only purpose for which I think a considerable force is necessary is the escort duty; that is a duty which must be done, and done carefully.

59. Are you aware that in the settled districts much inconvenience arises from the scarcity of Magistrates? Yes.

60. Are you aware that injustice and oppression arise in some cases under the Masters' and Servants' Act, from persons being imprisoned awaiting the attendance of Magistrates, the parties so imprisoned being innocent after all? I could not designate that injustice or oppression; in using those terms of course I would implicate the Magistrate.

- Mr. Luke H. Sibthorpe. 61. Would you not call it oppression to put a man in the lock-up, and to keep him waiting from week to week for a Magistrate? It is one of those concomitants, if a man puts himself in such a position he must abide by it.
- 25 Nov., 1856. 62. I suppose that in all cases under the Masters' and Servants' Act the defendant is not invariably wrong. Suppose the case of a man apprehended under that Act on a warrant, and to be innocent of the charge brought against him, but, from the fact of there being no Bench of Magistrates to determine the case, and from another fact, that he cannot find bail, which very likely may be the case, he being a stranger, he is imprisoned until the attendance of Magistrates on the Bench? I am more particularly conversant with the proceedings of our own Bench, and I know they have the greatest possible antipathy to the granting of a warrant, except where a man has absconded, when there can be no doubt that he is in the wrong.
63. You do not, I think, quite understand my question. I am supposing the case of a man who is imprisoned until there is an attendance of Magistrates to try the case;—is not the party punished by this incarceration before he is tried? No.
64. Is he not imprisoned in the lock-up? If he is imprisoned for a length of time, and found guilty of the offence with which he is charged, the Bench take into consideration the term during which he has been detained.
65. Suppose he is found innocent? He is let go.
66. What compensation does he get for being kept that time in the lock-up, waiting for the Magistrate? He is set at liberty.
67. You are aware, of course, that suitors, as well as defendants and witnesses, are put to much inconvenience by the non-attendance of Magistrates? I believe that is the case in all country Benches.
68. Would not the more regular attendance on the Benches, which the appointment of Stipendiary Magistrates would cause, tend to lessen all these inconveniences? Yes.
69. Would it not also have the effect of reducing the duties to be performed by the police—would it not facilitate the work, and thus lessen the duties of the police? I cannot see that. If a Stipendiary Magistrate grants a summons, as a matter of course the constable has to go with it, so that it would be immaterial whether the Magistrate were unpaid or Stipendiary.
70. I think you misunderstand me. Would not the more frequent attendance, which the appointment of a Stipendiary Magistrate would ensure, save a great amount of labor to the police, by the business being performed at once, without being postponed from time to time? I do not see how to reconcile that; the constable would still be paid during all this procrastination; the business would certainly be expedited, but I do not see how the duties would be alleviated by it.
71. Suppose a case to come on on Tuesday, which is the Court day, and that it is postponed in consequence of the non-attendance of Magistrates, does not that postponement create more work for the police on the following Tuesday? No; because if the case be postponed in consequence of there being only a single Magistrate present, as the plaintiff and defendant are before the Court, they have notice of the adjournment, and that is quite sufficient.
72. Do you not issue fresh subpoenas? No.
73. Is it the practice at present for parties seeking summonses for offences properly coming under the jurisdiction of Courts of Petty Sessions to apply to the Clerk of Petty Sessions to draw the information? Yes; many Magistrates refuse to do it.
74. In some instances, I suppose, suitors will travel for many miles to a Clerk of Petty Sessions to get the information drawn up? Yes, they do, long distances.
75. When that is obtained they have again to seek a Magistrate? Yes.
76. Perhaps they reside at long distances also? At nothing like the distances they have travelled to the Clerk of Petty Sessions; the Magistrates are much more contiguous to the Clerk than that. I speak of persons who may have come thirty miles.
77. In many districts of the country have you not to travel thirty miles from a Court House to find a Magistrate? Yes.
78. Then, by making a Clerk of Petty Sessions a Stipendiary Magistrate, or by enabling him to perform this duty, you would lessen the travelling in this way? Yes; it would expedite the public business, no doubt.
79. Are you of opinion that by giving the Stipendiary Magistrate you speak of the power of an ordinary Magistrate, you would allay the unpopularity or disfavor felt by unpaid Magistrates to the appointment of Stipendiary Magistrates? I have not heard that there is such a feeling.
80. I assume that? Do not assume that I say so. I have heard the appointment of Police Magistrates spoken of by the Magistrates of our Bench, not with any tone of disfavor whatever.
81. Are you aware that there were paid Magistrates formerly? Yes.
82. Are you aware that they were discontinued? Yes.
83. Are you aware of the reasons of their abolition? I always understood it was from economy.
84. Was it not also from the objection private gentlemen had to sit with gentlemen who had the power of two ordinary Magistrates? I never heard it.
85. Would such an establishment as you have said would be sufficient for Muswellbrook, be sufficient also for all the districts above Maitland? Yes, I think so; that is the force they have at present.
86. Have you any acquaintance with other districts of country to the westward? I have not for some years; I know the country to the northward better.
87. You do not know whether it would be sufficient for each district above Parramatta or Windsor? I do not know, but I should say they are on a different scale, the population being larger.
88. Have you such an acquaintance with Clerks of Petty Sessions in the country as to be able to give an opinion as to whether, supposing they could obtain proper recommendations, and give sufficient security, they would, from their experience, be suitable persons to appoint to the position of Stipendiary Magistrates? I know many who, in my opinion, would be competent.

89. You, of course, would give an opinion that some Clerks of Petty Sessions would not be competent to fill the office of Stipendiary Magistrate? I do not wish to stigmatize any man.
90. I do not ask you to mention individuals, but simply to state whether there are others who are unfit? I suppose there are.
91. Assuming that a change of this kind were made generally, would it satisfy the gentlemen now holding the office of Clerk of Petty Sessions if, when these appointments were taken from them, they were to have others with an equal amount of salary attached? If you deprive a Clerk of Petty Sessions of his appointment to create him a Stipendiary Magistrate.
92. To such as it would not be desirable to promote to the magistracy, would it not be sufficient to give other appointments of equal value? There are some of the clerks, I dare say, who would feel aggrieved at it, having made homes for themselves, bought a little property in the locality, and so forth. Married men particularly, I think, would consider it a hardship.
93. In the event of it being found so desirable to the country to release these gentlemen from their offices, what compensation do you think would be equitable? I should say if you gave them another situation, with an equal salary, they would be very well satisfied.
94. Supposing no such situations offered, of course you would not create new offices;—assuming that to be the case, what compensation do you suppose they would consider equitable? I could not name any sum at all; different men have different thoughts on compensation.
95. I believe you are aware that Clerks of Petty Sessions are dissatisfied with their present pay? I can only speak for myself; I am particularly so.
96. Is £175 a year sufficient for a gentleman in that position to support himself as he should? He can feed himself, but certainly he cannot clothe himself with it. I pay 32s. for 100 lbs. of flour, and 4½d. a pound for beef, and Government £33 a year rent for my house.
97. Are you aware that Clerks of Petty Sessions conceive that they are scarcely treated fairly, when third class clerks in Sydney receive more pay than themselves? I do not know what pay third class clerks get in Sydney.
98. You are aware, I presume, that third class clerks in Sydney have an increase of pay after they have been in an office a number of years? No, I am not.
99. You are aware that Clerks of Petty Sessions have no increase of pay for an increased term of servitude? I never heard of any.
100. Have you any further suggestions you wish to make, that will add either to the efficiency or economy of the offices we have been considering, in the district where you reside? The economy is so palpable, that I could not make any suggestion at all.
101. With regard to the Unsettled Districts;—you have resided for some years in the Unsettled Districts of the country? Yes, some eighteen.
102. You occupied the position there of Clerk of Petty Sessions? Yes.
103. Are you acquainted with the conduct of official business in those districts—the duties of Commissioners of Crown Lands, of Clerks of Petty Sessions, and generally the nature of official business? I am ashamed to tell you that during the eighteen months I was Clerk of Petty Sessions at Surat I never had a case in Court.
104. How many constables had you in that district? None.
105. Had you no Chief Constable? Yes, we had a Chief Constable, but he was drowned after he had been there about a week. A Commissioner of Crown Lands was there, and he had four or five orderlies, who did all the constables' duty.
106. Do you know how the Commissioners of Crown Lands are paid? I believe they are very well paid.
107. What is their pay? I believe they get £700 a year.
108. Do you know how many there are of them? No.
109. Do you know what their duties are? I know what their duties ought to be.
110. What are their duties? They correspond with three different departments here, and are expected to value the runs taken up by squatters, to define their boundaries, and to report upon them.
111. And also, I think, they are expected to inspect the tenders for new runs? They recommend the tenders.
112. I think it is part of their duty also to examine the lands and assess the rental? Such are their directions.
113. Are you aware whether they do that in practice? I know of two gentlemen who have done it, and I know two who never did.
114. Did the two gentlemen who you say did it, do it invariably, or only on one or two occasions? Invariably, and both those gentlemen are Commissioners now.
115. You said there were three or four orderlies in your district—what were their duties? In my days they took out the assessment notices, cleaned the Commissioners' horses, and attended him if he had to go anywhere; these were their duties.
116. I think somebody used to cook for him—one was the cook, I suppose? The one I lived with had a female cook.
117. Would it require three or four orderlies to carry out these assessment notices? Yes, in the district where I lived, for it was a very extensive one, and there was no postal communication whatever in it.
118. I think you lived not very far from the Commissioner? I lived with him.
119. Will it be too much for you to tell us whether these orderlies were not often employed in digging in the Commissioner's garden? Mr. Lang knows there was no garden there at all.
120. Could not the duty of sending the assessment notices have all been done as well from head quarters from Sydney, as it could be from where the Commissioner resided? I do not think it could.
121. I believe the residence of a Commissioner is sometimes three or four hundred miles from the extreme boundary of his district? I do not think so.
122. Three hundred miles? No.

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- Mr. Luke H. Sibthorpe. 123. Two hundred? No. I do not think any Commissioner has a district of one hundred miles in extent.
- 25 Nov., 1856. 124. You think there is an advantage in continuing the Commissioners—that the work could not be so well done from the central office in Sydney as it could be by them? I think so; for now they are Police Magistrates, and in that capacity they are a great advantage to the squatter.
125. Is there any reason why they should not perform the duty of Clerk of Petty Sessions in their own district? I believe they have to do it; I know that in the district where I lived there was no Clerk of Petty Sessions.
126. *By Mr. Lang*: Do you think the duties at Muswellbrook are above or below the average amount of business done at Country Benches? I think they are equal—certainly not below the average.
127. At Surat, the place you next mentioned, I suppose the business is a good deal below the average? That is *nil*.
128. In such places as you have mentioned, where a Magistrate is thirty miles away from the Court House, and where the population is thin, I suppose this system which was sketched out by Mr. Robertson, of the Magistrate performing nearly all the police duties excepting those of Chief Constable, might be practicable? It might be practicable.
129. Whereas in thickly peopled places, such as Windsor, the present staff would be required? Yes; and I say we require the present staff even where I live.
130. I do not mean the staff of constables merely, but they would, I presume, require a Police Magistrate, a Clerk of Petty Sessions, and a Chief Constable also, in a thickly populated place? Yes.
131. So that if Government were introducing such a system, it would require to be left to them to judge in what places this condensation of duties could be carried out, and in what places it could not? Yes.
132. You stated, I think, that the country Magistrates did not object to Stipendiary Magistrates simply because they had two votes when the others had only one? I said that at our Bench no such objection was made, when the matter was spoken of.
133. As it is said in many Colonial Acts that particular things are to be done only by two Magistrates, if there were Stipendiary Magistrates appointed, there would be a great deal of interruption to the public business, unless he were allowed to perform the business for which two ordinary Magistrates are required? Yes.
134. Did you ever hear of any discontent being expressed by people who had business at the Courts, at the Police Magistrate having the power of two others? I know that several cases would have been brought before the Bench, if there had been a certainty of the Magistrates being in attendance. There has been great discontent in consequence of this uncertainty. Even the Court of Requests, which sits only once a month, has to be adjourned on account of the absence of Magistrates.
135. If there were a Stipendiary Magistrate, could he not give decisions and act in cases where, under Acts of Council, two unpaid Magistrates would be necessary? Yes.
136. Would it not cause great interruption to the public business if it were necessary, in all cases, to have a second Magistrate? It is not a thing of frequent occurrence that there is not one Magistrate, and, therefore, if this measure were carried out, there would generally be two.
137. Do you think it would be an advantage, or that it would please either the suitors or country Magistrates, if the Stipendiary Magistrate were deprived of this power of acting as two Magistrates? No; I do not think it would.
138. It would cause considerable inconvenience occasionally, if he were deprived of that power? No doubt.
139. You have seen a good deal of the working of the Commissioner's system in the outlying districts? Yes.
140. Do you consider that the occupation of the country, as far as you have seen it, could be carried on with safety, without the presence of a Police Magistrate, or a Commissioner acting as a Police Magistrate? I think it would cause great dissatisfaction if there were no Police Magistrate—no one to look to.
141. You are aware, when the blacks are troublesome—as they always are in those outlying districts—it is the practice of squatters, in case of wanting protection, to come to the Commissioner and state it, and, if possible, to get his assistance in repressing the outrages of the blacks? Yes.
142. If there were no Commissioners or Police Magistrates, they would have to execute the warrants themselves, I suppose? Yes; if there were no Commissioners and no police.
143. In fact, you think the presence of an authority there, such as a Commissioner or Magistrate, is required to keep the white settlers on a proper footing with the blacks—to prevent outrages on both sides? Yes.
144. As well as to report upon runs and perform the general duties of Commissioner? Yes.
145. What, in your opinion, is the reason why a paid Magistrate is entrusted with more power than an unpaid Magistrate? I cannot conceive why, unless it be to accommodate the public.
146. It does accommodate the public? It does.
147. *By Mr. Piddington*: According to your opinion, do you think the public generally view with any jealousy the increased powers given to the paid Magistrate, as distinct from the unpaid? I never heard of its existence.
148. I think you stated that four constables, including the Chief Constable, should be in every district—is that the lowest number you contemplate as necessary in every district? Yes; I think so.
149. I think you stated that a certain Commissioner of Crown Lands had received £740 in one quarter as commission on the sale of Crown Lands? He told me so.

150. Which district did you allude to? Singleton.
151. I think you stated that the Clerk of Petty Sessions at Scone conducts the correspondence, sells the land, and remits the money to Sydney? So he told me.
152. Have you any idea what other duties a Commissioner of Crown Lands in that district would have to perform—supposing the information given to you to be correct, what other duties would fall to the lot of the Commissioner who receives the pay? No other duties.
153. Then, as far as that district is concerned, the Clerk of Petty Sessions at Scone performs the whole of the duty that ought to be performed by the Commissioner? Yes.
154. And, as I understand you, he gets no pay? I do not know what he receives from the Commissioner.
155. That is a matter of private arrangement? Yes.
156. He receives no pay from the Government? No.
157. You have stated that part of the duty of the Commissioner is to find an office, which is to be open two days a week? Yes; our office is advertised to be open two days a week.
158. In the case of the Commissioner of Muswellbrook, I understood you that you performed his duty? Yes.
159. Then, I suppose, the office is opened by you two days a week? Yes.
160. How do the public get knowledge of that—how do they ascertain the days upon which the office is open? It is advertised in the newspaper and in the *Government Gazette*.
161. That is a general advertisement, I suppose? Yes.
162. It is not advertised every week? No.
163. I speak of such a notice as would enable a stranger in the district to ascertain on what day of the week he would find the office open? There is no such notice.
164. Is no notice placed on the door of the office? No.
165. Or on the trees? No.
166. Then there are no means by which a stranger can learn the days of the week on which the office is open? None but by inquiry.
167. Do you think such a notification as I have spoken of would be desirable, and for the public benefit? Yes.
168. *By Mr. Nichols*: Do I understand you, that the general inclination of your mind is this, that the official business of Government would be better carried on by one person in a particular district than by three or four—that a Magistrate, with a proper salary, could do the duty of Commissioner of Crown Lands, Clerk of Petty Sessions, and Coroner? Unquestionably.
169. Giving him a competent allowance for horses and travelling expenses,—do you think the Administration of Justice, and the conduct of official business, would be better carried on at the Police Court than by the present system? Yes.
170. Do you know that there are some Police Magistrates who have the jurisdiction of two Magistrates, and who do not receive a salary at all? No.
171. You say you have never found any jealous feeling on the part of people, or of the ordinary Magistrates, in consequence of the Police Magistrates having double jurisdiction? I never heard of such a thing.
172. You say that sometimes people come a great distance to Court, and have their cases postponed for want of a second Magistrate? Yes.
173. Is that frequently the case? Yes.
174. Do you not think it advisable that in places where there is no Police Magistrate the senior Magistrate, or some person selected by the other members of the Bench, resident near where the Court is held, should be appointed Police Magistrate for the purpose of having this double jurisdiction? Yes, if he resided anywhere near the town.
175. If the present state of things were to be continued, do you think it would be an improvement to allow the Clerks of Petty Sessions to issue summonses for the attendance of witnesses and parties? Yes; he must then be vested with power to swear the information.
176. You are aware that according to law, for any offence, not felonious, an information may be exhibited only? I know that to be the case; but I know that such an information has been refused at our Bench, and that I have had to write it over again, because it has not been upon oath.
177. Do you think if constables were appointed, as suggested by you, they should be mounted? They are mounted now.
178. Who pays the expenses of the horses? The Government. The Chief Constable is forced to have a horse, but he gets nothing for it, and two constables are each allowed £20 a year from the Government for the sustenance of their own horse.
179. Do you think it desirable that in Country Districts the constables should be all mounted men? I think so, invariably; they could then patrol a good deal.
180. How many Court days are there in the week, in the district where you are Clerk of Petty Sessions? Two; Monday and Friday.
181. Are they very frequently postponed for want of a second Magistrate? Yes.
182. *By Mr. Jones*: Do the Clerks of Petty Sessions within the Boundaries perform any duty in connexion with the sale of Crown Lands beyond selling? No.
183. There is no obligation on them to keep accounts? No; they only sell.
184. The Commissioner makes up the accounts? The Commissioner makes up the accounts. I am only speaking of where I am myself. Mr. Gaggin, who is the Commissioner of Crown Lands, at the very last sale we had asked me to make the calculations. I declined to do so, and he said he would insist upon it. I again declined. He then said, "If I shew you an authority under the Act, will you then refuse?" I said I would not; but he could not find any. He said that in Singleton the Clerk of Petty Sessions did so.
185. You think your duty as Clerk of Petty Sessions concludes with the sale,—that you are not under obligation to assist the Commissioner with his accounts, or by giving receipts? No.

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186. You have spoken of the Police in the Country Districts being to some extent engaged in escort duty? Yes.
187. That duty would be confined chiefly to districts intersected by main lines of road? Yes.
188. The escort duty would not be onerous in those districts not intersected by main lines of road, such as Paterson and Dungog,—it would be much less in the bye districts? Yes. All the New England prisoners, those from Tamworth, Murrurundi, and Scone, come by us.
189. You take charge of them at Muswellbrook, when they arrive there, and pass them on? Yes, for thirty miles, to Singleton.
190. Do you see any obstacle in the way of the duty of Clerk of Petty Sessions being performed by the Commissioner of Crown Lands? Not in my district.
191. Would the duties be incompatible? Not at all. I applied to the Government for the situation when it was vacant, and the answer I received was, that the duties would clash; that the duties of auctioneer and of receiver of moneys should not be vested in the same person. That was the only obstacle.
192. That there would be the absence of a check? Yes.
193. Do you not, on the other hand, conceive, that it would conduce to the efficient discharge of the duties connected with the sale of land, if the clerk did fill the office of Commissioner of Crown Lands, and that the public would have much more ready reference to the documents connected with the land? Yes; I think it would be an improvement, a proper remuneration being given to the Clerk.
194. A remuneration corresponding with the amount of duty he would have to perform? Yes.
195. Do you not think it would be a better arrangement to combine the office of Clerk of Petty Sessions with that of Commissioner of Crown Lands, rather than to combine the clerkship with the Police Magistracy? It will be for different motives; in the one case it will be for the purpose of facilitating the sale of land, and in the other for facilitating the Administration of Justice.
196. Do you not think, if the several duties of Police Magistrate, Commissioner of Crown Lands, Clerk of Petty Sessions, and Coroner, were combined in the same individual, he would, in some cases, have two duties to perform at the same time? No, if the same system were carried out as now; if he were not forced to have his office open every day, he might have two days for the inspection of charts by the public, and the performance of the duties of the Crown Lands department; and in the same way with the other duties. I think, however, that the office of Coroner might interfere with his other duties, for he might be taken to some remote part of the district when most required at home.
197. From your experience as Clerk of the Bench, do you not think if one and the same person were called upon to perform the duties both of Clerk of the Bench and of Police Magistrate, that person would be subject to be placed in an unpleasant position by his brother Magistrates dealing with him as Clerk merely? I have already stated—
198. Do you not think it would naturally lead to serious misunderstandings between the Stipendiary and his brother Magistrates? It might.
199. What is your opinion as to the probability? I think, probably it might; but the evil might be obviated by removing the clerk of one district to another, and thus, by placing him among other gentlemen who had not known him in his previous capacity, the difficulty might be met.
200. Do you think Police Magistrates are necessary in all districts—or if not necessary, do you think them desirable? I do, for the purposes on which I have been questioned.
201. Assuming them to be either necessary or desirable, do you not think a better arrangement would be for a Stipendiary Magistrate to have charge of from two to four or five adjacent districts, and to hold Court days at stated periods, and to retain the Clerks of Petty Sessions, who should perform their present duties, combining with them those of Commissioner. Would not that be better than this plan of combining the duties of four officers in one? I think your plan would almost be more expensive than that previously suggested, for no gentleman could perform the duty without a large increase for forage of horses and travelling expenses. So far as my experience goes, there are no four Courts so contiguous as that one Magistrate could attend them all.
202. Could not a Police or Stipendiary Magistrate hold a Court at Scone, Muswellbrook, and Singleton, once within a fortnight at each place? No, not for a certainty. You are aware that the flooding of the Hunter River stops the passage frequently.
203. That occurs once in three months, perhaps? Still, that would prevent the performance of the duty.
204. What is the distance from Scone to Singleton? Forty-five miles.
205. What is there to prevent a man from doing duty at Scone, Muswellbrook, and Singleton? A man can do a great deal if he be well paid for it.
206. Do you not think if the travelling expenses of this officer were paid, and he were required to perform duty in these districts, it would be a healthier system, and one more likely to give satisfaction to the public, than that of combining all these offices in one individual? Perhaps it might.
207. *By the Chairman:* Will you tell us, for I presume you must have some experience in such matters, whether travelling and living at hotels would not involve very great expense to the gentleman holding this proposed office? You cannot put your horse into a stable up there under eight shillings a night, and if you give him only a feed of hay on the road there is three shillings.
208. What amount do you think would be required to support a Stipendiary Magistrate having charge of this district, and to pay his travelling expenses? I think the better way to answer that question is to tell you what it costs a Clerk of Petty Sessions to travel now. I cannot go from Muswellbrook into Singleton under a pound, that is to stop there a night; that is for my horse and what I eat.

209. *By Mr. Nichols*: And a pound going back again? Yes.
210. What distance is that? Thirty miles. A shilling a mile is about the expense of travelling, even in the most economical way.
211. *By the Chairman*: You have said, that in answer to a letter addressed by you to the Government, applying for the office of Commissioner of Crown Lands, the reason given for not appointing you was, that there was an advantage in having a check, that it was not desirable that the same officer should act as auctioneer and also as receiver of moneys? Yes, that was the tenor of the letter.
212. You are aware, that in Scone, where a Commissioner is paid, there is no check whatever? There is no check there whatever.
213. *By Mr. Piddington*: I think you stated, in answer to one of Mr. Jones' questions, that you were of opinion that the combining the duties of three or four contiguous places in one Magistrate would be more expensive than the system at present? More expensive than the system now under consideration—the plan of combining several offices in one gentleman.
214. Supposing that in those places where there are no Police Magistrates at present, they were appointed, do you think that system would be more economical, on the supposition that a Magistrate's attendance would be secured? The farther you go up the country ———
215. Within certain limits? If I knew the limits ———
216. On the principle that the limits are practicable? No doubt it would be better; but the farther you go up the country the more the practicability decreases.

Mr. Luke H.
Sibthorpe.

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THURSDAY, 27 NOVEMBER, 1856.

Present:

MR. FORSTER,		MR. JONES,
MR. HELY,		MR. LANG,
MR. ROBERTSON.		

J. ROBERTSON, ESQ., IN THE CHAIR.

Edwin William Hollinworth, Esq., called in and examined:—

1. *By the Chairman*: Will you be good enough to tell the Committee what office you hold? I hold the office of Chief Clerk of the Revenue Branch of the Treasury.
2. From your position in that office have you had opportunities of becoming acquainted with the duties that appertain to the office of Commissioner of Crown Lands? ———
3. In the Settled Districts? Yes.
4. You have also certain things to do with those in the Unsettled Districts—you receive moneys from them? Yes, to a certain extent, more particularly with regard to the assessments.
5. I will commence with the Settled Districts. Will you have the goodness to tell the Committee how many Commissioners of Crown Lands there are in these districts? I cannot say at this moment; upwards of thirty—about thirty-three.
6. Do you happen to know what their duties are? Their duties, so far as the Treasury is concerned, are to sell the land, and to receive the rents of the leased lands within the Settled Districts.
7. In all cases do they receive the rents of leased lands? No; the lessees have the option of paying it direct into the Treasury.
8. How are these gentlemen paid? By a commission of 5 per cent. upon all collections up to £5,000, and of $2\frac{1}{2}$ per cent. above that sum.
9. Do you know what is the aggregate amount received by the whole of them? From their appointment in May, 1853, to the 31st December, 1855, they had received upwards of £20,000.
10. Are you aware that, in many cases, the Clerks of Petty Sessions perform the duties proper to Commissioners of Crown Lands in the Settled Districts? They act as auctioneers.
11. Are you not aware that in many instances the Commissioners of Crown Lands throw the whole duties upon the Clerks of Petty Sessions? I do not know that officially, but I believe it to be the case.
12. Have you not glaring instances of that kind coming under your eye in your official position, as regards the correspondence? The correspondence is in the hand-writing of the clerk, frequently.
13. And the signature? The signature is often by the clerk, "on behalf of the Commissioner."
14. Receipts for money? I have not seen any receipts for money given by clerks.
15. Have you not seen any receipts for money from Scone, signed—"For the Commissioner, James Smith"? No.
16. Are you aware that the Clerks of Petty Sessions sometimes transmit money to the Treasury without the intervention of the Commissioner at all? That I cannot say; all vouchers are signed by the Commissioners.
17. Have you not frequently received money from the Clerk of Petty Sessions at Scone, who has signed—"For the Commissioner, James Smith"? Lately, after the resignation of Mr. Docker, Mr. Smith carried on the duties of Commissioner.
18. Previous to the resignation of Mr. Docker was it not so? I have no recollection of his having signed vouchers in forwarding money.
19. In the case of Captain Hovell, of Goulburn, is it not the practice for the clerk there to transmit money? Mr. Maitland is the Commissioner there, and the clerk has nothing to do with

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with the office, beyond acting as auctioneer. I have not seen the clerk's hand-writing in connexion with the Goulburn accounts.

20. Captain Howell was the Commissioner there? Yes; and I think he did all his business. I have no recollection of having seen Mr. Newcombe's hand-writing beyond that rendered necessary in his capacity as auctioneer.

21. Can you tell us under what department the Commissioners are placed? They are not under any particular department, that I know of. They are, properly speaking, collectors of revenue, and should, therefore, be under the Treasury; but, in the performance of their duties as Commissioners of Crown Lands, in prosecuting the illegal occupants of Crown Lands, they would, perhaps, come under the Secretary for Lands and Works.

22. Then is there no officer of the central Government whose peculiar duty it is to supervise the business of these gentlemen, generally? There has not been; they have received their instructions sometimes from the Colonial Treasurer, sometimes from the Colonial Secretary, and sometimes from the Surveyor General.

23. Is there any officer of the central Government from whom we could obtain a complete description of the duties of these gentlemen? I think not, for the reason I have stated, that he cannot know all the instructions they have received.

24. Are you not aware that, in many cases, the Clerks of Petty Sessions sell the land, receive the moneys, and transmit the money to the Treasury, without the intervention of the Commissioner at all—without his being present, in fact? Not within the Settled Districts. I am not aware of any case. He may do so without my knowledge.

25. You are aware that the Clerks of Petty Sessions perform all the duties relating to the sale of land in the Unsettled Districts? I am.

26. Are you aware of any reason why they could not do the same in the Settled Districts? They could do so; but I do not think they could keep open the Land Offices for the information of the public. Attendance to their police duties would, I should imagine, interfere materially with their giving information to the public.

27. Are you aware that in these country districts the Court seldom sits more than once a week? I believe that is the case.

28. That being the case, and seeing that the Land Offices open necessarily but twice a-week, would the performance of these duties interfere with those of the Clerk of Petty Sessions? It might be so arranged that the hours and days of opening the office for the sale of land would not interfere with the Court day; but there are certain districts where the Land Sale Office is supposed to be open every day.

29. Supposing Stipendiary Magistrates were appointed, whose duty it should be to perform the clerical duties of the Police Office, could these gentlemen also perform the duty of Commissioner of Crown Lands in the Settled Districts? Perhaps in certain districts they could. I do not mean in such places as Maitland, Goulburn, Bathurst, or Brisbane.

30. Will you mention any other district where you think they could not? They might, perhaps, in the whole western, southern, and northern districts, with the exception of the places I have named.

31. The present Commissioners have rent allowed them for their offices, have they not? £25 a year for the rent of their offices.

32. If this matter were handed over to the Stipendiary Magistrate, as I have suggested, this rental would be saved, as the duty could be performed in the Court House? Yes.

33. The duty of the Commissioner is to keep open an office so many days a week? Yes.

34. How many? Two.

35. Are you aware whether they do that? They certify in their commission account that they have kept open their offices.

36. Are you aware, as a matter of fact, that in many cases it would be impossible for them to do so? I believe some of these gentlemen have their offices at some distance from town, in their private residences, so that they could hardly say they had a public office open twice a week.

37. Are you aware that the Commissioner of Crown Lands at Singleton, Mr. Gaggin, is also Commissioner at Muswellbrook? Yes.

38. Are you aware that these places are a considerable distance apart? Yes.

39. Would it be possible to keep open an office at all these places two days a week? I should think not.

40. Is the fact of his receiving £25 a year for each of these offices a waste of public money? I do not know that he receives rent for each.

41. Does he not receive £25 a year for an office at Singleton, and the same sum for an office at Muswellbrook? Mr. Gaggin receives rent for an office at Singleton, and it appears, upon reference to the Audit Office, that rent has been allowed to Mr. Sibthorpe, the Clerk, for an office at Muswellbrook.

42. Will you tell the Committee what means the public have of knowing what are the days upon which the Commissioners will keep their offices open? I do not think it has been notified to the public, in any shape, that they are to keep open their offices even two days a week.

43. Or the place where the office is situated? As to the place, the Deputy Surveyor General, in making a tour some few months ago, called upon some of the Commissioners to put up boards on their offices, stating that they were Land Sales Offices.

44. Is that now generally the case—have they done so? I think not. Newcastle and Maitland are two of the places I refer to.

45. Have they not general instructions to do so? Not from the Treasury.

46. Do you also correspond with Commissioners of Crown Lands in the Unsettled Districts? Yes.

47. Will you be good enough to tell the Committee what are the duties there? It would be difficult for me to describe all the duties, as these officers are placed under the Chief Commissioner

missioner of Crown Lands. In the Treasury, our principal correspondence with them has reference to the collection of Assessments on Stock and Scab Assessments.

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Esq.

48. Will you be good enough to tell us how the Commissioners of Crown Lands in the Unsettled Districts are paid? By salary.

49. What amount of salary do they receive? I think £365 per annum, with the Gold Increase of £116 13s. 4d. 27 Nov., 1856.

50. These gentlemen receive moneys, do they not, from the squatters, which they send to the Treasury? No; they are not authorized to receive, except when they hold distress warrants for the recovery of assessments.

51. What duties do they perform in connexion with their office as Crown Bailiffs—we are told they are Crown Bailiffs—will you say in what way they act in this capacity if they do not collect the rents? They do not collect the rents in any way; they are all collected in the Treasury. They are supposed to furnish an Annual Return to the Chief Commissioner, who forwards it to the Treasury, by which the collection of rents is regulated; but, as nearly all the squattages are assessed at a fixed rate, there is no occasion for that Annual Return.

52. Do you think the Clerk of Petty Sessions could perform all the duties now devolving upon the Commissioner of Crown Lands? I do not think so.

53. What are the duties he could not perform? There are several Clerks of Petty Sessions in Squatting Districts: I can speak only of Armidale, with which I am personally acquainted, and I should say that there the Clerk is so fully employed with his Court duties that he could not perform those of Commissioner. At that place there is an Assistant Commissioner, on account of the Gold Fields.

54. Can you tell the Committee what the orderlies do, and what is their pay? Their duties are, I believe, to serve notices under the Assessment Acts, and to perform general Police duties, more especially where there are Gold Fields. Their pay is 6s. per diem for sergeants, and 5s. 6d. for troopers.

55. *By Mr. Forster:* Can you give us any idea what is the highest annual amount of fees paid to any Commissioner of Crown Lands within the Settled Districts? Upwards of £1,000.

56. An annual payment? It was paid to one Commissioner in 1854. The amount was about £1,250.

57. Have you any knowledge of the District of Queanbeyan, and the Commissioner there? Mr. Hayley is the Commissioner there.

58. Do you know whether his duties are performed generally by the Clerk of Petty Sessions there? They are performed by himself.

59. You have reason to believe that? Yes; the correspondence is in his own handwriting.

60. What is your idea generally with regard to those gentlemen, the Commissioners of Crown Lands—are they underpaid or overpaid? I think many are much overpaid, while many are not paid sufficiently well to induce them to attend properly to the public.

61. Is that conclusion consistent with the mode in which they are paid—does not the payment of a per centage secure that the remuneration shall be exactly in proportion to the service performed? I think a fixed salary, with a small per centage, would be more economical and equitable, and better for the public interest.

62. You would in that case reduce the per centage, of course? Decidedly; and I think the number of Commissioners within the Settled Districts might be reduced.

63. With regard to Brisbane, are you aware that Captain Wickham performs the duty of Commissioner of Crown Lands? Yes.

64. Have you any idea what annual amount of fees he receives from the sale of Crown Lands? He is one of the highest paid Commissioners.

65. Who, you have said, receive £1,000 a year? Yes, who have received that sum in one year.

66. Captain Wickham is one of the highest paid? Yes; there is himself, the Bathurst, Goulburn, and Kiama Commissioners, and Colonel Gray, of Ipswich.

67. Can you tell us the entire amount of Captain Wickham's salary for 1855, including all emoluments? £675 for salary, £528 12s. for commission; in all, £1,203 12s.

68. With regard to the Clerk of Petty Sessions there, does he perform the duties for Captain Wickham, or does Captain Wickham perform them himself? I do not think the Clerk assists Captain Wickham in the slightest degree as Commissioner of Crown Lands.

69. Is there any reason, from the position held, why Captain Wickham should be higher paid than other Police Magistrates—do you think he does more work than other people? I should think his duties as Police Magistrate and Government Resident quite sufficient to occupy him.

70. Can you explain what his duties as Government Resident are? No; except that he is the officer who is always addressed in all matters of public interest.

71. He is called the Government Resident? He is.

72. Can you inform us who was the inventor of that title, or under whose authority it is given? No; it is a matter connected with the Colonial Secretary's Office.

73. Does it involve any extra duties at all? I think not any great amount of extra duties.

74. You consider it an honorary title only? Yes, to a certain extent.

75. For holding this honorary title, Captain Wickham is paid rather in excess of other Police Magistrates, that is, he gets extra pay? He gets extra pay as Commissioner of Crown Lands.

76. Does he not get a higher salary than other Police Magistrates? He gets his salary as Government Resident.

77. And I think you say that involves no extra duty? Not much, that I am aware of.

78. He is paid as a Police Magistrate? Yes.

79. But he gets extra pay, more as Government Resident than as Police Magistrate? It would appear so.

80. And at the same time has no extra duty? I am not aware, to any great extent.

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81. Is not Captain O'Connell in the same position at Gladstone as Captain Wickham is at Brisbane, holding a higher position than other Police Magistrates, with superior pay, but having no extra duties? I believe he is in the same position.

82. With regard to the Scab Assessment, will you inform us whether the amount collected under the assessment greatly exceeds or falls short of the expenditure under the Scab Act? It falls short. We have one year's assessment more to collect, and I do not doubt that by the end of next year the Revenue will be in excess of the Expenditure. It was some £16,979 19s. 1d. short at the beginning of this year. The collections for this year, to 30th November last, have reduced the overdraft to £2,730 12s. 5d., and I think, by the end of next year, the receipts will be greatly in excess.

83. Does the Revenue derived from the Gold Fields greatly exceed, or does it fall short of, the expenses of collection, taking every expense into consideration? I am not in a position to answer that question fully. With regard to the Western District, I think the revenue is in excess; but with regard to the Southern, the expenditure is in excess. By a Return laid before the Assembly, dated 19th June, 1856, the whole Revenue appears as £24,412 16s. 1d., and the Expenditure as £26,788 9s. 2d.

Michael Fitzpatrick, Esquire, called in and examined:—

Michael Fitzpatrick, Esq.
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1. *By the Chairman:* Will you be kind enough to tell the Committee what office you hold? I am Under Secretary for Lands and Public Works.

2. I think you have been for some considerable period in the Colonial Secretary's Office? I was in the Colonial Secretary's Office for about nineteen years.

3. In what capacity latterly? Latterly, I was one of the Senior Clerks of the first class, in charge of one division of the office.

4. From your position in that office, did you become acquainted with the duties appertaining to the office of Commissioner of Crown Lands? I did.

5. In the Settled, Unsettled, and Gold Fields Districts. We will first consider the Settled Districts—will you tell the Committee how many Commissioners of Crown Lands there are in the Settled Districts? I cannot from memory; I had not the slightest idea of what particular direction the inquiries of the Committee was about to take, so that I could not prepare myself to give them information, but I will hand in a Return. (*See Appendix A.*)

6. Are you aware what are the duties of these gentlemen? Within the Settled Districts they are appointed under a permanent Act, passed many years ago, and therefore, whenever so directed, they can be put in motion to oust intruders from Crown Lands. They are very seldom so employed now, but they have other functions entrusted to them, namely, to conduct the sale of Crown Lands and Leases in the Settled Districts. That is their principal function now, and most of them have local offices at which they conduct sales of lands and leases.

7. Will you tell the Committee how these gentlemen are paid? They are paid, when employed under the permanent Act, one pound, the amount authorized by that Act, for every day they are actually employed under the direction of the Government; but they are remunerated for the sale of lands by a commission on the proceeds.

8. Are you aware that in many instances the Clerks of Petty Sessions perform the duties proper to Commissioners of Crown Lands? I believe such may be the case with respect to sales in the Unsettled Districts.

9. I mean within the Settled Districts. What I want to ascertain is whether the Commissioners receive the pay and the Clerks do the work—whether these gentlemen leave their districts for months together, and do nothing for their money—have you any reason to suppose that has been the case? I have not. I will explain my conception of their position. The Clerk acts as auctioneer, and receives a certain remuneration for doing so, but the Commissioner is in altogether a different capacity. He is in charge of a local office; he is bound by the terms of his appointment, on fixed days to be present at this office to afford information to the public, and to exhibit maps and charts of the land for sale. In that way he facilitates, to a large extent, the sale of land. He receives all moneys, is responsible for them, and gives security for the proper transmission of them to the Treasury. The Clerk has therefore no responsibility whatever, but to act under the direction of the Commissioner.

10. Are you not aware, as a matter of fact, that Commissioners of Crown Lands frequently leave the whole business to be done by Clerks of Petty Sessions for months together? I have heard that stated, but I do not know it of my own knowledge. My local experience in the interior is not great.

11. These gentlemen correspond with your office, do they not? Yes, in matters requiring the authority of the Government, but in matters of detail they correspond with the Colonial Treasurer and Surveyor General.

12. In that correspondence did you not often find that letters were signed by the Clerks of Petty Sessions, on behalf of the Commissioners? That is not my impression, to any extent; there may be cases where clerks write for the Commissioners.

13. Will you tell the Committee what officer of the central Government has charge of these gentlemen? The Secretary for Lands and Public Works is charged with their general superintendence; but in the mere conduct of sales of land they are guided by the Colonial Treasurer. It is rather an anomalous position at the present moment; the Secretary for Finance conducts the sale of lands, and, therefore, the Commissioner is guided by him as to that particular; but he is guided by the Surveyor General as to the information he is to furnish previous to the sale.

14. Now that there is a Minister of Lands and Works, does that officer have charge of the Commissioners of Crown Lands? Not the immediate charge; but any question involving a principle, or requiring the authority of the Government, will be referable to him.

15. Hitherto, previous to the appointment of a Minister for Lands and Works, has there been no officer of the central Government who absolutely took charge of these gentlemen? No separate officer; but in the same way any principle requiring the decision of the central Government would require to come through the Colonial Secretary, as the centre of all official departments.

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16. Did I understand you to say that it was not the fact that, in many instances, the correspondence with your office from the Commissioners of Crown Lands was in the handwriting of Clerks of Petty Sessions, and not in that of the Commissioners? My impression is, that it is not. If you mean that the letters have been written by the Clerks, I am not sure upon that point, but my impression is that the great bulk are signed by the Commissioners.

17. But written by the Clerks of Petty Sessions? That never struck my attention.

18. Do you remember that Captain Hovell was Commissioner at Goulburn? Yes.

19. During the time that gentleman was Commissioner of Crown Lands did the Clerk of Petty Sessions conduct the correspondence? I think not; I was frequently in personal correspondence with Captain Hovell myself, and I think he took very direct and immediate action himself.

20. With regard to the Commissioner of Crown Lands at Scone, is not the whole correspondence conducted by the Clerk of Petty Sessions, Mr. Smith? I am not sure. I do not know Mr. Smith's handwriting. I do not think there was a very large correspondence with that district.

21. Did the Clerk of Petty Sessions there transmit moneys direct, without the intervention at all of the Commissioner? I cannot say. I know nothing of the transmission of moneys which are forwarded to the Treasury.

22. You are aware that in the Unsettled Districts the Clerks of Petty Sessions perform all the duties relating to the sale of land? They do chiefly, I believe, but under the direction of the Bench.

23. Is there any reason why that system should not be carried out in the settled districts? I am scarcely aware of any reason why it should not.

24. Supposing a Stipendiary Magistrate were appointed, whose duty it should be to perform the clerical duties of the Police Office, would there be any objection to this gentleman performing the duty of Commissioner of Crown Lands in the settled districts? I cannot see any, except we assume the case of a very populous district, where the police duties are too heavy.

25. The present Commissioners of Crown Lands have rent allowed them—£25 a year? They have, for the places where they keep land offices.

26. Of course, if these duties were handed over to a Stipendiary Magistrate, this expense could be saved, as the business could be done in the Court House? If it were done in the Court House it would be saved. I think, in the majority of cases, where the police duties were not heavy, there would be no difficulty, but in some cases, where the Court is held every day, it would be found extremely inconvenient to have the business connected with the sale of land carried on in the Police Office.

27. The Commissioners of Crown Lands have instructions, have they not, to keep their office open a given number of days in each week? Yes.

28. How many days? In the majority of cases twice a week, but in some every day. I think in such a place as Bathurst every day. I am speaking from recollection merely.

29. From whom do they receive these instructions? They received their instructions hitherto from the Colonial Secretary on their appointment, but henceforward they will receive any such instructions from the Secretary for Lands and Public Works.

30. Do the instructions say on what days the offices are to be open, or do they leave that to be determined by the Commissioners? The instructions prescribe the days on which the office is to be kept open. There may, of course, be afterwards a change, with the consent of the Government first obtained.

31. Were any means adopted of letting the public know on what days the Commissioner would open the Crown Lands Offices? I believe not.

32. Were there any means by which a stranger could ascertain where the Crown Land Sales Office was? I do not think there was any public notification of it. The notification of the appointment of a Commissioner was made, and for the most part that impliedly carried with it the office; for it was known to most parties on the spot where he resided.

33. You are aware that some of these Commissioners reside twenty miles from town, and their offices are in town? I have been so informed. I do not think the central Government took any action to notify the place where the office would be open.

34. If the sum of £25 a year was allowed for rent, did not Government insist that the Commissioner should notify that a Land Office was open in a certain place? I do not think they did; they assumed that practically every one would know, and did know.

35. As a matter of fact, was it not an impossibility for the Commissioners to keep open these offices two days a week, in central towns, when they had two or three districts to supervise. I refer to the case of Mr. Gaggin, who had the districts of Singleton, Muswellbrook, and Murrurundi? I do not understand that he was to keep open two or three offices. He was appointed for a united district. I certainly did not understand that he was to keep more than one office for the whole.

36. Are you not aware that he receives £25 a year each, for an office at Singleton and at Muswellbrook? I am not. I had no conception that he was keeping open two or three offices. I conceived him to be a Commissioner for a united district. If, for his own interest, he kept open a second office, that would be his affair; but I did not know it as a matter of fact, and I should, therefore, assume that he was keeping only one.

37. These gentlemen have no instructions from the Colonial Secretary as to the days upon which their offices shall be open, nor are they directed to notify to the public the position of such offices, or the days upon which they will be open? The days on which the office is to be kept open are fixed, but no public notification of them was made, so far as I am aware.

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38. Will you tell the Committee whether, in your opinion, any difficulty would arise from creating in the unsettled districts the appointment of Stipendiary Magistrate, and giving to that officer the duties now performed by the Commissioner of Crown Lands and Clerk of the Sessions? As far as the land part of it is concerned, which is more immediately under my cognizance, I do not see the least difficulty. But I may explain to the Committee, that the great object of the appointment of Commissioners in the settled districts was to facilitate the sale of lands, and the selection of lands which had been put up for sale but not bid for, or sold and the purchase not completed. No such duty arises in the unsettled districts, because, with hardly an exception, no country lots are sold in the unsettled districts; they are town and suburban lots, and these are not open for selection under the Crown Land Sales Act. But I see no reason, under an altered law, if suburban or town lots were to be selectible without competition, why the same process should not go on beyond as well as within the settled districts.

39. You have generally the charge of the Commissioners of Crown Lands outside the boundaries? I have cognizance of all matters that are referable for the decision of the Government, beyond the settled districts.

40. *By Mr Forster:* With regard to the Commissioners of Crown Lands in the settled districts, do you consider them sufficiently remunerated, or over remunerated, for their duties? I think the remuneration acts very unequally; in some cases, I think, they are too highly remunerated, in others, they are not sufficiently remunerated. But there is great difficulty in adjusting the matter; where the sales are small the remuneration is far beneath what it should be, and in other cases it is far too high. The Government altered the remuneration in the latter instances, from a conviction that it was far too high. The Commissioners formerly received five per cent commission upon unlimited amounts, and the consequence was, that one or two of these gentlemen received amounts beyond the salary of any officer of the Executive. The Government have now fixed the commission at five per cent. up to £5,000, I think, and two and a half above that.

41. Can you suggest any better mode of remunerating these officers than the present one—any more equitable? I have not thought over it very earnestly of late, but I have a general idea that the principle ought to be in the nature of a sliding scale. It is hard to determine beforehand in what districts land will sell to any extent, but I am sure that the labor is not rateable on the extent of land sold, and therefore that remuneration that is rateable on the amount realized is out of proportion to the labor.

42. That is to say, in cases where there is a small amount of land to sell, the amount of clerical labor is out of proportion to the land sold? Yes. The attendance of a Commissioner to his duty, supposing him to perform his duty who sells only a few pounds' worth of land, is more than commensurate with the labor of one who sells five times as much.

43. With regard to Captain Wickham, of Brisbane, what is his duty? He is Government Resident.

44. Can you explain what are the duties of a Government Resident as distinguished from those of Police Magistrate? He stands in the position of the agent of the central Government for all official purposes whatever; he has cognizance of everything going on in the district, with the knowledge or by the direction of the Government.

45. Is there anything there that demands a Government Resident, any more than in any other district? I think so. To a certain extent, they are very much in the same circumstances at Moreton Bay, though on a smaller scale, as existed in Melbourne when a Superintendent was appointed there.

46. You must have some knowledge of the duties he has to perform as Government Resident, as distinguished from those of Police Magistrate; are they of any great amount? I think they are, and of a different character. The Government look to him, and correspond with him about everything in the entire district. He is not simply a Police Magistrate.

47. Do they correspond on matters that you think might be left alone? I could not speak to so general a question. I do not know what these matters are.

48. He receives the larger remuneration in consideration of being Government Resident and Police Magistrate, rather than as Police Magistrate? He does; his fixed salary is £500 a year, I think; no other Police Magistrate, I believe, receives so much.

49. Do you think his duties demand or justify the larger salary he receives? Yes.

50. You think he does work fully equivalent to his extra salary? I must not now be supposed to pass an opinion upon Captain Wickham, but I think his position is far different from that of other Magistrates; on account of the distance at which he is removed from the seat of Government, and the correspondence he has to maintain, such an appointment is necessary—or desirable, at all events. Of course they could go on without it, as they might without other officers of Government, but I think it very desirable. In my opinion the circumstances are precisely analogous to those that grew up at Melbourne, differing only in degree.

51. Was there not a time when there was merely a Police Magistrate at Melbourne? Yes, for a short time.

52. When Melbourne was quite equal to what Moreton Bay now is? No, I think not. Mr. LaTrobe was appointed in 1839, and the settlement can be regarded as only having commenced in 1826 or 1837.

53. Would you say, with regard to Gladstone, that similar circumstances prevailed there, and that the appointment of a Government Resident there has also demanded, or justified, a larger salary than is given to a Police Magistrate? No. There is no Government Resident there.

54. Was there formerly? Yes, Captain O'Connell was Government Resident.

55. What is he now? He is now Commissioner of Crown Lands for the Pastoral District of Port Curtis. He is made practically, so far as anything requires attention, Government Resident. He has recently, for instance, been in correspondence with the Government respecting a dam which he has superintended, and which is supposed to be under his custody, and he would be considered blameable if he did not attend to it.

56. As Commissioner of Crown Lands in any district, would he not be expected to do these things? I think an officer of Government any where would be expected to look after Government interests.

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57. Do you think if the Commissioner of any district were required to attend to similar matters he would have too much to do? I think the Government would require him to do so, if he were capable.

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58. Do you think the Commissioners' orderlies are fully employed? I cannot think they are at present.

59. With regard to Brisbane; supposing Captain Wickham were Commissioner of Crown Lands there, would he not be required to do all he now does as Government Resident,—is there such a vast difference between the duties of the two appointments? I think the whole principle is different. I am speaking of a Government officer performing various duties in the receipt of a salary, but a Commissioner of Crown Lands within the Settled Districts is not paid by a salary; he receives a commission for doing certain specific duties.

60. Commissioners of Crown Lands beyond the boundaries are paid salaries;—does not Captain O'Connell receive a salary? Yes, that is in an Unsettled District.

61. I wish to know whether Brisbane and Gladstone, as far as this additional Government duty is concerned, might not be managed in the same way? I know nothing of Gladstone, but my impression is, that there are just a handful of people there, and I cannot imagine that the duties are extremely heavy. If lands are to be sold at Gladstone I do not see why Captain O'Connell could not sell them. Captain Wickham was for some time allowed a commission on the sale of lands, irrespective of his salary.

62. Is there no Commissioner of Crown Lands for the sale of lands at Gladstone? I think not.

63. If sold, by whom are they sold? If sold, no doubt Captain O'Connell sells.

64. Does Captain O'Connell receive a superior salary to other Commissioners of Crown Lands? I think not.

65. Have you any acquaintance with the requirements of the Police District of Queanbeyan? None whatever.

66. With regard to the Gold Revenue—the duties of Police Magistrate are performed by the Gold Commissioners, are they not? Yes.

67. Do you think any injury to the public service would arise from the combination of the duties of Police Magistrate with that of Crown Bailiff, or protector of Crown interests, as the Commissioner of Crown Lands is called? No, I do not; except in very populous districts. There would be an incompatibility if he had to bring a case into Court where he would be the presiding Magistrate.

68. Do you not think in a case of that kind the position of Crown Bailiff would be rather incompatible with the duties of Police Magistrate? Yes. I think it would be an unfair position to place a subject in; to be prosecuted by, practically, the most influential member of the Bench.

69. Are you not aware that this combination of duties prevailed beyond the boundaries? I think not.

70. Are not Commissioners of Crown Lands, Crown Bailiffs? Yes; but to my knowledge they have never acted in that capacity to oust intruders for many long years.

71. Is it not their duty, as Crown Bailiffs, to institute prosecutions against parties in such cases? Only on vacant lands—not on trespassers on the land of A. B. or C. D.

72. In that case, setting the prosecution in motion, would they not be in the position of Judges deciding in their own causes? As a matter of fact, I do not remember a case of the kind. The lands are nearly all occupied within the range of occupation. They are occupied or claimed by somebody, except in very remote places. Where lands are claimed by A. B., or C. D., the Crown does not become the prosecutor.

73. Under the Assessment Act might he not, and is he not compelled to prosecute? Yes, I think he could.

74. In that case would not he be placed in the same position as a Gold Commissioner would? To a certain extent he would, and I think that is an objectionable position, but it is a duty cast upon him by the Legislature. I do not think it a proper position for a subject to be placed in, to be prosecuted by a person in such a position, in a local Court where the prosecutor was Chief Magistrate.

75. With regard to the Commissioners of Crown Lands beyond the boundaries, are their duties, as Magistrates, understood to be subordinate to their duties as Commissioners of Crown Lands? I should say yes, they are subordinate in this sense, that they were appointed and were paid as Commissioners of Crown Lands; the duties of Police Magistrates were cast upon them, without further remuneration.

76. Will you state what are the duties of Crown Lands Commissioners' orderlies? I cannot state them very definitely. They were appointed originally to enable the Commissioners to serve notice of assessment, and perform duties of that kind. They act as a sort of itinerating police.

77. Are you aware whether these orderlies are sworn in as constables or not,—are they looked on as constables? They are looked on as constables.

78. Are they sworn in? I think so.

79. Are you aware of any instances where they have been employed generally as house servants? I do not know of my own knowledge; I have heard the complaint made out of doors.

80. If such cases did occur, would you say, or would you not, that the Commissioners were wrong, that their conduct was improper, and that it should subject them to the censure of Government? No doubt. I have no notion of any person paid by Government being used for private purposes, whether beyond or within the Settled Districts.

81. With regard to the forage allowed to the Commissioners, are you aware of any cases where the forage money has been allowed, and forage has not been purchased? I am not.

82. In such cases, would you say that the appropriation was wrong, that the money was not intended as the perquisite of the Commissioner? Certainly, I think in any case where a

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person is allowed forage, the money should be devoted to that purpose, or not drawn.
83. *By Mr. Jones*: I think you said you considered the present plan of paying Commissioners of Crown Lands within the boundaries operated unequally, and very often inequitably? I think so.

84. Do you not think it would be better to pay these Commissioners a small salary, and a per centage on the amount of sales? As far as the per centage is concerned, the same objection would apply, although in a modified degree.

85. The plan I contemplate is, that a small salary, say of £25 or £50 be paid to this officer, for the trouble of exposing charts, and giving information respecting the land, and that a per centage be paid upon the amount of land sold? The proposition does not meet my sense of what is needed. I think if you make the officer a paid servant, to a certain extent you destroy the motive to be very energetic in the sale of Crown Lands. I do not mean to reflect upon the character of these gentlemen, but on general principles; if you give a person a fixed salary to do a duty, the success of which depends upon his activity, you may miss the activity.

86. I think you do not quite apprehend the nature of the arrangement which I contemplate. The Commissioner of Crown Lands within the boundaries is required to keep open an office two days a week generally, to expose to public inspection certain plans and charts, and to afford certain information with respect to land open for selection, and lands for sale. He has this fixed duty cast upon him. For this fixed duty, would it not be fair that he should have a fixed salary of £25 or £50. The public have no right to exact a duty without compensating for its performance? The public have no right to exact any duty without compensation.

87. I see, from a Return before me, that Mr. Cory, of Paterson, received the sum of £1 14s. for his services from 8 March to June 1854? He sold no land.

88. Still as Commissioner, he would be required to keep open office two days a week, for which duty that £1 14s. would not be a remuneration, so that under the present system, a Commissioner may have a good deal of trouble and little or no remuneration. Supposing you paid a Commissioner whatever sum might be considered a fair remuneration for the trouble he would be thus put to, say £25 or £50 a year, and left him to be compensated for any further trouble by a commission upon the sale of land? I think such a principle would reduce the objection, but it does not satisfy my conception of what is needed to induce the Commissioner to perform his duty. He must be on the spot, satisfying ignorant men as to the character of the land, and as to the forms they have to go through to obtain it; and it depends in a great measure upon the way in which this officer performs his duty, whether the land be sold or not; and if paid by a commission on the land sold, I think he will do it better. The plan proposed, removes one half the objection, but the objection still remains in a less degree; you pay by a commission, and that commission, I take it, is not rateable upon the labor. The man who sells £5,000 worth of land does not take five times the trouble of the man who sells £1,000 worth.

89. Suppose we pay an uniform salary of £50 a year, and say two per cent. on sales up to £5,000, and one per cent. on sums beyond that, would not that secure to those who have a great deal of trouble, but who do not sell a great amount of land, a remuneration somewhat proportioned to their trouble? I think a minimum salary would be a great improvement.

90. While the plan proposed would prevent those who sell large amounts of land from getting sums quite beyond the value of the labor performed? It goes in that direction, but the commission works unequally in whatever way you use it.

91. It would be so in a much less degree as I now propose to apply it? Yes.

92. This plan satisfies the justice of the case thus far, that you give the Commissioner of Crown Lands some remuneration for any trouble he may take in endeavouring to effect sales? Yes.

93. Do you see any objection to Clerks of Petty Sessions being Commissioners of Crown Lands for the police districts in which they act? I cannot say I see any strong objection; but my impression of Clerks of Petty Sessions as a class, is not a very exalted one.

94. Assuming that these offices were held by proper persons? Assuming that they were proper persons to be entrusted with the sale of lands, and that they gave security, as the Commissioners do at present, I do not see any great objection.

95. Do you not think that the Clerks of Petty Sessions are much more accessible than the present Commissioners? Yes, I think they are much more accessible; and the fact of their being in the public service gives the Government a hold of them, and I think it preferable to dealing with independent gentlemen living out of town.

96. As a general rule, would not the Court House be a much better place for the exposure of all these plans and charts, than the Commissioner's Office? I think as a rule, the Court House would be the most accessible and best place, provided it did not interfere with the police duties; but the moment you make this arrangement, you will have to quarrel with the Magistrates. The attempt has been made to sell in the Court House, and it has almost always met with some objection.

97. Where are the sales held now? They are generally held in the Local Land Offices.

98. Supposing that the Clerks of Petty Sessions were appointed Commissioners for their respective police districts, and that they received a salary of £50 a year for the performance of these duties, and also a commission of one per cent. upon all sums up to £5,000, and a half per cent. upon sums beyond that. Such an arrangement would improve very much the pecuniary position of Clerks of Petty Sessions, and by giving a larger salary than they now receive, would be very beneficial to the public, and at the same time much more economical than the present system? Without committing myself to details as to the amount, I think the principle good. It would tend, (which I think is much needed,) to raise the Clerks of Petty Sessions. As the office would be made something more remunerative you could insist upon higher attainments in the persons seeking it. But with reference to holding sales in the Court House, there is a practical difficulty; if the Clerk of Petty Sessions is a Commissioner, he must be master of the office for that particular purpose, and then there is a sort of imperium

or imperio: he is quasi master of the office, of which the Magistrates are masters.

99. Do you not think that the Court House, which is a public building, has a right to be used for any purpose for which it may be required by the public? No doubt; but still it is under the control of the Magistrates.

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100. For the administration of justice? For the administration of justice.

101. But, provided the discharge of the duty of selling Crown Lands in the office do not interfere with the administration of justice, the Magistrate has no right to interfere? He has no right whatever; but I am speaking of practical results as they will be, not as they ought to be. If the Magistrate had a proper sense of his duties, such things would not arise. It would be quite possible to arrange so that the duties should not much clash. Of course no one could have access to this office as Commissioner when he was sitting in Court.

102. Supposing the Court days were Tuesdays and Fridays, and the days for the inspection of these maps and for holding sales were fixed on Wednesdays and Thursdays, such an arrangement would not be likely to bring the two duties into collision? I think that would be a bad arrangement for the people, because, for the most part, Court days are just those days in which there would be a concourse of people in the town, many of whom, coming from a distance, would wish to avail themselves of that opportunity to obtain information respecting any land they might be desirous of purchasing; but I see no difficulty in carrying it out, if the matter be taken in a proper spirit. Still, I am sure, from my experience, that you will be met with a difficulty about the Court House: Magistrates will complain in some instances.

103. Apart from that difficulty, you think such an arrangement would lead to Clerks of Petty Sessions being placed in a better position with regard to the amount of remuneration they would receive, and would lead to a better class of persons being appointed? I think it might lead to that, and that is, at least, a desideratum.

104. Do you not think it would lead to public economy with regard to the performance of these duties? I think it would. It is a question what the amount of remuneration should be, but I think Clerks of Petty Sessions could afford to do it for a much less sum than private gentlemen could, and most of the Commissioners now are private gentlemen.

105. Do you not think if, with a salary and commission, the emoluments amounted to from £250 to £400, such a sum would be sufficient to induce well qualified men to sell lands and to perform the duties of Clerk of Petty Sessions? Yes. I do not know the motive, but even at present there seems to be a strong desire to obtain the appointment of clerkship of Petty Sessions.

106. *By Mr. Forster:* As to the practical difficulty presented by the obstacle thrown in the way by Magistrates to the occupation of the Police Office, have you never known the Police Office to be occupied for other purposes, as Court of Requests for instance? Yes, but in that case the Magistrates of the Bench are the Court.

107. Courts of Quarter Sessions are also held in the Police Office? Yes, but the Chairman is only a member of the Court: the Magistrates are the Court.

108. Have you never heard that a Court of Quarter Sessions has sat in a Police Office while the ordinary business of the Police Office has been adjourned to another place? Such may have been the case, but it is still the Magistrates who are the Court, in either case; and they are their own masters.

109. Are you aware whether any such arrangement as this has existed upon the appointment of public officers, particularly with regard to Clerks of Petty Sessions; or, I will put the question generally as to any Government Officer appointed to a distant place,—that an advance of salary has been made, on their first receiving the appointment, for the purpose of equipment? No such arrangement has existed as a rule. In one or two cases advances may have been made, but not by way of equipment.

110. Can you inform us under what authority they were made? If any such case occurred, the authority would have been that of the Governor General.

111. Can you speak to any particular case? No; I can only speak to a general impression.

112. I will call to your recollection a special case, the appointment of Mr. Thursby to a Clerkship of Petty Sessions? I am aware that he was so appointed.

113. Do you know whether he got an advance? No; the appointment did not go through my hands in any shape.

114. Where an appointment has been made under such circumstances, do you know whether it has led to this injurious result, that the clerk, after receiving an advance, has been found incompetent to perform his duty, and it has been necessary to retain him, to the injury of the public service, for such time as would enable him to repay the advance? No; I never heard of such a case, and I know the practice is entirely against the supposition.

115. *By the Chairman:* Do you know whether Mr. Rourke, when appointed to the Clerkship of Petty Sessions at Seone, did not receive an advance? I do not know. The correspondence about Clerks of Petty Sessions does not pass through my hands.

116. You are not aware, as a matter of fact, that he did receive an advance, which he never paid up; that he was always behind, and was behind when he left the public service? No.

117. In answer to a question by Mr. Forster, whether the Commissioners of Crown Lands might not be called upon to prosecute parties in their capacity as Crown Bailiffs, you said it would not be well for them to do so, because their influence as principal Magistrates of the Bench might be injurious—will you tell the Committee what you meant by their being the principal Magistrates of the Bench? I meant this: that they are paid Magistrates, and attend the Bench more frequently; they are also Police Magistrates, which gives them certain legal powers beyond unpaid Magistrates, and in that sense they are principal. They have more direct influence.

118. Are you aware that this fact of their having greater influence and powers has been viewed with jealousy by other Magistrates? I am.

119. Was that one of the reasons of the great objection to the appointment of these Magistrates some years ago? I cannot say that.

120. You remember that there were Police Magistrates, and that they were discontinued? Yes.

121:

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121. Was that one of the objections to their continuance? My impression was that, in a greater sense, the objection grew out of a certain clashing as to the powers of the individual Magistrate; the way in which the police were employed, and so on. That the police recognized an authority in the paid, that they did not in the unpaid, Magistrate; that, I believe, was one of the reasons which led to the abolition of the office.

122. Do you not think, in the event of its being determined to appoint Stipendiary Magistrates, that they ought to have only the same powers that other Magistrates possess? Speaking as a private individual, and without regard to my official position, I do not understand why one man is to be two men wrapped into one; I do not understand why a man, if he be fit to be a Magistrate, is not fit to be a Police Magistrate. There may be objections of a legal kind, with which I have nothing to do, and on which I do not express an opinion.

123. You do not see why the mere fact of a gentleman receiving pay would make it desirable that he should have the power of two gentlemen who were unpaid? No. My impression would be—I say it with great diffidence, so far as it may involve legal points—that the law should be altered in the other direction,—that all Magistrates should have the extended power, rather than one man should do the duty of two.

124. I suppose you are aware, that in some instances the Police Magistrates are not paid, and that thus they have double powers? Yes; they are capable of performing certain acts under the law which others cannot.

125. Is there any conceivable principle, seeing they do not receive pay, that would warrant the conferring of double powers on these gentlemen? The only principle upon which I conceive it can be supported is, that it enables them to perform functions that could not otherwise be performed.

126. In answer to a question by Mr. Jones, you spoke of difficulties that would arise with reference to the occupation of the Court House by the Clerk of Petty Sessions, if that officer had the sale of lands—are you aware, that previous to the appointment of the present Commissioners of Crown Lands, the sales of public lands were invariably carried on by Clerks of Petty Sessions in the Court House? Yes, but under the directions of the Magistrates; and the difficulty I have suggested did not arise, because the Magistrates, who were the masters, made their own arrangements.

127. Supposing Stipendiary Magistrates were appointed, who should perform the duties of Clerks of Petty Sessions, and have only equal powers with the other Magistrates—do you think the difficulty you refer to would arise? I do not think it would, to any inconvenient extent.

128. With regard to the remuneration of these gentlemen, you seemed to approve of the proposition of Mr. Jones, that there should be a small salary attached to the office, and a small commission besides? I think that principle removes, to a great extent, the objection; still, so far as you use the commission, it applies unequally: the trouble of the actual sale of £5,000 worth of land is often not very much greater than the trouble of selling a few lots.

129. Supposing the appointment of a Stipendiary Magistrate, who should perform the clerical duties, with a salary of £200 a-year, and a small commission of one per cent.—do you think that would be a good arrangement? No. I think in some districts it would be a bad arrangement; in some places the police duty would be very heavy, and the land to sell would be next to nothing. For instance,—at Wollombi the Police and Bench duties might be heavy, while the sale of lands would be a mere nothing. In other districts, where there were large sales of land, the Bench duties might be very light.

130. What arrangement would you recommend? At the present moment I am scarcely prepared to recommend anything definitely, for I have not turned my attention to it with that view.

131. You say that in most districts a Stipendiary Magistrate, whose duty it should be to fill the office of Clerk of Petty Sessions, might also perform the duty of Commissioner of Crown Lands? My answer had no reference to the duty of Clerk of Petty Sessions, but with reference to the sale of land. I do not know any reason why the Stipendiary Magistrate should not sell the land.

132. Assuming that it is intended to abolish the office of Clerk of Petty Sessions, what compensation do you think it desirable to give such gentlemen as cannot be advanced to the position of Magistrates, or cannot obtain appointments of equal value in the public service—what is their position as regards compensation? The same as that of other public officers. The principle usually laid down has been to give the holder of an office a month's salary for every year of service.

133. Would you consider that an equitable compensation for these gentlemen, if it should be found that it is undesirable to maintain them in their present position? I think it is not equitable at all. In many cases it does not apply in a proper ratio. If a man has been appointed for only twelve months, it may not be a great hardship to remove him, but I think a man who has been twelve years in the public service is not compensated for removal from office by getting a year's salary.

134. In the event of the Committee determining to abolish the office of Clerk of Petty Sessions, what scheme of compensation would you recommend for such clerks as could not obtain other public appointments? Some of them, I presume, may be made Magistrates, and some may have other appointments, but still there may be some who cannot obtain offices? My impression of Clerks of Petty Sessions as a body is not of such a character as would lead me willingly to make them Stipendiary Magistrates.

135. To those whom you would not make Stipendiary Magistrates, or to whom you could not give appointments equal to those held by them now, what compensation would you give? It is not easy to start at once a principle that would satisfy such demands, but I think the scale is too low. A month's pay for twelve month's service is not sufficient compensation. I think that any suggestion for altering the rule may come with a better grace from some other source; still I may say that it has frequently struck me that the compensation is inadequate, and that that inadequacy increases with the length of service, as every year renders the public

public officer less fit to begin new duties. There are Clerks of Petty Sessions who have been a great number of years in the service. 137. Should you not think it would come more severely upon those who have been a short period in the service; for instance, upon gentlemen who, with small means, have gone with their families five hundred miles into the interior—would not the Clerk of Petty Sessions who had been in the service for many years be in a far better position? Yes; but these are varying circumstances, which no rule I could suggest would meet. You must deal with such cases upon their particular merits.

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APPENDIX A.

LIST of Commissioners of Crown Lands within the Boundaries.

Name.	Police District.
Antill, J. M.	Camden, Narellan, Picton, and Campbelltown.
Smith, C. T.	Wollongong.
Mackay, A. Ker	Shoalhaven.
Maitland, E.	Goulburn, Wingello, Bungonia, and Marulan.
King, W. Essington	Braidwood.
Flanagan, junior, Francis	Broulee.
Hayley, W. F.	Queanbeyan.
Besnard, N. R.	Yass.
Brown, Thomas	Hartley.
Richards, J. B.	Bathurst.
Connolly, N., junior	Carcoar.
Curtis, Samuel.	Wellington.
McDonald, D. R.	Mudgee.
Harrison, James	Brisbane Water.
Ranclaud, C. B.	Newcastle.
Windeyer, John	Raymond Terrace.
Cook, Thomas	Dungog and Port Stephens.
Thomson, James	Maitland. [Merriwa.
Gaggin, John	Patrick's Plains, Merton, Muswellbrook, Cassilis, and
Day, E. D.	Port Macquarie.
Coley, Richard.	Windsor.
Gray, J. M.	Kiama.
Lethbridge, R. C.	Penrith.
Templar, J. A.	Orange.
Oxley, H. M.	Berrima.
Phelps, J. C.	Paterson.
Little, Archibald.	Scone.
Scott, Helenus.	Wollombi and McDonald River.
Sinclair, Charles A.	Rylstone.
Brodie, G. G.	Murrurundi.
<i>Moreton Bay.</i>	
Wickham, J. C.	Brisbane.
Gray, C. G.	Ipswich.

FRIDAY, 28 NOVEMBER, 1856.

Present:—

MR FORSTER, | MR. PIDDINGTON,
MR. JONES, | MR. ROBERTSON.

J. ROBERTSON, ESQUIRE, IN THE CHAIR.

William Montagu Manning, Esquire, M. P., examined:—

1. *By the Chairman:* You are Attorney General of the Colony? I am.
2. From your position in that office, have you become acquainted with the duties appertaining to the Administration of Justice in Magistrates' Courts in the Country Districts? To some extent; not very much as Attorney General; I have not long held that office. The Attorney General principally attended to the criminal business of the country whilst I was Solicitor General, in fact, almost exclusively. I am more acquainted with the subject from having been Chairman of Court of Quarter Sessions formerly.
3. Is there, in your opinion, such compatibility in the offices of Commissioner of Crown Lands, Police Magistrate, and Clerk of Petty Sessions, that the duties can be all performed by one officer? I am strongly disposed to think there is a compatibility, perhaps excepting some portions of the duty of the Clerk of Petty Sessions, which might devolve upon the Chief Officer of Police in the district.
4. Will you state to the Committee what these are? I cannot say that I have gone so much into detail as to be able to say. I am not indeed aware that there are any duties belonging to the Clerk of the Bench that might not be discharged by the Police Magistrate, but it is rather in deference to the opinions of others, who think it would be somewhat lowering to the position

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position of a Magistrate, that I have assumed there are some duties of the Clerk of Petty Sessions which should not be cast upon him. I have no distinct impression as to any particular duties which the Police Magistrate might not in many districts assume.

5. You do not think there is any important principle which would be sufficient to prevent the thing in its initiation? I think not. I may mention that I have very long had an impression to that effect. It first suggested itself to me some years ago, in reference to the Police Magistrate at Hartley, when that officer was displaced, and a Clerk of Petty Sessions was left. I then thought, and I have ever since retained the impression, that the better course in a district of that sort, with a scattered population, was to have an officer who could unite the superior with the inferior duties, rather than to have the inferior and not the superior, where both could not be afforded.

6. You are aware that the Police Magistrates of Country Districts have greater powers than ordinary Magistrates? Police Magistrates, whether in country or other districts. That is under the Justice's Act, which is adopted from the English (Sir John Jervis') Act. Any Police or Stipendiary Magistrate can act as two unpaid Magistrates, that is supposing there is no other Magistrate present.

7. Would it not be better for a Stipendiary Magistrate merely to have the same powers as other Magistrates? I think it is a convenience, and I do not see any objection to it. There is nothing objectionable in principle to have duties of that degree cast upon a single officer, provided he be competent to perform them, and under a sufficient degree of responsibility.

8. Does it not create jealousy, and cause the non-attendance of other Magistrates? That is a matter upon which I cannot express an opinion. It must be borne in mind that this power is exercised only where other Magistrates do not attend. He cannot if there are two other Magistrates present, count as two against them, nor when there is only one other can he count as two against this one.

9. Do you not think if it is found so advantageous to have a Police Magistrate with the powers of two unpaid, in the absence of other Magistrates, it would be equally advantageous to give these powers to ordinary Magistrates? Certainly not; because other Magistrates are not in the same position of responsibility, nor in the same position for acquiring experience. A Police Magistrate is one whose public duties require constant attendance on the Bench, and who there acquires experience; he is in a position of more responsibility, and is much more open to the observation of, and more jealously watched by, the public.

10. In the event of the creation of Stipendiary Magistrates, would you think it necessary that these gentlemen should be Chairmen of the Court *ex-officio*, or that the Chairmen should be elected by the Magistrates? I do not see any necessity for making them *ex-officio* Chairmen of the Bench. It would be better, perhaps, to leave it to the Magistrates; probably, in the greater number of instances, from the fact of the Police Magistrate being regular in his attendance, and therefore more completely master of the business of the Court, they would voluntarily yield to him that position.

11. Not necessarily? Not officially.

12. He must be elected by the Bench? It might remove a cause of jealousy, which it is desirable to remove, but there is no occasion for it in itself. I believe under the Irish system of Assistant Barristers' Court, the Assistant Barrister, who is a paid officer, is generally Chairman, but not *ex-officio*.

13. In the event of it being determined to create Stipendiary Magistrates, with the duties I have mentioned, that is the duties of Commissioner of Crown Lands, of Police Magistrate, and of Clerk of Petty Sessions, would there be any difficulty, or any impropriety, in giving the whole of these duties to the gentlemen now holding the appointment of Commissioners, provided they were suitable persons? Do you refer particularly to the Commissioners within the boundaries?

14. Yes? I think the Commissioners of Crown Lands have not been selected at all with a view to their fitness for these duties, and their appointments have not yet had, as far as I am aware, anything of a permanent character.

15. Assuming that they are fitted for the office, would you not think, bearing in mind that they are losing a considerable income by the abolition of their office, that they ought to have the preference, where they are fitted to discharge the duties? That is a question of policy. Persons should be selected for the office exclusively with reference to their competency to discharge its duties. *Ceteris paribus*, of course any person put out of office which he had a right to look to as of a permanent or lasting character, should be preferred. It is, of course, not desirable to displace an officer of Government, and cast him adrift after, perhaps, giving up other avocations to take service under Government.

16. Where Clerks of Petty Sessions were suitable, and where they had recommendations from the Magistrates under whom they had served, would you promote them to the office of Stipendiary Magistrates? I think there is a different principle involved there. The office of Clerk of Petty Sessions might be looked upon as a stepping-stone towards the Bench; as a place of preparation for the performance of the higher duties of the Bench; and it might be well to hold out to persons in that position a hope that, if they manifested ability, and were well conducted, they might be promoted. This, I think, would tend to secure a better class of persons for the offices both of Magistrate and Clerk of Petty Sessions.

17. Will you tell the Committee how far the office of Commissioner of Crown Lands has been considered a permanent appointment—is it one which would require compensation in the event of its abolition? That is a matter which has not fallen within my province, and I can say little about it. I presume you here refer to Commissioners of Crown Lands, in reference to the sale of Crown Lands, and to the commission or per-centage they receive, and not in reference to other matters. The appointments for this purpose are of very recent origin, and I do not know myself that there were any grounds to suppose they would be lasting. The officers connected with the Department of Lands and Works will probably be able to give better information on that than I am. I have little more knowledge of that than other members of the community.

18. *By Mr. Forster*: Is there, in your opinion, any incompatibility in the functions of a Crown Commissioner, or Crown Bailiff, and that of Police Magistrate, so as to render it inconvenient that both should be performed by the same individual? I think not. I dare say, in some of the newer districts, where there are still new runs to be surveyed, it may be found to be rather difficult for the same person to discharge both duties, because the duty of Commissioner will involve a great deal of wandering over the country, while the duties of the Police Magistrate are stationary, or nearly so.

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19. I asked more with reference to the peculiar position of a Commissioner in cases where he is required to prosecute intruders, or to protect the interests of the Crown? In such cases no doubt he must act as prosecutor, but of course he could not also act as judge; and the only ground of incompatibility would rest on the supposition that the other Magistrates might so far forget their duty as to allow themselves to be influenced by the fact of the prosecutor in those particular instances being their brother Magistrate in other matters.

20. Might not cases occur, or do they not occur, in which the Commissioner has to act singly, and is obliged to have the prosecution conducted by the Chief Constable? I should hardly think so; I am not aware of instances of the sort. You refer, I presume, to prosecutions in cases of illegal occupation.

21. I mean, peculiarly, those duties which belong to the Crown Commissioner as the resident protector of Crown interests, and that is the reason I have used the term Crown Bailiff, as more expressive of my meaning? The Crown Bailiff is, of course, under the Act 4th William IV., for the protection of the Waste Lands of the Crown from encroachment. The prosecutions under that must be by a person authorized of the Governor, under the lately repealed Act, 9th and 10th Victoria, cap. 104, and this authority is usually given to the Commissioners; therefore the Chief Constable could not be the prosecutor: the Crown Bailiff would himself be prosecutor.

22. I merely use the term "bailiff" as more expressive of my meaning with reference to his peculiar duty as to Crown Lands as apart from that of Magistrate? I think, generally speaking, he would be the prosecutor, and therefore could not be the judge. If, in any case, the Commissioner were to put forth a constable, or any other person, as ostensible prosecutor, he acting as judge, he would be guilty of a great malpractice.

23. Are you not aware that that was commonly the practice in former days—I do not say it is now? I am not.

24. Do you think it advisable that the Local Police of the country districts should be more or less under local authority and supervision, or do you think they would be more effective by rendering them responsible solely to a central authority? Opinions differ much upon that subject. I think, myself, supposing no jealousies to interfere with it, looking at it theoretically and looking at it practically, apart from jealousy, the supervision of the Government, under some general system, would render it more effective.

25. You are partial to the system of centralization in reference to the police? On theory and in practice, except from the apprehension that from the indisposition of the Magistrates of the country to submit to interference, obstacles might be put in the way, active or passive, which might interfere with the good working of that system.

26. Do you think it possible that the advantages of both might, in some measure, be realised by allowing the central system to operate within certain limits, and by allowing also a species of supervision by some local officers on the spot? I think a system might be devised in which many of the advantages of centralization and communication might be obtained, and yet, leaving to a great extent, the immediate control in the Local Magistrates, which they probably would require. But I am not prepared at all with any scheme.

27. *By Mr. Jones*: Do you think it advisable to extend Police Magistrates throughout the interior, as opportunities offer? I do, decidedly, if it can be done without inflicting a heavy cost on Government; as I think it can be done by uniting a number of duties in one officer, by which union not only the advantages of greater economy but of greater efficiency will be obtained. You could secure the services of a higher class of persons. It must be a great inconvenience to the public not to know which door, in a town, to knock at, to get duties of this, that, or the other character, discharged. It would be more convenient to know that there is one general officer to whom the public may refer.

28. Do you think there would be a feeling of greater confidence, on the part of those who generally attend at these offices, if Stipendiary Magistrates were appointed; that they would rely more confidently upon the Administration of Justice? I should think there would be likely to be greater efficiency from the experience and constant attendance of a Police Magistrate. If there is greater efficiency, in the course of time there will be greater confidence. I take it also that the public will be pleased to know that there is a person whose duty it is to be constantly in attendance to receive all their complaints, and to dispose of their cases.

29. With regard to the custom of imposing hard labor as a punishment in the way of sentences, do you think it a good system, either as regards the criminal or the laboring classes out of doors? In reference to what class of cases?—in reference to some it may not, to others it may.

30. I speak principally as to the general effect upon the working classes of a system which makes hard labor a punishment—do you think there is anything in it having a degrading effect upon labor, that would be injurious to the working classes? In giving a distaste to labor, and, consequently, encouraging a taste for idleness.

31. Do you not think it has a bad effect upon those classes with whom labor is an ordinary occupation? I do not think that. I think if labor of some kind were required as a matter of course, in all cases of punishment, it would be looked upon as one of the necessities of life in that position, as in all others. Of course there should not be a degrading kind of labor required from those whose offences were not of a degraded character.

32. You are of course of opinion that many improvements might be introduced into the present system of prison discipline? Decidedly.

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33. *By the Chairman*: With reference to the position of Police Magistrates; you are aware, I presume, that there are Police Magistrates now who are unpaid? Yes.
34. And that these gentlemen have the same powers as paid Police Magistrates? Yes.
35. Will you be good enough to tell the Committee upon what principle, assuming that, as I understand you to say, the reason why the Police Magistrates should have greater power was, that they would be more responsible from being paid, those who are unpaid should have greater powers? That principle, I take it, comes from the English Act, and I am not aware that there are in England such persons as Police Magistrates who are not Stipendiary. Under the Police Acts of this Colony, there are some duties which can only be performed by a Police Magistrate, and it is therefore for some purposes found necessary to appoint some Magistrate besides the Stipendiary Magistrate, to prevent inconvenience to the public.
36. Then you would continue the double power to any Stipendiary Magistrates who may be created? Yes to the Stipendiary Magistrate I think it desirable that there should be a double power; merely however, with the view of preventing inconvenience to suitors in the Courts, from the difficulty often experienced of obtaining a second Magistrate. I do not think it desirable inherently, that one man should possess the powers of two.
37. If it is the fact, and I think from my own knowledge it is the fact, that Magistrates are so jealous of this double power, that in most districts where there is a Police Magistrate, there is little or no attendance at the Bench; do you not think it would be desirable to give all the Magistrates equal powers, either double or single? If it really has the effect of producing jealousy among the unpaid Magistrates, and of inducing them not to attend, it might be better to do away with it. It would be a question of the balance of inconveniences. If from the difficulty of getting other Magistrates to attend, there would be more inconvenience, than there would be convenience from having the double power given to one officer. I would abandon it, but if the balance were in the contrary direction, I would retain it.
38. With reference to the promotion of Clerks of Petty Sessions to the office of Stipendiary Magistrate, some of the gentlemen in the commission would look upon the prospect of the clerk being raised over them, I will not say as a social degradation, but as an alteration in the social position of themselves? If the feeling of the Magistrates generally were against it, it might not be desirable to insist upon it, for in all these matters it is of no use to make laws and regulations merely upon abstract theory, we must make them according to the taste of the particular people to whom they are to be applied, to a reasonable extent. But in fact I should never contemplate giving this promotion, except on the ground of such fitness as ought not, and I hope would not, excite the feeling you indicate; nor should I propose to raise any gentleman from the position of Clerk to that of Police Magistrate at the same Bench, except under very special circumstances.
39. Can you tell whether in the event of Stipendiary Magistrates being appointed, you would place the control of the police in the districts under those gentlemen? I should think it would be well to give them a general control, but of course the other Magistrates of the Bench must have a perfect right to see their warrants and orders carried into execution.
40. I mean the general control of the police? Yes, to be the chief officer of the police; the superintendent of the police force as a body; I think it desirable they should have some one head.
41. Do you think there would be a necessity to continue the appointment of Chief Constable? I do not know; I should think you would find that in very many places it might be dispensed with. The necessity for Chief Constable in many places I imagine to be, that it is essential there should be some one man at the head for the executive purposes of the police.
42. You are aware that there are two classes of duties connected with the office of the Chief Constable,—one to control the police, and the other arising from the fact that there are several of the laws under which Courts of Petty Sessions Act, requiring the Chief Constable to lay informations, and to take the initiative of cases against individuals—I presume that these matters might easily be arranged, so that the latter duty might be performed by another constable, or District Constable? Certainly; a very simple alteration in the law would suffice, as regards the control of the police. I think it would be absolutely necessary to have some gradation between the Police Magistrate and the ordinary constables; whether you call him Chief or District Constable, would not be material. He would be the chief subaltern Officer of Police. The difference is only in the matter of rank and amount of pay.
43. If it be desirable to take the control of the police from the Chief Constable—and I think you have said it is, and all the evidence we have had is to the same effect—and the duty of laying informations be imposed upon a District Constable, would not £125 a year be ample pay for such an officer, that would be an advancement from his position of ordinary constable? I think it would not make a particle of difference whether a District or a Chief Constable were charged with that duty, provided the pay were sufficient to secure some man qualified to be sufficiently above the rank of an ordinary constable.
44. The reason I put that question to you is, that it is a matter of law. I wish to know whether there would be any difficulty in so altering the law as to make all these matters come under the duties of a District Constable? Not in the slightest degree; it is very easy to say that in all cases the duty which hitherto devolved upon the Chief Constable should be discharged by the District Constable.
45. That is the duty relating to informations? Yes. There are also many others, as the duty of collecting the lists of voters, and of collecting information under the Census Act.
46. You would leave the duty of controlling the police to the Stipendiary Magistrate? Yes, with the aid of his subaltern.
47. *By Mr. Forster*: Are you aware that it has been the practice of Government, when officers have been appointed to distant places in the interior, to advance part of their pay to them, before it was actually earned, in the way of equipment? What class of officers?
48. I allude particularly to Clerks of Petty Sessions? I am not aware of it.

THURSDAY, 11 DECEMBER, 1856.

Present:—

MR. FORSTER,
MR. LANG,MR. PIDDINGTON,
MR. ROBERTSON.

JOHN ROBERTSON, ESQ., IN THE CHAIR.

Richard Purvis Marshall, Esq., called in and examined:—

Richard P.
Marshall,
Esq.

1. *By the Chairman*: You have been for several years Commandant of the Native Police? No. I have served in the Force several years, but not as Commandant.
2. In what capacity have you served? As Senior Lieutenant, and I have acted as Com-mandant. 11 Dec., 1856.
3. In what districts? In Darling Downs, Wide Bay, Burnett, Leichhardt, and Port Curtis.
4. While performing that duty, had you opportunities of observing how the Bench duties were performed in the various Police Courts in those districts? The only Bench with which I am particularly acquainted is that in the Burnett district; once or twice I was at the Bench at Wide Bay.
5. In your experience there did it come under your observation, or did it come to your knowledge, that persons remained for a considerable period awaiting trial, or that they remained in the lock-up for a considerable period, awaiting the coming of Magistrates? Twelve months ago all the Magistrates who were within reach of Gayndah resigned, and a man was detained a long period in the lock-up, because there was no Magistrate near to whom bail could be given.
6. Do you remember any instances of that kind? I can only speak from memory. In one case it was told me that a man had been in the lock-up upwards of three weeks. I am not positive, but I think one case came under my notice where a man had been upwards of eighteen days confined. I do not speak positively—I may be mistaken as to the time.
7. Are you aware whether, in the other districts you have spoken of, this occurs frequently? Only from report. I have heard several cases stated, and the parties, no doubt, spoke the truth in the matter.
8. I speak of such cases as those under the Masters' and Servants' Act, and that class of cases where parties might be kept in a lock-up waiting a Magistrate? Yes, I refer to such cases. I think some men were kept at Gayndah thirty-two days—I do not speak positively.
9. *By Mr. Forster*: At the time you refer to did you not hear that the Magistrates and the Commissioner had had a quarrel? Yes.
10. That was the cause of the Magistrates resigning? Yes. In many cases Country Justices will not ride twenty or thirty miles to remand a man.
11. Was it not the duty of the Commissioner to attend in such cases? He resided ninety miles away.
12. Was he not expected to attend? Yes, monthly.
13. Do you think he did attend monthly? I do not know, but I have met him there myself.
14. *By the Chairman*: Apart from the matter of Magistrates resigning, is it not a common thing for persons, under the Masters and Servants' Act and other laws, to be imprisoned awaiting Magistrates? Yes; if a person is apprehended under warrant in places where the Court is held once a fortnight, the probability is, that he may be apprehended the day after the sitting of the Court, and he will then be kept in the lock-up thirteen days. In some districts the Court is held only once a month.
15. Does it not frequently happen that the Magistrates are not in attendance on Court days, and, in such cases, might not a person be kept in the lock-up nearly two months? I never knew that as a matter of fact, in the Wide Bay or Burnett districts, except after the resignation of the four or five Justices. I do not speak positively, but from what I heard at the time. I think the persons to whom I have referred were Germans, in the employ of Mr. Burton, in the Burnett district, who were apprehended on a warrant under the Masters' and Servants' Act.

Mr. Alfred Rose called in and examined:—

Mr. A. Rose.

1. *By the Chairman*: You are, I think, Clerk of Petty Sessions at Wee Waa? Yes.
2. That is a pastoral district, is it not, on the Namoi? On the Namoi.
3. How often do Courts of Petty Sessions sit there? Once a month; on the first Tuesday in the month. There are sometimes additional Courts during the month.
4. Is the attendance of the Magistrates good there, or does it sometimes occur that at these monthly meetings there are no Magistrates present? Sometimes there are no Magistrates present, and very frequently there is only one present, so that the cases that require two cannot be entered into.
5. Does it not then arise, sometimes, from that state of things, that persons lying under charges under the Masters' and Servants' Act, and other laws, are imprisoned in the lock-up for a considerable time awaiting trial, waiting for Magistrates? Yes, very frequently.
6. You say that the Court sits once a month, and that sometimes there are not Magistrates enough to try the cases even then. You say that the Court Day is the first Tuesday in the month, now supposing a man to be apprehended on the first Wednesday in a month, and the Court not to be held on the next Court Day, that man might be kept almost two months awaiting trial? He would.
7. Do you know any instances of that kind, or of a kind approaching to it? I could find several instances in the record book of Wee Waa, shewing that men have been apprehended shortly after the Court Day, and have been kept in the lock-up until the next Court Day.

11 Dec., 1856.

- Mr. A. Rose. 8. Cases under the Masters' and Servants' Act? Yes, principally.
- 11 Dec., 1866. 9. What kind of place is this lock-up? It is rather difficult to describe. It is a slab building, there are three cells in it, and one of the cells has not been in a fit state to be used for more than twelve months. A man was confined there on a charge of assault, and half an hour after he was seen walking across Wee Waa; he had found his way out.
10. Can you tell the Committee whether the state of that lock-up is such that persons imprisoned do not suffer more than is necessary to keep them, whether they only suffer from being detained, or whether the place is an unfit place to imprison a man in? I think Wee Waa is as good as other country lock-ups. The only fault I find is, that when they are imprisoned the constables do not allow them exercise.
11. Then, under the Masters' and Servants' Act, before it is determined whether a man is guilty of an offence, he is imprisoned, it may be a month, without exercise, in one of these lock-ups? Not at all unfrequently.
12. *By Mr. Forster*: Do you conceive the office of Chief Constable to be necessary, or do you think it could be dispensed with? I certainly consider it unnecessary in Wee Waa.
13. You have no knowledge of other districts? Very little; but I should fancy the same state of things exists in most of these remote districts.
14. Is it usual to sentence prisoners for short terms, and to confine them in the lock-up at Wee Waa. Yes.
15. In such cases, what sort of detention do they undergo—is it severe? They have the usual rations allowed for prisoners, but the prisoners at Wee Waa seldom get any exercise.
16. Do you think that operates as a severe punishment? I think it does, in most instances; but I do not think the aborigines mind it, as with them feeding is the principal thing, and they can get tobacco.
17. Is tobacco allowed? No; but they get it from different individuals.
18. I suppose it is difficult to prevent smoking? They are not allowed to do so by the Act, but they are not prevented by the constables; and I believe the same thing exists everywhere; it is therefore no punishment to the black fellow.
19. I suppose prisoners are not sentenced to hard labor under short sentences in the country? No.
20. *By Mr. Piddington*: From your experience in the administration of justice, in the case of short sentenced individuals, is there any limit to the time when a man may be incarcerated in a lock-up. What I mean to say is this:—is there any limit to the term of imprisonment in a lock-up? I am not aware of any specified term in the Act; but it is very unusual to sentence a man for a longer term than three months, at the Country Benches. I know that at Wee Waa a man was never sentenced for longer than three months in the lock-up; he was sent down the country.
21. Is it the practice to keep them for sentences of two months? I have known of one case—only one.
22. What is the average time of detention in a lock-up? A month, at Wee Waa. If a man has three months, he is generally sent down to Maitland; but as they travel so slowly, the term frequently expires before they get there. I know, in one case, a man's time expired while he was on the road, and he was set free.
23. When sentences do not exceed one month, the parties are kept in the lock-up; but when they exceed that term, the general practice is to send them down under escort? That is the general practice.
24. *By the Chairman*: I think you said, in answer to a question by Mr. Piddington, that prisoners are sometimes imprisoned three months in the lock-up? Two months.
25. In such cases, is the prisoner kept for two months, entirely without exercise? That I cannot say; no such case has occurred while I have been there; I only know the fact from the records; but I know that, in one instance, a man was kept three weeks awaiting trial, and he had not five minutes exercise all the time; he was a black fellow.

1857.

NEW SOUTH WALES.

Legislative Assembly.

.....
 "ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS IN COUNTRY DISTRICTS."

SECOND PROGRESS REPORT

FROM

THE SELECT COMMITTEE

ON

"ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL
 BUSINESS IN COUNTRY DISTRICTS,"

WITH REFERENCE TO THE

PETITIONS OF JOSEPH WILKES, CORNELIUS DELOHERY, AND
 THOMAS ABBOTT;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,
 MINUTES OF EVIDENCE,
 AND APPENDIX.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
 18 February, 1857.

Sydney :

PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
 PHILLIP-STREET.

1857.

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

VOTES NO. 41, TUESDAY, 11 NOVEMBER, 1856.

18. Administration of Justice and conduct of Official Business in the Country Districts :—
Mr. Robertson moved, pursuant to *amended* notice,—
(1.) That a Select Committee be appointed to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official Business in the Country Districts.
(2.) That such Committee consist of Mr. Nichols, Mr. Forster, Mr. Hay, Mr. Jones, Mr. Hely, Mr. Weekes, Mr. Manning, Mr. Piddington, Mr. Lang, and the Mover.
Debate ensued.
Question—(1.) That a Select Committee be appointed to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official Business in the Country Districts,—put and passed.
Question—(2.) That such Committee consist of Mr. Nichols, Mr. Forster, Mr. Hay, Mr. Jones, Mr. Hely, Mr. Weekes, Mr. Manning, Mr. Piddington, Mr. Lang, and the Mover,—put and passed.

VOTES NO. 45, TUESDAY, 18 NOVEMBER, 1856.

10. Police Magistrate at Queanbeyan :—Mr. Forster moved, pursuant to *amended* notice, That a Petition, signed by 193 Inhabitants of the District of Queanbeyan, praying for the appointment of a Police Magistrate for that Town, be referred for consideration to the Select Committee appointed to inquire into the Police, and Administration of Justice in the Country Districts.
Question put and passed.

VOTES NO. 50, THURSDAY, 27 NOVEMBER, 1856.

3. Police Matters :—Mr. Parker moved, pursuant to notice, That the Return to the Address in reference to the Commission of Inquiry into Police Matters, laid upon the Table yesterday by him, be referred to the Select Committee now sitting on Police and Official Business in the Country Districts.
Question put and passed.

VOTES NO. 51, FRIDAY, 28 NOVEMBER, 1856.

18. Joseph Wilkes :—Mr. Parkes moved, pursuant to notice, That the Petition of Joseph Wilkes, presented by him on the 26th instant, complaining of the conduct of a Magistrate and certain Police Officers, be referred to the Select Committee now sitting to inquire into the Administration of Police in the Country Districts.
Question put and passed.

VOTES NO. 60, TUESDAY, 16 DECEMBER, 1856.

2. Administration of Justice and Conduct of Official Business in Country Districts :—
Mr. Robertson, as Chairman, brought up a Progress Report from, and laid upon the Table the Evidence taken before the Select Committee appointed on the 11th November last, to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the general Official Business in the Country Districts.
Ordered to be printed.

VOTES NO. 63, FRIDAY, 19 DECEMBER, 1856.

23. Mr. Cornelius Delohery :—Mr. Parkes moved, pursuant to notice, That the Petition of Mr. Cornelius Delohery, presented by him on the 9th instant, be referred to the Select Committee now sitting to inquire into the Administration of Police in the Country Districts.
Question put and passed.

VOTES NO. 67, TUESDAY, 6 JANUARY, 1857.

13. Mr. Thomas Abbott :—Mr. Jones moved, pursuant to notice, That the Petition of Thomas Abbott, late Chief Constable of Dungog, presented by him on the 20th August last, be referred to the Select Committee on the Administration of Justice in the Country Districts, now sitting.
Question put and passed.
Ordered to be referred accordingly.

VOTES NO. 90, WEDNESDAY, 18 FEBRUARY, 1857.

2. Administration of Justice and conduct of Official Business in Country Districts :—Mr. Robertson, as Chairman, brought up a Second Progress Report from, and laid upon the Table the Evidence taken before, the Select Committee on these subjects, in reference to the Petition of Joseph Wilkes, which was referred to them on the 28th November last ;—to the Petition of Cornelius Delohery, which was referred to them on the 9th December last ;—and to the Petition of Thomas Abbott, which was referred to them on the 6th January last.
Ordered to be printed.

1857.

“ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS
IN COUNTRY DISTRICTS.”

WITH REFERENCE TO THE

“PETITIONS OF JOSEPH WILKES, CORNELIUS DELOHERY, AND THOMAS
ABBOTT.”

SECOND PROGRESS REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 11th November 1856, “to inquire into the arrangements for the purposes of Police, and the Administration of Justice in Courts of Petty Sessions, and for carrying on the General Official Business in the Country Districts,” and to whom were referred, on the 28th November, 1856, the “Petition of Joseph Wilkes, complaining of the conduct of a Magistrate and certain Police Officers,” on the 19th December, 1856, the “Petition of Cornelius Delohery,” and on the 6th ultimo, the “Petition of Thomas Abbott, late Chief Constable at Dungog,” have agreed to the following Report:—

In Joseph Wilkes’ case, your Committee have taken the evidence of the Petitioner, and that of Mr. Mackeller, the Magistrate of whose conduct he complained. They have also obtained from the office of the Honorable the Attorney General the depositions and other documents relating to the cases of murder and of perjury, respectively alluded to in Wilkes’ Petition, as having been laid to his charge, and after the most anxious and careful consideration, are unanimously of opinion that none of the statements made by Wilkes to Mr. Mackeller’s prejudice can be supported, but, on the contrary, the conduct of that gentleman, when placed in most difficult and trying circumstances, was throughout most praiseworthy. He appears to have spared no exertions, or inconvenience to himself, to facilitate the ends of Justice, nor even to have withheld his own pecuniary means to obtain for the wounded child medical attendance, which to this day does not appear to have been reimbursed.

Your Committee, considering the inconsistencies and contradictions to be found throughout Wilkes’ evidence, given at different times, with reference to the murder of his wife and children, recommend that the attention of the Law Officers of the Crown be called to the case, as now developed, with the view to their determining whether or not it is proper that further steps be taken, to ensure justice in the matter.

In Cornelius Delohery’s case—

Your Committee, believing that the late period of the Session at which the Petition was referred to them (considering the other demands on their attention) precluded the possibility of their giving the matter that searching investigation that it seems to require,

have

have not entered into it. Seeing that the case has now stood over from the year 1850 to the present time, your Committee feel that no great inconvenience is likely to arise from deferring it until next Session, when they hope a Select Committee of your Honorable House will be appointed, having duties more directly in connexion with the affairs of the Police of the City of Sydney than are those of your Committee.

In Thomas Abbott's case—

Your Committee believe that investigation is in an especial degree required; but as it would be attended with great expense to bring the necessary witnesses to Sydney, and as three new Magistrates have been appointed by His Excellency the Governor General to the Dungog Bench, since the case was last enquired into there,—your Committee recommend, as the course least inconvenient, and least expensive, and at the same time most likely to result satisfactorily, that the matter be referred back to Dungog, for the Report of the gentlemen so appointed.

JOHN ROBERTSON,
Chairman.

*Legislative Assembly Chamber,
Sydney, 18 February, 1857.*

PROCEEDINGS OF THE COMMITTEE

WEDNESDAY, 7 JANUARY, 1857.

Members Present:—

John Robertson, Esquire, in the Chair.
Mr. Jones, | Mr. Forster,
Mr. Hely.

Resolution of the House, referring to the Committee, on 28 *November last*, the Petition of *Joseph Wilkes*, complaining of the conduct of a Magistrate and certain Police Officers, read.

Petition then read.

Mr. *J. Wilkes*, the Petitioner, examined.

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

FRIDAY, 9 JANUARY, 1857.

Members Present:—

John Robertson, Esquire, in the Chair.
Mr. Jones, | Mr. Hely,
Mr. Lang, | Mr. Forster,
Mr. Nichols.

Mr. *A. Mackellar*, examined.

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

THURSDAY, 15 JANUARY, 1857.

Members Present:—

Mr. Robertson, | Mr. Forster.

A Quorum of the Committee not being present,
[Adjourned till Thursday next, at Eleven o'clock.]

THURSDAY, 22 JANUARY, 1857.

Members Present:—

John Robertson, Esquire, in the Chair.
Mr. Jones, | Mr. Lang,
Mr. Hely, | Mr. Forster.
Mr. *A. Mackellar* and Mr. *J. Wilkes*, further examined.
Mr. *W. E. Plunkett*, Secretary to the Crown Law Officers, and Dr. *Campbell, M.D.*, Superintendent of the Lunatic Asylum, Tarbah Creek, examined.
Committee deliberated.
[Adjourned till Thursday next, at half-past Eleven o'clock.]

THURSDAY, 29 JANUARY, 1857.

Members Present:—

John Robertson, Esquire, in the Chair.
Mr. Jones, | Mr. Forster,
Mr. Hely.

Committee deliberated.

Motion made (Mr. *Jones*) and Question—"That the Committee have taken sufficient Evidence for the purpose of this Inquiry"—*agreed to*.

Two letters from the Petitioner, addressed to the Chairman, were then read.

Committee deliberated, as to the advisability of printing *in extenso*, in the Appendix, the Depositions in the two cases *Queen v. Joseph Wilkes for the murder of his wife and two sons*, and *Queen v. Joseph Wilkes for wilful and corrupt perjury*, produced by the Secretary to the Law Officers during his examination before the Committee, and were of opinion that
347—b although

although the relevancy of the greater number of the questions put to the Petitioner, on his second examination, depended mainly thereon, it would nevertheless be inexpedient to recommend their printing, owing to the great expense which must necessarily be incurred, in case such recommendation were complied with.

Committee, however, *Resolved*,—

“That the letter, addressed by the Petitioner to the Chief Constable at Casino, relative to certain supernatural appearances which occurred to him during his confinement in the Lock-up at that place, be printed in the Appendix.”

Resolution of the House, referring to the Committee, on 6th instant, the Petition of Mr. Thomas Abbott, late Chief Constable at Dungog, read.

Petition then read.

Committee deliberated thereon.

Resolution of the House, referring to the Committee, on 19 December last, the Petition from Mr. Cornelius Delohery—read.

Petition then read.

Committee having deliberated thereon, proceeded to consider the heads of their Report upon the three Petitions.

Motion made (Mr. Jones) and Question—“That the Chairman be requested to prepare a Draft Report, with reference to these Petitions, for the consideration of the Committee”—*agreed to*.

Committee then adjourned.

WEDNESDAY, 18 FEBRUARY, 1857.

Members Present —

John Robertson, Esquire, in the Chair.

Mr. Jones, | Mr. Hely,
Mr. Forster.

The Chairman brought up and laid before the Committee a Draft Report.

Motion made, and Question—“That the Draft Report proposed by the Chairman be now read”—*agreed to*.

Draft Report read accordingly.

Certain verbal amendments made therein;—

Whereupon Motion made (Mr. Jones) and Question—“That this be the Report of the Committee”—*agreed to*.

Chairman requested to report further progress to the House, together with the Minutes of Evidence.

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1857.

NEW SOUTH WALES.

Legislative Assembly.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SELECT COMMITTEE

ON

ADMINISTRATION OF JUSTICE AND CONDUCT OF OFFICIAL BUSINESS
IN COUNTRY DISTRICTS,

WITH REFERENCE TO

PETITION OF JOSEPH WILKES.

WEDNESDAY, 8 JANUARY, 1857.

Present:—

Mr. FORSTER,
Mr. JONES,Mr. HELY,
Mr. ROBERTSON.

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Mr. Joseph Wilkes, called in and examined:—

1. *By the Chairman*: You have been in the employment of Messrs. Robertson of Sandilands? Mr. J. Wilkes.
Yes. 8 Jan., 1857.

2. Was it in '55? Yes.

3. You had a wife and four children? Yes.

4. Will you relate to the Committee what took place on the 9th of April? On the 9th of April, I left my wife and family all in good health and proceeded to the bush, at about eight o'clock in the morning, with my sheep. About two hours afterwards my sheep had taken a turn and came across the hills towards my own hut. I thought I saw a man named Lynch, that lived at a station about four and a half miles from me, going towards my hut. My being in the habit of supplying them with vegetables, I thought he was going there for that purpose—to get some. I took no notice of him but fed my sheep up between the two stations—towards my own station.

5. Did you not go home on that occasion? No, I did not go home on that occasion. In the afternoon, between three and four o'clock, I saw Lynch returning to his own station from mine. I called to him. My dogs at this time had gone on the scent of a native dog, and I went after the dogs, which was the cause of my seeing Lynch. I shouted, thinking that he would stop and speak to me. My attention being called to the dogs, when I came out—which was not more than five minutes,—when I came out, he had gone away and hid himself, and I could see nothing of him. I then fed home with my sheep. It was quite dusk again I got there. When nearing the fold one of my children, aged two years and four months, came crying through the sheep. I called to the mother to fetch the child away. Getting no answer I became alarmed. Seeing no smoke out of my hut, I called for my two sons; getting no answer from them I run to the child and asked him where his mamma was. He said "Pa! Pa! mamma dead." I picked him up on my arm and ran to the hut with him. On arriving there my wife was lying at the back door with her head literally smashed to pieces. The axe was lying against the jamb of the door all smothered in blood. I felt my wife and found she was quite stiff and cold. I pulled down her clothes: I kept repeatedly calling on my two sons, thinking that when they saw their mother killed they might have run away and hid themselves. Getting no answer I hastened in with my sheep and secured

- Mr. J. Wilkes. my dogs to the fold, chaining one to where my wife was lying. The infant was lying in the cradle—three months and a fortnight old. After securing my sheep, I went and caught one of my mares—I have two at the station—one in hobbles, and one in tether,—during which time the infant had fallen asleep. I then proceeded—taking the oldest child with me on the horse—to the other station to get assistance, and desire them to go for the police. I had great work to prevail on a man named Dunphy to come with me, it being dark. He and Lynch were out a considerable time whispering together. I asked him repeatedly to make haste—to consider the poor infant that was left at home; but he seemed very dilatory, and was very loath to come with me.
- 8 Jan., 1857.
6. Who was this? Peter Dunphy.
7. *By Mr. Forster:* A policeman? No, a shepherd at the other station. There were two; there was this man and Lynch. They were shepherding at a station about four and a-half miles off.
8. In the same employ? No.
9. *By the Chairman:* At the same hut? No, not with me.
10. With each other? With each other. On my arriving at Lynch's hut there was a strange man there, and they told me that he had been up the country with cattle. I requested of him to go and acquaint my employers of what had happened, and told him, that, if he would come to my hut in the morning, I would lend him a horse to go with. My child that I took with me—it being so late, and the child dead with sleep—I proposed to leave him there for protection, not dreaming that it was with people that had murdered my wife. Peter Dunphy came with me to my place. I never could get him to look at my wife. He could not bear to look out at the back door. I went in search, two or three times in the night, in the bush, to see if I could get any tidings of my sons, requesting Dunphy to start off to fetch the police, and to tell them to be sure to bring some blacks, to see if they could track my children where they had gone to. He would not go till it was daylight. As soon as day dawned, I lent him a mare to go to the Richmond River to acquaint the police; at the same time, I proposed to write a letter to the Bank, to stop the payment of a £50 chit that was taken from my place. I repeatedly told Dunphy that I firmly believed Lynch was the murderer of my wife; but all my prayer was, that my two sons were alive. Dunphy told me that it seemed very strange; he had a great suspicion of him himself, for he had attempted to poison him previously to this. At the time of my leaving Lynch's hut, Lynch sang out to me to know what I was crying for. Says he to me, "You'll find your boys at the back of your hut, in the brush." Says he, "They have gone and hid themselves." After Dunphy had started to fetch the police, and it became light sufficient for me to see about the bush properly, I looked round the hut, and I missed the two watering cans that the children used to fetch water in. I then went towards the creek. I found my eldest son first; he had been killed—at least he had been cut about the head. He was alive at that time, and the water can was lying a little distance away from him. He had been thrown into the Wallaby Hole, just off the path. He was not able to speak, and was quite stiff with the cold, as he had been lying out all night. I picked him up in my arms, took him home, and laid him on the sofa, and rolled him up in some blankets, and then went in search of the other, which I found about eight or ten yards further in the bush, quite dead. He had been thrown into the Wallaby Hole. I carried him up home, and laid him in the room on a large chest, and covered him over. The Police did not come until eleven o'clock in the day. On their arrival —
11. You say eleven in the day; that would be the day following? The following day, the 10th.
12. *By Mr. Jones:* The day after the murder? The day after the murder. I went with them to show them where I had found my two sons, and told them that I was positive Lynch was the murderer, as he had sung out to me to look in the brush at the back of my hut, and I would find my children, as they had only gone there to hide.
13. *By the Chairman:* Did you find them in the brush at the back of your hut? Yes.
14. I understood you to say between the brush and the water? Yes; that is, at the back of my hut there is a narrow angle runs down there, and they had to go through this brushy angle to get the water. After my shewing the place where I had found my two sons, they began to look for tracks. I told them they probably would not find any tracks in the path but mine, where I had been up and down fetching my children, and as my sheep had been down there on the over-night they would erase any other tracks, so that he would not be able to find Lynch's tracks until such time as he had got up past where my sheep had been when I saw Lynch returning from my place in the afternoon. We then all came up to the hut together. I was carrying my baby with me at the time. My eldest son—which was still living—although he was cut and mangled in the manner that he was, he could just manage to hisp out "Yes." He could not speak it plain—he would say "Yeth." I called over several names, in the presence of the constables, of people who had been in the habit of passing my place. It was a very lonesome place—no thoroughfare. When coming to Lynch's name he tried to say "Yeth." He said yes, as plain as he could say it; any one could understand him. He would make no answer to any other name. The constable, Mr. Alcock, then desired me to come with him, and look for Lynch's tracks.
15. You have not yet said what question you asked, nor even what question you put to him when he said yes? I said to him, says I, when I began to put the question, says I, "David, I am going to call over different names that you know to have been in the habit of calling at my hut, and if any of these parties have cut your head, tell me?"
16. *By Mr. Jones:* Did the child appear sensible? Quite sensible.
17. Sufficiently sensible to understand you? Yes; there wasn't a sensibler child in the Colony.
18. After have having been wounded? Yes, till within an hour before he died; he lived eight or nine days, and was sensible to the very last.

19. *By the Chairman:* It was in the presence of the Police he said "Yes"? Yes.

20. *By Mr. Jones:* What policeman? Mr. Alcock; he is the Chief Constable there. I pointed out to Mr. Alcock that my wife had received a blow on the hand, as if defending herself, and as she was a very powerful woman probably she might have given a blow, and he had ought to go and take Lynch, and see whether there was any marks on him or not. He said that he would not interfere with Lynch until the Magistrate came. I told him that he did not do his duty, or did not understand, or know how to do his duty. He insisted on my going with him to look for Lynch's tracks. I went some distance with him; I pointed out the direction that my sheep came, and told him that it was useless for me to go any farther—that I was so overcome that I should be no assistance to him whatever,—for I could not see my hand before me; my sight was very bad—as it is—and that he had better defer it till the blacks came with the Magistrates. He told me that the blacks were coming with the Magistrates, and to make a certainty of it. I begged of him to send for a doctor for my son, that if he was only made able to speak, he would be able to tell all about it; he would not send for a doctor. We had some words again; I flew into a passion and abused him; I told him he was not fit to hold the situation. I proffered to lend the policeman that was with him a horse to go, but he would not do anything of the kind. No Magistrate came that day. Alcock remained loitering about the outside, till about three in the afternoon; he never spoke friendly to me all the day, but went away quite in a tiff, and said that he would make me know better than to dictate to him. I begged of him to let the blacks bring some boards for to make coffins for my children—for my family; he did not say whether he would or not. The time that he came over, he brought two or three bottles of wine with him. I got one of the bottles of wine from him, and gave my son a drop of it, and I found that it done him a deal of good; he began to recover—to get the use of his limbs; he got the use of one arm, so that he could lay hold of me, and point where he wanted me to rub any part of his body to get warmth into him. He could not bear the idea of being covered with blankets. I took all his bloody clothes off him, and wrapped him in a blanket, but he could not bear to be covered; he always wanted to be rubbed. I put a great number of my things into the box again, which had been all thrown out about the room, and on the beds, by the murderers. What I did this for, was to clear the bed, so that I could put my child into it, and sleep with him, in order to keep him warm. I considered that it was the cold as much as anything that prevented him from speaking, as he had been lying all night in the cold. The next morning, between eleven and twelve o'clock, the police, Mr. Alcock, Mr. Mackellar, and Mr. King, superintendent for Mr. Clark Irving, together with three or four blackfellows, came to my hut; but before they came to the hut, they went round the back, for Alcock to shew the Magistrates where I had found my son, and to see if the blacks could make out any tracks from where my two boys had been murdered.

21. *By Mr. Jones:* Did any of the police remain all night? One of the police, and likewise Dunphy, remained all night. After their searching about they came up to the hut. At that time I had got water on the fire, and was going to put my child in a warm bath, and was giving him a spoonful of Port wine. As soon as Mr. Mackellar came he ordered me out.

22. *By the Chairman:* At what time was this that Mr. Mackellar came? Near twelve o'clock: He ordered me out of the hut. I begged of him to let me put the child in a warm bath; he would not allow me to meddle with him. My hut door was then closed. Mr. Mackellar, and Alcock, and Mr. King, remained inside for such a thing as two hours.

23. *By Mr. Jones:* Where were you at this time? I was out all the time.

24. Mr. Mackellar ordering you out you went out? Yes.

25. *By Mr. Hely:* In custody? Not in custody; the constable was told not to let me come near enough to let me listen to any conversation.

26. *By Mr. Jones:* Which constable went out with you? James Jordan. In about two hours after, I was called into the hut, and desired to state in what way I left my family on the morning of the murder, and how I found them on my return. After stating the particulars, Mr. Mackellar never asked me if I had any suspicion, nor would he allow me to say a word after I had told him of the way I had found my wife; but he ordered me to sign the paper, and sent me out of the hut again.

27. Ordered you to sign the paper? Yes, what I had stated of the way, in which I left my family.

28. *By Mr. Hely:* Were you examined on oath by him? No, not on oath. Peter Dunphy was then called in, and, I believe, was examined.

29. *By the Chairman:* You say that Mr. Mackellar would not allow you to make any statement after you saying something—what was it you said? After I had stated to him the way I left my family when I went out in the morning, and the way I found them when I came home in the evening.

30. You mean that he would not allow you to express your suspicions of Lynch? No, he would not allow me time. He said "it will not do—I do not wish to put it down."

31. Surely it would not take much time to say "I suspect Lynch?" No; but I made sure that Alcock, when I went out, had stated everything to him, and that he had told him this, and that Mr. Mackellar would have asked me whether I made use of such conversation, or whether I suspected any party.

32. Did you not say one word to him about Lynch? Not one word,—yes, I did say—he asked me who was the last people I had seen at my hut, and I told him a man of the name of Brady; that was a man who came about a dog; he was there about a fortnight before.

33. If you did not say to Mr. Mackellar that you suspected Lynch, how could he have supposed that you did—He could not have stopped you without your having power to say so much as "I suspect Lynch."—Did you say it? Yes, I could have said it, but my mind was in such a state that I scarcely knew what I was saying or doing. During the time that they were examining Peter Dunphy, Alcock went and called Mr. Mackellar out, to tell him to ask

Dunphy

Mr. J. Wilkes.

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Mr. J. Wilkes. Dunphy whether any conversation had passed between Dunphy and me respecting Lynch. Dunphy denied any conversation having passed—he being nearly drunk at that time.

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34. *By Mr. Forster*: That is at the time you are now referring to? Yes, at the time I am referring to now.

35. *By Mr. Jones*: How do you know that Alcock called Mr. Mackellar out to ask him to put this question? I saw him call him out; and Alcock told me himself that he had asked him.

36. Did you hear what Alcock said? No; but he told me he said to him, says he, "you see me call Mr. Mackellar out, and I told him to ask Dunphy whether such a conversation had passed."

37. You did not hear the conversation between Mr. Mackellar and Alcock? No; I heard it from Alcock. I was then called by Mr. Mackellar to order me to bury my family. I requested, as my boy was crying on the sofa, to be allowed to sit by him, to prevent him seeing his mother and brother carried out. That would not be allowed, but to proceed and bury my family directly, not to keep him there waiting—that is Mr. Mackellar. The blacks were ordered to get a sheet of bark, and to assist me to put my wife on. No one offered to put a hand near her, but the blacks and myself. The blacks laid hold of her by the legs and dragged her on to the bark. We then proceeded to the grave, myself and the blacks, with the corpse of my wife. The bark broke and the corpse fell, and I then had to get sticks and to put underneath the bark, the blacks not being able to manage. Alcock came; I think he called Dunphy to assist to carry my wife to the grave. Before this, my employer, Mr. Robertson, and Constable Tapp had arrived. They helped to put my wife in the grave. I was ordered by Alcock to go and fetch my son. I went, and brought him in my arms. Mr. Mackellar was walking on the hill—a distance like such a thing as fifty yards away—with Mr. King, cracking his whip, and laughing at me as I was taking my son to the grave. I sat down at the side of the grave with him in my arms, until I was forced by my employer to leave the child, and he led me away. I then proceeded to the hut to comfort my boy which was lying on the sofa. I was kneeling down praying to him when Alcock and Mr. Mackellar came to the hut and said, "Wilkes, you must come with me." My child began to cry, and cling me round the neck, in order to prevent my leaving him. I said, "Gentlemen," says I, "you never can imagine that I have murdered my whole family." Said I, "What suspicion have you upon me? If anything that has caused any suspicion why not tell me, and give me a chance to vindicate my cause." They said that "made no odds, I must go with them." My child clung to me with a deadly grasp. They came forcing his arms from round my neck: Alcock came forcing his arms from round my neck. He clung so tight that he would not let go until Mr. Mackellar stood over me—

38. *By the Chairman*: How old was this child that Mr. Mackellar forced away? Eight years and eight months.

39. This is the boy who was wounded? This is the boy which was wounded. Mr. Mackellar stood there holding up his whip in this kind of manner (*describing it*) with the thong twisted round the handle of his whip. He said, "let him go boy," says he, "we'll not hurt him," and the boy began to scream out, and tremble, and he let go his hold with fear. I was then handcuffed and put on a horse and carried to the Richmond River to the lock-up. In crossing the river, Alcock, not allowing me to lead the horse I was riding—

40. What became of the boy? Did you leave the boy behind? Yes; he was left in the charge of a constable.

41. *By Mr. Jones*: What became of your infant child? The infant child was left with a person named Toazer, who sent over for it the afternoon before.

42. What became of the next eldest child? That was still on the other station at Lynch's hut. In crossing the river, there being a good fresh, the horse I was riding slipped off the rocks, and I was plunged over head and ears in water for several minutes. I was then taken and put in the lock-up. I remained there till, I believe, it was the second of June, before there was any hearing.

43. From what time? The 11th of April to the 2nd of June.

44. Before there was a hearing? Before there was any hearing. I was taken up to the Court—I believe it was three times—during that period, but never admitted in or asked a question. I was always kept outside, under the charge of a constable.

45. *By Mr. Hely*: But your case could not have been going on if you were outside? It appears there never was any other Magistrate but Mr. Mackellar, and him and Alcock and the Clerk, was in there with the doors closed. Alcock would come out and say, "Wilkes, you are remanded." No one was allowed to see me in the lock-up, nor was I allowed to purchase anything to eat but the lock-up allowance. On the second of June I was remanded until the week following. On the night—at least it was Sunday morning—at two o'clock, Lynch, it appears, had been taken into custody.

46. When was he taken into custody? On the second of June—though it must have been before the second of June, because that was the day of my examination: he was then in charge of the police. He had left his employ under the excuse that he had pains in his limbs, and wished to get medical advice, and that he had got a wife in Sydney.

47. When was this? This must have been three or four days previous to the second of June. On their remanding me, constable Alcock asked Mr. Mackellar what he should do with Lynch? Mr. Mackellar said, "Oh! let him go about his business." I then said: "Gentlemen," says I, "you are letting the murderer of my family escape."

48. After he was arrested was this? After he was arrested.

49. When was he let go? I believe on the second of June.

50. *By Mr. Jones*: Did you understand why Lynch was in custody? Yes; on account, from what I could learn, of his leaving his place, the constable was sent to waylay him and search him, and see if he could find any of my property or money taken, or some of the articles that I had given the description of that were missing. One of these was a dark plum-coloured

plum-coloured pair of trousers. These trousers were found in Lynch's possession, and the constable apprehended him. Mr. J. Wilkes.

51. They were found in Lynch's possession when the constable apprehended him? Yes. 8 Jan., 1857.

52. Had you reason to believe that Lynch was apprehended on suspicion of being concerned in the murder of your wife and children? Yes. I told Mr. Mackellar that I was the father of a family.

53. *By the Chairman*: With reference to these trousers—were these trousers in your hut? I had them in my hut on the Sunday, as the murder was committed on the Monday. They were a pair of dark plum-coloured trousers. This Lynch is a tailor by trade, and so is Dunphy. Lynch made me these trousers and sold them to me.

54. *By Mr. Jones*: When did you next see these trousers? I saw them in my box on Sunday.

55. But where did you see them afterwards? I saw them in a handkerchief in a bundle in the constable's possession. The constable told me that these were the trousers I had given the description of, and claimed as my property.

56. Did you yourself examine these trousers? No, I would not be allowed.

57. *By Mr. Hely*: If Lynch were a tailor might not he have had more cloth of the same colour? No, he had no more cloth.

58. *By Mr. Jones*: You had no personal knowledge that these were your trousers? No more than by the colour of them—the description that I gave of them.

59. I am speaking now of your personal knowledge; you did not take up the trousers and examine them? No, I would not be allowed.

60. Then you cannot say of your own knowledge that the trousers which you left in your box in the hut were the trousers which were afterwards in the possession of the constable? No, I cannot.

61. Your knowledge is simply derived from what the constable told you? Yes.

62. *By the Chairman*: One thing you can tell the Committee—that you were refused to be allowed to examine these trousers for the purpose of ascertaining whether they were yours or not? I was, by Mr. Mackellar.

63. *By Mr. Forster*: Did you give the reason why you wanted to see them? I did.

64. Did you express a suspicion that they were your trousers? No. When I was liberated I got Lynch apprehended for the murder, and gave evidence against him, and he was remitted to Richmond River for me to get further evidence; and then I demanded a party to be brought forward, and Mr. Mackellar would not allow it.

65. *By Mr. Jones*: We are now speaking of what took place on June 2nd—did you then ask to see your trousers? No. I said to Mr. Mackellar, "I firmly believe that he has got my property. I am the father of the family, and you are in duty bound to take my evidence against the murderer. You can bring no evidence to bear against me." He said, "I will not take your evidence—I will not hang a man on your evidence."

66. Will you state to the Committee what took place on the 2nd of June in reference to the examination of your own case? Yes. The first evidence that was called was George Alcock. His chief evidence was the finding of no tracks about where I found my two sons, but mine, leading up the path from where I found them to my hut, and that I had also requested of him to allow me to take the rings off my wife's finger before she was interred. At the same time, in my statement to Mr. Mackellar, I had distinctly pointed out to Mackellar the rings my wife had on; they were not on then. Mr. Mackellar said, "How do you know that?" I said, pointing on one side of the hand, "She had her rings on, and they are not on now." Alcock said in his evidence that I had told him that my wife was in the habit of wearing a silver ring, which was never the case. The rings that my wife wore were her wedding ring and one large gold keeper.

67. *By the Chairman*: About these rings—did you first mention the matter to Mr. Mackellar, or did Mr. Mackellar first mention it to you? I first mentioned it to Mr. Mackellar. I said, "I found my wife in the hut, and she had got the rings on her hand when I saw her, before her murder."

68. You were the first to mention it? Yes.

69. Was there any mark on your wife's finger? The hand was all bruised, as if it had received a blow.

70. There was nothing in its appearance that would show she was in the habit of wearing the ring? No; her hand was in such a state, all black where she had received a blow. Alcock in searching of my hut, to see if he could find the money, thinking that my wife might have hid it somewhere and the murderer not have found it, found two or three small copper rings that the children used to play with; they formerly belonged to my two poor girls that were poisoned some time previous to this—about two years ago. I was near losing the whole of my family through some medicine I had sent for to Mr. Morgan, the chemist, in Pitt-street; my wife commenced administering it among the children; the medicine was some sulphur of brimstone, and she continued to mix it with honey, and to give it to the children. She continued it about a fortnight, until a violent purging commenced. We all considered it was the dysentery. Captain Marsh, I was living with at the time, and he thought it was dysentery. She had sometimes taken a little of it herself, to induce the children to take it. I had a doctor, and he thought it was dysentery, until my wife remembered finding a small piece of blue-stone among it. She kept it until I came home in the evening, to ascertain whether there was any danger attached to it. I said I did not know, but told her not to give them any more until I had seen Captain Marsh—until I had ascertained whether there was any danger. She declined to give any more, and the children took ill. I lost two beautiful girls at this time.

71. *By Mr. Forster*: What were the symptoms? Sore purging and vomiting. The doctor was there, and made a *post mortem* examination of my eldest daughter. One died within a week of the other. After my wife pointed out to the doctor about finding the bit of blue-

- Mr. J. Wilkes. stone among the brimstone, we fetched the packet for the doctor to look at. When he put his finger through it, he found a quantity of blue-stone among the brimstone. He said he would take his oath that this was what poisoned the children. Even my wife would take a little to induce the others to take it, and the infant at the breast was affected in like manner.
- 8 Jan., 1857. 72. Were the symptoms the same in all cases—vomiting and purging? The symptoms were the same in the whole of them. Mr. Nichols had the case in his hands for twelve months. I then sent it up to Mr. Holroyd, but he could do no good in it, because the case was never sent to the Attorney General. Alcock, on finding these copper rings, and a silver ring—the silver ring was one that my eldest boy used to wear—was given him by a Chinaman, at the time we lived with Captain Marsh: he swore that these were the rings that my wife had been in the habit of wearing—that I told him that my wife had been in the habit of wearing the silver ring. I pointed it out to Mr. Mackellar—"Sir," said I to him, "I pointed it out to you when you were at my place, that my wife's rings were gone, and I told you the description of one she had on": but Mr. Mackellar would not listen to anything of the kind. At the examination of Mr. William Robertson, he swore that he was at my hut on the Sunday morning, before the murder was committed, and on his return to Lynch's station, Lynch made great enquiry to know which way I was in the habit of feeding with my sheep, and whether I was accustomed to come up between the two stations, pointing out the path that led down to the other side of the creek from his hut, and asked Mr. Robertson if he, by following that path, could make my hut. Robertson told him that he could not, as it was only a cattle track belonging to Mr. Hamilton—and that he had suspicion on Lynch being the murderer through that conversation. None of that evidence would be entered into his depositions—not one word of it; Mr Mackellar would not allow it to be put on his evidence. Mr. Wilson made his remark upon it: how it was a strong suspicion—and Mr. Mackellar then overruled him, and said, "a man may enquire the nearest way to another man's place without going to commit a murder."
73. *By Mr. Jones:* Who was Mr. Wilson? Another Magistrate.
74. Was it said in your presence? It was said in my presence.
75. *By Mr. Forster:* Was that Mr. Wilson, one of whose daughters is married to Mr. Fry? Yes.
76. *By the Chairman:* Whose evidence was it that Mr. Mackellar would not allow to be taken? Mr. William Robertson's. The day after I was in the lock-up, I made a list of all the names I could think of, of parties that were in the habit of passing my place, desiring the constable to take it over, and present it to my son, to see if he could point out either of those parties to see if he was the murderer or not.
77. Your son was still alive then? Yes.
78. How long did he live after you left? I believe he lived nine days.
79. *By Mr. Forster:* Was he not able to speak more than you have described? Yes, he was able to say "Yes" or "No" till an hour before his death—and when the doctor came he was able to say "good bye." The doctor said he would never be able to speak properly, in consequence of some place cut in his head behind. There was a large hole that you could shove your fist into. He could say "Yes" and "No," and wished the doctor "good bye."
80. *By Mr. Jones:* What about the list you made out? Chief Constable Alcock sent the list over to Tapp, the constable in charge of my son. Tapp, in giving his evidence, swore that he had repeatedly from day to day presented the list to my son, who always pointed to Lynch's name. Another list had been copied from it by Constable Jordan, to see if the different handwriting would have the same effect, and it was presented to him, and he still pointed to Lynch's name.
81. *By the Chairman:* Your boy could write then? Yes. (*The witness produced two copy books in the handwriting of his sons.*) None of the evidence would be taken in his depositions. Mr. Mackellar said, "Well, I do not want to hear anything about that."
82. You were there when Alcock presented the list to the boy after the doctor came? The doctor came on Friday; Alcock went over after visiting me at the lock-up and telling me the doctor had arrived. I begged of him to allow me to go over with him and see my child. He would not.
83. *By Mr. Jones:* When was Tapp's evidence offered? At my first examination, on the 2nd of June; but then he gave that evidence on the day that he came over after my child died: he had given it in Court.
84. In your hearing? Not in my hearing.
85. Did he give this evidence on the 2nd of June in your hearing? Yes, in the hearing of the whole Court.
86. Did he state that he had presented the list that he had made out to your son? Yes, he did.
87. What question did he put to your son? For him to point out either of those names if it was the party who had cut his head, and he distinctly pointed out Lynch. Constable Tapp showed the way the boy took the list in one hand, and run his finger down the list and made a stop on Lynch's name. Tapp pointed it out to Mr. Mackellar and the other Magistrate there.
88. You say there was a second list made out? Yes, a second list made out by Constable Jordan, to see if it would have the same effect.
89. Who stated that the second list was made out? Tapp.
90. Did Tapp present the second list to your son, and ask him to point to the name of the party who had cut his head? Yes, and he again pointed to Lynch's name. He swore to that in Court.
91. Do you say that this statement made by Tapp was not taken in the depositions? Never; you will see there is not a word of it taken in the first depositions—and in the second depositions, when they took me up on the charge of perjury, you will find it is mentioned.
92. Mr. Mackellar refused to allow Tapp's evidence on this point to be taken down? Yes. Alcock, on going to my hut on the arrival of the doctor, asked Tapp whether he had presented the

the list that he had sent over to the boy? Tapp told him that he had, and the result of it. Mr. J. Wilkes. Alcock asked him to give him the list. He then put my name down on the head of the list, and presented it to the child, saying, says he, "that is your father's name—was it him that ^{8 Jan., 1867.} "cut your head?" The boy began to cry, and snatched the list out of his hand, and tried to tear it to pieces in his mouth. It was forced from him and still presented to him, the boy still crying; but he could not be prevailed upon to look at the list. The doctor told Alcock not to plague the child any more; that was sworn to by Tapp in the Court, and would not be put down in his depositions.

93. What took place subsequently? There was no further evidence that day.

94. *By Mr. Forster*: Before the child's death did any Magistrate attempt to obtain information from him? No.

95. *By the Chairman*: You do not know that personally? I know from what I heard in Court; it was stated in Court.

96. *By Mr. Jones*: What took place after your examination on the second of June? I was remanded until the Monday. This was on the Saturday night.

97. What took place on the Monday following? Some blacks then were brought up that had been at Alcock's place for a fortnight previous to this, and tried to be prevailed upon to swear that they were at my place shepherding my sheep on the day the murder was committed, and that I was at home all day.

98. Who tried to prevail upon them to swear this? This was what was pointed out to Mr. Mackellar by this Alcock.

99. Who tried to prevail upon the blacks to swear this? Mr. Mackellar did. He asked this blackfellow these questions in the Court, and the blackfellow kept shaking his head and said he did not see anything—he knew nothing.

100. *By Mr. Hely*: How do you know that Mr. Mackellar did? He did it in my hearing.

101. *By Mr. Jones*: You mean to say that Mr. Mackellar asked the blacks whether, on that day, they were shepherding your sheep and were at your hut upon that day? Yes, in my presence in the Court.

102. What did the black say? ~~That he knew nothing.~~ He shook his head, and said, "me know nothing." Mr. Mackellar had provided a man that he considered was capable of interpreting the black's language—and as they could not get the blackfellow to say a word, they desired this man to take him away on one side, and see if they could get anything out of him.

103. *By Mr. Forster*: Do you mean to say that Mr. Mackellar administered an oath to the blackfellow? No; he administered an oath to the man that came up as the interpreter. There was a man in Mr. Wilkes's employ that could speak the blacks' language, and I proffered £20 if he had come up and interpreted, as if the blacks had any knowledge whatever they must know who was the murderer, and if they had not I should be able to ascertain who it was that put them up to come to the Court.

104. You say that Mr. Mackellar made the interpreter to take the blacks aside, and to ask them if they knew anything about the murder? The man came into court again, came across the room, and stated then what the blackfellow had said.

105. What did he say? The blackfellow said that he saw me—he did not state when he saw me—raise the axe to my wife; and that I had had some words along with her; and that he was shepherding my sheep on the day of the murder, and that when he came home in the evening and arrived at the hut that I was sitting at the table and threatened to blow his brains out if he did not go away—not to say anything at all about it—and that there was three other blacks along with him—a black man and two black gins—at the time. That is all, I believe, that this man said the black should say.

106. *By the Chairman*: Were you present when the black said this? Not when the black said it, but when the interpreter stated it.

107. *By Mr. Jones*: Was the interpreter a white man? Yes.

108. *By the Chairman*: What was his name? M'Quiggan.

109. Had you any quarrel with this man? No, only he was a great enemy of the Chief Constable.

110. *By Mr. Hely*: Was he capable of interpreting the blacks' language? Not properly.

111. *By Mr. Jones*: Did that close the examination on the Monday following the Saturday? No, it did not close the examination.

112. What else took place? I was remanded again, and it was endeavoured to get the other blacks that were in company with him.

113. Did that close the examination on the Monday? Yes. There was a man of the name of Crayner—he is a hut-keeper for Mr. Hamilton—and he swore that the blacks could not have been at my place that day, as they were at his station.

114. When did this man swear this? On the 2d of June, I think.

115. That is previous to the blacks being brought into Court? That is previous to the blacks being brought into Court. That they were at his place the day of the murder. Mr. Robertson also swore —

116. How far was Crayner's place from your hut? Ten miles. Mr. Robertson also swore that there were no blacks at my hut on the Sunday morning when he was there; the blacks had sworn that they were at my hut on this morning, at the time that Mr. Robertson swore they were not.

117. They swore that they were there on the Sunday as well as on the Monday? Yes; and that they let the sheep out of the fold themselves, and shepherded them, and that I stopped at home. Robertson swore that he came to the station, that there were no blacks there, and that he and me let the sheep out of the fold, in order that he might see the condition that the sheep were in. That was the same morning.

118. It was the morning of the murder? No, it was the morning before the murder.

119. *By the Chairman*: After this examination on Monday, the 4th of June, what took place

Mr. J. Wilkes. place subsequently—were you again brought up? I was again brought up. There was no evidence; they could not get the blacks to attend the Court again. They went away into the interior; they would not have anything to say in it. I then asked Mr. Mackellar to take my evidence, as he saw there was nothing against me, and that I considered he was in duty bound, as I was the father of the murdered family.

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120. You told us that before? This was the second time.

121. *By Mr. Jones*: Did Mr. Mackellar consent to take your evidence? No; he rubbed his hands and said, "We will not bother any more about it, losing my time about it; I'll send you to Sydney, and if the Attorney General likes to take your evidence he can do so."

122. What took place after that? I was sent back to the lock-up, and forwarded to Sydney; but I was first removed from Richmond to Grafton, a distance of eighty miles.

123. This examination took place at Richmond? Yes.

124. *By the Chairman*: Were you out of custody when you applied to Mr. Mackellar the second time to take up this matter? No; I was still in custody. I was sent from Richmond to Grafton. I was put in the lock-up at Grafton, and put in irons in the Grafton lock-up, and chained down on the broad of my back for fifteen days.

125. *By Mr. Forster*: Could you not sit up? I could just lean upon my elbows; my feet were made fast to the other end.

126. *By the Chairman*: How many days were you thus confined? Fifteen. After I had been there ten days, I was so bad with a pain in my chest, that I could not move, and I asked Chief Constable Abbott whether they were going to kill me, and he desired the lock-up keeper to let me off for half-an-hour.

127. *By Mr. Forster*: Who is the Magistrate at Grafton? It was done by Mr. Fry's orders.

128. He was living at Grafton? He met us on the road, and told the Constable to tell Abbott to put me in irons as soon as we arrived at Grafton.

129. *By the Chairman*: After that you were sent on to Sydney? I was forwarded to Sydney in irons. After remaining in Sydney Gaol, I believe, a fortnight, or three weeks, the Attorney General sent me word that he should file no Bill against me; that there was nothing to put me upon my trial on. I was kept till the sitting of the Court; I think it was in August.

130. *By Mr. Jones*: When did you arrive in Sydney? I arrived in Sydney the latter end of June.

131. Were you kept till the sitting of the Court in August? Yes.

132. What took place then? I was then discharged by proclamation.

133. What did you do when you were discharged? I went to a boarding-house, to stop, at first. Hearing that Lynch was in Sydney, I went, I believe, for a warrant to apprehend him.

134. On what charge? On the charge of murder of my wife and family.

135. Was the warrant executed? The warrant was executed: Lynch was apprehended and brought before the Sydney Bench.

136. Was your evidence taken? My evidence was taken.

137. By whom? By Mr. Dowling.

138. What did Mr. Dowling do thereupon? He remanded him to gaol again, and from there he was ordered to be forwarded to Richmond River, on the charge of murder.

139. Was Lynch forwarded to Richmond River? Yes, and I proceeded in the same vessel with him. On Saturday, the 8th of September, I arrived on the Richmond River, and, on the 9th, saw Mr. Mackellar, and as soon as he saw me he said; "Well, Wilkes, you have got back?" I said, "Yes, sir, I have." He said, "Ah! I knew there was nothing against you when I sent you to Sydney." I made answer, and said I, "Why did you send me to Sydney, to put me to such trouble, and to bring such disgrace upon me?" He laughed, and said that he had done it to gratify his own curiosity, and said that he would commit me again for perjury, if I did not mind—he would make me know better than to bring his name into question in Sydney.

140. *By Mr. Jones*: Where did this take place? At where the Court was held—at the sign of the "Durham Ox."

141. Was this in the open Court? No, outside the hotel; he was walking outside.

142. When this conversation took place, what followed? He said, "What are you going to do with this man now you have brought him down? Who do you want to summons?" I told him the parties that I wanted to summons, and that I considered it was my duty to have Dunphy apprehended under a warrant. I considered that he was implicated, if not in the murder—that he was the "putter-up" of it, (as they say here)—as he was the only man in the Colony who knew I had money in my possession, and I begged Mr. Mackellar, as his mind had been prejudiced against me, not to interfere at all with it; that I had brought a letter from Mr. Ryan Brennan, in Sydney, to request Mr. Bundock to be on the Bench to investigate the matter. Mr. Mackellar said he did not care a damn for all the lawyers in Sydney; he would do what he thought proper. At the same time I told him that Mr. Garrett, who resides down there, and who was in Sydney, at the Police Office, at the examination of Lynch, and who had promised me that he would be at Richmond at the time I was, and would see every justice done to me. Mr. Mackellar said he would not wait for Mr. Garrett, or for any body, nor would not be dictated to by any body. He then summoned all the parties. I believe it was the 17th of September.

143. Who do you mean by all the parties? That I thought could give any evidence whatever to bring the murderers to light.

144. Who were they? Benjamin Tapp, Mr. Robertson, Constable Jordan, and Constable Taylor; that is all.

145. What took place on the 17th September? Not one of the parties I had summoned were allowed to come near me. They were kept on one side of the Court House; I was ordered to keep on the other. I was not allowed to speak to one of them.

146. *By the Chairman*: You were not in custody then? No.

147. The witnesses were not in custody? No.

148. What could have hindered you from speaking to them, then? There was a constable ^{Mr. J. Wilkes.} there, and he ordered me not to speak to any one.
149. Would that have hindered you speaking to them before they came to the Court? I never saw them. They were summoned on that day, and they knew the hour that the Court would be opened, and they did not make their appearance until the time of the Court being open. I saw them all together—the murderer, and also the evidence, altogether. ^{8 Jan., 1867.}
150. *By Mr. Hely*: The murderer? Yes.
151. *By Mr. Jones*: Do you mean to say Lynch, who was charged with the murder, was along with the witnesses? Lynch was walking under a tree with two of them, smoking his pipe.
152. What two? Constable Jordan and constable Walsh.
153. I presume you mean the constables had Lynch in charge at the time they walked together? No, because he could walk to the lock-up and back, as if he were not in custody.
154. Still they were in charge of him? No doubt they had him in custody; they had an eye upon him.
155. Was the case gone into against Lynch that day? Yes.
156. Who were the Magistrates? Captain Chauvel, and Mr. Mackellar; and Mr. Wilson was there at the first commencement, but he would not stop to have anything at all to do with it, but went and walked out of the Court as soon as my case was called on.
157. What took place at the hearing—what was the result of it? The result was, that Tapp wished to give his evidence according as he had given it before, respecting the holding of the paper to my son for him to look at, but he would not be allowed to state other things that he knew respecting Lynch. The conversation that he had with Lynch, that he would not be allowed to mention, Mr. Mackellar said, “I will not hear a word out of your lips, any more than in answer to any questions that Wilkes thinks proper to put to you.” I did not know what Tapp was in possession of respecting the murder, any more than I had heard him swear in Court; but I found afterwards that he knew many things, but he would not be allowed to state anything but what they thought I had a knowledge of.
158. The Magistrate restricted him to the answering of the questions you put to him? He would not allow him to state anything that he knew of his own knowledge. I put a question to one of the constables, which was, if Dunphy had not told him that Lynch wanted to poison him previous to this, and the constable would not have anything to say in it, and all of the police, and the whole of the evidence in Court together, Dunphy along with the rest. After I had given my evidence against Lynch, Dunphy was then called in, and his evidence taken, to try and overthrow mine. I told Mr. Mackellar that I considered it was not doing me justice, as I considered Dunphy was one of the murderers.
159. Had you given information previous to Mr. Mackellar, that you considered Dunphy was one of the murderers? He had been taken into custody while I was in the lock-up the first time, and he was admitted to bail, through some conversation that passed between him and the Chief Constable. Mr. Mackellar then called this same constable, Taylor, up; he refused to give evidence when I asked him, but he was willing enough to give evidence to try to overthrow Tapp’s evidence, which he failed in. Constable Alcock was then sworn, and took oath that I had never mentioned Lynch’s name to him until four days after the murder; but in his first examination he stated that I did mention Lynch’s name to him. Mr. Mackellar then discharged Lynch, and ordered me to be locked up, saying he would commit me for perjury. He never told me what the perjury was. I remained in the lock-up until the following day. About three o’clock in the afternoon I was taken to the office again. No one was there but Mr. Mackellar, who then read my warrant, and said I stood committed for perjury.
160. When you say that no one was there, do you mean no constable? No Magistrate; only the lock-up keeper and Mr. Mackellar, and the clerk of the court.
161. What became of the case then? I was then forwarded again to Sydney—first to Grafton—and I remained again at Grafton nineteen days in irons.
162. *By Mr. Hely*: Were you chained down in the same way? I was put upon the chain, but was not chained down with my hand; I had my hand chained down at night.
163. *By the Chairman*: After these nineteen days you came on to Sydney? Yes.
164. What became of the case again? I am again discharged by proclamation.
165. *By Mr. Hely*: Did you apply for bail. I did not apply for bail. There was a party there that proffered to go bail for me—Mr. Mainley and Mr. Grimes, the post-master. Mr. Mackellar would not give me time to speak a word. He said, “Wilkes, you stand committed for perjury. Take him away.”
166. *By the Chairman*: You mean that you intended to apply for bail, and that although you had bail there Mr. Mackellar would not give you an opportunity of obtaining it? No; he would not, but ordered me to be forwarded next day for Grafton.
167. There is something in your petition about property. You say the property might have been protected by Mr. Mackellar, if he had allowed you. In what way could he have protected your property? After I was taken into custody my employer was there at the station—at the time I was taken into custody—and took charge of the station. My property then was worth, I am sure, £300.
168. You say £400 in your petition? I am not including my garden and every thing. I had laid out £200 previous to this in property, to go to the diggings, as I had sent for my wife’s brother and sister to come out. I intended all of us to go to the diggings. After my son died—the one that was wounded—the day following the sheep were taken from the station; the station was evacuated, and my property was left at the mercy of every one. There was no inventory taken of anything.
169. While you were in custody and sent away? Yes.
170. You have said that your child, when you first came up to the hut, ran out among the sheep saying, “Pa! Papa! Mamma dead?” Yes.

- Mr. J. Wilkes. 171. How old was the child? Two years and four months.
- 8 Jan., 1857. 172. Was the child at that early age of sufficient intellect to express himself in that way? Yes, he was remarked by every one to be the most chattering thing about the district.
173. Have you made any enquiry about this deposit (the bank chit) receipt? Yes.
174. And has it ever come to light? Yes; I hold the deposit receipt.
175. Where did you get it from? From the police. They sent it up to Sydney gaol at the time I was sent up there for perjury.
176. Where did they find it? It was found in one of the bundles. There were two bundles of property which were placed in my hut, after my place had been searched four or five times by three or four constables, to see if they could find the money. Two days afterwards these two bundles were brought into the hut.
177. Did you receive the other money you speak of in your petition as another sum? Yes—forty-four sovereigns, to the best of my belief, I never received it.
178. Was there any quarrel between Lynch and your wife, or any ill-feeling towards you? Never; he was never at my place more than about three or four times, for he only lately came into the employ from Sydney.
179. Had you any suspicion that any other crime had been committed on your wife beside the murder? I did surmise from the state that I found my wife's clothes in. Her clothes were all up; I could not take upon myself to swear. I told Mr. Mackellar at the time the way I found her clothes in. She was on the broad of her back, rather inclined on one shoulder, all the back part of her head cut off with the axe, the axe sent into her temple.
180. You say this man Peter Dunphy, who was mate of Lynch, was the only man who knew you had money in your hut? The only man who ever knew I kept one shilling in the hut; I am sure of that. He ascertained it only a fortnight previous to this. The Rev. Mr. Macarthy came to my hut for the purpose to christen my youngest child, and that night Peter Dunphy ascertained that I had this £50 chit.
181. You seem to lay great stress on the fact that Lynch said, "You will find the children in the brush;" was it not a very likely thing that a person who had not committed the murder would say, look in the brush for your children. Any one, however innocent, might suggest to you to look there? That man never knew there was a brush at the back of my hut, if he had not been there to murder my children.
182. I thought you said he had been at your hut three or four times? Yes; but there is a sheepfold and a garden at the back of my house, so that you cannot see if there is brush there or not; and then there is an angle, not more than a rod wide, and that runs five or six rods to the creek; all the rest is open, so that you can see over the creek from one run to the other.
183. You say your boy recovered after you gave him some wine; did he recover far enough to give you any statement? No; when I was taken into custody he was not able to speak further than I have said? He could just lisp out "yeth." I got him the use of one arm by rubbing it. I believe it was stiff by the cold from lying out all night.
184. You said that Mr. Mackellar tore your child away from you, your child then was sufficiently sensible to know you perfectly well, and to wish to be with you? Yes, he was quite sensible.
185. When you say your wife fell off the bark, were the constables there? Yes.
186. Was Mr. Mackellar there? Yes, and Mr. King; they were all close to the hut. Mr. Mackellar might have been about twenty yards away, and he stood looking at me when I got two saplings to put under the bark.
187. You say that two blacks took your wife by the legs to put her on the bark, do you mean that they did it indecently, or that she was treated indecently? I do. I considered it was very inhuman of Alcock to stand there and see them dragging my wife by the legs. I got hold of her by the shoulders, but was not able to lift her by myself. Alcock came out and said, "Hi! blackfellow, man him," and the three black fellows dragged her on the bark.
188. Do you mean that the blackfellows exposed your wife in the presence of the constables, and that they did not interfere? They did. I said, "For God's sake let me have a lock of her hair." I run into the room, and fetched a roll of calico and laid it over her on the bark.
189. When she fell from the bark then the constables helped you, but not till then? One constable came.
190. You have made some serious charges against a gentleman, and I wish you to be very particular in what you state. You say Mr. Mackellar, when he saw you carrying your child to the grave, laughed at you? He actually stared me in the face, and laughed at me when I was going and crying with my child in my arms.
191. Did he make any observation? No; he was walking with Mr. King, and cracking his whip.
192. Did Mr. King see him laughing at you? He was on the off side of him, and he might not have seen him, for he turned round and looked at me.
193. Mr. King must have seen him cracking his whip, if he did so? Yes; in fact I heard them both talking about a bullock they had been running.
194. *By Mr. Forster*: Who was Mr. King? Superintendent of Mr. Clark Irving at the time, but he has since left his employ.
195. *By the Chairman*: You say your wife was a powerful woman—was Lynch a powerful man? He was a much more powerful man than I—about half an inch taller.
196. Was he a man sufficiently powerful to overcome your wife if he were wishing to take improper liberties with her? Not without using violence, he could not. My wife was nearly fourteen stone weight.
197. You say you begged of Constable Alcock to send for the doctor for your son, that he might be able to tell you all about the murder; did the idea of sending for the doctor originate with you? Yes.

198. Did he send? No; he said he would not send without the authority of the Magistrate. Mr. J. Wilkes. The doctor was at Grafton—fifty miles away.
199. Did the Magistrate, when he came, send for him? Mr. Mackellar sent for the doctor. 8 Jan., 1867.
200. When the doctor came over was he able to make your son any better, so as to enable him to get evidence from him? No he was not; he could not take upon himself to say whether the child would live or not. He said he might recover, but that if he did recover it would be a miracle if he were able to talk properly anything hard to pronounce, on account of some cut at the back of his head.
201. All through your evidence you seem to speak of Mr. Mackellar as if he had some malignant feeling against you; had he any reason to dislike you,—had you in any way crossed his path? Never; it is all done to gratify Alcock.
202. *By Mr. Hely*: What desire could Mr. Mackellar have to gratify his Chief Constable? It is a very delicate thing to mention, but he is very intimate with Mr. Alcock's wife.
203. *By Mr. Forster*: That is merely a rumour? No.
204. How do you know that it is the fact? I have seen him sky-larking with her when her husband has been away.
205. Pulling her about? Yes, when her husband has been away. In fact, it is the talk of the settlement; Mrs. Alcock has the ruling of the settlement.
206. That is Casino? Yes.
207. *By the Chairman*: There is one part of your evidence which is of a very serious nature. You say that when your boy was dying—the boy clinging to you—that Mr. Mackellar stood over him with a whip, and compelled him to let you go? Yes; he had the thing twisted about the handle this way (*describing it*); I was on my knees, and the child's arm was round my neck, and Alcock trying to force his hold, and Mr. Mackellar leaning over him with the whip. He said "let him go, boy, we won't hurt him." The child let out a scream, and let go his hold.
208. Who was present beside you and Alcock at that time? I think Tapp was there.
209. No other person? I will not be sure whether constable Jordan was in or not. I did not notice rightly who was in there; my back was turned to them all.
210. There is another extraordinary matter. You mentioned that you were kept in the lock-up from the 11th April to the 2nd June, without examination—are you sure of that? Yes; I was never asked a question.
211. Were any questions asked of witnesses in your presence during that time? Never; I was never brought inside the Court; I was kept at a distance away from the verandah. There was never any Magistrate there but once, and him and Mr. Mackellar, and Mr. Alcock, and the clerk, were in together. I would be walking with the lock-up keeper, and Alcock would come out and say "you must go back to the lock-up."
212. You say no one was allowed to see you during this long period from the 11th of April to the 2nd June? No.
213. Who applied to see you? Mr. Mainley wished to bring my child to see me, and he was refused.
214. Any other person? There was another person of the name of Toazer, that has my infant. He came down and stopped there for three hours, before he would be allowed to see me, with the infant, upon his horse.
215. Was he allowed to see you? Yes.
216. But you say no one was allowed to see you during all this period? He was allowed to come and let me kiss my child—that was all. The constable would not allow me to speak to him.
217. Who prevented you? The constable.
218. You are quite sure of that? I am quite sure of that.
219. You say you were not allowed to purchase anything? Yes.
220. Were you not allowed to purchase food? No.
221. *By Mr. Hely*: You had the lock-up allowance? Yes.
222. *By the Chairman*: Did you apply for leave? Yes.
223. *By Mr. Hely*: When you say that you were brought outside the Police Office, or where the Court was held, though you were not allowed to go inside, and the constable came and told you you were remanded, are you certain the constable did not tell you your case could not come on that day? No; twice he came out in that way, and says to the lock-up keeper, Walsh, "Walsh, take him back to the lock-up."
224. That might have meant to imply that your case had not come on for want of witnesses or Magistrates? No mention was made of anything of the kind.
225. *By the Chairman*: There is another matter I hope you will be very careful about answering. You say, when your boy was recovering, that you asked him who had injured him, and that he always pointed to the name of Lynch, and always said yes when the name of Lynch was mentioned to him—that other names were mentioned also—and that, when you wanted to ask Constable Tapp if that was not the case, that Mr. Mackellar refused to have that evidence taken down—you are quite sure of that? If I were on my dying bed it is true.
226. Who was in Court when Mr. Mackellar so refused to have that statement of Tapp's taken down—was Tapp present? Tapp was present, and a man living with Mr. Bundock, of the name of Kavanagh; I think he was in Court.
227. Were any Magistrates on the Bench besides? Mr. Wilson, the Magistrate, was there.
228. What other Magistrate was there? Captain Chauvel was there, and Mr. Batcs, another Magistrate.
229. Do you mean to tell me that all these Magistrates heard you ask to have this evidence taken down, and allowed Mr. Mackellar to over-ride them in that way? I do, every one of them. Mr. Mackellar would not be ruled by any one. He would not allow them to put a question.
230. You produce your boy's copy book, and you say your boy could write? Yes. (*Witness produced it.*) 232.

- Mr. J. Wilkes. 231. Who taught your boys to write? Myself. They never had a schoolmaster.
232. Is this writing at the head of it yours?
- 8 Jan., 1857. 233. Can you point out the copy written by your boy the day he was murdered? (*Witness referred to the book.*) It was written on the Saturday before he was murdered.
234. This is not his handwriting? (*Referring to a memorandum at the bottom of the page.*) No, that is mine at the bottom. This is my wife's copy book. (*Producing the same.*) I was learning her to write.
235. The last day here, I see, is the 7th of April? Yes, that is the Saturday before they were murdered.
236. If this was your eldest boy's copy book he could, I suppose, read very well? Yes. The Rev. Mr. Macarthy took such a partiality towards him, on account of his learning, that he promised to bring him up as a gentleman.
237. What I want to know is this—you say the written list of names of persons who were in the habit of calling at your house was handed to your boy, and that he was asked if any one of these persons had hurt him, to point out the name, and that he put his hand on Lynch's name? Yes. Constable Tapp swore that in Court—that he took the paper in one hand, and run one of his fingers down it, and stopped on the name of Lynch.
238. You say that another list was made out in another handwriting, which was given to the boy, and with the same result? Yes, it had the same result. They thought the boy would know my writing, and got another man, Constable Jordan, to make out another list, and it was presented to him.
239. And this evidence which we are now taking from you, you say Mr. Mackellar refused to have put on the record? Yes.
240. *By Mr. Forster:* Was the original list in your handwriting, or only the name of Lynch? The whole of the list. When Mr. Mackellar would not allow this evidence to be taken, Tapp said, "Why, Mr. Mackellar," said he, "I am surprised at your wanting to turn the evidence "in the manner you are." He said that in open Court, on this last examination, when Mr. Mackellar wanted to turn the evidence against me.
241. Did Mr. Mackellar make any remark when this was said? "Mind what you are at" he said, "or I'll commit you for contempt of Court."
242. *By the Chairman:* You said that subsequently—that is, afterwards—Constable Alcock endeavoured to make the child say it was you who committed the murder—did Alcock write your name on the list? He wrote my name on the list, and presented it to the child; he said, "There is your father's name; did he cut your head." The child snatched the list, and crumpled it in his hand, and began to cry. He tried to get it into his mouth. Alcock kept holding it before him, but the child turned his his head, and kept crying until the doctor told him not to plague the child any more.
243. Were you there then? I was in the lock-up. This was what was sworn in Court, and Mr. Mackellar would not take it down.
244. You say the child was incapacitated from speaking? He could only say "Yes" very imperfectly.
245. Could He not say "No," that is a word more easily pronounced than "Yes"? Not at the time that I was taken into custody; all that I could get out of him was "ees" "ces."
246. He could not say "No"? No; after he got the use of his limbs, he got that he could move his legs and take the sheet in one hand and point with the other, and could say "Yes" or "No."
247. Did he say "No" to you then? Not to me.
248. With regard to the blacks—you say that Crayner swore that the blacks could not have been at your place inasmuch as they were at his place, ten miles off; could not the blacks be at two places, ten miles apart, on the same day? Not in the manner that the interpreter described. He said it was sun-down when he came home with my sheep, and I threatened to shoot him.
249. At what time were the blacks seen at this place ten miles off? About three o'clock in the afternoon.
250. Was it winter or summer? It was in the month of April.
251. There was nothing to hinder them from being there at three o'clock in the afternoon? They could not have been at this station at two or three o'clock and bringing in my sheep at sun-down.
252. You speak about the interpreter—surely an interpreter was not wanted to convey to Mr. Mackellar or to you, who have been so long in the bush, or to any one else, that a person was killed with a tomahawk; the blacks could describe that without the intervention of an interpreter? These blacks could speak almost as good English as I; but they could not say a word—they were all of a tremble—they could only speak the black language. This black was a very intelligent one, and could count a flock of sheep himself, he had been so much among whites; but he would not speak a word in Court.
253. Then an interpreter was called to interpret, and he took this man to the far end of the room, and came back stating that the black said it was you that committed the murder? Yes.
254. *By Mr. Hely:* Have you any reason to suspect that the blacks had been guilty of this murder? No, the blacks were always friendly with us. Besides I have been so long in the bush that I know that if the blacks had committed it, they would have committed depredations also; they would have taken the blankets, tea, and sugar—which there was plenty—but these things were not disturbed.
255. *By the Chairman:* Had Craynor any reason to have any ill-feeling to you that would induce him to misrepresent what the blacks said? No; I never saw the man before in his life.
256. *By Mr. Forster:* Did he live in the district? Yes, about ten miles off.
257. What kind of a man is he? A man about my size.
258. What trade or occupation is he? No trade; he is hut-keeping.

259. You never saw him before? No, I never saw him before.
260. *By the Chairman*: Then you asked Mr. Mackellar a second time to take your evidence against Lynch, and he said he would do nothing of the kind? Yes. I was kept fifteen days in irons. Mr. J. Wilkes,
8 Jan., 1857.
261. You say you were chained in some extraordinary manner—not in the way usual to prisoners—will you correctly and precisely describe how you were chained? I had, first of all, a pair of cross-irons rivetted on my legs; I was then put into a cell; along the cell there is a chain goes right along; the chain that I am cross-ironed with is made fast to another chain at the lower end with two pair of handcuffs, one to each leg, and made fast to the chain. Two blankets are put underneath me, and I lie on my back, and my right hand is chained again. I was let off three days for about half an hour.
262. This was on the order of Mr. Fry? It was on the order of Mr. Fry.
263. Do you know any person who saw you? Mrs. Page. She is now living in Sydney; she kept the public house close to the lock-up, and as soon as I arrived, proffered her services to bring anything I wanted; but she would not be allowed to bring me even a drop of tea. She saw me two or three times.
264. Who else? A constable of the name of Thomas, who had charge of me the whole of the time, and his wife.
265. Where is he to be found? He is on the Clarence River.
266. Who else? No one else.
267. Did you ask to have any one allowed to come in? I did.
268. Whom did you ask? Chief Constable Abbott.
269. Whom did you wish sent in to see you? I wanted to see my brother-in-law, Alexander Hawthorne.
270. Does he live there? On the other side of the river, about a mile away.
271. Is he a shoemaker? Yes. I wanted to see my nephew, too—my wife's sister's son. I wished to see him, and he would not be allowed to come.
272. Did he come and try to get in? Yes; the lock-up keeper, Thomas, told me so himself. He said, "There is your nephew, Adam Hamilton; he wants to come in, but he will not be let in."
273. Your brother, the shoemaker, wanted to come in? No, but I wanted to send for my brother, to see after my property.
274. *By the Chairman*: These relatives were all living close to the gaol when you were imprisoned? Yes, about a mile off.
275. None of them came to see you? None of them came to see me.
276. You say when you were sent to Grafton (and be very particular in answering this, for you are bringing a very serious charge against a gentleman, and if you say more than is true, and proved to be so, it will shake your testimony in other respects—I will not say a falsehood.
277. You say when you returned to Grafton, in company with Lynch, who was sent down from here, who was remanded for murder—that when you arrived at Grafton to give evidence, Mr. Mackellar said, "I know I sent you up for nothing, and now I will send you back for perjury"; do you mean to say this was before you gave your evidence? Yes; he had been and looked at the newspaper, and in giving my evidence before the police office, I was asked whether I was allowed to remain with my son till such time as he died; and in the *Herald* paper they put it down that I was allowed to remain. It was considered that this was a perjury, because it was known that I was not with my son. There was a mistake of only one word. I ascertained that before I left Sydney, and I went down to the *Herald* office to get it altered; but it was not altered.
278. Did Mr. Mackellar tell you that he would send you back for perjury before you had given your evidence against this man Lynch? He positively did, on the 9th, and I did not give my evidence till the 17th.
279. Will you tell us whether there was any other person present when he said this? No, there was not; we were both walking together on the outside of the hotel. I had just come out from the part where I had slept, and he laughed.
280. You say that Mr. Mackellar let out the reason why he would send you back again, and that it was this, that he would teach you to bring his name in question in Sydney? He did.
281. Was any person present that heard that? No; we were both walking together.
282. He has never said that, or words to that effect, when any one else was present? No.
283. You say that Mr. Mackellar would not, in this inquiry against Lynch, wait for Mr. Garrett, or Mr. Bundock, who were both Justices of the Peace, and who had not previously taken part in the matter; were both these gentlemen living near? They were living as near to the Court as Mr. Mackellar himself.
284. How far? I believe Mr. Bundock lives nearer to Casino than Mr. Mackellar.
285. Was there any reason to hope or expect that these gentlemen would have attended if Mr. Mackellar had deferred the matter for a short period? I certainly believe they would have attended.
286. Was there any special reason why they should attend? I told Mr. Ryan Brennan that there were gentlemen Magistrates down there who would attend, but when they heard the tricks that were being played upon me they would not have anything to say to it, but that these gentlemen had got a principle to see me righted if they could be prevailed upon to act. I said there was Mr. Bundock. He said he was not personally acquainted with Mr. Bundock, but that he would write a letter to him. He wrote the letter, and I put it in the post, and told Mr. Mackellar what I had done.
287. Did Mr. Bundock come? No; he had not time to come before the case was brought on.
288. Did you say to Mr. Mackellar anything like this—"You have taken part in this matter before, and I wish you not to take part in the matter as these other Magistrates are within reach,"—did you make any objection of that nature? I did. I said, "Mr. Mackellar, if

Mr. J. Wilkes, "if you are a gentleman you will not interfere in it." I told him then about bringing the letter to Mr. Bundock.

8 Jan., 1857.

289. Was any one present when you said it was indelicate and improper in his position in the matter to sit on the case? No; Mr. Mackellar was very wary in that way; he would not say anything to me. I cannot state what we said in the half hour's conversation, but he would not say anything where I could get witnesses.

290. You say that on the 17th of September, when the witnesses came to the Court, you were not allowed to speak to them; what means were taken by Mr. Mackellar to prevent you speaking to them—you say that you were on one side of the Court House and they were on the other; you could easily have walked across the Court House; you were not in custody, neither were they? The constable prevented me.

291. What steps did he take to prevent you? The same as this—this is the Court House; it is held where the clerk resides;—there is the clerk's kitchen, here, (*describing the position*) and here is the Court House, so that there is just room for a dray to go between the two. Upon my coming down from where I was stopping to the Police Office, I was stopped by the constable, and told not to go that way near the witnesses or Lynch.

292. Of course, there was nothing to have hindered you from seeing them before—you are quite sure you were prevented from speaking to these witnesses? I am positive.

293. Who was on the Bench at the time? Mr. Mackellar and Captain Chauvel.

294. Were the parties who were there as witnesses in the Court throughout the whole of the evidence? Yes, they were all sitting round the table together.

295. Then each witness heard the evidence of all the others? Yes, every one.

296. Did you take exception to that? I mentioned it to the constable, Harris, when I saw Dunphy, who I suspected as one of the murderers, sitting just inside the door; and constable Harris popped out and pulled him outside.

297. Then he was not there after you objected? They were all, with the exception of this one.

298. Did you state after or before the first witness had given his evidence that you wished the Court cleared of all witnesses? No, I never made the remark.

299. You say in your petition that you did remonstrate? That was at the time I requested the constable to put Dunphy out.

300. You say Mr. Wilson was on the Bench but that he walked out? Yes.

301. Did he make any remark when he walked out? No.

302. You are quite sure he did walk out? Yes, he passed me about a yard.

303. Did he remain about the door of the Court, as if he were merely wishing to be out of your case? He went right away altogether, up towards the hotel.

304. With regard to this matter about bail—you say, although you had bail present—No, not present; I said I could have got bail.

305. Although you could have got bail, Mr. Mackellar ordered you out so quickly that you could not get it? He ordered me out to be conveyed to Sydney next morning.

306. But during the afternoon had you no opportunity of seeing some people? It was between three and four o'clock, and my mind in such a state that I did not care what became of me.

307. You did not ask to be allowed bail? I knew if I had asked I should have been refused. I made the remark to Mr. Mackellar that I did not care what they did with me.

308. When you were ordered to be remanded to the lock-up, your anxiety to get persons to come and see you arose from your desire to protect your property, which you say was worth £300? More than that, I considered myself altogether worth £700.

309. That was your object, or one of your objects, in asking to have your relatives to visit you? Yes.

310. You are quite sure that request was refused? Yes.

311. Did any Magistrate visit you during the period of your confinement in the lock-up? No.

312. *By Mr. Hely*: When I asked you before what reason had you to suspect that Mr. Mackellar should have any desire to persecute you in this way, you stated that it was to please Mr. Alcock—what reason could Mr. Alcock have? He has had an ill feeling against me for a number of years, in consequence of my going as an evidence in favour of Mr. Fry and Mr. Wilson against a sly grog-seller, Craig, who brought an action against Mr. Wilson for snapping a pistol at him.

313. What had Alcock to do with this? On account of his being so intimate with this sly grog-seller.

314. Was he Chief Constable at this time? No, he was an ordinary constable.

315. *By Mr. Forster*: This was a case of sly grog-selling? No, not a case of sly grog-selling—it was tried in Sydney—but for Wilson snapping the pistol against Craig.

316. Craig brought an action against Mr. Fry for false imprisonment, and got £10 damages? Yes.

317. But what had Alcock to do with that? Alcock was intimate with Craig at this time.

318. *By Mr. Hely*: Your answer to my other question was, that Mr. Mackellar persecuted you to please Alcock or Mrs. Alcock? Yes.

319. *By Mr. Forster*: Was Mrs. Alcock at the Clarence at the time this case came on? Yes.

320. Was she living on the Clarence before her marriage? Her father was shepherding for—Mr. Hook, I think, was the name. She was married to Mr. Alcock about this time.

321. Was Mr. Mackellar married at this time? No, he was not.

322. Do you think Mr. Fry had any spite against you, for you say he ordered you to be put in irons? When I was being conveyed from Richmond River to the Clarence, I met Mr. Oliver Fry and Mr. Johnson, and Mr. Fry gave directions that I should be put in irons.

323. Do you think Mr. Fry had any spite against you? He gave the orders that I should be put in irons.

324. Do you think Mr. Fry had any spite against you on account of this business of Craig's? Mr. J. Wilkes.
No, no spite against me for that.
325. He had no spite against you? No.
326. When this extraordinary occurrence took place were there no people in the neighbourhood—did not your employer, Mr. William Robertson, come to Court—did he take no interest in the matter? No further than I have already stated.
327. Had there been any quarrel between yourself and wife? Never; I defy anybody that knew me to say that I and my wife have ever quarrelled.
328. Were you addicted to drinking? Never since I have been married.
329. Was there any jealousy between you and your wife? Never had any occasion for jealousy.
330. You suspect Lynch and another man, Dunphy; you suspect both of these people? Yes.
331. You say Lynch had been at your hut three or four times before? Yes.
332. Did you treat him as a friend? No, I did not like the man, nor did my wife. She made the remark that she did not like the look of him. She said to me, "Wilkes, do not keep so much money in the hut," and I have said to her to conceal it, and she did so.
333. You have no suspicion of the blacks? No.
334. Or of their having assisted in the murder? No; I have no suspicion of the blacks whatever. I have been so long in the country that I am positive if the blacks had done it they would have taken the blankets, tea, sugar, and other things.
335. *By Mr. Hely:* Did you find any weapon about the place? No weapon of any description, but my own axe.
336. No marks of blood? Yes, the hair upon the axe and the tomahawk. It appears that my children were playing chopping saplings on the creek; they had two small American tomahawks; they were going for water and had one of these with them—and this was found near where the children were murdered, all smothered with blood and brains.
337. *By the Chairman:* You speak of a strange man being at your place? Yes; he slept at Lynch's; he was there the night I went there, and he came to my place the next morning. I had wrote a note for him to take to Mr. Robertson to acquaint him of what had happened, but I did not dream that my two sons were murdered. I had written to put a stop to the £50 "chit" if it were presented, to say that my wife was murdered, and that my two sons were missing; to proceed to the station immediately, and to bring assistance with him; the man did not come to take my note until ten or eleven o'clock in the day. When I asked him why he did not come before, he said Lynch would not give him any breakfast, and it took him a long while winding the handle of the creek. [*Query, of the punt which crossed the creek?*]
338. You did not know this man? No. The police knew him well enough, but he was never brought into court.
339. What was your reason for suspecting Dunphy? The strongest evidence against Dunphy was, that he denied Lynch having this conversation respecting the money.
340. Was Dunphy a friend of yours? He had opportunity to be a friend; he was in Captain Marsh's service with me.
341. What character does he bear? He is a quiet man when he is away from the liquor, but he is an awful drunkard.
342. Was Lynch a drunkard? An awful drunkard.
343. Did you ever drink with him yourself? I think once, a glass or two.
344. You have not been in the habit of drinking? No.
345. Has any of the property you lost turned up, except the chit? No.
346. Did you ever hear of Lynch or Dunphy spending their money freely after this occurrence? Yes, I did, particularly in Sydney.
347. Can you name any person who is likely to give us evidence about it? Yes, a man of the name of Connor, living in Sydney; he is a tailor; I think he lives in Durand's Alley. I was at his house once when looking for Lynch.
348. Was he a friend of Lynch's? Yes; he has told me since that he was positive Lynch was the man. He said the man could never sleep a wink—that he used to be up all night—and that he used to think it was the horrors of drink.
349. Do you know where Dunphy has been since? Yes; I have heard that he has been drinking on the Richmond, he and Lynch, and that they were quarrelling about the murder.
350. Who was present? Several people; one of them Shepperd, and he heard them quarrelling, and went to fetch the police.
351. Where is Shepperd? He is on the Richmond.
352. Is there any one else who could give us any information on this subject? Jones, on the Richmond.
353. Was he present at the time? Yes; Jones and Shepperd went to fetch the police to listen to the conversation when they were quarrelling about the murder. Two constables went off to listen to hear if they could hear anything. Constable Harris went and fetched Lynch out of the public house, and Lynch said "if Mr. Mackellar were here, I would burst like a frog and hang him."
354. You think that means that he would tell all about it? Yes.
355. What reason have you to suppose that "bursting like a frog" means that he would tell all about it? It is a term used in the country, particularly by those who have been prisoners.
356. *By Mr. Hely:* How many years have you been in the Colony? Thirty-seven years.
357. How long had you been married at the time your wife was murdered? I think it was in '43 I was married.
358. You had been married about twelve years at the time? Yes.

Mr. J. Wilkes. 359. *By the Chairman*: Where had you been living? Renting a piece of ground of Mr. Wilson first of all; living with Captain Marsh six years.

8 Jan., 1857. 360. Where is that? On the Clarence River.

361. With Mr. Wilson how many years were you living? Twelve months; and I was living with Mr. Sharp twelve months; and with Mr. Machattie at the time he bought Captain Marsh's station, I think about six months. I was living there when Mr. Robertson came to hire me, and I have been living with Mr. Robertson seventeen months.

362. Are any of these parties now in town? I do not know.

363. During all these years that you have been married have you been in the habit of beating your wife often? I never struck her in my life. I defy any man to come forward and say that they ever knew us to exchange an angry word, and it was remarked by all the clergymen about that my children were the best educated and best conducted in the bush.

FRIDAY, 9 JANUARY, 1857.

Present:—

Mr. FORSTER,
Mr. HELY,
Mr. IRVING,

Mr. LANG,
Mr. NICHOLS,
Mr. ROBERTSON.

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Alexander Mackellar, Esquire, J. P., called in and examined:—

A. Mackellar,
Esq.

9 Jan., 1857.

1. *By the Chairman*: You are a Magistrate of the Territory? I am.
2. Where do you reside? On the Richmond River.
3. You are aware, I presume, that a Petition has been presented to the Assembly, signed by one Joseph Wilkes? I am.
4. This man, it appears, was twice committed for trial by you, and sent down to Sydney, once for murder, and once for perjury? Yes; but not by me alone.
5. By the Bench of Magistrates? Yes; and I was not the senior Magistrate either.
6. Will you give us a history of what occurred in connexion with this case? I will, as nearly as I can recollect; but it is more than eighteen months since some of the occurrences took place. Before entering into the statement, I would just make one observation, that it is only a week or ten days since that I knew this case was before the Assembly. I had no official intimation of it in any way whatever; but a person with whom I am acquainted sent a copy of the Petition, and I then required to be heard, to free myself from the charges brought against me. Upon the first statement in the Petition—"That your Petitioner was, in the month of April, one thousand eight hundred and fifty-five, in the employment of the "Messieurs Robertson, of Sandilands,"—I have no remark to make; I believe it to be the fact, but I cannot answer to that allegation, or the next, or the next. But that this man's wife, and one of his sons—two of his sons, in fact—were murdered upon the day, he states is true. At the time the murder took place, I had been at my boiling establishment, a distance of twenty-five miles away. It had been raining, indeed it had been very wet weather for some time before, and on my way home I met the Chief Constable on the road, coming from the place where the murder had been committed, to ask me to go and hold an inquiry upon the bodies. I said it would be very inconvenient for me, as I then had a great number of cattle in the yard, and that I would prefer his going to another Magistrate. He said he did not think he could get one; and I then said, in that case, I would go. When we came to the river we found it flooded, and swam our horses over at Casino station. As we travelled along, I asked the Chief Constable had he any suspicion as to who could have committed the murder, as such a thing was unusual in a district of that kind. He said he had no actual clue to the murderer, but that he had no doubt, from Wilkes' previous character, that he was more likely to have done it than anybody else. I then asked him what Wilkes' previous character had been—for I had no knowledge of the man in any way previous to this; I did not even know his name. He said he had originally been transported for forgery, and had then undergone a Colonial sentence at Norfolk Island. While he was there a murder had been committed, in which two or three parties were implicated, and that Wilkes, who was one of them, escaped by turning King's evidence. From that time he went by the *soubriquet* of "Joe the Blocker," as the man who had been killed had had his head chopped off, and cut to pieces. The next suspicion against him was, that, when living in the New England or Maitland District, a great number of years ago, the hut-keeper with whom he was living, and who was supposed to have some money, disappeared, and the hut was found burned down. The universal belief was, that Wilkes had both murdered this man and afterwards burned the hut over him. The next charge brought against him was that of poisoning two of his children. That they were poisoned, and were buried by him quietly, without the slightest investigation, there is no doubt. Captain Marsh, who was in the neighbourhood, suspecting something not quite correct, respecting the death of these two children, sent for Dr. Skinner, a medical man residing at the Clarence, and had the bodies exhumed, and a *post mortem* examination made.
7. Where did this take place? At the place where he was living at the time of the late murder. The bodies were exhumed, as I have said, and a *post mortem* examination was made, and it was discovered that they had been poisoned by the administration of blue-stone in sulphur. Wilkes was then taken up, but he made a statement to the effect that blue-stone had been mixed up with some sulphur which he had obtained from Morgan, the chemist, in Sydney, and that he had given the whole of his family, his wife included, a dose of

of this sulphur and blue-stone; that they had all been very ill, and that two of his children had died. Wilkes was the only person who did not require a dose of sulphur on that occasion. Taking all these things into consideration, I naturally concluded that the man was a bad character, and felt disposed, in the absence of any direct evidence, to think him the murderer, and I do still think so. When I got to the hut, I went round to the back of it. His wife was lying partly on her side and partly on her face; she appeared to have been washing wool in a small tub, which was standing on a stool against the verandah post, and had been struck on the back of the head with a wood axe, and knocked down; her head was completely chopped to pieces, scarcely an atom left together. The boys had been carried to the hut. I examined the place where they had been murdered, which was near a small creek, about a hundred and fifty yards from the back of the house; there was a steep bank, and then a level to the creek, the path to which led through a scrub. This path was narrow, not more than a foot broad. After entering it I discovered a pool of blood, and a quantity of brains and hair; and just round a corner, where the path took a wind, the other was knocked down. There I found a tomahawk. This was where the boy fell who was not then dead. Besides the tomahawk with which the boy was murdered, I found two pieces of bone, about an inch square, cut from the skull of the then living boy, and a quantity of brains and hair. The tomahawk was the boy's, and Wilkes stated that he was always in the habit of carrying it about with him when he went out to play. I concluded that the boys were purposely sent down to the creek for water, and told to take the tomahawk, that they might cut out opossums, &c. I had two blacks with me whom I had brought from Casino; these I caused to search in every direction to endeavor to find tracks. I would state that at the part where the boys were knocked down there was green, rank grass, eighteen inches high, and not a single blade was knocked down on either side of the path; they must have been knocked down as quietly as possible. I examined the path carefully, and could see no track, either to the right hand or to the left. Both myself and the blacks searched on both sides of the creek, but not a track was to be found in any direction.

8. *By Mr. Lang*: From the description you have given of the place, if there had been a track the blacks must have seen it? Either whites or blacks. There was not a track of any kind, excepting Wilkes' track, which, he said, he made in carrying his boys up, which was probable enough. I then entered the hut, and proceeded to hold an inquiry—found the boys lying, one on a sofa, the other on a bed—one dead, the other still living. Of course what I state respecting this is from memory, after a lapse of eighteen months. Wilkes' was the first evidence I took. I said—"This has been a horrid thing;" he said, "Yes, it has." I then inquired—"Has there been any one about the place you could suspect of having committed this murder?" He said, "No, there has not." "The last man," he replied, "that I saw near the place was a stock-keeper of Mr. Clark Irving, who came to look for a dog; and that was three weeks since." The rest of the evidence that he gave, as far as I can remember, was regarding the state in which he found his children when he came home, as he stated, after the murder. The remainder of the evidence, which was given by a man of the name of Dunphy, the Chief Constable, and, I think, the constable in charge of the bodies, merely went to shew the state in which the bodies had been found when they first came there after the murder. In the absence of any suspicion resting upon any one, I then had Wilkes arrested, and taken to Casino. I cannot remember exactly on what day he was tried first; but the case was postponed several times to endeavor to get as much evidence as possible. The boy was completely paralysed upon the right side, and was evidently in a high state of fever and insanity. We could not get the slightest particle of an answer, or even a motion, in reply to any question that was put to him, or to indicate that he understood what was said to him. We tried every means to ascertain if he had any reason left in him at all. His father having said that he had taught his children to write, and produced copy-books, which, he said, his children had written, I had a number of names put down on a paper, and asked him if he could read them, but he made no sign that he understood what was said to him. I certainly thought that no man who had taken the trouble to teach his children as Wilkes appeared to have done could hardly have committed so horrible a deed; but still, having taken the man's previous character into consideration, and there being no other person whom I could suspect, it appeared to me to be my duty to take him up. I tried the boy in every way I could think of. I said, "suppose you saw the man who killed your mother would you know him?" I then went over the list of names that had been made out, but there was not the slightest reason in him. I then started off a constable to the Clarence River, a distance of eighty miles, to bring over a medical man, to see if anything could be done, although I was convinced in my own mind that he would not be able to speak again. Doctor Little, a clever medical man, came over, examined the boy, and said nothing could be done for him at all, and that the boy never could speak. He died a day or two afterwards, and not three or four weeks, as Wilkes states in his petition.

9. *By the Chairman*: In his evidence he states about nine days? It was not the case, as well as I can remember.

10. *By Mr. Forster*: I understand you to say that he showed no signs of reason? The doctor said it was not possible he could, and the only wonder was that life should be left in him. He said it was not possible he could ever speak, or have a ray of reason again. Wilkes states in his petition that the bodies were buried in a very inhuman manner. In the first place, the river had been swollen by the recent heavy rains, the ground was in a very boggy state, and there was no possibility of getting a coffin made within three or four days; the body of the woman had been lying in the sun on the day of the murder, the day following, and part of the day on which the inquiry was held. The deceased was a stout woman, and the body was in a state of decomposition, so much so that the person who took the depositions in the hut was obliged to go outside once or twice during the inquiry. If we had sent to Casino for boards for a coffin, by the time they could be obtained the body would

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would not have been in a fit state to have been touched; I, therefore, in the absence of a coffin, said we must get rugs and sheets, and bury the bodies as decently as we could. I asked the man Wilkes if he were agreeable to that; he said yes, as he saw nothing else could be done. I said, "If you like I will read the Church of England Service over them." He replied, "No; I would prefer the Roman Catholic form." Jordan, one of the constables, a Roman Catholic, volunteered to do so, and he did read the Roman Catholic service over the grave. All this is stated on oath in the depositions taken at the time of Wilkes' trial. But I maintain that in any case I had no right to be called upon to bury these bodies. If Wilkes had wanted a coffin he could have sent for it to Casino. He could write a letter to Sydney about his £50 bank receipt, but he could not make the slightest effort to write to Casino to obtain coffins for his wife and child. I was bound to hold an inquiry, but I was not bound to do more except to give orders to the constable to see them buried. I certainly took much more trouble than I was bound to do. After the inquiry, Wilkes was arrested, and taken into Casino. After Wilkes was in the lock-up he accused a man of the name of Lynch as being the murderer, and the story he told was this:—That on the day of the murder he saw Lynch—he was sure it was Lynch, although he was a long way off, and could not distinguish his face, but he knew him by a particular hat he wore, and he was riding behind a blackfellow.

11. *By the Chairman*: This was after he was in the lock-up? Yes; his statement was taken after the whole of the evidence had been taken. We asked him if he had any statement to make, and gave him the usual warning, that whatever he did state would be brought in evidence against him; and he then stated that he saw this man, Lynch, in the evening, riding away from the hut, and then he said that his son appeared to him. There was a written statement sent with the depositions to Sydney—whether it is still with them I cannot say—to the effect, that some time after his son's death he appeared to him in the lock-up, and told him that Lynch had murdered his wife and children. This he put down in writing and sent to the Bench.

12. *By Mr. Jones*: This deposition you took, was it taken down in writing? Yes, every word.

13. Was it read over to him? Yes.

14. Did he sign it? Yes.

15. Is it in Sydney? Yes, it was sent with the depositions.

16. *By Mr. Nichols*: Do you remember who were the Magistrates assisting you? Captain Chauvel, Mr. Garret part of the time, and I think Mr. Wilson, but I know Captain Chauvel was one; he was senior to me.

17. Who was Clerk of the Bench? Mr. Charles Moore.

18. The statement you have spoken of was sent with the depositions? Yes; I ordered it to be sent, and I believe it was sent. I know that I left no stone unturned to try and discover the real murderer. I had this man Lynch arrested, but there was no evidence of any kind against the man that would warrant me in committing him for trial, excepting the statement of this man Wilkes, and the other Magistrates as well as myself were of opinion that there was no evidence against him, as he was at his hut as usual at the time the murder was supposed to have been committed. Besides, Wilkes had stated on a previous occasion that the only time Lynch had been to his hut he had lost himself, and had been taken home on horseback by Wilkes himself. Lynch's hut was about six or seven miles from Wilkes' up a creek. Wilkes swore positively that he saw Lynch riding behind a blackfellow, although he had stated in the first instance that he had seen no one near his hut for three weeks. In fact the whole of his evidence consisted of contradictions from beginning to end.

19. *By the Chairman*: He swore this? Yes; he first of all swore that no one had been near his place for three weeks previous to the murder, that there was no one he could suspect of having committed it, and then when before the Bench he stated that he saw this man going from his hut in the evening. He made other statements which I cannot remember, but they all went to prove to my mind, and the minds of the other Magistrates, that whoever was the murderer, he had seen no one near his place. Upon that, with the concurrence of the other Magistrate, he was committed. There was other contradictory evidence, which I cannot remember after a lapse of eighteen months, but I think I have stated the principal features. He was then forwarded to Sydney. The Attorney General, Mr. Plunkett, wrote up to say, that he thought there was scarcely sufficient evidence to enable him to send the case before a jury, but that he would have him kept in custody until the last day, to allow time for further evidence to be obtained. Wilkes says, "Your petitioner had not any hearing of the charge preferred against him until the 2nd of June, in the same year, and was, during that period, kept in strict confinement." Now, I cannot remember how long he was kept in charge, certainly he was remanded once or twice for further evidence. This, of course, we were justified in doing. He says he was kept in strict confinement—not very strict either, for he was allowed to walk about all day in front of the lock-up. The allegation "That your Petitioner on being brought up on the charge, before Mr. Mackellar and other Magistrates, was remanded for want of evidence, and forwarded to Sydney to stand his trial," is perfectly correct. The next is, "That your Petitioner accused a person named James Lynch, (a shepherd in the same employment,) with and as the perpetrator of the murder, before Mr. Mackellar, the Magistrate; yet he, Mackellar, declined to take any step in the matter." Now it does not look as if we took no steps in the matter when we had the man arrested.

20. *By Mr. Nichols*: Did you issue a warrant against him? No, he was arrested by order of Mr. Garrard, without warrant—on the road to Grafton. He next states that he was kept in irons; that I have nothing to do with. He was sent from Casino without irons—Mr. Fry, the Commissioner, coming from Grafton met him, and knowing Wilkes to be a notorious scoundrel, ordered him, on his own responsibility, to be put in irons. He was not rigorously treated by us, nor was he abused in any way, and was not kept under any greater restraint than was necessary for his safe custody.

21. *By the Chairman*: You have said that the boy was alive after the inquiry, that you considered it to be your duty to take Wilkes into custody, and that you took him into custody—what became of the boy at that time? There was a man provided, a very good man indeed, which man I paid out of my own pocket, to look after him; he was hired to make gruel for him, and to take every care of him. Beyond that, there was also a constable left to take care of him.

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22. Did the boy wish his father to remain with him, and was he forcibly compelled to let go his hold when his father was taken away from him? He was not; if a constable, or any one else came near, he would hold his finger, and would not let it go without difficulty. But he never spoke in any way, or shewed the slightest ray of reason.

23. Wilkes has stated exactly the contrary was the case, and that the only means whereby the separation was effected, was by your using the whip over him, that—It is an infamous falsehood; a most scandalous statement; that I can prove by many different persons.

24. He states that you stood by the bedside, with a whip in your hand? Nothing of the kind took place; that I would swear, if I were put on my oath.

25. Wilkes said that he was the first who proposed to send for the doctor, and that it was refused to him? I beg pardon, I was the first who proposed it. I asked Wilkes if he had no horse, that the constable could ride, to go for a doctor, and he said he had a horse, and that the constable could take it; it was away, tethered. We got it, and started the constable within a quarter of an hour after.

26. Did he evince any anxiety to send for the doctor? No; and he would not pay a shilling of the expense; I paid the doctor out of my own pocket, months before anything was received from the Government.

27. *By Mr. Nichols*: You paid the doctor for attending? I did; I think Government subsequently allowed £6.

28. What did you pay? I paid 30s. to the man for attending the boy, and £6 14s. to the doctor. Will you excuse me—I now remember many things I have not yet stated, which took place at the time of the inquiry and the trial, and which I consider most important. Wilkes stated in his petition that his hut was robbed. I did not look about the hut until the *post mortem* examination had been made, and I had taken down the evidence of Wilkes. I then went and examined the hut, there were several boxes in the place, and from two of them there were an armful of shirts, sheets, and other things lifted out; they had not been unfolded. In the tills there were a number of papers wrapped up, and small pieces of rag, one over the other pinned together. A lot of things of that kind were in every box. These had not been undone, but when they were opened they appeared to have been in the boxes for years. The boxes were full of dirt and cockroaches. It was proved afterwards that not a single thing had been taken out of the hut. This was one of the principal causes of his committal—the absence of any proof of robbery. He states in his petition that he was robbed of a £50 bank receipt, and of £44 in gold. This he stated in his deposition at the time of the inquiry, and in his statement besides. However, before he was committed, between the time that I held this inquiry and the time of his committal, the constable, on examination of the hut, found, a kind of blue bundle, in the inside of which was a £50 bank receipt. His wife's rings were also found, which he had sworn were stolen, but these rings which were found he stated were old ones.

29. *By Mr. Forster*: Where was this discovered? In the loft; there were so many little things about that the place was not thoroughly examined.

30. At what time was this found? The constable found it two days after Wilkes was arrested. The day after Wilkes was arrested the constable discovered an old purse with a few odd shillings in silver, and a wedding ring. They were discovered in a small purse in a box. I was satisfied then, and am satisfied now, that the house was never robbed. As to the £44 in gold, I believe he never had it, for this reason.—A man of the name of Dunphy, whose evidence was taken in evidence, stated that the priest had been there some weeks previously to christen Wilkes' child, and that on that occasion he was present at Wilkes' hut; that Wilkes said to him, "It is an usual thing, is it not, to give the priest something on these occasions? Will you lend me a pound, for I have no small money?"; and that he lent him a pound. A week or two before the murder was committed he purchased a mare of Daisy, a stock-keeper on one of Mr. Hamilton's stations, for £12, and he stated to him that he would have to do what he had not been in the custom of doing, draw an order upon his master for £12, for that he had nothing smaller in his house than a £50 bank receipt. That was taken on oath. I took all this evidence to satisfy myself, and to prove to others that this man never had a shilling beyond this bank receipt. It was proved, beyond a doubt, that the night before the murder two blacks had been at Dunphy's hut, and had passed by Wilkes' station. Mr. Alcock brought these two blacks to my house, after Wilkes was apprehended, and before he was tried; one of them, a most intelligent fellow, told me that he camped at Wilkes' the day before the murder, and that Wilkes and his wife had a great dispute, as far as he could understand, about money; that Wilkes took up an axe and swore he would split her head open with it; that the black took it from him, and threw it over the front verandah of the hut, on to the bark; that Wilkes then went in, took a gun, and swore if they did not go away he would shoot them. This could not be taken down, as the evidence of a black is not admissible; but it was proved that he was at an adjoining station, Mr. Hamilton's, about twenty miles off, that evening, and had come in the direction of Wilkes' hut. The Chief Constable went to the hut, and found the axe in the identical place stated by the blackfellow—not the axe with which the murder was committed.

31. *By Mr. Hely*: Not the axe covered with blood and brains? No; that was found behind the hut. It was not covered with blood and brains; there was a little blood upon it the first time I saw it, but afterwards I could only see just the sign of blood and a few hairs upon it. The murdered woman was a great favorite with the blacks, and went by the name of Mammy.

32. *By the Chairman*: Wilkes, in his evidence, says that you would not allow the evidence of

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of a man named Tapp to be taken, who could have stated something against Lynch, and in favor of him—do you remember a man of the name of Tapp? I do. This man had been at Norfolk Island with Wilkes, and he was so partial to Wilkes throughout, although he had not been there, and, of course, knew nothing of the case, that the whole of the Bench were very much dissatisfied with his conduct. We believed that there was some secret communication between Tapp and Wilkes; and, in fact, he found that he had gone to such a length that he sent in his resignation, believing, no doubt, that he should be dismissed. He was, however, examined, and his evidence will be found among the depositions.

33. *By Mr. Jones*: Did you allow to be put in Tapp's deposition any evidence he offered? I did.

34. Did you in the course of the examination of Wilkes' case, refuse to put in the depositions any evidence that was offered? None that actually bore on the case at all. If I had not refused to take irrelevant matter I might have been kept writing for a week.

35. You did not refuse to take down any evidence that bore in any way, either for or against? Not in any way at all.

36. *By the Chairman*: Dunphy and Lynch lived within four miles of Wilkes, did they not? Within six miles; one was the shepherd, and the other watchman. Will you allow me to make one statement with regard to suppressing the evidence. He says his witnesses were not allowed to be examined, and that the witnesses were in Court during the whole time of the evidence being given—

37. *By Mr. Jones*: That is in reference to the perjury case? I will go into that afterwards.

38. *By the Chairman*: I will bring before your notice some of the most prominent statements made by Wilkes with reference to the murder case, in order that you may have an opportunity of denying or admitting them. He states that he was about to give his child some wine, and also to give him a warm bath, in order that he might be sufficiently restored to give evidence as to who had murdered his mother, and that you prevented him? He was never about to do it, for there was not a drop of hot water in the place—there was not a fire on the hearth. He suggested whether it would do any good, and I said no, that it would not; and to remove a boy in that state, with two pieces of skull out, and his brain protruding, that I believed it would be death to remove him at all.

39. He says that the boy having a paper submitted to him with the names of different persons with whom he was acquainted, and being asked to point out the name of the person who had cut his head, always put his finger on the name of Lynch? This is another point upon which I suspect this man Tapp of being connected with Wilkes. A number of names were given indifferently, and when I looked at the paper I found the list was written on both sides, and that the name of Lynch was placed in the centre on each side, so that when the paper was handed to the boy he naturally closed his finger and thumb on that particular name. He did not hold the paper with one hand, and then with his good hand point to the name, but merely covered the name with his finger when it was placed in his hand. When the constable whose evidence was taken was examined, I asked him how he gave him the paper, and he stated that he just put it in the boy's hand.

40. He also says the boy could say yes, imperfectly? He never could—he never spoke.

41. *By Mr. Forster*: You state that he showed no consciousness? No consciousness. As to his taking hold of Wilkes, he would hold anything with a convulsive grasp. When I had been trying to get some thing out of him he laid hold of my hand and held it like a vice, and it was the same with the constable; he had to use some degree of force to get it away.

42. He said he would not allow him to sooth this child, nor would you allow him to prevent the boy from seeing his murdered mother removed? The child could not see his mother from where he was; he was inside the hut, lying on a sofa, and could not turn either to the right or to the left, being completely paralysed on the right side, and his mother was as it might be at that verandah post (*referring to the verandah pillars of the Assembly*.)

43. He said no one would assist him to put his wife on the bark, although you and the constables were present, and that the blacks, in the most indecent manner, removed her by the legs, exposing her person? It is not true; the constables assisted to carry her to the grave.

44. He says that, but that at first they would not? They made no objection.

45. He says his wife fell off the bark—was that the case? Not to my knowledge. I believe the bark broke in the middle, when they first moved it, but she never fell off it to my knowledge.

46. Were the constables assisting at the time the bark-slab broke? Yes; the whole of the time the constables were assisting as much as possible, and it was done as decently as it could be done.

47. Then, with regard to the accusation against Lynch—you say that he made no charge against Lynch until he was in the lock-up: now, one of his complaints is that you would not allow him to make any charge at all—that you stopped him? If necessary, I am prepared to prove that it was not the case. I did not prevent him. His evidence was taken down, every word I could get from him. I wanted to get all the information I possibly could from him before I took Lynch into custody at all. At the time his first evidence was taken on the inquiry he never accused Lynch of committing the murder. He used to say to the boy, "Who murdered mamma—was it Jordan—was it Alcock—was it Dunphy—was it Lynch?" No name in particular was mentioned until he was taken into custody.

48. *By Mr. Lang*: He said this to the child? Yes; and we all said it, to see if we could discover a ray of intelligence by which we might be guided; but Lynch's name was never mentioned more than others, until he was in the lock-up. In the same way, when his children were poisoned, there was nothing said until his children were exhumed, about the chemist having sent him bluestone, mixed with sulphur; he buried them saugly, and said nothing about it.

49. *By Mr. Jones*: At the time you were holding the inquiry in the hut, you say that you and others put questions to the child, with the view of ascertaining, if possible, some clue to the

the party who committed the murder? Yes; questions of all kinds were put—for instance: A. Mackellar, Esq. “If you saw the man who committed the murder, could you point to him?” But there was not the slightest sign of intelligence, not the slightest motion of the eye, or hand.

50. Was Lynch's name mentioned among others? Yes.

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51. When Lynch's name was mentioned, did he show any difference? Not the slightest.

52. Who put these inquiries to the child? I did, the father, Mr. Alcock, the constable, and this man in particular whose evidence, Wilkes says, was suppressed. He was a great friend of Wilkes; he lived at Tabulam, and this place was between Casino and Tabulam; and it is every one's opinion that this man knows more of the matter than any one else.

53. You say that when Lynch's name was mentioned, he gave no more indication that Lynch was the murderer than he did when other names were mentioned, that they were the parties concerned in it? No; and when I come to speak of the perjury case, I will make a statement that will confirm what I have said,—that there was no suspicion against Lynch at this particular time.

54. *By the Chairman*: This man has said many things about you, calculated to reflect upon your character; and as the evidence will appear in print, I think it desirable, in justice to you, that I should ask these questions; you may think them offensive, and they are offensive, but I hope you will not suppose that I believe you have done the things imputed to you? I believe that, by the sworn evidence, I can disprove every statement the man has made.

55. Did he take the murdered boy to burial in his arms—I am speaking of the dead boy? He wanted to take the body, as you have stated, but, as well as I can remember, was prevented.

56. Then he did not carry it himself? To the best of my recollection, I prevented it.

58. He stated that while he was carrying the body to the grave you were looking him in the face, cracking your whip and laughing at him, and that some other gentleman was walking with you, who must have seen you cracking your whip, although he might not have seen you laughing? At the time the boy was being buried, as I was not a Roman Catholic, and did not understand the form of burial, I told the constables and others to go, and they did go, but I walked down the bank of the creek with Mr. King; I had no whip in my hand at the time, I can swear. At the time the woman and boy were being buried, Mr. King and I were some distance away from where the people were; we were trying if we could find any tracks any where, but we could see none.

59. He states as the reason why you should have an antipathy to him is, that he had had some quarrel with the Chief Constable, Alcock, and that you were improperly intimate with Alcock's wife? I was then only about three or four months married, and I believe that my character will not be affected by any such statement. I can safely say that I never spoke to Mr. Alcock's wife in my life, except upon one occasion, although she has been four years in the district.

60. He says you were not married at that time? I had been married two years in December last.

61. Another statement he makes is, that after you had taken him away from his child, at the time you apprehended him, you kept him in the lock-up from the 11th April to the 2nd June without giving him a hearing? That is not true; there were several hearings of the case. The case was heard three times or more.

62. *By Mr. Forster*: His statement is, that he was kept on the verandah outside, and that the result was communicated to him? It is not true, he was always in Court during the several hearings. Before the witnesses were brought in, the whole of the evidence that had been previously taken was read over by the Clerk before a hearing commenced.

63. He states that he was at the Court House during the time, but that he was never in it—that Mr. Mackellar and the Clerk were there, but that the doors were closed? The doors were never closed once.

64. *By Mr. Jones*: At every examination in Wilkes' case, when any evidence was given, was Wilkes always present? He was always present, and the previous evidence was read over to him before any fresh evidence was taken.

65. *By the Chairman*: When he was in the lock-up, he was not, as he states, allowed to see any person? He was allowed to see any one; he was allowed to walk outside the lock-up almost all the day.

66. *By Mr. Jones*: And did so walk about? Yes.

67. *By the Chairman*: He says he was not allowed to purchase anything he might require? That may be true, but there was no prohibition of any kind on my part.

68. He says also that he wished to have some of his friends to see him, for the purpose of protecting his property while he was in custody; that he had property to the value of £300 or £400 which was left unprotected, and which he lost in consequence, and that he was not allowed to see any one? It is not true.

69. He says that he, in consequence, lost all his property, of the value of £300 or £400? He had not that property. He had the £50 bank receipt, which was not lost, two or three mares, worth £10 or £12 each, and a few pounds in his employer's hands, but not more than a few pounds, as I have been informed.

70. He says he had just purchased some £200 worth of property, and whatever this property was it was all lost through having no one to take charge of it? His employer was willing to take care of what he left, and his mares were quite safe.

71. I am not now speaking of his mares, but of the property about the house? It was ordered to be brought to Casino and taken care of.

72. He says that he had bought £200 worth of property? Whatever he had was in charge of the police at Casino.

73. He says that upon this man Lynch, whom he accuses of the murder, was found a pair of trousers, which trousers he believes were of the same description as a pair he had purchased of Lynch, and that he was refused permission to examine them? When Lynch was taken

A. Mackellar, Esq. up—before entering into the case at all—before I put the thing in writing—it was proved by a man who lived in the hut, Dunphy, a tailor, that he had made a pair of trousers for Wilkes and Wilkes refused to pay the amount due for them, and he took them back; they had not been in Wilkes' possession at all, properly speaking.

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74. Was this in evidence? Yes.

75. Wilkes states that you refused to take this down about the trousers? It was taken down, if I remember rightly. We first asked this man about the trousers, and the other man who is his hut mate, Dunphy, at once stated how the trousers were in Lynch's possession. Wilkes was never in possession of the trousers at all; and we were not going to commit a man upon a statement of that kind.

75. *By Mr. Jones*: Then these trousers which Wilkes alleged to have been his, Lynch had made, but owing to Wilkes neglecting or refusing to pay for them, they had never been given up to him? Yes.

76. *By the Chairman*: Then Wilkes says you would not allow Robertson's evidence to be taken, which would have shown that Lynch had been inquiring the way to his hut? Robertson's evidence was taken down, and that very question was put to him.

77. It is in the evidence? To the best of my recollection.

78. He says the reason you gave for not allowing that evidence to be taken down was, that the man might be inquiring the way to another hut, without intending to commit a murder? That was Mr. Robertson's surmise, as far as I recollect. He said that Lynch asked the question casually—not which was the way to his hut at all, but that one day he was standing by the hut, and Lynch said, "that road across the creek, where does it go—does it go down 'Wilkes' way, or where does it go";— and he said "no, it is merely a cattle track, if there 'is any at all."

79. Did you refuse to have that answer of Robertson's put in evidence? No, I did not. I think it will be found in Robertson's evidence. I have been thirty years in the Colony, and have had both free men and prisoners under me for seventeen years, and never brought a man up before a Court, and never oppressed a poor man; and I am not going to commence now.

80. He says Mr. Alcock, the Chief Constable, would not allow him to go over to see his child before his death, and that he wished to do so, in order to ask him some questions? I cannot say whether Alcock did or did not. He never applied to me for permission, that is all I know.

81. He says a man named Craynor swore that the blacks could not have been at his place on the day of the murder, for they were at his (Craynor's) place, ten miles off? I do not remember that. I remember one man who swore—and it is in his deposition—that he knew the date from some particular day, Ash Wednesday, or some such day—no, not Ash Wednesday, but some particular day.

82. You know nothing of how he was treated at the lock-up at Grafton? No, I had nothing to do with that. They are answerable for their own actions.

83. I only thought you might have known? I think it very unlikely to be true, for usually the steamer is going every fourteen days, and it is very unlikely Wilkes would be kept beyond that time. The only property that I know I kept from him was the axe and tomahawk that I supposed he murdered his wife and children with, and the £50 bank receipt, which articles were in possession of the Police.

84. *By Mr. Nichols*: The bodies were found in the path leading from the hut to the watering place? Yes.

85. Where was the body of the wife found did you say? I say there was a small verandah at the back of the house. There was a tub at a small post, where she appeared to have been washing wool, and she had been struck apparently while washing. It was, to all appearance, a premeditated thing; the children were sent down for water, and the mother killed, and then they were met in the path as they came from the creek, and knocked down at the corner.

86. *By the Chairman*: Had you any reason to doubt about the education of his children, or that these books were written by them? No; that is one of the most extraordinary circumstances in the case.

87. You have seen these books before (*handing the copy-books to the witness*)? Yes, I believe these are the books I saw.

88. *By Mr. Forster*: I find that Wilkes, in answer to a question of mine, said he was a Presbyterian? He was stated to be a Presbyterian, and was inclined to turn Roman Catholic, because his wife was a Roman Catholic.

89. Do you know anything of his character as to whether he was a drunkard? I did not know anything of him till Alcock told me; I did not know him by name even.

90. He makes a statement that he had property, at the time of the murder and before, worth £400? I do not believe that was the case. He had two or three mares, a £50 bank receipt, and, I believe, a very small sum in his employer's hands. To show the value of one of the mares, he paid £12 for her.

91. *By the Chairman*: He says he never quarrelled with his wife during the twelve years they had been married, and that he is sure no one could ever say so? He was supposed to be jealous of her with this man Dunphy, but I could not accuse the man, for I know nothing of him. It may be so or it may not. I knew nothing of the man in any way whatever.

92. *By Mr. Nichols*: Did you know anything of this man before? No, not by name, even. He lived in an out of the way place, up a creek. I had never been to the place myself previous to the murder.

93. *By Mr. Jones*: Will you state to the Committee what steps you took with a view to discover any tracks in the vicinity of Wilkes' hut, on your arrival there? When I had examined the body of Wilkes' wife where it lay, I then went down to where the two boys had been murdered, and I examined the state of everything. Alcock was very particular not to disturb anything.

94. The bodies at that time had been brought up by Wilkes? Yes. I brought two of my own blacks from Casino, very intelligent fellows, to see for tracks, and, as I told you, I found the grass in the state described. There was no track as though any one had gone through the scrub
95. The ground was so soft from the previous rain that if any person had been there any tracks must have been seen? Yes.
96. You searched, with the assistance of the constable and the blacks? Yes. I am a tolerably good hand at searching myself, and I afterwards went some distance up the creek.
97. *By Mr. Lang*: Was it a sheep or cattle station? It was a sheep station.
98. Do you not think the tracks might have been obliterated by the sheep? Not that part, for it was not approachable by sheep. It was through scrub. Will you allow me to make one other statement? After he found his wife murdered he went up to the hut where these men were, and had his surviving eldest child—two years old—in front of him on the saddle; he then got this man Dumphy to come down with him to send him into Casino for the constable, and left his boy in charge of this man Lynch, whom he afterwards accused of murdering his wife, which one would suppose he would not have done had he supposed Lynch to be the murderer.
99. *By Mr. Jones*: After the most diligent search you could make with the blacks and the constable, you could discover no tracks? None whatever. There were two paths, one leading to the station where Dumphy and Lynch lived, and another to Wyandah. Wilkes was then requested by the Chief Constable to go with him to look for tracks, and in place of going along the track leading to Lynch's station, where he afterwards stated he saw Lynch, he went in a contrary direction, viz.,—towards Wyandah.
100. Before you came? Before I came.
101. *By the Chairman*: You saw no horse tracks? No horse tracks—no tracks of any kind.
102. *By Mr. Lang*: You say that Wilkes, after he accused Lynch, said he saw Lynch going along this road with a blackfellow? On horseback, behind a blackfellow. Then he said he saw him going towards his (Wilkes') hut in the morning, and returning again in the evening, on the day of the murder. I asked why he did not speak to him; he replied, "I was in pursuit of a native dog, and when I looked round again I could not see him." I then asked him why he did not speak to him again, when he saw him in the evening—he said he did not want to speak to him.
103. *By Mr. Jones*: You said you got some blacks who had been at Wilkes' hut previous to the murder —? The day before —
104. To state they shepherded Wilkes' sheep on the day previous to the murder? No, I think not. The way I found out about the blacks was this: a person, named Macdonald, who lives about twenty miles away, has a daughter who speaks the blacks' language fluently; a young girl—a gin—from this station told her the statement the blacks had made about the axe, and said she believed Wilkes "pi Mammy," which getting to the Chief Constable's ears, he brought them to me.
105. They did not state they had shepherded Wilkes' sheep on the Sunday? No.
106. *By Mr. Hely*: Did you have no interpreter? No; they could speak English so well.
107. *By the Chairman*: Wilkes states that you had an interpreter? They afterwards brought the girl up, but she was so frightened she could not state anything.
108. Was there not a man? Yes, now I remember, there was a man; but I did not want an interpreter. It was more a matter of form than anything else.
109. *By Mr. Hely*: Could not this man speak the language correctly? No.
110. *By the Chairman*: As you have been so long in the bush, I presume you could understand them? I can understand them.
111. Therefore you could examine the blacks yourself? I did all the time, but I had an interpreter, as a matter of form.
112. I have a paper in my hand, dated April 16th, which purports to be a statement by Wilkes, written by him in Casino lock-up; will you state whether you know that to be his writing (*handing the paper to the witness*)? This is his signature, to the best of my knowledge, and it is the same statement that was brought by the lock-up keeper from Wilkes, and read before the Bench.
113. Was it read before the Bench in the presence of Wilkes? Yes.
114. Did he acknowledge it to be his? Yes.

THURSDAY, 22 JANUARY, 1857.

Present:—

Mr. FORSTER,	Mr. JONES,
Mr. HELY,	Mr. LANG,
Mr. ROBERTSON.	

JOHN ROBERTSON, ESQUIRE, IN THE CHAIR.

Francis Campbell, Esq., M.D., Superintendent of the Lunatic Asylum, at Tarban Creek, was in attendance at the request of the Committee.

William Edmond Plunkett, Esq., called in and examined:—

1. *By the Chairman*: What office do you hold? I am Secretary to the Crown Law Officers.
2. The papers you now hand in are those connected with the two charges against Joseph Wilkes? Yes. (*The witness produced the same.*) There are also two letters which I gave Mr. Calvert, the Clerk of Committees, one of which is dated 14th July, 1855, and the other 10th October, 1855. The former has reference to a charge against Joseph Wilkes of murdering his wife and two children; and the other has reference to a charge against him of wilful and corrupt perjury.

W. E.
Plunkett,
Esq.

22 Jan., 1857.

W. E. Plunkett,
Esq.

No. 55-190.

Attorney General's Office,
Sydney, 14 July, 1855.

GENTLEMEN,

22 Jan., 1857.

Regina
v.
Joseph Wilkes.
Charged with
the murder of
his wife and two
sons.

With reference to the proceedings of the case noted in the margin, I have the honor to inform you, that as the statements of the Aboriginal Natives cannot be taken in evidence it is quite useless to bring the other witnesses to Sydney; there is no sufficient evidence to maintain the prosecution.

2. The prisoner, however, will not be discharged until the Gaol Delivery, and should any further evidence transpire, I beg to be made acquainted with it; but under the present circumstances the witnesses in this case will not be required, and you will please order them to be countermanded.

I have, &c.,
J. H. PLUNKETT.

The Bench of Magistrates,
Casino.

No. 55-266.

Attorney General's Office,
Sydney, 10 October, 1855.

GENTLEMEN,

Regina
v.
Joseph Wilkes.
Charged with
the murder of
his wife and two
sons.

With reference to your letter of the 18th ultimo, and the proceedings of the case noted in the margin, I have the honor to inform you, that although you deemed it necessary to commit the defendant for trial, who is at present in the Gaol at Darlinghurst, charged with perjury, I beg to observe it appears to me the charge has not been properly before you, the only proceedings being those against Lynch on the charge of murder, brought against him by Wilkes, after his own discharge from custody.

2. I perceive the witnesses are bound over for the December Sessions in the perjury case, but as the evidence stands at present no conviction could take place, therefore you will please countermand the witnesses; but under all the circumstances I think it necessary to detain Wilkes in custody till the Gaol Delivery. For beyond all doubt three murders have been committed, and something may transpire to lead to the detection of the murderer; and I shall be glad in the meantime to receive any further information respecting this matter.

I have, &c.,
J. H. PLUNKETT.

The Bench of Magistrates,
Casino.

Alexander Mackellar, Esquire, J.P., again called in and further examined:—

A. Mackellar,
Esq.

22 Jan., 1857.

1. *By the Chairman:* After the murder case that you alluded to in your former evidence, Wilkes returned to Casino about the 9th September? Yes.

2. He says, when he met you on the 9th September, you admitted to him that you knew perfectly well he would return, that there was no charge of murder against him, and that you would send him back again to Sydney for perjury? I had not tried him again; he had not given his second evidence; so that I could not have made such a remark. It was only upon his evidence against Lynch that he was committed for perjury, and that case had not come before the Court then. So how could I make such a remark.

3. His drift was this—that you had made up your mind to commit him for perjury, whether or not. He said you said “I will teach you to bring my name into question in Sydney”? I never made use of such an expression. I believe I did make a remark to him to the effect that I knew he would come back again, for we had had a letter from the Attorney General, stating that he would not be put on his trial.

4. He then says that he asked you, seeing that you had been connected with the murder case, to wait for Messrs. Garrard and Bundock, two Justices of the Peace in the neighbourhood, and that you would not give those gentlemen time to attend? He says he arrived on the 9th, and this case was tried on the 18th. These gentlemen were all summoned to attend—a circular was sent round. The witnesses had to come, some of them forty miles.

5. How far were the Magistrates from Casino? Mr. Bundock twenty-five miles, and Mr. Garrard sixteen miles.

6. They were summoned? They had a letter sent from the Bench by the Clerk requesting their attendance. I think Mr. Garrard was in Sydney.

7. He says that on the 16th September, when you appeared in the Court, he was not allowed to speak to any of the parties he had summoned—that they were on one side of the Court House, and he was compelled to remain on the other? I do not remember anything of the kind at all. I asked him myself, before the trial commenced, what witnesses he wanted, and said that if he gave me the names I would summon them for him. That was the only time I spoke to him. That was the occasion he refers to of my making the statement.

8. He says that when the witnesses had arrived, and the Court had assembled, you would not allow him to speak to the witnesses? I could not prevent him. Wilkes was at liberty, and these men were at liberty. They were walking about the place. I did not know when they came. They might have been there three days conversing with Wilkes for all I knew. When I came into Court, Wilkes was a free man walking about the country. These witnesses were free. I had no restraint or control over them.

9. Will you answer the question, No or Yes? No, I did not. It was utterly impossible.

10. He said that they were summoned, and that they attended, but that he had no opportunity of seeing them before they came into the Court, for he did not know where they were, and that you prevented him speaking to them in Court—was that the case, or not? Wilkes was

at

at liberty—the witnesses were summoned, and were at liberty to speak to or converse with either Wilkes or any one else; and some of them arrived at Casino the previous evening, and were staying in the town.

11. I should tell you that the manner in which we obtained this statement from Wilkes was this:—He accused you of refusing to allow him to ascertain what evidence Tapp could give with reference to the treatment of his son who was dying—he said he made certain statements that Tapp had told him, or that he had learned subsequently; and, on being asked by me why he did not ask this question of Tapp, he said, “I was prevented by Mr. Mackellar from conferring with Tapp, to know what information he would be able to give.” Your answer is that you did not interrupt him in the Court or anywhere else? Not at all. He was allowed to cross-examine the witnesses in Court, as you will see in the evidence.

12. You did not, in the Court, prevent him from conferring with Tapp? I do not know about conferring. I did not prevent his putting any question.

13. Did you prevent him from conversing with Tapp? When he was before the Court I could not allow them to be putting their heads together.

14. Before Tapp was called? Not in any way. The general impression was that this man Tapp was in constant conference with Wilkes, when he was in the lock-up, through the slabs.

15. *By Mr. Jones*: Did you order the witnesses out of Court? In every case.

16. In this case? I never allow witnesses to be in Court. I have never done so during all the ten years I have been in the Commission.

17. *By the Chairman*: He says during the period this Lynch was not in custody? He was in custody, and was very ill while in the lock-up. Several times he had had diarrhoea upon him, and was obliged to leave the Court; and on all these occasions a constable went and returned with him.

18. He says that Captain Chauvel, Mr. Wilson, and Mr. Mackellar were on the Bench, but that Mr. Wilson went away immediately—will you tell us whether Mr. Wilson went away in consequence of his disapproval of the proceedings? No; he staid as long as he could; he was on his way to Sydney.

19. He made no objection to the proceedings? Not the slightest. I never heard such a statement in my life.

20. Here is one of Wilkes' statements—he said that Constable Tapp knew more than he did, but that Mr. Mackellar would not allow him (Tapp) to tell him (Wilkes) anything he did not know—was that so? It was not so. We were anxious to get as much of Tapp's evidence as possible, and Tapp was particularly cautious not to give much upon the occasion.

21. Then he says that after he gave evidence against Lynch, Dunphy was called in and gave evidence, and that he (Wilkes) reminded you that he had accused Dunphy previously of being one of the murderers of his wife? Dunphy was never accused of murder, that I remember.

22. He also adds that the reason he suspected that Dunphy was one of the murderers of his wife was, that he was the only person in the country that knew he had money in the house? Jordan, the constable, in his evidence states, “I never heard you (meaning Wilkes) tell Alcock that Lynch was the murderer of your family. I asked Wilkes if he suspected any one, and he said there had not been any strangers about his place for a fortnight or three weeks, with the exception of a man named Brady, who came to look for a stray dog. I never heard you say that you were sure Lynch was the murderer of your family, whilst I was at your hut. I heard Lynch say that the wife of a man in the employ of Mr. Spark, who had attended his wife in her confinement, knew all the ins and outs of the place, and that he suspected her husband of being the murderer, and that he saw a strange dog, which he thought must belong to the man about the place.” He summoned Jordan to give evidence against Lynch, and because he did not give his evidence according to his idea, he put this man down as his oppressor.

23. Then he says you forwarded him to Grafton in irons? I did not.

24. He also says, that previous to your forwarding him, you gave him no opportunity of giving bail, that he would have been prepared with Mr. Mainley and Mr. Grime, to bail him out, but you hurried him out of Court, and he had not time to name it. He admits he did not name it, but the reason he gives is, that you bundled him out of Court? On what occasion?

25. Did you on either? He was a quarter of an hour slanging the Court; we could not get him out. He abused Captain Chauvel. I never refused him bail.

26. You gave him the ordinary opportunity? Yes; and he had plenty of opportunities afterwards.

27. *By Mr. Jones*: Wilkes was not brought to trial on the charge of perjury? No; I acknowledge to have been wrong in this case. It was my opinion at the time that the course we adopted was not the correct one; but Captain Chauvel differed in opinion with me; and Wilkes was committed for perjury upon the evidence he had given at the inquiry at the Police Office and the evidence he gave on Lynch's trial. Instead of committing him upon that we ought to have brought the case of perjury forward again and had the charge proved by the evidence of witnesses. We committed him upon his own evidence, where he perjured himself two or three times.

28. You ought to have proved it by other witnesses, which you failed to do; and in consequence of this omission the case fell through? Yes. I was clearly of opinion at the time, that it ought to have been so, but Captain Chauvel said not, and he was forwarded to Sydney. That is the only mistake that was made. I believe there was one there to that extent, not more.

Mr. J. Wilkes.

Mr. Joseph Wilkes again called in, and further examined:—

22 Jan., 1867.

1. *By the Chairman*: What woman attended your wife in her last confinement, will you tell us? My wife in her last confinement—I forget her name now.
2. There was a woman? There was a woman. Yes, sir.
3. Did that woman know of the money you had in the house? That I do not know, whether my wife might have told her of it.
4. Did you not tell Constable Jordan that that woman knew all about your house and every thing in it? No, I never told him anything of the kind. I told him, probably, my wife might have let her know about the money, as women are fond of showing what they have got.
5. You forget that when you gave evidence here the other day, you were positive no man knew of it except Dunphy? Dunphy was the only man that knew.
6. That was a kind of evasion—there was a woman that knew, but no man. You were distinct and positive upon that point, that no one could have known but Dunphy? No; I do not believe my wife would tell this woman, or show her the money she had.
7. Did you tell Jordan that you suspected that woman's husband of murdering your wife? I never did. What I told Jordan was, that I had never seen any one pass my place with a black dog unless it was this man, and that I did not know of any one having a black dog in the district but this man and the two murderers; they both had black dogs, and one of these dogs was at my place before I got my breakfast in the morning.
8. How long had it been previous to your wife's murder that you had had any visitors, any strangers at your hut? The last visitors I had at my place were on the 21st of March, and on the 22nd; the Rev. Mr. Macarthy came to my place and stopped there all night.
9. He was the last there? Yes, he was the last there. Lynch was there the day before, and also a man—I believe his name was Brady—came after the dog.
10. Brady was there after Mr. Macarthy? Before he was there; on the day as Mr. Macarthy came to my place in the evening.
11. Did you not at first say that you suspected no one of the murder, and that you did not know whether it was by blacks or whites? I never said anything of the kind to any one. I always had a suspicion of Lynch, after I had been at Lynch's hut, in particular—after I found my two sons the next morning—then I was convinced Lynch was the murderer.
12. You say you never said you had strong reason to suspect it was the husband of this woman who attended on your wife? I am positive I never said anything of the kind.
13. *By Mr. Forster*: Do you recollect having drawn an order on your employer for £12, previous to the murder of your wife? Yes.
14. If you had £50 in money in your hut why did you draw? Because my wife did not wish to part with her sovereigns. I divided £100 between myself and my wife; my £50 I sent up to the Bank, and desired her to send hers at the same time, and she would not send it on account of its being gold.
15. Did you not tell the person you gave the order to that you had no money? I told him all the money I had in the house that I could command was a £50 chit.
16. That is the Savings Bank Receipt? That is the Savings Bank Receipt. I asked him if he would have any objection of taking an order upon my employer, and he said he had no objection; it would do him as well as money.
17. In that case what you said was not true, was it? I never considered my wife's money as my own; I gave it her to do with it as she thought proper.
18. Did you not mention that your wife had got this money? No, I did not; I said that all the money I could command was this.
19. Would you not consider that a prevarication, and that that is not quite right? I did not want people to know I had money.
20. Did you not think it rather a departure from truth? In one sense it was; but I do not consider my wife's money as mine.
21. Do you consider it right to depart from truth in any case? No, it is not right, certainly.
22. Have you been in the habit of departing from truth? I would not tell a lie if I knew it.
23. You did in this case? I might consider I did, because I knew my wife had money, in one sense, but not in another.
24. Because if you say what is not true in one case, it is difficult to believe you when you make a statement in another? I never considered the money as mine.
25. Do you recollect when the Magistrate and constables came to examine about the hut, to look about and to inquire into the circumstances of your wife's murder—do you recollect mentioning immediately that you suspected Lynch: did you suspect Lynch? I did.
26. Did you at once name your suspicion to them? I did.
27. Are you sure that the first time you mentioned your suspicion was not when you were taken up? No; the morning that Constable Alcock came, I said I suspected that Lynch was the murderer. I saw Lynch both going and coming from my place, and on my leaving his place on the night of the murder, he sung out to me to know what I was crying for. He says, "Look in the brush at the back of your hut, and you will find the boys; they have gone to hide themselves." I said, "Do you think my children would go and hide themselves when they heard me coming home with my sheep?"
28. The blackfellow tells an extraordinary story about you? Whatever the blacks have got to say it is what they have been instructed to say, because I have been in conversation with two of the blacks which speak very good English, as good as I do myself, and they told me that Alcock frightened the black to say what he did, because Alcock first of all accused the blacks.
29. I want to tell you what the blackfellow says. He says that he was at your hut the night before the murder, and that you and your wife had a quarrel, and that you threatened her with an axe, that he took the axe from you and threw it up on the hut? I will explain that

- that. When Alcock came to my place, he said he found the axe where the blacks told him they ^{Mr. J. Wilkes.} threw it; now, it was impossible for him to find it there, for I had been, in company with a constable, on the 2nd of May, to select something in my box for my infant, and I went over ^{22 Jan., 1857.} the box, and took out what I wanted, and packed p this very axe.
30. Where did he get it from? I do not know.
31. Was it your axe? Yes.
32. It was not the axe which was used in the commission of the murder? It was not the axe. On the other hand, when Mr. Mackellar came to my place, he asked me if I had any other axe besides the one that the murder had been committed with, and he asked me where it was. I said "on the wood-heap, outside." He says to me, says he, "go and fetch it," and I went and fetched it, and left the axe in the hut at the same time.
33. *By the Chairman*: Have you ever seen or conversed with your wife and children since the murder? I have, in my sleep.
34. Will you give us an account of the conversation? I could almost repeat it word for word. The first sign that I saw of her was my son. My son was standing at my feet, calling out "Father!"
35. Where were you then? In the lock-up.
36. *By Mr. Jones*: Were you asleep? Between asleep and awake; I was sitting up with the blanket round me so. (*Witness assumed the attitude.*)
37. Did you at the time, and do you still believe, that you veritably saw her? Yes, I firmly believe that my child was at my feet. He called out "Father!" I opened my eyes, and stared him full in the face.
38. *By the Chairman*: What was that son's name? David Joseph.
39. Was there a light in the room? No, it was dark—quite dark. He says, "Don't fret, "father," says he, "I am happy." I attempted to get up and lay hold of him, and he vanished out of my sight.
40. When was this; was this the night he died? That was, I believe, the night he died, according to what I could make out from the lock-up keeper when I was telling him of the dream I had.
41. On the following night did any one appear to you? Yes, my wife.
42. What did your wife say to you? I have not told you all about my son. I asked him who it was that was his murderer?
43. This was the first night? Yes, this was the first night; and he said that "Lynch was "the man."
44. Then on the second night who came to you? My wife.
45. Will you tell us what she said to you? She like as if she woke me by lying down alongside of my thigh, and I rose up to lay hold of her and she rolled away from me, and as she rolled away I discerned all the matted blood and everything falling from her head—the hair along with it.
46. *By Mr. Forster*: Falling on the floor? Falling on the floor; and she appeared as if nothing was the matter.
47. You mean by that that the blood fell away, and she appeared as though she had not been injured? Yes.
48. *By the Chairman*: You saw your son the second night, did you not? I saw the whole of them that night.
49. Will you tell us what passed that night? I can, partly. I asked my wife, I think, who was the murderer? and she said that Lynch was the murderer; and she desired me, in particular, to take care of her infants; she said she should have an eye on me.
50. But you had a long conversation with your son that night, had you not—the night after her death? I had some conversation with him.
51. Will you describe what it was? I had some conversation, but it has nearly slipped my memory.
52. Had you any other vision of a celestial nature? No; I never saw anything after the second night.
53. I see in the paper you wrote in the lock-up — I do not recollect seeing anything over the second night. I know that my wife and four children appeared to me on that night, in company of an assembly of angels.
54. You saw them in company of an assembly of angels? Yes; and one appeared to be the blessed Virgin, and had hold of my girls' hands.
55. I think you say here (*referring to a paper*) that you saw the Son of God, sitting on a chair of gold? Yes, I did.
56. Will you describe it? I saw the Son of God, sitting on a chair of gold, and the Virgin Mary leading my family to his feet.
57. What did you hear the Son of God say? I cannot recollect.
58. You cannot remember what he said; but you have, in this paper, told us what he said? That was some time ago.
59. You remembered it then? Yes.
60. You are perfectly satisfied that he said something. Yes.
61. *By Dr. Campbell*: Had you any foreshadowing of the murder before it happened? None, whatever.
62. You never heard any voices, or any whispers? No.
63. It came upon you suddenly? It came upon me suddenly.
64. *By the Chairman*: Did you ever have any conversation with your daughters who were poisoned, after they were murdered? I never did; I saw them in company with their mother, and my two sons.
65. That was after the mother was dead? That was after the mother was dead.
66. You never saw them after they were dead, and before their mother was dead? No, I never saw them after they were buried, until such time as they were disinterred, for the doctor to examine them.
- 67.

- Mr. J. Wilkes. 67. Did you speak to your daughters when you saw them with the mother—they never told you how they were poisoned? No.
- 22 Jan., 1857. 68. You are quite sure of that? Yes.
69. Why did you not take that opportunity of ascertaining who it was? I knew well enough.
70. Who was it? The medicine I got from Mr. Morgan, the chemist, in Sydney. If it was not, the doctor must have been greatly mistaken.
71. I ask you whether it did not occur to you, when you saw your daughters, to ask them a question of that kind? No.
72. *By Mr. Forster*: I should like to know what these angels were like—were they like men or women? They were like females.
73. Had they wings? Yes.
74. Growing out of their backs? Yes.
75. Had they any clothes on, or were they naked? They had long robes.
76. Did you think they could use their wings like birds—were they like young women? Yes.
77. They had robes round them, and were not naked? Were not naked.
78. How far did their robes extend; were they quite covered, or had they robes only up to their waists? They were quite covered with their robes, but not their faces.
79. How did the wings come out? The wings seemed attached outside of their dress.
80. Were they long wings? Yes, they were long wings.
81. Such as you see in pictures? Yes.
82. How did you know the Virgin Mary when you saw her, because, I think, you told us you were a Protestant? Yes.
83. Do you then think that the Virgin Mary is beatified, or equal to God? I believe she is no more than another woman in heaven.
84. Then how did you know her when you saw her? From what I have heard, and seen in pictures.
85. Because I think it would rather puzzle a Protestant to distinguish the Virgin Mary from any one else? What makes me think it was the Virgin Mary was on account of her mentioning her son.
86. Who told you that this person you saw sitting on the throne of gold was her son? She told me, and I judged so, because I saw a glory of light round his face.
87. The Virgin Mary mentioned her son to you? Yes; she would present my children to her son.
88. *By the Chairman*: You are quite sure there can be no mistake about this. You saw none of these angels flying to you? No, they kept moving backwards and forwards like this (*waving his hands*), and my wife kept pointing and waving herself backwards and forwards until such time as she got where the Saviour was sitting in the chair.
89. You saw your wife flying then? No.
90. Skipping and hopping about? Yes, backwards and forwards, and waving her hands.
91. What sort of skipping was this? How far did she jump at once? No distance; only walking backwards and forwards like.
92. *By Mr. Forster*: What is the size of the lock-up where you saw this? About eight feet by seven.
93. How could your wife, four children, and the son of God, and his chair of gold, and the Virgin Mary, and the angles, all be included in that space? They were not there; it was only like a vision.
94. Could you see the walls and slabs of the lock-up? No, I could not.
95. *By the Chairman*: You say you think it was only a vision; can visions talk. You say you heard the conversation? I fancied so.
96. Do you believe absolutely that you had a conversation with your wife; that she told you these things? I put great confidence in it at the time, because I mentioned it to the lock-up keeper the next morning; and the lock-up keeper said he should like me to write it all down for him for his wife, because she was a great believer in dreams; and he brought me pen, ink, and paper, to write it down.
97. Is this your writing? (*Handing witness a paper attached to the depositions.*) Yes.
98. *By Dr. Campbell*: Do you believe it as a reality? I do not believe it now, but I did then.
99. If you do not believe it now, why did you tell us that you saw her? Not in reality.
100. Are all these other statements you have been telling us as matters not in reality—you seem to draw a line between what you intend us to believe, and what you do not intend us to believe? What I have stated to you is nothing but the truth; I do not believe I have stated one word of a lie.
101. You say that all these conversations with your wife, and all these conversations with the Virgin Mary, and all these conversations with Christ, are not realities—are these charges which you bring against Mr. Mackellar intended to be realities? *They are*; not one word of a lie have I told about Mr. Mackellar.
102. It is only these other matters that are not real? This I do not consider real; it is only like a dream, a man's mind being disturbed.
103. *By Dr. Campbell*: You do not believe such nonsense as that? No; I do not.
104. *By Mr. Jones*: Were you asleep at the time? Between asleep and awake.
105. Were you conscious where you were? Yes.
106. *By the Chairman*: Do you happen to know a man named "Joe the Blocker?" I never knew the person.
107. Do you know anything of a murder on the Parramatta River some years ago, when a man had his head chopped off? Yes; I was the party that brought them to justice.

108. Were you not spoken of at that time as "Joe the Blocker?" Never; I never heard the expression made use of. Mr. J. Wilkes.
109. It was on your evidence that the murderers were hung? Yes; partly. 22 Jan., 1857.
110. Was it not mainly? Mainly.
111. What other man's evidence was brought against them? A man of the name of Martin, a publican.
112. Were you present at that murder? I was present at that murder. It is the only thing that ever put a blush upon my face, because I kept it a secret better than twelve months.
113. Then you turned King's evidence? I gave my evidence.
114. That is the only matter? That is the only thing that ever put a blush upon my face, to think that I was so base as to have kept it a secret.
115. Do you recollect another matter of the same kind at Norfolk Island? No.
116. You were sent away from this Colony to a penal settlement? I was, for a forgery.
117. To what penal settlement? Norfolk Island.
118. There was a murder committed there respecting which you gave evidence? There was a murder committed there.
119. Tell us something about that? I do not know anything about the murder there; all I had to say in it was that I was at work at a hand cart where there was a party of men, and one said to the other, he was well aware who was the mark that the murderer was going to attack, and I stated that to the Commandant.
120. Who was the murderer? I think it was a man of the name of Burrows.
121. Did you come up to Sydney on that occasion to give evidence? No.
122. Was the murderer tried at Norfolk Island? Yes.
123. Did you give evidence on that occasion? No, I had nothing to do with it, only I saw the man take the spade out of the lumber yard and strike him.
124. Then there was another murder at New England—you gave some evidence about it? No, I did not give evidence upon it.
125. *By Mr. Forster*: Were you in the hut that was burnt down? The hut was at the head of the Manning River, almost in New England.
126. The hut-keeper disappeared, did he not? No, the blacks came upon us there; I got speared in my side and speared in my thigh.
127. *By the Chairman*: Have you the marks of that? I have (*Witness showed a wound in the side.*)
128. Will you tell us about that murder? All I know about the murder was, that the blacks came upon us at night in the dark, and they speared that man. After spearing me, they ran him into the hut; the spear went right through him—in at his back and out of his belly. They ran him into the hut and set fire to the hut, and I made my escape to the head station.
129. Were this man's remains found? Yes, next morning; part of them were burnt, and the spear was found in him.
130. Did you show your wounds when you went to the head station? Yes; the superintendent at the head station dressed my wounds.
131. Were you not accused of having committed the murder? Not to my knowledge. Captain Smith, the Commandant at Port Macquarie, sent to me to represent to him the state of the case.
132. *By Mr. Forster*: Was this in the dark? Yes, in the night.
133. Do you know what blacks they were? Mountain blacks.
134. Do you remember the names of any of them? No.
135. Have you given evidence at any other time in any murder cases? Not that I know of.
136. Just think carefully—you see I know something of your history? Yes. I shall not deny anything I have done.
137. You do not remember any other case? No; I have never, to my knowledge, been but three times before a Magistrate for thirty-seven years.
138. These were all murder cases, were they not? No, they were not.
139. You were before the Magistrate on the occasion which you have stated, when your daughters were poisoned? No, I was not before any Magistrate then. Captain Marsh came out with the doctor to have a *post mortem* examination.
140. I will show you that, on your own showing, you were before a Magistrate three times on three murder cases. One was on the Parramatta River; one your wife's case; and the case of this man you say was speared by the blacks, was three? That was not on a case of murder; I was merely a witness.
141. The case at Norfolk Island is four? I had nothing to do with that murder; I had nothing to say about it, only from the conversation I heard of the two men.
142. You stated just now that you had been but three times before a Magistrate in your life? Not before this time that I was charged with the murder of my family.
143. I will show you that all these were murder cases: one, the murder at Norfolk Island—I was never before a Court about that murder at Norfolk Island. I only went to give the statement of what the men said.
144. Were you not transported before you came out here? Yes.
145. Were you not before a Magistrate then? Oh! that was in England.
146. You state you have been but three times before a magistrate in thirty-seven years? That is, thirty-seven years in the Colonies.
147. *By Mr. Hely*: Were you a witness of this murder at the Parramatta River? Yes.
148. When you turned King's evidence, I suppose you did it to save your own life? No; I sent voluntarily the statement to Captain Wilson.
149. Was any reward offered for the discovery of the murder? There was no reward offered.

- Mr. J. Wilkes. 150. *By Mr. Forster*: It was your conscience led you to make the disclosure? Yes, it was my conscience.
- 22 Jan., 1857. 151. Will you tell the circumstances of the murder of the man in the boat, who was thrown over after having his head cut off? Yes.
152. Well, what was the man's name? Chapman.
153. The murderers? One was Chapman, the other Miles.
154. You were in the boat, too? Yes; I had been up along with the man that was murdered to Kissing Point, to serve a process from the Court, and was to be left there in charge of the man's property, and they came to meet him, thinking he would return by himself in the boat.
155. In what year was that murder committed? I think in 1831.
156. At what part of the Parramatta River was that murder committed? Nearly opposite Bellevue.
157. Had you been ashore at Goat Island? No.
158. Had you any spirits in the boat? No.
159. Tell us something about the murder at Norfolk Island with the spade? I'll tell you what I know of it. The gangs were coming out of the lumber-yard to go to work; they had been allowed the use of the spades to make their little gardens with. Each man was bearing his spade on his shoulder, and this man stepped out of the rank and went up to the man in front of him, and clove his head in two.
160. What was his name? I think his name was Desmond.
161. Who was the Judge who tried the case? That I cannot tell.
162. Can you remember who the lawyers were, or either of them? No.
163. *By Mr. Hely*: In what year was that? I think 1834.
164. *By Mr. Forster*: With reference to the murder in New England, you say it was in the dark when the blacks attacked you—(you must not suppose I am asking these questions to annoy or embarrass you, but you have brought serious charges against a gentleman, and it is necessary to investigate these various matters, and we want particularly to investigate the particulars of your life)—did you see the spear enter the man? Yes, by the light of the fire; we had a large fire in front of the hut.
165. You saw the blacks spear this man? I saw them running along, and shoving the man before them into the hut, and I saw the spear in the man at the time.
166. Was he close to you at the time that you saw him come into the hut? Our huts were about fifteen yards apart.
167. He came running into your hut? No, into his own.
168. Were you in his hut at the time? No, I was not.
169. How far were you away? I was behind a tree opposite my own hut, and he was behind a tree opposite his own.
170. At what distance was he away from you when you saw the spear in him? About fifteen yards; I saw it by the light of the fire out of the hut.
171. What was the name of the doctor who attended him? There was no doctor there at all.
172. Did he die the next day? No, he was burnt that night.
173. An inquiry was held over the body? There was a Mr. Winter there; he was a Magistrate afterwards, but he was not then.
174. Was no inquiry into the circumstances held at all? No inquiry, more than that Mr. Smith sent for me into Port Macquarie to state the particulars about it.
175. No one went to the spot to examine it? No one went to the spot to examine it, but Mr. Winter went to look at it, and a man of the name of Mackay.
176. Do you know whether their evidence was taken as to the examination of the spot? No.
177. The only evidence taken was yours? Yes.
178. You gave that evidence on oath? Yes. I rather think Mr. Winter and this Mackay were questioned something about it at Port Macquarie.
179. You have had a religious education, have you not? I have.
180. I suppose you attend to all your religious duties well? Yes, when I have an opportunity.
181. You have brought up your children as Roman Catholics? I let my wife bring them up so.
182. You did not think, then, that it was much matter what religion they were? Yes, I did, but I never had any words with my wife about it; I never used to mention anything about religion to my wife.
183. Or to your children? Or to my children, any more than to try and instruct them, to put the fear of God in them.
184. That is, you gave them a general notion of religion, but you did not teach them particular distinguishing doctrines of any particular Church? I teach them so far as books go, and to read the Bible.
185. Used you to read prayers in your hut? Yes, very nearly every Sunday, and almost every night.
186. The Bible and the Prayer Book? Yes, the Protestant Bible and Prayer Book.
187. Did the priests let you read this Protestant Bible and Prayer Book? I do not know whether the priests did or not, but I did.
188. It is not generally allowed by Roman Catholic priests is it? No; but my wife was so eager, after she got to learn, to read a chapter in the Bible or Testament to the children.
189. You yourself taught her to read and write? Yes.
190. These copies (*referring to copy-books before him*) were written by your children and wife, under your instruction? Yes.
191. They did not begin with these—did they? No.
192. They had books previous to these? Yes.

193. And did not you form some of these letters, or finish them and make them look better? Mr. J. Wilkes. No; they are entirely their own writing. I used to sit up and set their copies over night; they would write during the day, against I came home. 22 Jan., 1867.
194. They had plenty of pens and ink? They had plenty of pens and ink.
195. You say you had a religious education, and never told a lie in your life? I did not say so; I said I would not tell one wilfully if I knew it.
196. Were you not transported for forgery to this Colony? No, from Sydney.
197. What were you transported for from England? For what they call petty larceny.
198. Do you not think forgery nearly as bad as lying? I did not commit the forgery, I was with the party that was passing the order, and me being the only person by, as they could not take the other party they took me.
199. Were you innocent both of the forgery and the utterance? Yes, I was of both.
200. Were you innocent of larceny? No.
201. Do you not think that is nearly as bad as telling a lie? Yes; but that was in my youthful days, and although I had the misfortune to be sent to Norfolk Island, there was not a man that was thought more of at the island. I had charge of a choir of singers, and I can refer to the Rev. Mr. Sharpe, of Bathurst, for my character while I was there.
202. Were you there when Captain Maconochie was there? I stopped nine months, to collect him seeds.
203. Was Captain Maconochie with you? Yes, about nine months.
204. Was his system in operation at that time—teaching the people music, and so on? Yes.
205. You were one of the singers? Not in his time; I would not have anything to do with that.
206. *By the Chairman:* Who was the medical man at Norfolk Island when you were there? Doctor Stewart.
207. There was another doctor there—was there not? Dr. Harnett; there were several others.
208. Dr. Graham—was he there? Yes.
209. Did he know you—we can send for him? I do not think Mr. Graham knew anything about me. Dr. Stewart did, for I was lent to Dr. Stewart, for scientific purposes, for twelve months.
210. Will you tell me this—you say the last person who visited you before your wife's murder was the Reverend Mr. Macarthy? Yes.
211. Of what faith was he? Catholic; he came to baptize my infant.
212. Did you have no quarrel with your wife about having the infant baptized by her clergyman and not by yours? Never; I never had an angry word with her about that; I never exchanged an angry word about anything of the kind.
213. Will you tell us who your wife was before she was married? She was sister of the Hawthornes.
214. You are quite sure she could not write when you married her? She could not.
215. These people would be able to prove this was the case? Yes.
216. You are quite sure she could write before she died? Yes.
217. Is there any other who could say that besides yourself? Yes, I think so.
218. Could the Rev. Mr. Macarthy? I think he could.
219. Is there any one who you are sure could say so? Constable Jordan has seen her writing, I think.
220. Do you mean after she has written or while she was writing? While she was writing, I think, he has been there.
221. You cannot say that you are certain any one has seen her writing? Excepting the woman that attended her during her last confinement.
222. But you cannot remember that woman's name? No, I forget it.
223. How many years before she died could she write? She had not been at it twelve months.
224. There is no one you could mention who ever saw her write? No.
225. Have you any any of her writing here? Yes, in one of the books on the table you will see her name. (*The Chairman handed a book to witness.*)
226. This, you say, is her writing? Yes.
227. Which is yours? The heading at the top line—the copy.
228. Are you sure you did not write that? (*Pointing to one of the lower lines.*) I'll take my sacred oath I did not write anything but the top.
229. Is it not remarkable that she did not slope her writing? It was the way she had.
230. You have spoken of interviews with angels—did you ever have any interviews with angels before the murder of your wife? No.
231. They never gave you any advice as to the management of your children? No.
232. You are quite sure of that; as to teaching them to read and write, read their bible, and say their prayers? No.
233. You say your children could read and write, and that they wrote in these copy books? Yes. The Rev. Macarthy could prove that, for the children used to take great delight to take their copy books and shew them to any one that came, and they did so when Mr. Macarthy came, and when he parted with me he shook my hand, and said he was very proud my wife spoke so highly of me, and gave me great credit for the way I had brought up my children.
234. Did Mr. Macarthy, or any one else, see your children write these copies? Yes; this constable Jordan, and Tapp, used to stop sometimes at my place when they have been going backwards and forwards to different stations.
235. You are sure of that, so that if we sent for these people there would be no mistake about the matter? Yes; constable Jordan stopped at my place three nights—constable Tapp stopped two nights.

- Mr. J. Wilkes. 236. *By Mr. Forster*: Constable Tapp was an old friend of your's, was he not? No, he was no more a friend than any other person.
- 22 Jan., 1857. 237. Was he not at Norfolk Island? Yes, he was; but I do not think that I ever exchanged words with him there.
238. *By Mr. Hely*: I see you have written a note to Mr. Robertson, of Sandilands, and you add a postscript to this effect, "it is done by some white person"? That was after I found my two sons.
239. You say your son could not speak? No. It was after I found my two sons I was positive that Lynch was the murderer.
240. *By Mr. Forster*: You did not suspect him before? Not until such time as I went back, and found the box rummaged to search for money. If the blacks had been there, they would have taken provisions.
241. *By Mr. Jones*: You say you did not think it was Lynch until after you had found your two boys? I thought it was before I had found my two sons. I spoke to Dunphy about it, and Dunphy said, "I knew it was his intention to rob you, but I did not think it was his intention to murder your wife."
242. When did he tell you this? The same night that I went to his hut.
243. In the course of the day following, what did you tell Mr. Mackellar when he asked you if you suspected any one. He never asked me the question. He never asked me if I had any suspicion of any one.
244. He did not ask you if you had suspicion if any person had murdered your wife? No.
245. *By Dr. Campbell*: You found rings there? No; there was a broken ring found in a tea-cup—that was originally her wedding ring—it had been broken; and there were two or three copper ring belonging to the children, and a silver ring, which had been given to my eldest boy by a Chinaman.
246. *By Mr. Forster*: There were some rings found? No rings but these.
247. No gold ring? Only an old gold ring which had been worn till broken.
248. Your wife had worn it? Yes; it was in a tea-cup on the shelf.
249. It was an extraordinary thing that the murderers did not take it away? They would not look for it; it was put on the shelf.
250. Was this Lynch a big man? No; a half an inch or an inch taller than me, and stouter. He is in Sydney Gaol now for a robbery. I got him apprehended, and gave him in charge.
251. Is he in gaol on your charge? No, Mr. Dowling would not keep him in custody, until he saw how this was settled in the Council, and desired him to give an account where he was going to; he said he was going to Richmond River, and that his passage was paid; but I knew that the vessel had sailed the day before. He said she had not; that she was lying in the stream. That same night he got apprehended for robbery.
252. Had he been a long time on the Richmond? I do not know. He had never been down that way until about two or three months previous to this murder. That was his first coming to that part of the country.
253. *By the Chairman*: I see in this copy book, said to be in your wife's writing, that the writing is remarkably like the copy, but sometimes it is straight and almost perpendicular, although the copy is very slanting? Yes; sometimes she would write very straight, or slope it a little the reverse way; and I would point it out to her.
254. That was not like the copy? No.
255. What was the use of the copy then, if it sloped one way, and the writing the other? I set her the copy, and she did it according to the best of her judgment herself.
256. Do you understand anything of chemistry or medicines? No.
257. *By the Chairman*: You have stated that your daughters were destroyed by the administering of blue-stone with brimstone? Yes; my wife gave the brimstone to the children, and found a piece of blue-stone in it, which she kept to shew to me, to ask whether it would do any harm, and I told her to keep it until I saw the doctor.
258. *By Dr. Campbell*: Did it purge them? Yes; the moment my wife discovered that I spoke of the blue-stone, she wished to know if it would do them any harm.
259. Who administered it? My wife.
260. And who mixed it up in that way? It came from the chemist's.
261. What, sulphur and blue-stone? Yes.
262. What did you get it for? As medicine.
263. For sheep or oxen? No, for my children; it is quite usual to give young children sulphur of brimstone.
264. Surely not with blue-stone? No.
265. Did you not buy blue-stone at the same time, so that it might have been mixed? No; I do not use blue-stone for my sheep, I always used antimony.
266. Do you mean to say the chemist sold blue-stone with brimstone? Yes; Captain Marsh took the whole in his possession, and said he would send up a portion of it to Sydney to the Attorney General. Mr. Morgan did not sell it to me, but Mr. Bradley, who kept the Brunswick House, next door to Mr. Morgan. I sent to him for about £4 worth of property, and at the same time I sent for different kinds of medicines, together with this sulphur of brimstone. I think I have a copy of the list sent. Dr. Skinner told me, as soon as he saw it labelled with Mr. Morgan's label, that it was not a wilful mistake, but a mistake of the shopman's. The way it must have been—there stands a cask of blue-stone, and there a cask of brimstone. He had just been weighing some blue-stone, and dusted the scale into the cask with the brimstone, by mistake, and mine was the first brimstone weighed out afterwards.
267. *By Mr. Hely*: But surely the dust which remained on the scale would not produce such effects? There must have been a little brimstone out of the scale in weighing it.

268. *By Mr. Forster*: Did your wife give the children this medicine every day? No, twice a week. Mr. J. Wilkes.
269. In what doses? About a tea-spoonful and a half, mixed with honey, among four of them. 22 Jan., 1857.
270. *By Mr. Hely*: Was there any *post mortem* examination? Yes, there was; Dr. Skinner held it.
271. What did he say he supposed that death was attributed to? Bluestone. He pointed out to Captain Marsh and me the ulcers that were in the stomach, where mortification had taken place.
272. *By Dr. Campbell*: Did you ever get a blow on your head? Yes, I have had a tomahawk in my head.
273. Allow me to look at the place—(examined witness' head)—how did that happen? It was the blacks.
274. Do you believe in ghosts? I do not.
275. Do you sleep soundly at night? I do.
276. Did you always? No, I did not sleep sound after this murder was committed, for I used to sit up fretting so.
277. Did you sleep soundly previously? Yes.
278. No fears ever came over you previously to that? No fear ever came over me; but when I think of the loss of my family, and what I have suffered myself, it almost turns my brain.
279. You never saw any visions previously to this murder, or heard any voices? No.
280. No noise in your ears? No. There are people on the Clarence that will take their oaths they have seen ghosts. They say that the woman that hung herself in the cell where I was confined appears, and they came to me the next morning after I was put in there, to ask me if I had seen her.

(Witness handed in certain papers to the Committee. Vide Appendix)

APPENDIX A.

Questions handed in to the Chairman by Joseph Wilkes, to be asked Constable Alcock.

At my first committal, Constable Alcock stated that I did mention Lynch to him at my hut, but at my committal for perjury, he swore I never mentioned Lynch's name to him until I had been in the lock-up four days, which caused my committal.

Now, if I had not accused Lynch to him on the morning after the murder, why did he ask me to go with him, having to carry a baby in my arms, to look for Lynch's tracks, leaving my poor murdered family—he having Constable Jordan and Dunphy at the hut—why not have taken them, they knew the bush well?

Or why did Alcock on the day after I was in the lock-up, want me to allow him five shillings a day each, for three blacks, to go and look for Lynch's tracks, saying, he could not lose his time to do my work? I told him I would give them each a good suit of clothes, and pay him for their rations—that would not do—without the money he would not let them go.

Or why did he call Mr. Mackellar, and request him to ask Dunphy if any conversation had passed between him and Wilkes about Lynch?

When taking me to the lock-up, he said his reason was, my not telling Mr. Mackellar the same I had told him about Lynch. I said Mr. Mackellar would not give me time, nor did he ask if I had any suspicion on any one—and that he (Alcock) ought to have told what I had said—and that he must have told something to prejudice Mr. Mackellar against me; that my son would break his heart after me. He said it was better for me to be away, for fear anything might happen at the hut that would cause me to be suspected.

Why did he not let the blacks go and look for Lynch's tracks when he brought them to my hut—or why not let them have brought boards, according to my request, to make coffins—he had several thousand feet, as also Walsh, the lock-up keeper, who is a cabinet-maker, works at his trade, and keeps a yard—or Jordan could have made them, he being a carpenter, and could have made them when at my hut, as I had plenty of tools, and seven or eight large boxes, also several shelves and tables to have made them of?

Why did he and Walsh come several nights to the lock-up, disguised as ghosts, with sheets round them, to try and frighten me—my sufferings were not enough?

Were not you surpris'd at my keeping so much property at a sleep station? why did you not remove my son to Mrs. Taylor's when she requested? or why did you not send Jordan for the doctor when I begged of you? you knew my son could read and write well, why not have given him the slate and pencil, and put any questions in a mild manner, he could have written any answer, and when you found he was quite sensible, and could say "yes" or "no," why not have taken a Magistrate to him and use proper means?

Why did you not take inventory of my property and secure it, or why after leaving it unprotected for near six weeks, why did you convert what you and Walsh thought proper to your own use, and burn the rest? Because I would not let you have what you wanted at your own price. Or why did you burn all my writing and papers, and my certificate of freedom? and what has become of the property that was in the two bundles that Dunphy put in my hut, after you and your men had searched it.

Why did you leave my property several days in the rain after it was brought over, until one-half was rotten? Because I would not give you and Walsh, the lock-up keeper, ten pounds for the use of the old hut to put them in.

Why did you, when the doctor arrived on Friday, and sent you over a note that he wanted you to send him some Port wine and a little brandy, and other things, for my son—why did you not send a constable with them, and delay the black fellow from three o'clock, p.m., till ten, and then would not send until I gave you the money to pay for them, also five shillings for the black?

On your arrival at my hut, on the 11th, with Mr. Mackellar and Mr. King, my having sent for some arrowroot for my baby and poor son—why did you order Constable Taylor not to give it to me without money, knowing my money was all taken?

What is the reason I was not allowed to hear you give your statement, and why was it not read over to me; or why was not Jordan's evidence taken at the same time, he being there all the time, and knew more of my family than you?

What did he apprehend Dunphy for—was it not for saying something about my money, and why was he not examined, but let go on bail?

Why did you not send for the doctor when you first came, and being requested; you had Jordan there?

Mr. J. Wilkes.

22 Jan., 1857.

Why did you refuse my riding one of my own horses to Crafton, seeing I was so ill, and why did you tell constable Harris, if I could not walk to chain me up to a tree, allow me no blanket or fire?

When I pointed to you that my poor wife had received a blow on the hand as if defending herself, and said you ought to go and see if Lynch had any marks on him, and as I had found my two sons where he told me to look for them, I was sure he was the murderer, and it was your duty to take him in charge, and bring him so that he might be placed with all present before my son, who was sensible, and if asked properly could have pointed to any one, if present, as the murderer?

Why was not Jordan examined at the time, as he was the man that found the tomahawk on the first day, and you swore you found it on the second day, and yet you could not see his tracks, although he had been up and down the path several times.

Why did you take Mr. Mackellar and Mr. King and the blacks to the back of my hut before you came to it, if you had not prejudiced them against me?

When the two men came to inform you that Lynch and Dunphy were quarrelling, and threatening to tell of each other, why did you not go yourself, or why not take both in charge; or why did you send Harris away with me next morning, knowing he would be wanted to give evidence to what Lynch had said about the murder; or why did you forbid him to let me know anything about Lynch, or what had been said?

APPENDIX B.

STATEMENT respecting the Death of my two lovely Daughters by Poison, and the narrow Escape of my Wife and three Sons. 10th January, 1853.

My then receiving between twenty and thirty pounds worth of property I had sent the money to Mr. F. Bradley at the Brunswick House, Pitt-street, Sydney, at the same time requesting him to send me certain medicines for the use of my family, amongst which was two lbs. of sulphur of brimstone. On receiving the same my wife commenced giving my five children the same mixed with a little honey, at the same time taking a little herself to induce them to eat it; after doing so three or four weeks, she discovered a small speck of blue stone in it, which she kept until I came home at eve, to show and ask me if there were any danger attached to it. I desired her not to give them any more, as I was not sure if it was dangerous or not, but I would make inquiry; this was in the latter end of February, and early in March my children began to show symptoms of disease similar to dysentery. My having plenty of fruit at the time, I desired my wife not to let them eat any the next day. My youngest girl, near three years old, took to vomiting, and my other children grew worse with purging. I wrote to Captain T. Marsh, my employer, to acquaint him, and request of him to send for the doctor, which was accordingly done by Captain Marsh, himself coming out to see them; he brought some Dover's powders and calomel, and gave me instructions how to administer it, saying there was no danger of their dying. Dr. Skinner sent word he could not attend, as the distance was so far, being fifty miles off, and his having so many patients that required his daily visits; he sent me medicine such as I already had, with instructions how to administer them, but before it arrived my youngest girl died in great agony, and turned quite black in a few hours after. The other children getting worse, I went for Captain Marsh, who came with a gentleman of the name of Mr. Tolson; they still thought it dysentery, gave more medicine, as what the doctor had sent had been damaged by water. They said there was no fear of the other children. I told them the state my child died in, that she turned quite black, and smelt bad soon after dying. In two days after my oldest girl, between four and five years old, showed the same symptoms. I went to Captain Marsh again, and told him I feared it was not the dysentery, that I feared I should lose all my family if the doctor did not come, and that I was going that night to fetch him. It was raining in torrents, and no moon, and only a bush road. I missed my way, and after travelling all night, giving my horse the head, found myself at daylight at Captain Marsh's station, my horse knocked up. I returned home and found my daughter worse, and the rest no better, in particular my eldest son. I sent again to Captain Marsh, and told him to send again for the doctor officially, as my daughter was dying and the family much worse, my wife showing the same symptoms; the infant at the breast had also imbibed from the mother—but my poor girl died before the doctor came. The same night I received word that the doctor was at Captain Marsh's, and that they would be out next morning at my hut. I sent word my child was dead, and that she died the same as the other. On the doctor and captain arriving next morning, I being obliged to put my child in the coffin and lay her in the grave, but not filled, in consequence of her smelling so bad. The doctor said he was quite surprised, and could not account for it, as we appeared to be such healthy people. He asked what medicine we had been giving them, and what was our general food. Being told our living was bread, meat, fowls, eggs, milk and butter; and that since their taking ill no other medicine but such as he had sent; but that before then they had been at intervals taking magnesia, rhubarb, and sulphur with honey, showing him the honey: at the same time requesting him to look at the medicines I had from Sydney, to see if they were good or genuine. He said he could not tell, as chemists had different ways of colouring them. At this time my wife reminded him of her finding the blue stone in the brimstone. On examining he discovered it contained a great quantity, and said my family were all poisoned by it, at the same time pointing it out to Captain Marsh, who said, are you, Doctor Skinner, of opinion that has caused their death? The doctor said it wants no two opinions; he could take his oath in any Court of Justice they were poisoned by it, and that I should lose all by family, as no doctor in the world could cure my eldest son; he was gone too far. Captain Marsh asked me if I had any objection to the child being opened. I said it was my wish; it would be great satisfaction to me to ascertain the true cause, as I considered it a criminal case; and also said I hope he will see to it, as he was a magistrate. We then proceeded with the doctor to the graves of my two daughters, and took the corpse out of the coffin. I assisted the doctor to make the examination of the stomach; found there ulcers; the doctor pointed them out to us, and afterwards showed where the mortification had taken place in the gut near the fundament. I interred the body again. The other girl had been too long dead for the other operation, and it was declined. We proceeded to my hut, and the doctor ascertained by the label on the medicine, and was surprised to find that it came from Mr. Morgan, chemist, Sydney. He then said, Wilkes, this has not been a wilful thing; Mr. Morgan is the gentleman I get the whole of my medicine from; I have been in his shop many times, and I have seen a cask of brimstone alongside of another of bluestone; the mistake has been this: the man has been weighing bluestone, and dusted the counter and scales into the wrong cask, and yours has been the first brimstone taken out, and that he should write to Mr. Morgan, and take no more medicine from him. I told him I would send the case to Mr. R. Nichols, and proceed against him, as it was not for me to lose my poor family by his neglect. Captain Marsh then asked for pen, ink, and paper, saying he should take all hands' depositions, and send a portion of the brimstone to the Attorney General, and take the other in his charge till wanted to be produced for evidence, which was accordingly done. The doctor hearing this, letting the captain out, advised him not to take depositions until they saw the result of the other children, as my eldest son could not live forty-eight hours; that no doctor could cure him, and he feared that the whole family would die. Captain Marsh told me what the doctor had said, and that they had it arranged to charge it as an inquest, and consider they were justified, as the doctor had made the examination, and by so doing he should charge the Government, not me, for his trouble. I told Captain Marsh, as he was magistrate, he ought to know best; but I was determined to send the case to Mr. G. R. Nichols, the lawyer. The doctor desired me not to be in a hurry, as he should write to Sydney as soon as he got home. This was on the 15th March. My two children had died within the fortnight. The doctor then gave me six powders; then left, saying he would send more, but

but not to allow my family to eat any meat, but get them some good old port-wine—none could be got but at Grafton, 50 miles distant. The doctor sent no powders. I went to Grafton after four days to get the wine, and see the doctor. My children cried much for meat. I asked him if I might give them fowls. He was surprised to find my eldest son alive, and gave me more powders. I begged of him to attend my family, and offered him £50 in advance; he said he could do them no good, or attend them, the distance being so far, and he had so many patients to attend daily. I wished him to take my boy under his care, and I would bring him; he would not consent, as he was sure he would not recover. I told him I had brought my papers to post for Sydney; he seemed quite pettish, and wished me not to send them yet, until he heard from the chemist; he was going to write by that mail, and I had better wait. Seeing that I could not prevail on him to attend my family, I made up my mind to try Holloway's Pills. I posted my letters, bought six boxes of pills, returned home, put away the doctor's powders, and commenced giving the pills three times per day, in number according to their age; and to my joy and surprise, my wife and three sons were restored to good health in three weeks. Doctor Skinner having, in a fortnight after this, received letters from Sydney, gave Captain Marsh a bill, charging me for all his trouble, as well as Government, on account of the inquest; that he was going to leave the District, and proceed to Sydney; he also sent Captain Marsh a statement of the examination, of which I held a copy, and that he would look after my case in Sydney; this statement was quite different, and not according to what he said at the examination; and by his prevailing on Captain Marsh not to take depositions and his going to Sydney, at the same time his having more patients than he could attend to, I was sure he was not acting honestly. My children were too ill at this time for me to proceed to Sydney. Captain Marsh went to Sydney with him. I then received my papers from Mr. Nichols, stating that he was retained in the case by parties in Sydney before he received my letters. Doctor Skinner remained a short time in Sydney, then went to Melbourne; this was in June that I received my papers from Mr. Nichols, and in July sent them to Mr. Holroyd, to request him to proceed against the party; who sent me word he could not proceed, as no account had been sent to the Attorney General's Office. Captain Marsh being in Sydney at this time, I wrote to him to know the reason the statement had not been sent to the Attorney General; he sent me word he had positively sent them. I sent his letter to Mr. Holroyd, who again sent me word no account had been sent, and that he could not proceed. In February, after repeatedly writing, he sent my papers back, saying he could do nothing in it, but retained the bill for the goods and medicine, saying that he placed my papers in the hands of Mr. Low, who had by some means mislaid the bill; this was in June, 1854. I then went to the Bench of Magistrates, to request they would use means to bring it before the public, and tell me how to act; they would not interfere, but told me to see Captain Marsh. On July the first, I wrote to the Attorney General, and sent all my papers connected with the case, and requested that it might be investigated; but, from that time, I have not heard one word about it. Captain Marsh before going to Sydney with the doctor, desired me to send him in writing connected with the case, and not to send anything but what my wife and myself could swear to. I accordingly did so, mentioned his and Mr. Tallson's visits and their advice, also the medicine they gave for my family. Captain Marsh, sent it back, having drawn his pen across such portions as contained his and Mr. Tallson's name, as that made it appear they had been acting as doctors to my family. I sent another statement, leaving out these portions, keeping the original by me. By Doctor Skinner prevailing on Captain Marsh not to take depositions and his leaving the district, having plenty of practice, I feel confident there has been bribery and foul play acted, as there is not a word ever appeared in public print, so that the public are ignorant what a poor man has to put up with in the bush. Who knows how many might have been poisoned from the same cause by this case being kept secret from the public? Where the fault lies, I hope some good christian will point out to the unhappy Father.

(Signed) JOSEPH WILKES.

APPENDIX C.

STATEMENT respecting the Murder of Honora Ceary, the Wife of Joseph Wilkes, and Four Children, at Richmond River.

April 9th, 1855. I left my wife and four children, all in good health and spirits, and proceeded with my sheep, in the bush; and on my returning home, in the evening, and on approaching near the fold, one of my children, only two years and three months old, came crying through my sheep. I called to my wife to come and take him away, also to my two eldest sons, but receiving no answer, I became alarmed, and went to the child, and asked him were his mamma was, he, still crying, said "papa, mamma dead"; I took him in my arms, ran to the hut, and there saw, with horror, my poor infant, only three months and two weeks old, crying in the cradle, and my poor wife, lying at the back door, in a gore of blood, with her head cut to pieces, in an awful manner. With frantic grief, I called for my two sons; getting no answer, I secured my sheep, and finding my boxes had been ransacked, and the contents being thrown out, I felt confident my place had been robbed. I did not wait to ascertain if it was done by the blacks, or not; and judging my two sons, one of whom was eight years and six months, the other, seven years and eight months old, had, on seeing their mother killed, made their escape, and gone towards a station on the same creek, four and a half miles off, occupied by one James Lynch, and Peter Dunphy, as the only one they had knowledge of in that direction. I ran and got my mare, she was on tether; during which time, my infant had fallen asleep. I then proceeded, taking the other with me, to Lynch's hut, in search of my two missing sons; my not thinking they were killed, I kept shouting all the way, for fear they might have got astray. It was quite dark at my starting, and on my arriving there, and making enquiry for my boys, and getting no tidings, I told them what was the matter, and requested Peter Dunphy to come with me, as he must go and fetch the Police, and requested them to bring blacks, to look for my sons, my fearing they had gone astray. He, Dunphy, was loath to come, and there was much whispering with Lynch. There was a strange man at their hut, and as I did not dream but that the blacks had done the deed, and as it was late, I proposed leaving my child there for protection—little thinking I was leaving him with the murderer; and, on my leaving, in company with Dunphy, Lynch said "you damned fool—why cry; look in the brush, at the back of your hut, and you will find your boys; they have hid themselves." After my getting home, and ascertaining it was not the blacks who had committed the deed, and my finding my two sons in the brush, next morning—my also having seen Lynch both going to and coming from my hut on the day of the murder—I was convinced in my mind he, Lynch, was the murderer. I found my two sons; the eldest alive, and the other dead. Lynch did not know of the brush before this day; and that he had killed them through their knowing him. Now it is evident my poor wife was providing the murderer something to eat, and that my two sons had gone to fetch little cans of water, when the murderous attack was made on their mother, as their cans were found with them; also, the tea was made, bread on the table, and meat; also, next day at eleven o'clock, constables Alcock and Jordan came, and I pointed everything to him, and said, he ought to go and take Lynch; he said he could not interfere without a Magistrate's order. We searched for tracks; could find none but mine in the path; where I had been up and down several times for my children. I told him my sheep had been down there the night before, and would put any other track out. I begged he would send for the doctor, as my son was quite sensible, and could point with one hand, although he could not speak at the time, he could be able to point, or by the assistance of the doctor, he would be able to tell the murderer; Alcock would not send for the doctor, which caused me to have words with him. He also insisted on my going with him to look for Lynch's track; at the same time there was Dunphy and Jordan at my hut, who, with himself, knew the bush as well as myself, at which

Mr. J. Wilkes, which time I had my infant to take care of, also my dying son to attend to. I went some distance and pointed out to him the way I went out; I came home that day with my sheep, and that we should not be able to find any track until we got to where I saw Lynch, as my sheep coming home that way would be likely to put them out, and as he expected the Magistrates and blacks, it would be better to refer it till then, to make certain, and that he ought to be ashamed to take me from my family in the state of mind I was in. He, Alcock, said he would make me know better than dictate to him. The Magistrate not coming that day, he loitered about until about three o'clock, and went home. I also pointed out to him that my wife had received a blow on the hand, as if defending herself, and he ought to go and see if Lynch had any marks on him, as my wife was a powerful woman, she might have given him a blow; but he would not interfere, but went home in a tiff, leaving Jordan and Dunphy with me. The next day the blacks, Alcock, and Mr. Mackellar, and a Mr. King came; I was ordered out of my hut, the door closed for some time, with Alcock, Mr. King, and Mr. Mackellar, my not being allowed to approach. At length I was called in, and stated how I had left my family and how I had found them out; never asked if I had suspected any one. I was then ordered to bury my wife and son. I wished to sit by my eldest son, who was so much cut, and crying at the sight of his mother; I wished to prevent him seeing her carried away, to prevent him from fretting. I would not be allowed. The blacks were ordered to get a sheet of gum bark and assist me to put my poor wife on it, which was done by dragging her along to it by the legs, and after my helping the blacks to some distance, the bark split and corpse fell; I then had to get sticks under, and seeing the blacks could not manage with my help, Alcock came to help; and my poor wife was put in the grave. I was then ordered to go and fetch my son, and having done so, sat by the grave, brokenhearted, with him in my arms, until he was forced from my arms, and myself led away in the utmost grief. My son was buried with his mother, like two dogs—just as they were murdered—having no burial service; although there were eight persons present, and also plenty of good shelves, tables, and boxes, to have made them coffins. I had also requested Constable Alcock to bring boards, as he and the lock-up keeper had plenty; and Constable Jordan, being a carpenter, could have made the coffins. There were plenty of materials at my hut for the purpose. This would not be complied with. After their burying my poor wife and son in such a brutal manner, they came to my hut—me sitting with my son to comfort him. Alcock then said, "Wilkes, you must come with me." I was thunderstruck, and said, "Surely you can't think I have killed my own family; what suspicion have you on me." "It makes no odds," was the reply, "you must come." My poor son cling to me, screaming at Alcock passing his arms from around my neck; at the same time Mackellar, the magistrate, holding his whip up, telling the child to let me go. I was dragged from him, and taken to the lock-up. On the arrival of the magistrate, Mr. Mackellar, at my hut, I was giving my son a tea-spoonful or two of Port wine, having done so before, which with some arrowroot revived him very much. I had hot water ready, to put him in a warm bath, and to wash his head, as it was full of insects from flies; and also I wished to rub him with brandy—none of which would be allowed, but I was ordered out of the hut. No doctor came for five days; and I am sure if the doctor had been sent for at first, and me not taken from him, my son would be alive this day. He was quite sensible, tried to speak, and could eat heartily of spoon food. My son lay in that state from Monday to Friday night, during which time I made out a list of proper names who had been in the habit of passing my hut, and requested Alcock—as my son could read and write well, if he could not speak—to hold it to him, and ask him to point to the man's name that cut his head, if it was on the list. It was sent over to the constable in charge, who presented it several times—also got fresh lists made out, to see if different hand-writing would have the same effect. My son took the list in one hand, pointing always with the other to Lynch's name. On Saturday Alcock told me the doctor was come, and that he was going over to my hut. I requested to go over with him to see my son; he would not allow me; we had words on that account; and on his arriving then at the hut, asked if the list had been shown to the child, and what was the result. My son at this time could say yes or no. Now this Alcock says to Tapp, "Give me the list;" he then put my name to it—tried to force my son to say it was his father that cut his head. The child snatched it from him, and tried to tear it, crying most bitterly. He forced the list from my son, and still held it before him, until the doctor, seeing my son so affected, ordered him not to plague the child any longer. My son turned his head away crying, and could not be prevailed on to look at the list again. What a wretch would want to force a child to tell a lie on his death bed; none but the wretch who did it. Why not this Alcock have used proper, mild words, as my son could say yes or no; but he did not want to find the murderer; all he wanted was to hang the innocent father, to gratify his vindictive spleen. No inquest being held, although plenty of people present and at hand; the doctor remained one day. My son lived eight or nine days, always pointing to Lynch's name, until he died, and was buried, like his poor brother and mother, only constable Tapp present—no coffin, or prayers said over any of them. I feel quite sure my child died broken-hearted, having no one to comfort him, or that could attend him properly. My family were the admiration of all who knew them, as being the best educated children for hundreds of miles, so much so, that my eldest son was made choice of by the Reverend Mr. McCarthy as a companion, which was to take place in a few months. Peter Dunphy, one of the murderers, had charge of my sheep, and had contrived to put two bundles of my property in my hut after it had been searched by four constables, who declare they were not in the hut at the time of the search; and in one of the bundles was found the cheque for £50 that was missing with the sovereigns; he had ascertained it was stopped at the bank. On April 11th, two days after the murder, I was taken into custody, and never had any hearing until June: my not being allowed to speak to any one, or buy anything I could eat, or even hear of my eldest son's death till four weeks after he died, and during that time Alcock and the murderer had been instructing some of the blacks to give evidence against me; he, Alcock, having them at his house several weeks, and he, Alcock, framing his own evidence, to make it coincide with the blacks. And at the examination all were defeated, although one of the murderers assisted the evidence. Mr. Mackellar would not admit any evidence to be entered in the depositions to bear against the murderers Lynch and Dunphy. The Bench finding themselves so defeated, did not know what to do. I said "Gentlemen, you see you cannot bring any evidence to bear against me, and I am the father of the murdered family, and you are in duty bound to take my evidence; you are letting the murderer escape." Mr. Mackellar said he would not take my evidence, or trouble any more about it, but send me to Sydney, and if the Attorney General chose to take my evidence he might. I was then forwarded to Grafton, 80 miles, put in the lock-up and chained down, hand and foot, for seventeen days. I have now two children living, one at three years and at one year. All my property either burnt or destroyed—a great deal converted to the constables' own use; my pigs and poultry all destroyed; property to the amount of near £300 all gone to ruin, to gratify this Constable Alcock, Mr. Mackellar backing him in it. In August I was discharged by Proclamation, there being no grounds for prosecution. My then hearing Lynch, one of the murderers, was in Sydney, I proceeded and got him apprehended for the murder, and gave evidence against him; he was remanded and forwarded to Richmond River for me to get further proof against him. I arrived there September the 8th, saw Mr. Mackellar on the 10th, who told me that he knew there was nothing against me when he sent me to Sydney. I asked him why he sent me to Sydney, to put me to such trouble, expense, and disgrace: he said he did it to gratify himself, and that he would commit me for perjury, if I did not mind, for bringing his name in question in Sydney. He then asked me what evidence I wanted against Lynch; being told the parties I wished to summons, to get Peter Dunphy taken under warrant, as one of the murderers—it would not be allowed but that he should be summoned. I then begged Mr. Mackellar, as his mind had been prejudiced against me, that he would not interfere, as Mr. Gerrard had been in Sydney at Lynch's examination, and promised the Bench that he would be at the Richmond as soon as Lynch and myself, and that he would investigate the case; also, a letter had been sent by my Attorney, Mr. Ryan Brenau, requesting Mr. Bundoock to sit on the Bench. Mr. Mackellar said that he did not care a damn for all the lawyers, or any one, he would do as he liked, and care for no one. At this time the statement I gave against Lynch at Sydney had not arrived, and the *Herald* paper had made a mistake

mistake in the doctor's name who attended my son, also in my saying I was allowed to remain with Mr. J. Wilkes. my son until he died. My statement was, that I was not allowed to remain with him, as I was in the lock-up at the time of his illness. The 9th September Mr. Mackellar and Alcock made it up to commit me for perjury, from what appeared in the *Herald*; they tore down the bill offering the reward of one hundred pounds, fifty of which I had offered myself, the rest was made up by others, at the same time saying that, if Lynch was committed, I should have an action against both of them. September 17, the day appointed for examination, all the evidence and witnesses were in Court together, and, as the evidence of one was given, this Constable Alcock would try to defeat it. The murderer Dumphy was allowed to try and overthrow the evidence against Lynch, neither would Mackellar allow the evidence to be put in depositions as it was given, or would produce my property found in Lynch's possession to see if I could swear to it, but said he would let me see that he was prejudiced against me, and, to the surprise of many, said "Lynch, I discharge you; and you, Wilkes, I shall commit you for perjury," and ordered me to the lock-up. I then said you may do what you wish with me, so as you may bring the murderer of my poor family to justice, whose blood was crying to Heaven for vengeance. He, Mackellar, said he did not care a damn, he would commit me. I was brought up from the lock-up the next day before Mr. Mackellar, no one else present but the lock-up-keeper, myself, and the Clerk of the Court. Mackellar told me that I stood committed for wilful and corrupt perjury, signed my warrant, which it appears had been signed by Mr. Chauvel the day before, he being the only Magistrate at Court with Mackellar. The next day I was forwarded to Grafton, and there kept chained down in the lock-up for nineteen days, for fear my case should be brought on at the October Court. I was committed for December Court, to prolong my confinement, at which time I was again discharged by Proclamation. This chaining down was by order of Mr. Oliver Fry, the paid Magistrate, who never attended Court at any of the examinations. I could have got bail, but was not permitted: Dumphy and Lynch, the two murderers, were drinking the same night, and quarrelling, and threatening to tell of each other. The constable, Harris, who apprehended Lynch, hearing what he said, instead of stopping to give evidence was sent next morning to Sydney with me, and ordered by Alcock not to tell me anything about Dumphy or Lynch. My being very ill at this time I requested to be allowed to ride my own horse, as I could not walk the distance of eighty miles to Grafton, to meet the steamer. Alcock would not allow it, and ordered Harris, if I could not walk, to chain me up to a tree, and not allow me fire or blanket. On my coming away, the person that has one of my poor infants brought it to me kiss, but he was ordered away like a dog. Constable Jordan, and a Chinaman, who was committed, being one of the party, he was allowed a horse. My having but little money with me, I was anxious to sell one of my mares. Constable Jordan brought me a customer, to whom I sold one mare, and gave a receipt for the money, also an order for the said man to get the said mare, after which, although sold by Jordan's own request, he, finding the man had a good bargain, was anxious to have her himself. Finding he could not, he took the money from me, saying he would not allow me to sell anything to raise money to fee Counsel to defend myself against Mackellar and Alcock. And, after arriving at Grafton, I was again put in irons, and chained down for eighteen or nineteen days, no one allowed to bring me any food, or myself to buy any but the gaol allowance. I was forwarded to Sydney and kept till December, and again discharged by proclamation. I am quite certain that if the evidence had been attended to at the examination of Lynch, that the murder would have been proved; but parties were prevented from giving evidence; neither would what was given be put in the depositions as sworn. After being discharged I proceeded to the Richmond River, in order to settle with my employers, Robertson and Brothers, at Sandilands, who owed me £81 10s. for 17 months hire; when I asked for my settlement, Robertson presented me with a bill bringing me in debt £12 odd, saying he would not allow me, by the Magistrate's order, anything for my last five months, nor allow me to take my horses away, consisting of four head, as I had not completed the six months according to the Hired Servants' Act, which was a thing impossible for me to do—the murder being committed on the 9th April—on the 11th I was taken into custody. My six months would have expired on the 9th May, and I was in custody the whole of that time, and for seven months afterwards, although Robertson, on the day of my first being taken in charge, acknowledged to the Magistrate, Mr. Mackellar, that he was due to me 17 months hire, and that I had never drawn any money from him during that period. I then served him with a summons for Supreme Court, Sydney, and wait the issue. If ever justice defended injured innocence, surely God will not let them triumph thus. A master, who acknowledges that I was a good servant, and whose duty it was, if a good master, to have taken charge of my property for my two helpless infants, and not one to rob them, even if I had been guilty, but now he takes his sheep away from the station after my son died, and leaves my property, worth £300, to the mercy of any one. At the time my loving wife and the children were alive, we were considered to be as happy and as comfortable as any family in the district, were worth five hundred pounds in money and stock; my property has been all burnt and destroyed, most part converted to constables' own use; myself and two helpless babes driven to poverty, and should have to take them with me, but for the christian feeling of Mr. and Mrs. Meanley, taking one of them as their own, this good christian has no less than six motherless children. The other infant, only three months old, was taken and adopted by one Henry Tozer, and wife,—the eldest being two years and four months old, and very intelligent, could tell the murderer's name who killed his mother, and since which time cannot be prevailed on, even by threats, to say otherwise. Now I leave any christian to judge what must be the feelings of the distressed innocent father at his loss and malicious persecutions, and not daring, if he had the means, to go to his poor children, for fear of his enemies, who are using all means against him bringing the murderer to light, and prove his innocence to the world. One Welsh, a constable and lock-up-keeper, being at Grafton December 22nd, drinking at a public house, and trying to prevail upon a man to go and swear anything that would hang me, saying what need he care what he swore, if he got the hundred pounds; that he, Welsh, had been to Sydney, and that the Attorney General, also my own lawyer, in my presence said that they were sure I was guilty, and that I knew better than to bring an action for false imprisonment against Mr. Mackellar or Alcock. This is done by Welsh to turn parties against me and prevent the murder being brought to light, my never having seen Welsh in Sydney, and I am sure the Attorney General and my attorney never spoke to him on the subject. This Welsh has a great deal of my property, and as long as the Government does not interfere, these three constables Alcock, Welsh, and Jordan, will conspire and prevent the murderer being brought to justice, and the innocent father's wrongs redressed. On the arrival of Lynch at the Richmond River Lock-up, Alcock feeds him on the best, his being a tailor sets him to work to make clothes for him. Now I appeal to any one if such conduct does not want looking after, and if the British law will allow such villains to trample on the innocent father, and prevent him from avenging the blood of his loving family. All that I want is justice. Let any man place himself in my situation. Here's a man's wife and family murdered, himself robbed and plundered, persecuted and brought to beggary, to gratify the vindictive and hellish feeling of a wretch who is not worthy to live, and is still holding a responsible situation, and receiving the public money, and is encouraged in his villainy by a magistrate. Now it was known to them all, that my eldest son could read and write well, and although he could not speak much, through the injury he had received, if they had given him pen, ink, and paper, or a slate and pencil, he could have written an answer to any question put to him; but Alcock did not want to find the murderer out, but hang the innocent father. Why did not the magistrate visit my child and use means? No one went near him but Alcock, and because he could not prevail on my son to tell a lie, he is left to fret and die broken-hearted, having no one to speak a word of comfort to him. The doctor dressed his head once and went away. My son lived five days afterwards. What must be his feelings after lying out all night, cut and mangled by the murderer, and then to see his poor mother and brother carried away by blacks like dogs, and to lie and hear a wretch trying to swear his innocent father's life away, and is not able to contradict him, his head swarming with maggots, his father prevented from cleaning it, or giving him any nourishment. I am quite confident he would have recovered if treated in a proper manner. Now all five constables

Mr. J. Wilkes. are married, but not one of them let one of their wives go to see or attend on him. My son would not be allowed to be removed to any one by this Alcock, for fear he should recover, and prove Alcock's villainy. It was not enough for him to suffer all this, but after his father had seen his poor mother and brother thrown one on the other in a hole like dogs, without coffin or any covering, and then going to comfort him, his arm round his father's neck, Alcock coming takes hold of his arm and forces it from his father's neck to take him away; Mackellar holding up his whip, saying, "let him go, boy;" the child holding with a deadly grasp, screaming, till forced to let go his hold;—he is then left with a constable to take care of him, and also one of the murderers;—his lying in that state before the doctor came, and after repeatedly telling who the murderer was, at the same time Alcock wanting him by force to tell a lie, and say it was his father; but he could not be prevailed on. The doctor remained part of a day. My son lived five days, and then died; was buried by the constable; no one ever went near him. After the doctor left he was buried without coffin or prayers, although he was acknowledged to be the best learned boy any one ever saw. Now, I leave any one to say whether such treatment is not a disgrace to any Christian community; and whether my child's blood does not lie at Alcock's door and Mackellar's. I have not the means to see myself justified, but hope I may find some good Christians to befriend a poor broken-hearted and ruined father, who has had five of his family murdered in two years; two loving girls having been poisoned two years previous by trash of medicine sent from Sydney, bearing the label of an eminent chemist, which was near poisoning his wife and five children; and now, at the age of fifty-eight years, left with two helpless babes in beggary. When proceeding to settle with my employer, on arriving at Grafton, I proceeded on my way to Richmond River, having to walk upwards of one hundred miles—the rains having set in—the country being flooded, I could get no further than my old station; and having nothing to eat—not being able to make any place through the flood—I resolved to go and lie down and die at the graves of my poor family. But, to my surprise, on arriving there I found all their bones lying scattered about, their bodies having been eaten by native dogs and pigs. With aching heart I gathered and buried them again, took down my stock-yard and fenced them in, remaining there six days without food, spending the Christmas praying that God would hear my broken heart, and take me to himself to gain my loving wife and children. Let any Christian think what must be my feelings as a father—having lost so fine a loving family, and received such vile persecutions. Surely God will will avenge my wrongs if the law will not; but the law has power, and was made to defend the innocent and oppressed. I pray that God will raise me up some kind friends to vindicate my cause, and punish my vile persecutors, as a warning to other wretches who may have such vile inclinations. Now, I call Almighty God to witness, before whom I shall shortly appear, for the truth of this statement, every word of which can be proved if proper steps be taken; and I feel confident that if warrants are issued for Lynch and Dunphy, and a confidential constable sent from Sydney with me to apprehend them—so that the constables at Richmond River have nothing to do with them—that one or both will tell all about the murder; and at the same time, for summonses to be issued for all parties, and investigate the case in Sydney. If not, let the Government send a constable, also a good lawyer, with me, to see that all evidence that can be produced have a fair and impartial hearing; and mind their evidence is taken in depositions as taken, and not held in dread by the constables of the district. Surely a case of this nature wants looking after, and I feel confident with such examination that justice will have the desired effect, and be the means of bringing the guilty party to justice, and prove the innocence of the father also the conspiracy. Being a free-born British subject, I crave the protection of the laws. Hoping as a Christian I may find some good friends to protect and see justice done to the ruined husband of a loving wife and father of four children who have been so brutally murdered—having two infants still living.

JOSEPH WILKES.

APPENDIX D.

April 9th, 1855.

EVIDENCE that can be produced for the Murder of Honorah Wilkes, and her two sons, by James Lynch and Peter Dunphy.

By Joseph Wilkes' evidence on the day of the murder;—Saw Lynch both going and coming back from his station, my going to Lynch's hut in search of my sons, not thinking they were killed and to request Dunphy to come with me and go and acquaint the police, my not knowing at this time if the blacks had committed the deed or not. Dunphy was loath to come; but after consenting, there was much whispering outside the hut with him and Lynch. There was a strange man there at the time, and on Dunphy and myself leaving to return to my station, Lynch said "you damned fool, what are you crying for? Look the brush at the back of your hut and you will find the boys;" and the next morning, finding my two sons, one dead and the other alive, in the brush. Lynch never knew the brush was there before the murder; all Dunphy's talk was about the £50 cheque, to know if it was any use to any one but myself, my explaining it to him after he posted a letter to the Bank to apprehend any one that would present it, he, Dunphy, said you are sure to get that back, so you will not be all loser; he also tried to prevail on me not to write to the Bank, and refused to take it to the post till threatened with the consequence if he did not. My son lived nine or ten days, was quite sensible, but could not speak plain at this time, through his head being cut by the murderer, and lying out all night in the cold. I made out a list of names of people who were in the habit of passing my place, and desired, as he could read write well, that it should be held before him, to see if he could point to any of the names as the party that cut his head. Several lists were made out, to see if the different hand-writing would have the same effect, and for six or seven days he always, pointed to Lynch's name, my having omitted to add Dunphy's to the list, the constable put it down; Dunphy objected to it being presented, saying as the father had not mentioned his name, the constable had no right. The black dog that was seen at my hut the morning of the murder must have been one of theirs, as they both had black dogs. My hut had been searched repeatedly by four constables, to see if they could find the sovereigns and other money, thinking my wife had hid it, and after everything having been put in the boxes again, and constable Tapp left in charge of my son, Dunphy in charge of my sheep, two bundles of my property are brought to my hut and placed where any one could see them going in, and in one of the bundles was found the £50 cheque and some silver. This bundle my wife always kept the sovereigns in; the purse with the cheque was in my box the day before the murder. No one could have put the bundles there but Dunphy, and this was his motive for making such inquiry of the said cheque, and said I should get it back. He was afterwards taken into custody for saying something about my money to constable Alcock; he never had any examination, but admitted to bail, with two securities, his employer one, the Magistrate the other. Lynch was also taken into custody, with some of my property in his possession, he having left his employer under the pretence of being ill, and wishing to proceed to Sydney to his wife and family, to get medical advice. He is not married, and never was known to have any children by any one. Dunphy had also told the constables that Lynch had tried to poison him some time previous, but since denied having said so. The constables swear that the bundles were not in the hut at the time of the search. One of my children, who is still living and can speak very perfect, being only two years and four months old at the time of the murder, cannot be prevailed on by threats to say any one killed his mamma but Peter Dunphy. This strange man that slept at Lynch's hut, was never brought to Court or asked a question; he has told several persons, that from Lynch's conversation with him that night he was sure he (Lynch) was the murderer.

On the 19th September Lynch and Dunphy were drinking together, and quarrelling and talking about the murder, and Dunphy said he would go and give information or come-it on Lynch if he did not mind; Lynch made token to Dunphy by putting his hand to his mouth, in token to him to be silent

silent. One Robert Shepherd, also John or Michael Jones, hearing their conversation, ran for the police and told them. Constables Harris and Taylor went, and lay under the window to listen, and hearing Lynch say something about the murder, constable Harris apprehended Lynch and brought him out to Taylor. Lynch said, "Well, never mind, it will all come out in less than a month, and if Father McCarthy was there he would burst like a frog." Constable Harris was sent to Sydney next morning by constable Alcock, to prevent him from giving evidence against Lynch; and at the examination, although constable Taylor heard the same he was never asked a question. Dumphy was not taken into custody at all, and every means used by constable Alcock to frustrate the evidence of other parties, and Lynch was discharged. I have advertised for this strange man, and cannot make him out. The day before the murder, Lynch made great enquiry from his employer which way I was in the habit of feeding my sheep, and if he could make my hut by following the path he saw on the other side of the creek, and being told he could not, he asked if I had been in the habit of feeding my sheep towards his hut, and the day after the murder, being told by constable Tapp that my two sons were found, and that one was alive, he (Lynch) in great alarm asked which of them it was, and if he could speak; after constable Tapp telling him he feared he never would, he (Lynch) without being told how my son had been injured or what with, said "Oh, he has got too many cuts in his head ever to speak;" also other conversations, which constable Tapp would not be allowed to state in Court.

Dumphy's box had been left in my care some months, and was in my hut at the time of the murder, and although six of my boxes had been ransacked, Dumphy's box had never been opened. Plenty other evidence can be brought against the two.

JOSEPH WILKES.

SEPARATE APPENDIX.

In the Lock-up, 16th April, 1855.

While lying half asleep and awake, I was startled by my son David calling "Father," I rose upright in bed, and cried "Oh my David"; seeing him at my feet, he said smilingly,— "Don't grieve Father, I am happy." I made haste to take him in my arms, but he disappeared. This appears to be the night he died; on the following night he appeared again: I caught hold of him, and said "Oh my dear, what did you get out of bed for, you will hurt your poor head." "Oh Father," he says, "I am well now;" I said "who cut your head, my dear?" He said "Oh, it was Lynch;" I said, "where is your mother and poor Johnny?" He pointed and said, "they are yonder, with that Lady you told me was the mother of Jesus Christ: they are praying at the feet of Jesus for vengeance from Heaven;" I saw the Son of God, sitting in a chair of gold, with a dove over His head, and a number of angels around Him; and heard Him say, "I have heard thy prayer, and can refuse you nothing;" and immediately, they all began to sing "Worthy the Lamb." My son vanished from me, and joined them; I made towards them, and at the point of taking hold of my wife they all vanished. I did not know that my son was dead at this time, not for three week's after, when it was told me; but was satisfied in my own mind knowing the apparition of no one ever appeared until after death.

While grieving and praying, I saw my wife lying at my bedside, in the same state as when I found her after being murdered, all in gore of blood; but she appeared to be breathing. I went to lay hold of her, but she said "don't touch me," and rolled over, and all the clotted blood appeared to fall from her head, and the wounds appeared to heal accordingly; she then stood up and smiled: I said, "Oh my dear Nora, I thought you was dead and buried?" She said, "Yes, my body was, but not my soul." I said, "Oh my dear, who was it killed you and my dear children?" She began to smile and weep at the one time, and said, "Lynch killed our bodies, but not our souls." Pointing her finger at me, she said—"but, mark, I have one request to ask—I have seen my two babes, and hope you will be a father to them, and put your trust in God, and live in the fear of Him: refraining from all wickedness, and we will all pray for you, and the Blessed Virgin Mary will obtain forgiveness for you as she has for us: don't think we are unhappy, for we would not take our mortal bodies again for all the world; I shall watch over you and my babies, and their guardians and ever pray for you and them; pray to God, confess your sins, and take care of my babes, and never fear what man can do, while you have God on your side to help you to overcome the devil." She then went, skipping and singing, away some distance, and then turned her head, and smiling, and pointing at a distance. I saw her join a large company of angels, with my two sons, and also two daughters, who had been dead more than two years; as also my son, who has been dead near ten years: they all went, singing along, walking backwards, looking at me; two angels having hold of each child's hand, all smiling at me, until they came where I saw Jesus sitting, with his Mother at his feet, who, having presented each of my family with a cross, which they all laid down at Jesus' feet, and vanished from my sight.

J. WILKES.

Casino Lock-up.

Francis Campbell, Esquire, M.D., examined as follows:—

1. *By Mr. Lang:* You are Superintendent of the Lunatic Asylum, Tarban Creek? I am.
2. You have been present during the examination of Joseph Wilkes? I have.
3. Do you think this man is sane? I do.
4. And quite responsible for all his actions? Quite so.
5. And you have no idea that if he did commit these murders he could have done so under any delusion? I cannot detect anything like delusion at present, either from his manner or from his evidence. That dream which he says he had, he confesses he did not believe to be a reality. An illusion only becomes a delusion when a person thoroughly believes it to be a fact: previous to that it is a mere illusion of the eye. There are thousands of instances of persons who have seen visions whose reason have not been in the least affected.
6. You do not think the illusion to which he has referred is any sign of an unhealthy intellect or imagination? None whatever. He states himself, that he considered the thing as a mere dream, but I doubt the fact of the dream altogether; and if he has attempted to act insanity, he does not carry it out well by any means. I believe he is perfectly sane, from all that I have heard or read of the evidence, and from his manner altogether.

F. Campbell,
Esq.
22 Jan., 1857.

1856.

NEW SOUTH WALES.

PRISON DISCIPLINE.

(CORRESPONDENCE UPON.)

Ordered by the Legislative Assembly to be Printed, 16 December, 1856.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 4 November, 1856, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table :—

“ Copies of all Correspondence, from 1 March, 1854, to 1 September, 1856, between the Executive Government and the Visiting Justice of Parramatta Gaol, on the subject of the introduction into this Colony of an improved system of Prison Discipline ; also, of all Correspondence, during the same period, between the Executive Government and the High Sheriff of New South Wales, on the same subject ; also a Copy of the Report of the Board appointed by His Excellency the Governor General in March, 1855, to inquire into and report upon the same subject ; also, Copies of all subsequent Correspondence between the Executive Government and the said Board, in reference to their Report ; also, a Copy of the Report of the Visiting Justice of Parramatta Gaol upon the management of said Institution, during the year 1855 ; also, a Copy of the Report of the High Sheriff of New South Wales, upon the Work done in the Sydney Gaol, during the year 1855, and for the present year ; and, also, a Petition from the Inhabitants of Parramatta to the Governor General, and His Excellency’s reply thereto.”

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PRISON DISCIPLINE.

No. 1.

THE VISITING JUSTICE, PARRAMATTA GAOL, to THE COLONIAL SECRETARY.

H. M. Gaol, Parramatta,

10 March, 1854.

SIR,

I have the honor to draw your attention to the manner in which prisoners are worked who are sentenced to hard labour in Parramatta Gaol, with a view, if possible, to the introduction of a system of Gaol Discipline similar to that which prevails in England and Scotland, where prisons are partially self-supporting; and in America, where some prisons are wholly so.

2. I am aware that the introduction of a new system is always attended with difficulty, and were I about to propose a plan which was untried, or which had proved to be only partially successful, I should hardly have presumed to address you on the subject. But when I find that wherever this system has been tried it has been found not only the most economical, but also the most reformatory, perhaps its introduction to this Colony at a time when public attention is painfully drawn to the great increase of crime, may prove to be highly beneficial.

3. The male prisoners sentenced to hard labour in Parramatta Gaol have been employed lately in building a hospital within the walls of the prison, and consequently their labour has been turned to some advantage; generally, however, they are employed in breaking stones for the roads, and as these stones have to be carted from the quarry, several miles, and back again, to different points of the road, the cost of carriage is nearly equal to the earnings of the prisoners, and, consequently, their labour can be made available only at short distances from the gaol. The female prisoners sentenced to hard labour have been usually employed in making clothing for the patients at Tarban Creek and the children at the orphan schools, but there has never been sufficient work to keep the whole of the male and female prisoners fully occupied during the year.

4. Suppose this difficulty were overcome, and sufficient work were provided for the full employment of the prisoners, still the present system is faulty in this respect, that it holds out to the prisoner no inducement to labour. The idle and the industrious are equally well fed, equally well clothed; both enjoy the same comforts, and are subject to the same privations; there are punishments, it is true, for certain offences, but there are *no rewards*.

5. The cost of each prisoner in Parramatta Gaol may be calculated as follows:—Total salaries of officers, &c., seven hundred and eighty pounds per annum; total for rations, £780 &c., one thousand and thirty-five pounds per annum, making a grand total of eighteen £1,035 hundred and fifteen pounds; and taking the average number of prisoners for the last year—£1,815 namely, 95—I find that the total expense would be about nineteen pounds per head per £19 annum, or about one shilling and threepence each per day for working days only; and I feel pretty confident that, under a judicious system of management, with the present high rate of wages for labour, the prisoners might be made to earn nearly as much as they cost, provided their labour were turned to the best advantage.

6. An able writer on this subject says:—"The basis of all good systems of prison discipline must, in my opinion, be work—steady, active, honorable work;" and I could cite many instances to show how far the introduction of work into prisons had tended to produce order and good conduct among the prisoners; I will, however, go no further than the gaol at Parramatta to show this. In the year 1852 the male prisoners had little or no work, and a part of the time they were breaking bones to keep them merely employed; I find the average number of prisoners was (80) eighty, and the punishment list shows (28) twenty-eight males and (20) twenty females. In 1853, the following year, the male prisoners were fully employed in preparing stones for the hospital (now building) and in breaking stones for the roads; the average number of prisoners was (95) ninety-five, and the punishment list shows

shows (13) thirteen males and (19) nineteen females ; thus the punishments among the females being about the same in both years, the punishments among the male prisoners the year they were at work was less than one half what it was the previous year when they were idle, although the number of prisoners was greater. Besides this, I find that no less than (8) eight of the prisoners learned the art of stone-cutting, and are now useful masons ; one of these men, who will leave the prison shortly, has been offered £3 per week by Mr. Houston, a builder in Parramatta.

7. The rules which I find laid down for conducting prisons on the English and Scotch systems are as follows :—

That the proper object of imprisonment is the prevention of crime by the withdrawal of criminals from those privileges which can safely be allowed only to the peaceable and honest, and by curing them of their bad habits.

That the basis of a good system of prison discipline is work.

That, as far as possible, the work should be both instructive and profitable.

That treadwheels, labour machines, and contrivances by which work is turned to waste and made painful and degrading, are erroneous in principle.

That, as far as practicable, the rules of a prison ought to be so framed as to offer the same motives to industry as exist in the outer world, and that, in addition, the time of a prisoner's release ought, to a considerable extent, to depend on his industry.

That, in accordance with this principle, a prisoner's supply of food and other necessaries and comforts, should, under ordinary circumstances, depend mainly on his labour.

That he ought also to have an opportunity of earning a fund to keep him for a time after his liberation.

That it is desirable in most cases that a prisoner should pass some time in separation, the period to be regulated with reference to age, sex, character, conduct, and state of health.

That the Governors of prisons should be entrusted with the selection of their own subordinates.

That the children of prisoners should, on no account, be admitted to reside in the prison.

That separate prisons should be provided for male and female prisoners.

8. Now, in order to carry into effect a system involving such principles as these, very great alterations would doubtless have to be made, and perhaps the Government would not be prepared to undertake suddenly so great a work of responsibility ; still much might be done by trying the plan on a small scale, under the best circumstances for affording a trustworthy result ; and then, as experience might suggest, gradually extending its operations. And should these suggestions meet with your approval, and the experiment be deemed worth a trial, I think no better gaol could be selected for the purpose than the one at Parramatta.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

DAVID FORBES, J.P.,
Visiting Justice.

No. 2.

THE COLONIAL SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 31 May, 1854.*

SIR,

I do myself the honor, by direction of His Excellency the Governor General, to refer to you for any observation you may desire to offer upon the subject, the enclosed letter from the Visiting Justice of Parramatta Gaol, recommending the introduction of a system of Gaol Discipline similar to that which prevails in the United Kingdom and America.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No.

PRISON DISCIPLINE.

5

No. 3.

THE SHERIFF to THE COLONIAL SECRETARY.

*Sheriff's Office,**Sydney, 7 June, 1854.*

SIR,

I have the honor to acknowledge the receipt of your letter of the 31st ultimo, No. 54-170, enclosing a letter from the Visiting Justice of Parramatta Gaol, recommending the introduction of a system of Gaol Discipline similar to that which prevails in the United Kingdom and America, upon which subject His Excellency the Governor General is desirous that I should make any observations that I may deem advisable. I have the honor, for His Excellency's information, to state, that I have had, since my appointment as Sheriff, in contemplation, and some two months back in partial operation, a new system of discipline in Darlinghurst Gaol; but as my plans are not yet mature, owing to the difficulties that present themselves of carrying out the English and American systems in this Colony, which I hope in a great measure to overcome, I cannot just now lay my plans and proposals before His Excellency. However, I hope before long to be able to do so.

It is my opinion at present, that nearly all the gaols of the Colony, and particularly the Darlinghurst and Parramatta Gaols, can be made partially self-supporting, if not wholly so. However, if one gaol is to be tried first, I submit that Darlinghurst is the most suitable, for reasons which I shall fully lay before the Governor General in my future communication on the subject.

I have, &c.,

JOHN O'NEILL BRENNAN,

Sheriff.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 4:

THE COLONIAL SECRETARY to THE VISITING JUSTICE, PARRAMATTA GAOL.

*Colonial Secretary's Office,**Sydney, 15 June, 1854.*

SIR,

In acknowledging the receipt of your letter of the 10th March last, recommending the introduction of a system of Gaol Discipline similar to that which prevails in the United Kingdom and America, I am desired by His Excellency the Governor General to inform you, that an improvement of the system of Prison Discipline, &c., is in contemplation, and that the one you have proposed will receive due consideration.

I have, &c.,

W. ELYARD.

THE VISITING JUSTICE

OF PARRAMATTA GAOL.

No. 5.

THE VISITING JUSTICE, PARRAMATTA GAOL, to THE COLONIAL SECRETARY.

*H. M. Gaol, Parramatta, .**17 June, 1854.*

SIR;

In acknowledging the receipt of your letter of the 15th instant, No. 54-180, in reply to mine of the 10th March last, informing me that an improvement of the system of Prison Discipline, &c., is in contemplation, and that the one I have proposed will receive due consideration, I have the honor to state, that my letter alluded to was written for the purpose of finding out whether the Government desired any change in the present system; and as I now find that my proposal has been favourably received, I trust I may be permitted to offer some further suggestions, and to explain more fully the nature of the plan which I have to recommend:

2. Several weeks having elapsed, and no reply having been sent to my communication, I thought it would be well, by way of experiment, to obtain as much work as I could for the prisoners in gaol, and offer them such inducement to labour as the rules now in force would admit of. With this object in view I applied to Mr. Houson, a builder in Parramatta, who offered three-pence per foot for stone cutting; the rough stone to be carted into the prison and to be removed when cut at his expense.

3. Mr. Houson's tender having been accepted by the Government, I lost no time in setting the prisoners to work, their inducement to labour being that they should receive one-third of their earnings, to be paid to them at the termination of their sentences. At this work the prisoners are now earning from one and sixpence to two and sixpence each per day. This work, cutting stones for and building a new hospital, breaking stones for the roads, a blacksmith's forge, cooking, cleaning, &c., has kept the whole of the male prisoners sentenced to hard labour at work.

4. The whole of the male prisoners being thus employed, my attention was next turned to obtaining employment for the female prisoners. There was in the gaol some Government clothing to be made, but this was only sufficient to keep a few of them at work. After making some inquiry, I found that Mr. James Byrnes, of Parramatta, was willing to employ some of the female prisoners in picking knots out of the manufactured Colonial tweed, and afterwards making it up into trousers; and the women engaged in this work are now earning from sixpence to one shilling each per day.

5. The prisoners, however, generally do not work nearly so well as they would do if sufficient inducement were offered them. The receiving only one-third of the price for the paid work is little encouragement to those who have long sentences, and who, under other arrangements, would work best. Besides, there is a difficulty arising out of the circumstance that some of the work is paid for, and some, as for Government purposes, is not paid for.

6. I have now had some opportunity of judging how much prisoners could earn if they could be induced to work hard, and I feel confident that most of the male prisoners could earn from three to five shillings each per day, and most of the female prisoners from two to three shillings each per day. Now a glance at the Estimates for last year will shew that, including officers' salaries and every expense, the prisoners in gaol do not cost the Government more than one shilling and three-pence each per head per day; and therefore I think enough has been done to prove that a gaol may be made self-supporting.

7. The Visiting Surgeon has remarked to me on several occasions lately, that he has observed very great improvement in the health of the prisoners since they have been kept constantly at work, and that they have given him much less trouble.

8. Having then given the result of the experiment which I have been able to try, and which so far has proved successful, I will now endeavour to explain the nature of the system which I would propose to introduce.

9. In the 7th paragraph of my former letter I stated that the improved Scotch and English system of conducting prisons is based on the following principles:—

That the proper object of imprisonment is the prevention of crime by the withdrawal of criminals from those privileges which can safely be allowed only to the peaceable and honest, and by curing them of their bad habits.

That the basis of a good system of prison discipline is work.

That, as far as possible, the work should be both instructive and profitable.

That treadwheels, labour machines, and contrivances by which work is turned to waste and made painful and degrading, are erroneous in principle.

That, as far as practicable, the rules of a prison ought to be so framed as to offer the same motives to industry as exist in the outer world, and that, in addition, the time of a prisoner's release ought, to a considerable extent, to depend on his industry.

That, in accordance with this principle, a prisoner's supply of food and other necessaries and comforts should, under ordinary circumstances, depend mainly on his labour.

That he ought also to have an opportunity of earning a fund to help him for a time after his liberation.

That it is desirable in most cases that a prisoner should pass some time in separation, the period to be regulated with reference to age, sex, character, conduct, and state of health.

That the governors of prisons should be intrusted with the selection of their own subordinates.

That the children of prisoners should on no account be admitted to reside in the prison.

That separate prisons should be provided for male and female offenders.

10. Now, in order to put in practice a system based upon these principles, the first and most important consideration is the proper classification of prisoners. Under the existing regulations, men, women and children, old and young, occupy the same prison, and the rules for their classification divide them as follows:—

- 1st. Debtors and others confined for contempt of civil process.
- 2nd. Prisoners committed on charge of felony or misdemeanor, or for want of sureties, and prisoners convicted of misdemeanor.
- 3rd. Prisoners convicted of felony.

As an improvement on this plan I would recommend that there should be six classes of prisoners:—

- 1st. Male prisoners 18 years old and upwards.
- 2nd. Male prisoners under 18 years.
- 3rd. Female prisoners 18 years old and upwards.
- 4th. Female prisoners under 18 years.
- 5th. The most violent and refractory.
- 6th. Those labouring under incurable disease.

And that, *as far as practicable*, each class of prisoners should occupy a separate prison, the classification of prisoners in each prison to be made with reference to character, conduct, and similarity of occupation, the amount of association increasing or diminishing as it was found to be beneficial or otherwise. The advantages which would probably result from such an arrangement would be—that prisons for males would be improved by the removal of females; that abuses which take place, and can hardly be detected, with gaolers and turnkeys would be prevented; that prisons might be made sufficiently secure for females and juvenile offenders, though built at less expense; that the management would be more economical, and the prospect would be better for reformation in the habits of the prisoners.

11. It is not unusual in this Colony for the Judge to sentence a prisoner to be imprisoned in a particular gaol. I think it would be better that the sentence should simply be imprisonment, with or without hard labour, leaving the choice of the prison to the Sheriff or other officer appointed for that purpose.

12. With a view to such classification as I have proposed, a return might be called for from each of the gaols in the Colony similar to the form enclosed.

13. The next subject for consideration is with respect to work. I would recommend, as the best means of procuring sufficient work, that the public should be invited to tender for work to be performed in the several gaols, by notice from time to time in the *Government Gazette*, stating the number of prisoners wanting employment, and the sort of work they were capable of performing. If this were done, I cannot imagine there would be much difficulty in obtaining work, the want of labour being so severely felt in every part of the Colony. The next important object in the work arrangement is that the prisoners should have piece-work and not day-work, and that all the work done in the prison should be paid for. For this purpose I would recommend the introduction, with a few modifications, of the task-work system at present in force on Cockatoo Island, by which each prisoner would be able to earn a fund, and at the same time to shorten the period of imprisonment; besides, this system being already in operation here is thoroughly understood, and therefore its introduction to gaols would be easy.

14. There is a class of prisoners in all gaols—I mean those sentenced by Courts of Petty Sessions—which might, with few exceptions, be worked outside the gaol walls. I am aware there is an act giving power so to work those under fourteen days imprisonment, but I know of no part of the Colony where this Act has been put into operation.

15. It is a practice in gaols here to allow prisoners occasionally to petition for remission of sentence, and this I consider to be very objectionable, as it tends to keep a prisoner's mind in a constant state of excitement. I think it should never be permitted, unless circumstances favourable to the prisoner have transpired after the trial. It is very desirable that every prisoner should be made clearly to understand, immediately he enters gaol, that if he is industrious and orderly he will be treated with kindness, and that the only benefit or indulgence he can receive must be the result of his own labour.

16. Most of the prisons in Scotland are supplied with artificial light, but probably in this Colony this would not be found necessary.

17. The food supplied to prisoners should be of the most nutritious and cheapest kind; care, however, should be taken that it contains a sufficient quantity of vegetables. The hard labour ration in this Colony is faulty in this respect, and I have known in consequence some cases of scurvy in Parramatta Gaol.

18. The clothing of prisoners should be plain and strong, but particoloured clothing is objectionable, as it is degrading, and calculated to destroy that feeling of self-respect which it is so important to create and preserve.

19. Small windows and half-obscured glass, common in some prisons, are bad as a hinderance to work and their effect upon the health of the prisoners; besides, they form no additional security against escape, the doors, and not the windows, being the part most likely to be tried.

20. Intercourse between prisoners and their relatives should be allowed, but the power of allowing these visits should in a great measure be left to the governor of the gaol.

21. Punishments in a prison should be regulated by the nature of the offence; thus, if a prisoner be idle, a portion of his food might for a time be withdrawn; if he were to break wantonly anything in his care, he might be made to replace it, &c.

22. In fixing the situations of prisons, the chief objects to keep in view are the means of obtaining lucrative employment, cheapness of the articles of consumption, facility of conveyance and of access, salubrity, and the distribution of prisoners according to sex, age, kinds of occupation, and character; and in the construction of the respective buildings the principal points are security, the best arrangements for carrying on the chief kinds of work, the means of individual separation for a portion of the prisoners and of a good classification for the others, facility of supervision and rigid economy.

23. The officers of a prison should possess some knowledge themselves of such kinds of employment as the prisoners over whom they are placed are engaged in, so far at least as to be able to impart instruction to such of the prisoners as might require it; and in order to facilitate the removal of those who had become incapacitated for active service, it is desirable that a portion of each officer's salary should be withheld, to provide an annuity in old age, as in the Police Force Superannuation Fund.

24. The children of prisoners should on no account be admitted into the prison. If at the time of the prisoner's incarceration no friend or relative can be found to take the children, and they are forced upon the Government, they should be placed in one or other of the Orphan Schools, or the Asylum for Destitute Children, with the understanding that they should remain there till they were able to support themselves.

25. There is another subject connected with this matter, which although it does not properly form a part of gaol discipline, may be here mentioned. I allude to the present arrangement with respect to lock-up houses. Persons taken up on suspicion of felony are subject to be placed in the same cell with drunken and disorderly characters; they are provided with no beds or accommodation of any kind, and if when brought before a magistrate they are found to be innocent, what compensation can be offered to a person who has been thus dealt with? I would recommend that four cells should be provided instead of two, and suitable beds—such, at least, as would be provided in a gaol.

26. There is one other suggestion which I would make before closing this subject. I think the law should give power to require any person who has once been convicted of theft, and whom there may be reasonable grounds for believing to be again in the practice of dishonesty, to shew by what means he is earning his livelihood.

27. This, then, is the plan which I had to propose when I made my former communication, and I feel confident that, if no better plan be suggested, this would be found a great improvement upon the present system.

I have, &c.,

DAVID FORBES, J. P.,

Visiting Justice.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 6.

THE COLONIAL SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,
Sydney, 30 June, 1854.*

SIR,

I have the honor, by direction of His Excellency the Governor General, to transmit to you a further communication from the Visiting Magistrate of Parramatta Gaol, on the subject of improvements in the system of Prison Discipline in New South Wales.

I have, &c.,
W. ELYARD.

THE SHERIFF.

17 June, 1854.
To be returned;

No. 7.

THE COLONIAL SECRETARY to THE VISITING JUSTICE, PARRAMATTA GAOL.

*Colonial Secretary's Office,
Sydney, 30 June, 1854.*

SIR,

I have the honor to inform you that your further communication of the 17th instant, on the subject of improvements in the system of Prison Discipline in New South Wales, has been referred to the Sheriff, by direction of His Excellency the Governor General.

I have, &c.,
W. ELYARD.

THE VISITING JUSTICE
OF THE GAOL, PARRAMATTA.

No. 8.

THE SHERIFF to THE COLONIAL SECRETARY.

*Sheriff's Office,
Sydney, 27 October, 1854.*

SIR,

I have the honor to submit, for His Excellency the Governor General's consideration and decision, the following propositions, and my Report in reference to an improved system of Gaol Discipline, and the introduction of a self-supporting system throughout the Prisons of the Colony.

2. I have given this subject my earnest attention, and I have made myself acquainted with the rules, regulations, and existing Prison Discipline, and I am of opinion that a considerable improvement can be introduced, which will embrace the double object of reformation and punishment.

3. I have been compelled to postpone these, my suggestions, until I had an opportunity of a personal inspection of the principal Gaols of the Colony, being desirous of applying the system of improvement and reformation I am about to propose throughout the prisons of the Colony; and having now visited and personally inspected the Gaols of Parramatta, Goulburn, Brisbane, and Maitland, I propose, first, applying my suggestions to the Darlinghurst Prison; next, Parramatta, Goulburn, Brisbane, and Maitland, and a suggestion in reference to the (at present unoccupied) Gaol at Berrima.

4. With respect to Darlinghurst Gaol, I annex three plans, shewing the building as originally projected; another, shewing the present state of the prison; and the third, shewing the extent of the proposed improvement.

5. By these plans you will perceive that the original intention was to construct the cells to accommodate *one only*, of which there were to be four hundred, with fourteen classification yards, and seven wings, radiating from a centre.

6. This plan, however, has not been carried out, three only out of the seven wings being now completed, with a deviation from the original plan of having only twenty-eight single cells, and one hundred and two cells capable of holding five prisoners each, and five classification yards. This includes the accommodation for both male and female prisoners.

7. The great object to be achieved, is a judicious and well arranged classification of the prisoners; and it is obvious, from the state of the buildings of Darlinghurst Gaol, that this cannot be accomplished; however, I am induced, from the state of the labour market, to propose a moderate extension of the present building, and which I intend to carry out and have performed by such labour as the confines will afford.

8. I apprehend that it will be admitted by all who are acquainted with prison discipline, that employing prisoners and classifying them into different yards during the day is not sufficient;—something further should be done, viz.: classification during the hours of rest, otherwise the good effects arising from the one are counteracted by the contamination which takes place during the other.

9. I suggest that materials be supplied, under the direction of the Colonial Architect, to complete the fourth and fifth wings of the building; and also the materials necessary to complete the building at present known as the Mill House, as a male and female hospital, lunatic wards, and gaol storehouses.

10. These improvements and additions are indispensably necessary to carry out, even in a modified form, the classification system, and the only expense to be ascertained will be the amount of the material to be supplied, and, to arrive at which, I have requested the Colonial Architect to prepare an estimate.

11. Assuming that these suggestions will be agreed to, I propose, so far as the accommodation will admit of when completed, to carry out the classification shewn upon the original plan annexed.

12. Independent of the materials to be supplied for the erection of buildings, I find it will be highly advantageous to the working of the whole system, that a moderate sum be placed at my disposal, for the purpose of procuring the necessary materials to keep constantly employed the women, boys, and infirm men in the establishment; and from the experience I have already had of the extent of work that can be accomplished by this class of prisoners, I have no doubt whatever but that the confines thus employed will earn more than sufficient to defray the expense of their support, and for this purpose I calculate that a sum of £300 would be sufficient.

13. With regard to the self-supporting system, I am of opinion, that from the unfinished state of the gaol, it cannot be carried out according to my original intention, but I am aware it may be to a considerable extent, and may be made advantageous both to the prisoner and the colony, as a means of reformation of the one, and a saving to the other.

14. It will be remembered that nearly all the prisoners will be employed in erecting the several buildings before alluded to, and that the work performed by them must be taken or valued as if performed for private individuals, and that they can only be remunerated for their industry and good conduct by the application of the task principle, and I therefore propose that they shall reap a twofold advantage when thus employed—the one, by a moderate remission of sentence; and the other, by a small pecuniary allowance, to be paid to them on the day of their discharge from prison. The latter mode of reward I hold to be one of the most salutary and beneficial, inasmuch as it furnishes the expeerees with means of support for a reasonable period before obtaining employment, and thereby guarding them against the necessity of perhaps throwing themselves into the hands of their former associates in crime. The other class of prisoners furnished with materials, and their work disposed of out of doors, should be furnished, out of their earnings, with an adequate sum for the like purpose, payable on their discharge from prison. In addition to the foregoing suggestions, I propose that I may be at liberty to appropriate a moderate portion of each prisoner's earnings to supplying, what are termed, indulgences, such as tea and sugar.

15. I find that a great many of the confines, although not mechanics, have been trained, and very soon acquire a considerable efficiency in stone dressing, stone cutting, and stone setting; but it has been found that the regularly bred mechanics are not only very few in number, but are unwilling to teach or impart their trades to their inexperienced fellow prisoners. To obviate this difficulty, I propose that four additional turnkeys be appointed to act as wardsmen and instructors—a stone setter, a stone cutter, a house carpenter, and a cabinet maker—and, in order to secure the services of such men, I propose that they be allowed a certain per centage upon all work performed over and above a certain scale to be regulated.

16. By my letter of 19th October, No. 54-91, I have already communicated the advanced state of the debtors' prison, now being built by prison labour, in the Darlinghurst Gaol, and the materials necessary for its completion; and here I am induced to observe, that the style of the work already performed in the erection of this building and the bath house, is of a very superior description, and performed under the superintendence only of Mr. Harrison, the principal turnkey.

See Plan. 17. I have inspected the Parramatta Gaol, with a view of adopting a system of classification; and I find that the space of ground enclosed will not admit of the erection of suitable additions to carry out that system, nor can it be at all attempted so long as female prisoners are confined there. If they can be otherwise disposed of, an improved system of classification may be adopted, and I therefore recommend that the females be removed as soon as practicable. This done, the male prisoners can be easily classified, and profitably employed in the erection of a debtors' prison, hospital, and workshops. I am aware there is a hospital, but it is, in my opinion, too small.

18. It appears to me that a gang of twelve men, under the charge of two armed turnkeys and a quarryman as a working overseer, could be advantageously employed in getting the necessary stone for these improvements from a quarry within a few yards of the wall of the Parramatta Gaol, which I am informed is Government property.

ee Plan. 19. The next gaol of importance is that at Maitland. The walls enclose a large space of ground, upon which there is but one building. In this are confined the male and female prisoners, which I consider very objectionable.

20. I, therefore, deem it indispensably necessary that a temporary building should be erected for the accommodation of female prisoners, which can be done without incurring much expense. Classification yards are also required; and at some future time, the prison labour may be applied to the completion of the original plan.

21. Of the Goulburn, Bathurst, and Brisbane Gaols, I can only say that they are totally unfit for anything but female prisons, being built of brick and wood, and quite incapable of being improved upon.

22. I have visited the Berrima Gaol, and found it a very well planned and constructed one. I would therefore strongly recommend its re-establishment, as it requires but little repair, and is only forty-eight miles from Goulburn Gaol, which I have already said is unfit for male prisoners.

23. I propose that the prisoners under short sentences be confined there, and worked on the roads north and south of the town, as far as may be found practicable.

24. I have, in this communication, confined myself, as much as possible, to such recommendations and improvements as I consider, under the present circumstances of the Colony, practicable; and I have abstained from entering into a detail of the mode of carrying into effect some of my suggestions, but I shall be happy to do so if deemed requisite. And I may say that I have had a due regard, in my suggestions, to the consequent expenditure required for their accomplishment; and it appears to me, that without an enormous expenditure upon the various prisons to which I have alluded, no further improvement can be effected.

I have, &c.,

JOHN O'NEILL BRENNAN,

Sheriff.

THE HONORABLE
THE COLONIAL SECRETARY.

No. 9.

THE SHERIFF to THE COLONIAL SECRETARY.

Sheriff's Office,

Sydney, 28 October, 1854.

SIR,

I have the honor to state, that an error having been made in the drawing of the plans referred to in the accompanying Report, they require to be corrected, but they will be forwarded in a few days, when completed.

I have, &c.,

JOHN O'NEILL BRENNAN,

Sheriff.

THE HONORABLE
THE COLONIAL SECRETARY.

No.

No. 10.

THE COLONIAL SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,**Sydney, 10 November, 1854.*

SIR,

In acknowledging the receipt of your letter of the 27th ultimo, respecting an improved system of Gaol Discipline, &c., I am desired by the Governor General to inform you, that as Sir William Denison, who has had great experience in all matters connected with the subject of your letter, will probably assume the Government of this Colony early in the ensuing year, it is deemed best to leave your propositions for his decision.

I have, &c.,

W. ELYARD.

THE SHERIFF.

No. 11.

THE VISITING JUSTICE, PARRAMATTA GAOL, to THE COLONIAL SECRETARY.

*H. M. Gaol, Parramatta,**28 November, 1854.*

SIR,

A proposal to form a tramway from the Pennant Hills Quarry to the Parramatta River, to convey to Sydney more cheaply and expeditiously the Road Metal required for the streets being now under discussion,—I have the honor to suggest, for the consideration of the Government, that the whole of the work at the quarry referred to could be performed by male prisoners sentenced to hard labour in gaol, at a cost considerably less than one-half of what is now paid to hired workmen, after deducting the expense of food, clothing, and management. And as I am credibly informed that so soon as the tramway is completed three times the quantity of metal now produced will be required, I think I shall be able to shew, from the following calculation, that if prison labour were substituted for paid labour, a saving would be made in one year sufficient to pay for the erection of a small gaol at the quarry, to be conducted on the American " Silent System."

2. There are now twenty-seven men working at the Pennant Hills Quarry, at wages averaging eight shillings each per day, of whom seven are quarrying and twenty breaking the stone, but as these men produce only one-third of the quantity required, it will be necessary to employ three times this number of men to produce a sufficient quantity, or twenty-one men quarrying and sixty men breaking—eighty-one men in all—and reckoning three hundred working days, the wages of eighty-one men, at eight shillings each per day, would amount to nine thousand seven hundred and twenty pounds per annum.

£9,720.

3. If prison labour were substituted, suppose seventy prisoners to be able to do the work of sixty hired men at breaking, and thirty the work of twenty-one at quarrying, I would propose to employ two classes of prisoners,—those undergoing long, and those undergoing short sentences,—seventy of the first class to be employed in breaking stone *inside* the walls of the gaol, and thirty of the second class in quarrying *outside* the walls, or one hundred prisoners in all, and the probable cost of maintaining and managing these may be calculated as follows:—The expense of the gaol at Parramatta for one hundred and fifty prisoners has been estimated for the year 1855, including temporary increase of salaries, stores, clothing, &c., &c., (*Vide the Estimates*) at three thousand eight hundred and forty-three pounds eight shillings and five-pence, which is not quite one shilling and five-pence per day for each prisoner. Suppose, however, that it was one shilling and sixpence each per day, and suppose sixpence per day each to be given as a gratuity to those working inside, and one shilling each per day as a gratuity to those working outside the gaol, we should have seventy men at two shillings each per day, and thirty men at two shillings and sixpence each per day, and the whole hundred prisoners would cost, reckoning three hundred working days, as before, three thousand two hundred and twenty-five pounds per annum.

£3,843 ss. 5d.

£3,225.

4. Thus, in comparing the cost of hired labour at present rates with prison labour upon this work, the sum of six thousand four hundred and ninety-five pounds would be saved in the first year; and although it may be urged that wages are not likely to continue so high as they have been, still they are not likely to fall below thirty shillings per week, and even at this reduced rate, eighty-one men would cost six thousand three hundred and eighteen pounds per annum, nearly double the cost of prison labour.

£6,495.

5. It is impossible for me to estimate the cost of a building sufficiently strong and commodious for the purpose required, but I should imagine that one might certainly be built for four or five thousand pounds, which amount would, in all probability, be saved in the first year.

6. The advantages arising out of this plan would be,—that prisoners so employed would support themselves, instead of costing about two thousand pounds per annum in gaols which are not self-supporting; that they would take the place of eighty-one hired labourers at a time when labour is so much wanted; that a constant supply of metal would be provided for the streets in the city; that the cost of it at the quarry might be calculated to a certainty; and that the system which accomplished this would be found the most reformatory to the prisoners employed.

7. I would further suggest, that a blacksmith's forge and carpenters' room should be attached to this establishment, so that the whole of the tools and implements could be repaired on the spot.

8. And, lastly, I would remark, that if it be desirable to incur a great expense in constructing a tramway to save the expense of carriage, surely it is worth while to incur a less expense in building a gaol to save the greater expense of labour at the quarry, at a time too when further gaol accommodation will probably have to be supplied *somewhere*.

9. An account of the American "Auburn," or "Silent System," of prison discipline will be found in Mr. Buckingham's *America*, third series, vol. 2, page 305, some extracts from which are appended.

I have, &c.,

DAVID FORBES,

Visiting Justice.

THE HONORABLE

THE COLONIAL SECRETARY.

[Enclosure in No. 11.]

EXTRACTS from Buckingham's Eastern and Western States of America, volume 2, pages 305, &c.

"The State Penitentiary is one of the largest of the public buildings of Columbus. The edifice has a projecting centre 56 feet in length, and two receding wings of about 200 feet each, making a whole frontage of 456 feet. It is three stories high, is built of hewn limestone, and of the Saxon style of architecture.

"Each wing contains 350 cells in four separate stories, each cell being 7 feet long, 3½ feet wide, and 7 feet high, so that there is just room to place a narrow bedstead on the stone floor, with barely space to pass between one side of it and the wall, while the prisoner is shut in by a heavy iron-grating door, through which he receives the light and air. These cells are entirely detached from the outer walls of the main building by a passage 11 feet wide, which goes all round them, and extends upwards to the roof. Small galleries of iron framework, sustained by pillars, and accessible by iron stairs, lead from story to story, and cell to cell, so that the movements of every prisoner can be seen, and his escape rendered almost impossible. The whole arrangement combines strength, security, ventilation, and cleanliness in a high degree, and in these respects could not, I think, be improved.

"The system of discipline pursued here is that which called the 'Auburn' or 'Silent System.' The whole number of inmates, amounting now to 500, are classed and arranged so as to be occupied all the day in various works. The places for carrying on these operations are ranged round the great central court, forming a square of about 500 feet on each side, of which the centre and wings already described forms the front; the centre being the residence of the warden and necessary officers of the establishment, and the wings containing the cells for the convicts.

"As soon as a prisoner enters he has to put on the prison dress—white flannel with broad stripes of blue—and if he already knows any art or trade carried on here, he is placed to work at it, if he is unacquainted with any, he is employed as a labourer, and taught at intervals some of the occupations at which the greater number of hands are required. They are all called from their cells at daylight, have a plain breakfast, work till two o'clock, have as plain a dinner, labour till sunset, and then having a piece of corn bread only for supper are marched to their cells again; their food being wholesome and sufficient, but of the plainest kind, and their beds and bedding of the coarsest description.

"During all the time of their labour they are obliged to maintain a profound silence, and are prohibited, under severe penalties, not only from speaking to each other, but even from making signs or holding communication through any other medium. To enforce this perpetual silence, inspectors are stationed at different points in the workshops, and the smallest group are not permitted to labour without a supervisor.

"Of

“ Of those confined here the six largest classes in their occupation previous to conviction are these:—farmers, 86; shoemakers, 45; labourers, 40; carpenters, 36; smiths, 27; boatmen, 24.

“ The six principal employments in which the convicts are now engaged are these:—79 as makers of saddle-trees, 68 as stone cutters, 47 as coopers, 39 in making bridle bits and stirrup irons, 28 as shoemakers, and 26 as tailors.

“ The periods of confinement to which the convicts are condemned vary from 1 year to 20. The average term may be considered about 6 years.

“ The erection of the Penitentiary cost about 100,000 dollars, which was paid out of the State Funds. But it is a source of considerable gain to the State; the profits from the sale of articles made in it realizing a net surplus of more than 20,000 dollars annually above the expenditure necessary to sustain the prison in the salary of its officers, and the subsistence of its inmates.”

No. 12.

THE COLONIAL SECRETARY to THE SHERIFF.

*Colonial Secretary's Office,**Sydney, 22 February, 1855.*

SIR,

With reference to my letter of the 10th November last, relative to your Report on the introduction of a self-supporting system of Gaol Discipline throughout the prisons of the Colony, I am now directed to inform you, that the Governor General is quite willing to adopt the principle of the scheme laid down by you, as it is the opinion of His Excellency that the labour of the prisoners may be most judiciously employed in improving and perfecting the gaols themselves in the first place, and afterwards in such work as may best repay the cost of their maintenance.

2. His Excellency desires me, however, to inform you, that before any steps can be taken to carry your suggestions into effect, it will be necessary for you to furnish a more detailed statement and estimate of the amount of material required, and the probable cost of the undertaking.

3. When the system has been successfully applied at Darlinghurst Gaol, which is under the more immediate supervision of the Government, it may be extended to all the other gaols.

I have, &c.,

C. D. RIDDELL.

THE SHERIFF.

No. 13.

THE COLONIAL SECRETARY to THE POLICE MAGISTRATE, PARRAMATTA.

*Colonial Secretary's Office,**Sydney, 24 March, 1855.*

SIR,

With reference to my letter of the 30th June last, relative to your Report on the introduction of a self-supporting system of Gaol Discipline throughout the prisons of the Colony, I am now directed to transmit to you herewith a copy of the Sheriff's Report on the subject, and to inform you that the Governor General is quite willing to adopt the principle of the scheme laid down in that Report, as it is the opinion of His Excellency that the labour of the prisoners may be most judiciously employed in improving and perfecting the gaols themselves in the first place, and afterwards in such work as may best repay the cost of their maintenance.

2 His Excellency desires me, however, to inform you, that before any steps can be taken to carry those suggestions into effect, it will be necessary for the Sheriff to furnish a more detailed statement and estimate of the amount of material required, and the probable cost of the undertaking.

3. When the system has been successfully applied at Darlinghurst Gaol, which is under the more immediate supervision of the Government, it may be extended to all the other gaols.

I have, &c.,

W. ELYARD.

THE POLICE MAGISTRATE,
Parramatta.

No.

No. 14.

THE COLONIAL SECRETARY to THE PRINCIPAL SUPERINTENDENT OF CONVICTS.

*Colonial Secretary's Office,
Sydney, 12 April, 1855.*

SIR,

I am desired to state that, from what the Governor General can see of the present arrangement of the prisons and other places for the punishment of offenders in this Colony, His Excellency is led to the conclusion that there is nothing in the shape of an uniform system of discipline, for want of which the main objects of punishment are practically lost sight of.

2. It is true that with regard to those whose offences are of a more serious dye, and who are sent to Cockatoo Island, there is a code of Rules and Regulations under which they are dealt with; but these having been framed more with reference to the cases of offenders sentenced to varying periods of transportation, are hardly applicable to those whose sentences now seldom or never extend beyond the period of fifteen years, and many and reasonable complaints have been made, that by the application of the system of task-work, offenders now sentenced to periods of hard labour which are considered by the Judge to be equivalent to their offences, are practically enabled to shorten their sentences by one-third, and are thus let loose upon society sooner than the ends of justice would warrant. It is said, and with justice, that the main object of punishment—the prevention of crime—is thus lost sight of, the effect of this undeterminate remission of the awarded sentence being to lead others to calculate rather on the remission than upon the labour and toil which they must undergo to entitle them to claim this indulgence.

3. Whatever, however, may be the operation of this present partial system of dealing with offenders of the worst character, His Excellency thinks it is evident that the time has arrived for the Government to enter seriously and energetically into the consideration of the general question, and, as a preliminary step, he has appointed yourself, the Visiting Justice of Parramatta Gaol, and the Sheriff, to form a Board to consider and report their opinions as to the best system of prison discipline under the present and probable future circumstances of the Colony it will be desirable to adopt.

4. I am desired to communicate to you the following general suggestions, for the guidance of the Board in dealing with the subject.

The mode of employing prisoners should be such as to carry out, in the first place, the idea of *punishment*, that being the object for which they are committed to prison. In the second place, that of individual reformation; but this should be entirely subordinate to that of punishment. In the third place, that of profitable employment, so as to reduce as much as possible the cost of the prison establishments. This, however, must, of course, be subordinate to the ideas of punishment and reformation. With regard to the first, the labour should be *unremitting and hard*, and the food such as merely to enable the prisoners to support the toil, without injury to health.

With regard to the second, individual separation and judicious classification are essential; it would also be desirable to attach a schoolmaster to the gaol, that the prisoners who cannot read and write should be compelled to spend a certain portion of their time in school, while those who can read and write should be encouraged also to attend school, and there to benefit by the instructions of the master. All prisoners, whether committed for trial or under actual sentence, should be made to labour, and thus to defray in some measure the cost of their maintenance; but in the case of prisoners committed for trial, the minimum amount should be required of them—the idea of punishment not being in their case carried out.

The Report should contain suggestions as to the construction of prisons; the modes of punishment for offences committed in the prison itself; and, with reference to existing prisons, it should contain such suggestions for their improvement and completion as may appear to the Board best calculated to enable their system to be carried out to the fullest extent.

I have, &c.,

W. ELYARD.

THE PRINCIPAL SUPERINTENDENT
OF CONVICTS.

No.

No. 15.

THE COLONIAL SECRETARY to THE BOARD.

*Colonial Secretary's Office,
Sydney, 26 June, 1855.*

GENTLEMEN,

With reference to my letter of the 12th April last, appointing you to inquire into and report upon Prison Discipline, I am directed by His Excellency the Governor General to draw your attention thereto, and to request the favour of your early reply.

I have, &c.,

THE BOARD APPOINTED TO INQUIRE

W. ELYARD.

INTO AND REPORT UPON PRISON DISCIPLINE.

No. 16.

THE CHAIRMAN OF THE BOARD to THE COLONIAL SECRETARY.

*Principal Superintendent of Convicts' Office,
Sydney, 27 June, 1855.*

SIR,

With reference to your letter of yesterday's date, No. 55-86, requesting a reply to your communication dated 12th April last, on the subject of Prison Discipline,—

2. I am requested by the Board appointed to inquire into and report upon Prison Discipline, to state that a copy of their proceedings is, at present, in the hands of His Excellency the Governor General, and when returned it shall be transmitted to you without delay.

I have, &c.,

J. McLEAN,

Chairman.

THE HONORABLE

THE ACTING COLONIAL SECRETARY.

No. 17.

To His Excellency SIR WILLIAM THOMAS DENISON, Knight, Governor General of New South Wales, &c.

WE, the Board appointed by your Excellency to inquire into and report upon the best system of Prison Discipline which under the present and probable future circumstances of the Colony it will be most desirable to adopt, having in accordance with our instructions carefully investigated the matter referred to us, beg leave to submit the following Report.

Fully sensible of the difficulty, as well as the importance of the task assigned to us, and aware of the diversity of opinion which exists as to what may eventually prove to be the best system of prison discipline, we have together personally inspected the principal Gaols and Penal Establishments in this Colony, and have collected such evidence as we deemed sufficient to afford satisfactory information of the manner in which these several establishments are conducted. We have closely examined and compared the system in operation here with those most approved in other countries, and we now proceed to suggest such improvements and alterations as we think may be introduced and carried into effect with advantage.

The term *prison* we understand to apply to all places where prisoners are confined, and *prison discipline* to refer to the management of both gaols and penal establishments. We have therefore in treating this subject extended our inquiry to both; and in order to simplify our Report we propose to class it under the three following heads:—

- 1st. THE PRESENT SYSTEM OF PRISON DISCIPLINE.
- 2nd. THE SYSTEM WHICH WE RECOMMEND FOR ADOPTION.
- 3rd. THE CHANGE FROM ONE SYSTEM TO THE OTHER.

1st. THE PRESENT SYSTEM OF PRISON DISCIPLINE.

There are in this Colony seven gaols and two penal establishments.

The gaols are situate respectively at Sydney, Parramatta, Maitland, Goulburn, Bathurst, Brisbane, and Berrima, (the latter unoccupied,) and in none of them does there exist means for the proper classification or employment of prisoners. The Gaol Regulations

published on the 27th September, 1841, provide that male and female prisoners should be kept separately, and each sex divided into three classes,—first, debtors and others confined for contempt of civil process, —second, prisoners committed for trial, or for want of sureties, and prisoners convicted of misdemeanors,—third, prisoners convicted of felony: In the day-time the prisoners are supposed to be divided into these six classes, although in all the gaols out of Sydney there are but two classes of either sex, namely, those who are sentenced to imprisonment, and those who are sentenced to imprisonment with hard labour. At night several prisoners occupy the same cell, sometimes as many as six, so that no period is passed by the prisoner in complete separation. Now, when it is remembered that in each of these gaols are to be found prisoners of every description, from the common drunkard or the juvenile offender to the trebly convicted felon, it may easily be conceived how much mischief such an arrangement is calculated to produce. The prisoners generally receive no religious or other instruction beyond that of hearing the Church Service read to them, once in each week, and then not always on the Sabbath Day. On reference to Appendix, No. 1, it will be seen that in Sydney and Parramatta Gaols only is the sentence of hard labour carried into effect, and in these but partially; in all the other gaols no labour is provided, and in them the sentence of imprisonment with hard labour becomes less severe than that of imprisonment only, because in neither case does the prisoner work, while the one sentenced to hard labour receives a very superior and much more expensive ration than the other.

At Sydney the prisoners are employed upon buildings required to complete the gaol and occasional work furnished by the public, such as can be performed in the prison, and so far their labour is useful and profitable; a period, however, must arrive, when the additions and alterations in contemplation for the improvement and extension of this establishment will be finished, and then, unless some other work be provided, the prisoners must be supported in idleness.

At Parramatta Gaol it has been attempted to make the labour of the prisoners contribute something towards their cost, and they are employed upon work furnished by those of the towns people who are willing to contract and pay for their labour. This experiment, however, has been tried upon so limited a scale, and under so many disadvantages, that it can hardly be considered a satisfactory proof of what might be done.

In all other gaols, except those at Sydney and Parramatta, the labour of the prisoners is absolutely wasted.

The penal establishments are situate, one at Cockatoo Island, and the other at Newcastle. At Cockatoo Island the prisoners are employed in constructing a dry dock, which was commenced in the year 1847, and is still unfinished. It is calculated that the labour of the prisoners there, if valued, would equal the cost of their provisions and clothing during the time they have been at work. The annexed return (Appendix No. 2,) will shew the number of prisoners on the Island on the 23rd April, 1855, and the manner in which they were employed. At Newcastle the prisoners are employed in erecting a breakwater; the number, however, (29 only,) is too insignificant to make much progress with the work.

The system of management at both these places differs from that of the gaols. Each prisoner after serving a proportion (determined according to a certain fixed scale,) of the sentence inflicted obtains a ticket-of-leave, provided his conduct has been good. The ticket is granted for some district within the limits of the Colony, but as few of those who receive them remain in the districts, the ticket is considered by the prisoners generally equivalent to a pardon. At Cockatoo Island the prisoners can further shorten the period of imprisonment by task-work—certain daily tasks are assigned to each, after completing which they are allowed to labour for their own benefit—most of them can earn half-a-day in time, and three-pence in money each day. The annexed return (Appendix 3,) will shew how far the period of each sentence may be shortened under this system; the money which the prisoners earn, up to three-pence per day, is paid to them at once, if more than three-pence be earned, the balance is placed in the Savings Bank, and is paid when the period of sentence expires.

The prisoners usually spend the money paid them in improving their ration, and in the purchase of tobacco, which they are allowed to use. In the day-time they are worked together in gangs, under the superintendence of free overseers; there is no attempt at classification, except with reference to their capabilities to work, and they are allowed to converse together freely while they are at work. They eat their meals together in one large hall, and smoke afterwards in the yard adjoining. At sun-set they are shut into their several wards, as many

as 99 in one room; the sleeping berths are ranged one above the other in two rows, the feet towards the wall on either side, with a passage between, and a lamp is suspended from the centre of the passage; here the prisoners are allowed to talk, and even to sing, until 8 o'clock, when they all retire to rest, and a wardman is stationed to walk in the passage between the sleeping places. The heat of these wards in summer must be intense, and it is found accordingly that sickness is much more prevalent in summer than in winter.

We would here most respectfully submit that, in our opinion, the system of granting tickets-of-leave as a rule at stated periods is exceedingly injudicious; it renders the term of punishment uncertain, and it is impossible, without a much more numerous and expensive police force than this Colony possesses, to carry into effect the regulations under which they are issued. If tickets-of-leave be granted at all, we think they should form the exception and not the rule, and be given only in special cases and at indefinite periods, where it might be considered desirable that the prerogative of mercy should be exercised.

The system of task-work is also in our opinion objectionable; it is a most laborious business to keep the accounts, and by placing money at the disposal of the prisoners, it tends to produce among them gambling and other evil practices; it is said that it induces the prisoners to practise deception after the task is assigned, and that it is a fruitful source of complaint, that the officers have not assigned the task equitably. The evidence upon these points is conflicting, and therefore we are not prepared to offer any decided opinion upon it; we think, however, that it is very desirable to have an uniform system of punishment; and we do not think any such system as the task-work on Cockatoo Island, could be advantageously introduced into gaols.

At Newcastle the system pursued is exactly similar to that at Cockatoo Island.

From the annexed return (Appendix 4,) it appears that on the 31st of March, 1855, the total number of prisoners in the gaols and penal establishments of this Colony was 1337, and the cost of the whole was about £33,444 12s. per annum, or £25 per prisoner. We believe that this is greater than the cost of similar establishments in any other part of the world.

We are of opinion, then, that the present system is defective, for the following reasons:— It wants uniformity; punishment under it is unequal and uncertain; it is not calculated to reform prisoners, but, on the contrary, affords them the opportunity of corrupting each other, and it is very expensive; little or nothing has been attempted beyond the safe custody of the prisoners, which depends more on the height of the walls, and the strength of the building, than on management, while the necessity of compelling prisoners to work, which forms the very basis of all good systems of prison discipline, appears to have been in a great measure lost sight of.

2nd. THE SYSTEM WHICH WE RECOMMEND FOR ADOPTION.

Of all systems of prison discipline, that which in our opinion is best suited to the present and probable future circumstances of this Colony, is the American Auburn or Silent System.

A Select Committee of the House of Commons in the year 1832, reported favourably of this system, which was afterwards introduced into the United Kingdom with considerable success. In France the same system was partially adopted upon the report of M.M. Beaumont and De Tocqueville, who were sent to America to inquire into the merits of the penitentiary system of that Country.

There are two systems of prison discipline in operation in America—the Auburn or Silent System, and the Penvsylvanian or Solitary System.

The Auburn System provides each prisoner with a separate cell, in which he eats, sleeps, and spends all his time, except the hours of labour and the periods allotted to the services of the chapel.

In the day-time the prisoners are compelled to labour together and in silence, in workshops and sheds ranged round the prison yard; the labour is of various kinds, all, however is useful and profitable. The labour of the prisoners is hired by contractors by the day, who provide the raw material and receive the articles manufactured.

Each prisoner as he marches in from labour, receives his food, which is prepared for him and deposited in a small vessel, and retires to his cell to eat it. No communication of any

any kind is allowed between the prisoners; personal cleanliness is particularly attended to; strict and ready obedience is required; and every prisoner when in health must labour; disobedience is punished by confinement in a cell with short allowance—which cell may be darkened—and by flogging. During the day, overseers and sentinels are stationed in and about the several parts of the prison, to preserve order, and to ensure the performance of a due share of labour from each prisoner. At night a sentinel is employed to move round the galleries, wearing woollen socks on his feet, and walking so noiselessly that the prisoners cannot discern his presence or absence.

A Chaplain is attached to the institution, who performs service on Sundays in the chapel—where he also keeps school on that day—and takes various other opportunities of conveying instruction.

In many of the gaols in America, conducted on this plan, the whole expense of provisions, clothing, and management is defrayed out of the earnings of the prisoners; and a considerable balance is paid to the general revenue of the State, after these expenses have been deducted.

For a further description of this system, reference may be made to Appendix G, to which is attached a plan and description of the State Prison of Columbus.

The Pennsylvania System adopts the plan of separate confinement of the prisoners by day and by night; each is conducted blindfold to his cell, and sees the face of no one but his keeper during his confinement, excepting when an occasional visiting stranger or a Committee of the Legislature is permitted to go in and converse with him. The cell is sufficiently large for a workshop, say about 8 feet by 12, connected with which is a back yard 18 or 20 feet deep, with walls 12 feet high, but no roof; in this yard the prisoner is permitted to exercise one hour in each day; the prisoner is allowed books, and furnished with suitable employment, which he seldom refuses, labour being a relief to the irksomeness of solitude; flogging is never resorted to.

The objections to this system are, the very injurious effect both on body and mind of solitary confinement, day and night, for a term of years; the difficulty of rendering evil communication from cell to cell physically impossible; the want of systematic and efficient moral and religious instruction, owing to the difficulty of introducing it into buildings so constructed, there being no chapel; its great expense in management and the enormous cost of constructing prisons.

Of the two systems, we infinitely prefer the Auburn; it is more simple, less expensive, and the buildings in this Colony are better adapted to it than to the other; in one particular only do we prefer the Pennsylvania System,—the absence of corporal punishment. We disapprove of flogging as a means of coercing prisoners, and, in our opinion, the Auburn System would be more perfect without it; we wish, therefore, to dispense with this mode of punishment, and, at the same time, to preserve, if possible, the same difference between the condition of the orderly and disorderly prisoner which existed before, for otherwise we might find it difficult or impossible to enforce the rules which the system requires. We can substitute no other punishment, because flogging is only resorted to in America when every other kind of punishment has failed, and therefore, we would reward the orderly prisoner slightly, and thus make the punishment to the disorderly one comparatively more severe.

For this purpose we would recommend that all the work done by prisoners should be paid for, and an account kept of the earnings of each, and that the average cost of a prisoner should be ascertained, by dividing the total expense of all the gaols and penal establishments by the total number of prisoners confined in them. Then, as a reward for industry and good conduct, we would recommend that each prisoner should receive one-fourth of his earnings, to be paid into the Savings' Bank to his credit at the end of each month, and in addition to this, that he should be allowed to shorten the period of his sentence by one-fourth as a maximum; if, at the end of the month, it was found that three-fourths of the prisoner's earnings (the proportion the Government would receive) had more than covered his cost, the prisoner should be allowed one-fourth of a month in time; if it were found that the proportion which the Government received did not cover the cost of the prisoner, then he would receive a less amount of credit in time proportionate to the deficiency;—for example, suppose the average cost of a prisoner to be £1 10s. per month, and suppose prisoner A earned £4 in a month and B earned £1 in a month, A would have £1 paid into the Savings' Bank and

£3 to the Government, and receive one-fourth of a month credit in time,—B would have 5s. paid to the Savings' Bank, 15s. to the Government, and receive one-eighth of a month credit in time.

This proportion is, of course, arbitrary, and is open to alteration; we would, however, strongly recommend that prisoners should have the opportunity, by industry and good conduct, both of earning a small sum to assist them after liberation from prison, and of shortening the period of imprisonment in the manner we have suggested, and in that way only, except in such special cases as the Governor General may determine. Those prisoners undergoing long sentences (and these generally work best) would consider the time earned of greater value than the money, because the time would appear as paid at once, and the money as something only to be obtained at some future distant period.

We think that under such a system of rewards and punishments as we have proposed, the prisoners generally would work as well in a gaol as when at large; they would have the same inducements to labour which exist in the outer world, while a sufficiently severe punishment could be inflicted for any breach of the rules of the prison.

It may be urged against this plan, that a mechanic would have a great advantage over a common labourer; this certainly would be the case on both entering the prison, the opportunity however would be afforded to the common labourer to learn any trade which was carried on in the prison, and in a short time he might, if he chose to exert himself, be in as good a position as the other, besides the advantage of having acquired a trade. So great a difference exists in the habits and dispositions of prisoners, that it would be physically impossible to make the conditions of each exactly equal; all that we can do is, to subject them all equally to the same rules and regulations, the same rewards and punishments under one general system, the best that can be devised for reforming the prisoner during the period of imprisonment, and, at the same time, subjecting him to severe punishment.

Under this system which we have so far recommended, each of the prisoners is in a manner classed by himself; if further classification were necessary, we think it should be made with reference to character, conduct, and similarity of occupation. We would recommend therefore, that separate prisons should be provided for male prisoners, female prisoners, debtors, and for juvenile offenders.

The advantages which would probably result from such an arrangement would be, that prisons for males would be improved by the removal of females; that abuses which take place, and can hardly be detected, would be prevented; that prisons might be made sufficiently secure for females and juvenile offenders, though built at less expense; that the management would be more economical, and the prospect would be better for reformation in the habits of the prisoners.

We would recommend that those guilty of petty offences and misdemeanors, whose term of imprisonment did not exceed six months, should be worked outside the gaol walls in the day time, and locked up only at night; and that at each of the Court Houses where Courts of Petty Sessions are held throughout the Colony, separate cells should be built for the reception of drunkards.

As a rule, the children of prisoners should on no account be admitted into a prison; if no friend or relative could be found at the time the parent was sent to goal, then the State should take the children and educate them. There would of course be two exceptions to such a rule,—first, where children might be too young to remove from the parent, and second, where the parent was committed for trial and afterwards acquitted; in the one case the children would of course remain in the prison, in the other they would be restored after the liberation of the parent.

We think the present scales of rations a good one, but the hard labour ration should only be served to those of the prisoners who were actually labouring. The scale of rations should depend on work, and not on the sentence inflicted.

All convicted prisoners should be compelled to work; prisoners committed for trial or for want of sureties, &c., should be compelled to work sufficiently to earn as far as they were able their cost, or to pay it to the Government upon the broad principle that the State should not be required to support its subjects in idleness who were able in a measure or wholly to support themselves.

All prisons should be provided with bath rooms, where each prisoner on his admission should be taken, stripped, thoroughly washed, and have the prison dress put on, his own clothes being kept for him until his liberation.

It is the practice in this Colony to allow prisoners occasionally to petition for remission of sentence. We consider this to be very objectionable; we think it should only be permitted in cases where circumstances have transpired, after the trial, favourable to the prisoner. It is very desirable that every prisoner should feel, that if he is industrious and orderly he will be treated with kindness, and that the only benefit or indulgence he can receive must be the result of his own labour and good conduct.

3rd.—THE CHANGE FROM ONE SYSTEM TO THE OTHER.

It would be both difficult and expensive to introduce suddenly into this Colony a system of prison discipline such as the, Auburn System in America; the present buildings require considerable alteration; few of the officers are tradesmen, and none of them are acquainted with any other system than that which they have been accustomed to here. We are of opinion, therefore, that such alterations and improvements as it may be deemed desirable to make, should be introduced gradually, and at such times as it might seem that they could be effected at the least inconvenience and expense.

With respect to gaols, we would recommend two alterations in the law of imprisonment,—the first to empower the Judges to substitute imprisonment in a gaol for hard labour on the roads and public works, according to a fixed scale, (see Appendix No. 5), and the second to admit of prisoners whose sentence was six months and under, being worked outside the gaol walls in charge of a guard. The first alteration becomes necessary, because, as the law at present stands, the longest period of imprisonment which can be inflicted is three years, except for forgery, where four years can be given. If the second alteration were made, nearly the whole of the short sentence prisoners might be worked on the roads, stone quarries, fortifications, or any public work where their labour could be used with advantage, and they might be locked up in separate cells at night, either in a gaol or in some building which need not be nearly so strong as a gaol for felons.

We would recommend that, as far as practicable, all female prisoners should be transferred to one gaol at or near Sydney, and should the recommendation of the Committee on Lunatic Asylums be adopted, Tarban Creek might be occupied as a female prison. We may here mention, that, from returns which we have seen, it appears that 490 women in the Female Factory at Parramatta earned, in about three years and a half, the sum of £7,300,—which proves that the labour of female prisoners might, in such a locality as Tarban Creek, be turned to considerable account under proper management.

We would recommend that at all the principal towns in the Colony, and attached to the several Court Houses, separate cells should be built as soon as possible for the reception of drunkards ordered to be so confined from 12 to 48 hours.

We would recommend, further, that the prisoners in each gaol should be classed according to character, conduct, and similarity of occupation; that they should all receive instruction in reading, writing, &c.; that they should all be compelled to work; that sheds and workshops suitable to the trades and occupations which might be carried on should be erected in each of the prisons, that the public should be invited to tender for the labour of the prisoners *by the day*, and that the cells in the gaols should be divided so that each prisoner could be confined separately at night; the whole of the work of the alteration of the gaols, buildings, sheds, &c., could be performed by the prisoners, and it would be necessary only to provide the materials. The class of prisoners who could be thus employed would be those accustomed to stone cutting and carpenter's work, and such as it might be desirable to instruct in these trades. All other kinds of tradesmen and labourers might be otherwise employed, and if their labour were contracted for, their earnings would assist in providing the materials required for the alteration of the gaols.

We mention this because our object is to save expense, and not to increase it beyond what is absolutely necessary.

In obedience to your Excellency's instructions that our Report should contain suggestions as to the construction of new prisons and the improvement and completion of those in existence—such as may appear to us best calculated to carry out the system which we have recommended,—

We beg leave to suggest that new prisons be built at Goulburn, Bathurst, and Brisbane, respectively, upon the plan of the State Prison at Columbus, the present buildings at these places being badly situated, and so badly constructed as to be incapable of alteration or improvement;—that the additions and improvements to Darlinghurst Gaol, as proposed by the Sheriff, and to Parramatta Gaol, as proposed by the Visiting Justice of that Establishment, be carried out with as little delay as possible, (see plans annexed,) and that the Maitland Gaol be completed according to a plan suited to the introduction of the system recommended.

With regard to punishments in gaol, the only alterations in the existing rules which we think it desirable to recommend are, that the gaoler should have the same power which the matron now has of confining a refractory prisoner in a solitary cell, on bread and water, for three days, and that some of the solitary cells should be so constructed as to admit of being darkened, if considered necessary, and ordered to be so by the Visiting Justice.

With reference to penal establishments, we are not aware whether it is intended to continue prisoners upon Cockatoo Island after the dry dock is completed, neither can we arrive at any satisfactory conclusion as to the time when that work will probably be finished. If it is to be a temporary establishment only, we could not recommend any alterations which would involve much expense, but if it is to be continued for an indefinite period, we think the convicts should at once be provided with separate cells, and worked under the system which we have recommended.

It has been suggested that a hulk might be fitted up as a floating prison, with separate cells, which could be moved to any part of the harbour where the labour of prisoners would be useful; this suggestion we consider valuable and worthy of consideration.

With reference to the prisoners employed at the breakwater, we think the number too small to warrant the Government in keeping up an expensive staff of officers to manage them; either the number should be increased or the work for the present should be abandoned.

Further alterations and improvements must be made as they appear to be required, and whatever officers may be henceforward appointed should be tradesmen or mechanics acquainted with those particular trades most required.

A superannuation fund should also be established, that old and infirm officers might be pensioned off and others appointed.

With regard to Imperial convicts, we would recommend that they should be treated in all respects in the same manner as Colonial prisoners, as far as their original sentences will admit, and that their expenses should be defrayed by the Imperial Government, at the same rate per head as Colonial prisoners of the same class, including all incidental expenses. The principle here laid down we consider equally applicable to lunatic convicts and invalids.

Lastly, we would recommend that this whole system should be carried out under one general inspection, and that the same rules and regulations should apply equally to all places wherein prisoners are confined.

The whole of the evidence which we have taken will be found appended to this Report; and we are glad to say that, in the opinions expressed, we are unanimous.

We will conclude by quoting some remarks from Mr. Hill's book on Crime, which work was written by him after fifteen years' experience as Inspector of Prisons in England and Scotland; he says,—

“ The object of punishment being the prevention of crime, that punishment cannot be well fitted for its purpose which, after its infliction has terminated, allows an offender to be let loose again upon society, without regard to the cause of his offence or to the fact whether such cause has been removed,—without reference even to the possibility that the offender may have been hardened and rendered worse by the very punishment itself, or to the fact that loss of character may occasion difficulty in procuring employment, and consequent danger of the criminals committing new offences; well-devised punishments for the cure of bad habits, with the attendant seclusion from the world, and with frequent periods of complete solitude, together with enforced industry, early rising, and abstinence, are necessarily productive of great pain, and if such punishments as these were always inflicted, and effective means taken to ensure that they should follow offences with rapidity and certainty, few would choose a life of crime in preference to one of virtue.”

J. McLEAN.

JOHN O'NEILL BRENNAN.

DAVID FORBES.

On board the "Waratah."

Moreton Island, 24 May, 1855.

GENTLEMEN,

As I presume it to be within your province, if not, in fact, your express instructions, in reporting upon the very important and difficult subject of "Secondary Punishments," to obtain the opinions of various classes of persons, from whose experience useful hints may be gained, I take advantage of my earliest leisure since your appointment, to offer to you—and through you to the Executive—a few remarks and suggestions for consideration. They are of necessity hastily thrown together; but they are the result of many years reflection and reading, as well as of tolerably close observation of the working of our present Colonial system.

2. The difficulty of keeping prisoners in subjection, without attempts at mutiny, while under long sentences, except by the hope of mitigation, or indulgence of some kind, may be conceded. But I submit that the particular mode in which indulgence—or reward for good conduct—is extended to men under sentence, need not necessarily be by remitting a portion of the sentence. The usage in this respect, not here only, but elsewhere, has made "mitigation" and "remission" identical, in ordinary parlance; but, admitting fully the importance of mitigating (by which I mean alleviating) the punishment of criminals who conduct themselves well, and thereby afford some ground for hoping reformation, or, at least, abstinence from crime for the future, I would beg it to be considered whether remitting any portion of the *term of punishment*, as a general rule, be the best mode of mitigation. Might not indulgence be extended, in the shape of tea, coffee, &c.—better food, in short, and better clothing; in allowing a larger portion of the earnings to be given, at the expiration of the term; in making the men overseers; allowing them more time to themselves for relaxation; and the like.

3. One of the objects in sentencing desperate or abandoned criminals for long terms is, the certainty of keeping them, for the stated period, from repeating crimes. Another object is, the inflicting of wholesome warning and dread on those who might otherwise (if tempted to suppose that criminals of that character escaped with a slight or short punishment), follow their evil example. Both these objects are defeated, exactly in proportion as you remit part of the term awarded, and enable the criminals to return to their old residences among their companions, and in the immediate neighbourhood of the persons whom they have robbed or otherwise injured. Another mischief is, that the sentence of the Court itself is brought into contempt, and regarded as an unmeaning threat. As things now stand, it does not express the *truth* to the criminal; he may nominally be sentenced to ten years, but he knows that, unless he very much misconducts himself, he will be set free in five or six.

4. If, however, (as a general rule, for, in particular instances, it may be highly proper), the remitting of some part of the term is to be continued, as the specific mode of mitigating punishments, I submit that there ought to be some test of good conduct, either in lieu of, or at any rate in *addition* to, the present one, and only criterion established, namely—that of hard work. Calculate a man's physical capacity how you may, such a test—applied to all—must frequently do injustice. There may be the indisposition to work, and yet no hardening of the heart in crime. There may be repentance, and incapacity for much bodily exertion. Under another system, no doubt, there may be much hypocrisy practised; but I am sure that its evils will not be so great as those which attend the present plan. It is notorious that the very worst—the most desperate—characters, are those who work the hardest under punishment. And why? Because the reward is—restoration to their old haunts and practices; in other words, the means acquired of perpetrating new crimes. As matter of fact, I can state from my own knowledge, (and I have reported several such cases, by name, to the late Government), that such men have actually been in this Colony a second time detected in crime, and in some instances convicted, before the term of their first sentence, though not a very long one, had run out; they having been let loose, owing to meritorious *hard work*, after serving about one-half of that term.

5. My next suggestion is, (if remissions of sentence are to be the rule), that at all events it shall be impossible for a prisoner, under any circumstances, to entitle himself to a remission of more than, in terms of four years or under, *one-fourth* of his sentence, or, in terms exceeding four years, *one-third* of his sentence. I say, to "entitle himself"; that is to say, by regulation, and as a matter of course. For unusual good conduct, evincing real merit, and not that which is purely fictitious, the Head of the Government, in the exercise of the Royal Prerogative, will always be able to provide. But I submit that, for even the best conduct, measured by rule and system, a reduction of (for example) a two years' sentence to eighteen months, or of a nine years' sentence to six years, is a very great boon. Less strongly marked good conduct, of course, would receive a less degree of reward; but, on the present system, I believe that it is not difficult for a criminal to obtain, as matter of right, a mitigation of one-half the term, or more.

6. Thus, as I understand, a man sentenced to ten years' hard labour would be entitled to a ticket-of-leave at the end of five years and a half; but, by hard work, he can reduce that period to an actual service of three years and a half. If, however, he be under two sentences of five years each, then he has to serve, nominally, six years, which he can, by "marks" for work done, reduce to about four years.

7. It may safely be asserted, that a ticket-of-leave is, at present, whatever it was formerly, quite equivalent to a pardon. The prisoners who receive this indulgence roam, in point of fact, almost where they will; and, even if they do not quit the prescribed district, they have the means of committing renewed crime. It is better for the community, certainly, that even a nominal check should exist; but it has become little more than nominal.

8. I desire to express the opinion, and to urge it as a matter of great importance, that some individual cases should—(on the special recommendation of the Judge, to be stated when passing the sentence)—be made *exceptional*; that is to say, that they should

be

2. He shall daily visit the hospital, cookery, cells, and see that every part of the prison is clean and in good order.

3. It shall be his duty to exercise, under the direction of the Warden, a general inspection and superintendence over the whole Establishment and all its concerns, to see that every subordinate officer strictly performs his appropriate duties, to visit frequently the places of labour and yards, without notice, and see that the convicts are diligent and industrious, and generally, to see that the rules and regulations of the Institution are enforced, and that every precaution is taken for the security of the prison.

4. He shall attend to the clothing of the convicts, and see that it is whole, properly changed, and in order.

Duties of the Overseers.

1. There shall be an overseer to each shop, to be appointed by the Warden.

2. Each overseer, on entering on his duties, shall take an account of the implements and tools belonging to his department, with the value of the same in money, and shall lodge a copy of such account under his hand with the Warden, and such account shall be corrected quarterly. He shall keep an account of stock furnished his department, and of the articles manufactured there and taken therefrom, and also of the daily and weekly earnings of the convicts. He shall see that the property belonging to his department is carefully preserved, and that the work is well and faithfully done. It is especially enjoined upon each overseer to preserve in his department the most entire order.

Duties of the Watchmen.

1. They shall perform all such duties and services for the safety and security of the prison, as may be directed by the Warden, both by day and night; and they shall be vigilant and watchful while on duty, and orderly and clean when off duty and in the guard room; and they shall see that their arms are always in repair and ready for service. No watchman is to hold any conversation with a prisoner, except to direct him in his work; and no watchman is to receive from or deliver to any prisoner any article or thing without the knowledge of the Warden or his deputy.

2. One of the watchmen shall be named by the Warden to see personally that the rations are properly weighed and measured each day, and shall, under oath, render account of the same quarterly to the Warden, to be laid before the Inspectors.

3. Each officer to give one month's notice before he is permitted to resign his situation.

Of Cleanliness.

1. The hall and cells shall be swept daily, and the sweepings carried outside the wall; the floor of the hall shall be washed once a fortnight; the cells shall also be frequently washed and whitewashed.

2. Beds and bedding to be aired in the yard, once a week in summer, and once a fortnight in winter, and each prisoner to take care that his cell is neat and clean.

3. The utmost care to be taken that the persons of the prisoners are kept clean.

4. The night-pails shall be kept carefully clean, and their contents carried outside the walls and covered each day.

5. No filth, or nuisance, or offensive matter, shall be suffered to remain in the yards or workshops.

Of the Hospital, &c.

1. The Warden, with the approval of the Inspectors, shall appoint a proper person to be Physician, who shall receive such compensation as shall be agreed upon by the Inspectors.

2. The hospital shall be provided with beds, bedding, bedsteads, tables, and all other necessaries for the accommodation of the sick, and such as are ordered there by the Physician.

3. The Physician shall direct such supplies, stores, and furniture, as may be necessary in his department, and his order in writing shall authorize the Warden to procure the same. He shall record in a book all orders given, and the time when given; also his visits, names of patients reported sick, names of those ordered to the hospital or to the cells on sick diet, or to work. He shall visit the prison every alternate day throughout the year, and oftener if required and sent for. He shall keep a Journal of those discharged from hospital, and those who die, with the nature of complaint and other particulars, which books shall be open to the inspection of the Warden and Inspectors.

General Regulations.

1. No officer or person connected with the prison to buy from or sell to any convict any article or thing whatever, or make with him any contract or engagement whatever, or cause or allow any convict to work for him, or grant any favour or indulgence to a convict, except such as the laws allow; nor shall he receive any fee or emolument from any of the friends or relatives of any convict, on pain of dismissal.

2. The compensation of each officer to be fixed by the Inspectors when he takes office; and no officer will be allowed to receive more than this, nor shall he receive any perquisite whatever without the consent of the Inspectors, in writing.

3. Spirituous liquors shall on no account be furnished to the convicts, except on the prescription of the Physician.

4. No officer except the Warden shall strike, beat, or punish corporally any prisoner, except in self-defence.

5. In case any officer shall be absent from the prison, except upon public business, his pay shall be stopped for the time of such absence.

6. Each cell shall be furnished with a Bible, and such other religious books as the Warden may direct, with the assent of the Inspectors.

7. All sums received from persons visiting the prison to go to the General Fund of the State, and to be included in the quarterly accounts of the Warden.

Duties of the Convicts.

1. Every convict shall be industrious, submissive, and obedient, and shall labour diligently, and in *silence*.
2. No convict shall secrete, hide, or carry about his person, any instrument or thing with intent to make his escape.
3. No convict shall write to, or receive letters from, or hold communication with, any person without the prison; except by leave of the Warden.
4. No convict shall burn, waste, injure, or destroy, any article of public property, nor deface or injure any part of the prison building.
5. Convicts shall always conduct themselves towards the officers with deference and respect. When they go to their meals or labour they shall proceed in regular order, and in silence, marching in the lock-step.
6. No convict shall converse with another prisoner, or leave his work without permission of an officer. He shall not speak to, nor look at, visitors, nor leave the hospital, when ordered there, without permission; nor shall he make any unnecessary noise in his labour, nor do anything to interrupt the good order of the institution.

EXAMPLE.

State Prison, Massachusetts—Auburn Plan for 300 Prisoners.

New mode of building shops—144 feet long, and 88 in breadth, one story, and of wood.

Officers, and expense of Salaries, &c.

3 Directors...	at \$300 each	(£60)	£180
1 Warden	1,500 "	(300)	300
1 Deputy ditto	500 "	(100)	100
1 Clerk	950 "	(190)	190
3 Turnkeys	350 "	(70)	210
18 Overseers	250 "	(50)	900
2 Night Watch	644 "	(128)	256
1 Physician	250 "	(50)	50
1 Chaplain	250 "	(50)	50
TOTAL			£2,236

There were 313 prisoners employed as follows, on the 30th September, 1826:—

Stone Cutters	105
Swicepers, carrying stone, &c.	21
Cabinetmakers	35
Brushmakers	26
Whitesmiths, &c.	6
Shoemakers	3
Copper-plate Printer	1
Coopers	7
Weavers	10
Tailors	13
Employed Building	34
Washers and Waiters	10
In Hospital	10
Blacksmiths	5
Cobblers	5
Oakum Pickers	8
Cooks	9
Barbers	3
In Cells	2
TOTAL	313

} These were let to contractors.

The income from the labour of these convicts has exceeded \$6,000, or £1,200 per annum; after defraying every expense of the prison.

NOTE: It must be remembered that the food and clothing of the convicts are exceedingly cheap in America.—Food, about 3d. per day; clothing, about £2 per annum.

Punishments.

The means used for enforcing the rules and regulations with respect to silence, labour, and regularity, on the part of the convict, are—

1. Flogging.—At Sing Sing this is almost the only punishment, and is very severe; at Auburn less severe; and at Wethersfield is scarcely ever resorted to.
2. Solitary confinement, day and night, on bread and water.
3. Solitary confinement, day and night, on bread and water, and no light.

Instruction.

In all Penitentiary systems those who have not learned to read and write are instructed in it. These schools are voluntary. Though no convict is obliged to join them, they consider it a favour to be admitted; and if it be impossible to admit all, those are admitted who most need instruction. The free choice left to the prisoners makes those who enter the school more zealous and docile. The school is kept every Sunday; it precedes the morning service, and there is service both morning and evening on Sunday.

Pardons.

Pardons.

With respect to pardons, it is the general opinion that they should not be granted for good conduct only in the prison. The convict, no matter what be his crime, always looks for pardon; the convict has, then, a direct interest in appearing to be repentant, and showing a lively desire to return to virtue. If this feeling be not genuine—and in nine cases out of ten it is not—the convict becomes a hypocrite. We must say that in general this danger seems to be felt very much, and pardons become rarer and rarer; and if public opinion were completely satisfied, the Governors (of States) would make use of their privilege only in favour of convicts whose guilt has become doubtful, in consequence of circumstances having appeared after their judgment.

Reformation.

There is little doubt that the habits of order, to which the prisoner is subjected for several years, influence very considerably his moral conduct after his return to society.

The necessity of labour, which overcomes his disposition to idleness; the obligation of silence, which makes him reflect; the isolation, which places him alone in his suffering; the religious instruction, which enlightens and comforts him; the obedience of every moment to inflexible rules; the regularity of a uniform life: in a word, all the circumstances belonging to this severe system are calculated to produce a deep impression, and perhaps a lasting one.

From "Buckingham's Eastern and Western States of America," vol. 2, page 305, describing the State Penitentiary at Columbus, conducted on the Auburn, or Silent System:—

"The State Penitentiary is one of the largest of the public buildings of Columbus.

"It is seated on the north bank of the Scioto River, in a pretty bend of the stream, and close to the water. The edifice has a projecting centre of 50 feet in length, and two receding wings of about 200 feet each, making a whole frontage of 450 feet. It is three stories high, is built of hewn limestone, and constructed on the Saxon style of architecture, but lighter in its general aspect, both from its proportions and materials, than the Penitentiary at Philadelphia. In its interior arrangements it resembles more the State Prison at Auburn, in the State of New York, and Moyamensing, in Philadelphia. Each wing contains 350 cells, in four separate stories, each cell being 7 feet long, 3½ feet wide, and 7 feet high; so that there is just room to place a narrow bedstead on the stone floor, with barely space to pass between one side of it and the wall, while the prisoner is shut in by a heavy iron-grating door, through which he receives the light and air. These cells are entirely detached from the outer walls of the main building by a passage 11 feet wide, which goes all round them, and extends upwards to the roof. Small galleries of iron framework, sustained by pillars, and accessible by iron stairs, lead from story to story, and from cell to cell; so that the movements of every prisoner can be seen, and his escape rendered almost impossible. The whole arrangement combines strength, security, ventilation, and cleanliness in a high degree, and in these respects could not, I think, be improved.

"The system of discipline pursued here is that which is called the Auburn, or Silent System, in contradistinction to the Philadelphia or Solitary System, on the difference between which I have before had occasion to remark. Accordingly, the whole number of the inmates, amounting now to nearly 500 in number, are classed and arranged so as to be occupied all day in various works. The places for carrying on these operations are ranged round the great central court, forming a square of about 500 feet on each side, of which the front contains the centre and wings, already described, the former being the residence of the Warden and the necessary officers of the establishment, and the wings containing the cells for the convicts.

"As soon as a prisoner enters he has to put on the prison dress—white flannel with broad stripes of blue—and if he already knows any art or trade carried on here, he is placed to work at it; if he is unacquainted with any he is employed as a labourer, and taught at intervals some of the occupations at which the greater number of hands are required. They are all called from their cells at daylight, have a plain breakfast, work till two o'clock, have as plain a dinner, labour till sunset, and then having a piece of corn bread only, are marched to their cells again; their food being wholesome and sufficient, but of the plainest kind, and their beds and bedding of the coarsest description.

"During all the time of their labour they are obliged to maintain a profound silence, and are prohibited, under severe penalties, not only from speaking to each other, but even from making signs, or holding communication through any other medium. To enforce this perpetual silence, Inspectors are stationed at different points, in the work-shops, and the smallest group are not permitted to labour without supervision. Any breach of the regulations in this or any other respect is punished by flogging, for which there is a special room with large whips provided, and the specified number of stripes are there inflicted by the person who fills the disagreeable office of flogger, &c., &c.

"The six different employments in which the convicts are now engaged are these:—79 as makers of saddle-trees, 68 as stone cutters and masons, 47 as coopers, 39 in making bridle-bits and stirrup-irons, 28 as shoemakers, and 26 as tailors, &c., &c.

"The periods of confinement to which the convicts are condemned vary from one year to twenty, according to the nature of their crimes, and 18 are sentenced for life, as being guilty of murder in the first and second degrees. The average term may be considered about six years.

"The erection of the Penitentiary cost about 100,000 dollars, which was paid out of the State Funds; but it is a source of considerable gain to the state. The profits, from the sale of articles made in it—realizing a net surplus of more than 20,000 dollars annually above the expenditure necessary to sustain the prison, in the salaries of its officers and the subsistence of its inmates, &c."

23 April, 1855.

PRESENT :

Captain McLean, | J. O'Neill Brennan, Esq.
D. Forbes, Esq.

Charles Ormsby, Esq., Superintendent of Cockatoo Island, being examined, states, in answer to the questions put to him :—

There are this day 400 prisoners under sentence at this establishment, of whom 356 are chargeable to the funds of the Colony, and 44 to the military chest.

No free men work with the prisoners, except two boiler makers, who are mechanics employed in the construction of the caisson.

I hand the prisoners over to the Civil Engineer each day, who disposes of them on the works. There are 316 men employed by him this day; the rest are in hospital, or exempt, or employed on the convict establishment, as wardsmen, water carriers, washermen, barbers, cooks, delegate, mess and bed cleaners, gardeners, shoemakers, tailors, constables, clerks, lamplighter, and servants to the free officers.

There are 8 free officers attached to the establishment, consisting of the superintendent, assistant-superintendent, clerk, taskwork clerk, dispenser, and three overseers, besides 16 police and 50 military, consisting of 1 officer, 1 sergeant, 4 corporals, 44 rank and file, and 1 ration man.

The hours of work are now from daylight in the morning until there remains sufficient light to lock them up, without danger of attempt at escape.

Three-quarters of an hour is allowed for breakfast, from 8 a.m., until 8½ a.m.

One hour is allowed for dinner, from 1 p.m., to 2 p.m.

In summer the hours of labour are longer, the men being on the works at 6, a.m., and continuing there until 6 p.m.

The men were classified at one time, but they are not now, on account of the peculiar nature of the labour, required at the Dry Dock.

Some of the prisoners who came out as exiles are the worst characters I have seen, and cannot be classified with other men of the same sentence.

The prisoners cannot be worked in classes, as the labour they are employed at prevents it.

The meals allowed by the Government are two.

The breakfast consists of ½ lb. of maize meal made into hominy.

The other ration consists of—

1 lb. beef.....	} per diem.
1¼ lb. of bread...	
1 oz. sugar	
½ oz. salt	
¼ oz. soap.....	

Vegetables are boiled with the meat, and the men get the soup in which the meat is boiled.

The indulgences, which are allowed to be purchased from the money earned by task-work, are tea, sugar, coffee, tobacco, and bread.

A list of the articles required is taken at the office, where the men pay the money for them, which, together with the list, is forwarded to the man who supplies the goods, which on receipt at the Island are delivered to the prisoners by the assistant-superintendent.

The prisoners are allowed to smoke at all meal hours, at which times they are confined in the yard.

They have no opportunity of gambling in the yard, as there are free officers stationed there to watch their movements; instances, however, do occasionally happen, which are punished by the Visiting Magistrate.

They are allowed no other money than what they earn, and which they carry about in their own possession.

The task-work system is in force at this establishment.

[Copy of the Regulations herewith already furnished to the Sheriff, J. O'Neill Brennan, Esq.]

The men are classified for labour, by the surgeon, according to their physical abilities.

When the daily task is completed, the prisoner is compelled to go on with his work, and is not allowed to discontinue labour or remain idle until all the hands are removed from the works.

The half-day credit of time is made by the prisoner doing one-half as much more work than the day's task set for him.

Stone-cutters, I believe, are the only men who can put money in the Savings' Bank over and above the allowed maximum earnings of 3d. each per diem.

I do not think that prisoners work so hard, under the present task-work system, as free men do in their ordinary employment. If I had the power, and if it would suit the Government and the public work, I would let the men work out their sentences by task-work as soon as they could, without reference to the half-day alone, as at present allowed.

The men are more unhealthy in summer than in winter, owing to the heat and closeness of the atmosphere in the wards when locked up.

Men in confinement in the cells do not suffer in summer more than in winter.

The prisoners are allowed to talk or even sing in the barracks until 8 o'clock, p.m., after which time they must be silent; they cannot well gamble, as there are two wardsmen in each ward, whose duty it is to keep watch by turns, walking up and down throughout the night; there is also a police constable stationed between the wards who can see everything that passes, and there are sentries posted round the buildings, who can see through the windows

windows. I have known instances of men trying to get into each others' berths, but if discovered, they are reported and punished. This is a very rare occurrence, and I should be sure to hear of it at once.

If I have any strong grounds of suspicion that a man has unnatural propensities, I put him in a cell to sleep by himself; but he goes out to work in the day, and has no communication with his fellow prisoners, except during working hours.

No cut stone is sold from the Island; ballast only is disposed of.

The work done by the prisoners would pay for their support and supervision, if properly attended to.

There is a certain scale of probation for each sentence, but a prisoner can shorten that term by his task-work time.

There are not many instances of men exceeding the period at which they would have obtained tickets-of-leave under ordinary circumstances.

There are frequent instances of men returning to the Island whose tickets have been cancelled, they having been allowed that indulgence in due course; but I do not know their particulars; I merely receive them on the warrant sent with them, which generally states that they are returned for further orders; these men have to serve a probation for the restoration of that indulgence.

I think a gaol might pay its expenses if free men were employed outside to quarry stone, which could be taken inside for the prisoners to cut, after which it could be sold to persons for building purposes; but there is a difficulty here, from the danger of the stones when cut being broken at the edges in removal. From the effect of the weather, stones here sometimes fall asunder, and so become useless. There is employment for years here, before this island can be complete as a naval depot.

The work performed here by a prisoner, and counted as a day and a half, is a good day's work for a free man, in my opinion.

There are many men here who set no value on the money they may earn, but who would work very hard for time to shorten their sentence, if allowed to do so.

No money that you could offer the prisoner would have so much value in his eyes as allowing him time.

If men were told that if they did a good day's work they were to have a good ration, but if not, they would only be allowed a small one, they would, of course, work to get the better ration.

The prisoner overseers should have nothing to do either with calculating the prisoners' time, nor with measuring their work; their work is measured by free officers, appointed for that purpose.

If all the work done by the prisoners was valued, and they were to be paid for it at the same rate as free men—supposing the man to earn 4s., the Government paying him 1s. for his labour, retaining the residue for his maintenance, &c.—I think it would answer, but only by each man being paid for the labour performed by himself, and not in connexion with other men.

I think the task-work system might be improved; it is very complicated, and occupies the whole time of one clerk and an assistant.

I would recommend the abolition of tickets-of-leave; and I think, if a man were discharged free it would be better, and would induce the men to work much harder. Let a probationary period be fixed for him to serve, and when that has expired, let him be discharged free, as the prisoner will always, if possible, and very naturally, return to his family. I think, if a certain fixed period were settled—say two-thirds of the whole sentence, to be shortened by task-work—it would work well.

An intelligent man should be appointed to oversee the whole works, and measure what is performed by the men.

I would put all able-bodied men together to work, and select the others according to their physical abilities. The prisoners have generally good fellowship among them; I think they would assist one another; and upon Mr. Forbes' suggestion, they would do a sufficient day's work, in fact, more than they now do.

I do not think it would be well to make any alterations in the sleeping places at present.

More prisoners could be employed at the works than are now on the Island; but there is not accommodation for their sleeping; there are more men now here than can be properly accommodated. I do not think an iron barraek would answer; it would be too hot. Prisoners would not be safe in wooden houses, no matter of what class they might be, as they would be sure to make desperate efforts at escape.

11 May, 1855.

The Metropolitan Superintendent of Police:—

1. There were 390 prisoners on Cockatoo Island yesterday, of which number 311 were employed under the Civil Engineer on the dock; and 79, including 10 sick and attendants, were employed on various duties, by the penal establishment.

2. The prisoners who give the most trouble, and are the worst conducted, are that class who arrived in the Colony as Exiles, after having served a portion of their sentence in prisons at Home; the best conducted and most useful prisoners as workmen, are men who have been Imperial prisoners, and are now serving Colonial sentences. Natives of the Colony when first received at the establishment, are generally troublesome characters, but after having been for a time under discipline, they turn out well conducted prisoners.

3. I am of opinion that prisoners under sentence ought not to receive tea, sugar, and tobacco as indulgences, but that they should be supplied with a sufficient ration to enable

them to perform hard labour; and if tea and sugar be considered necessary by the Medical Officer to keep them in health, that those articles ought to form a portion of their ration.

4. I consider that, for good conduct and industry, during the time a prisoner is undergoing his sentence, it would be attended with advantage if a small gratuity, either monthly or quarterly, were allowed, and placed in the Savings' Bank to accumulate, and paid on the termination of the sentence; this payment would have the effect of enabling the man to resume his freedom without the excuse of being compelled by distress to again have recourse to dishonest means of obtaining a livelihood.

5. I have always been of opinion that a prisoner under sentence should have *no right to claim* any part of the profits of his labour whilst in that state—all his labour being the property of the public, by whom he is supported.

6. With regard to the system of tickets-of-leave, I have long considered that it ought to be abolished, and that whatever sentence is passed on a prisoner should be carried out in a place of punishment, subject, of course, to cases of a special nature deserving the favourable consideration of the Governor General, and the exercise of His Excellency's prerogative. I have arrived at this opinion from my observation of the working of the system during the five years I have been in charge of the Sydney Police, and as Visiting Magistrate of Cockatoo Island. With the exception of prisoners who may have been convicted for the first time, a very small proportion of ticket-of-leave holders remain in their districts till the expiration of their sentence; indeed, a great many absent themselves as soon as they receive their tickets, and commence again a new career of crime, either in this Colony or Victoria; instances have occurred of a prisoner having been twice convicted before the expiration of his original sentence.

7. I do not concur in the propriety of reducing sentences passed on prisoners by a system of task-work, unless the men are employed on works of public importance requiring speedy completion, when a reduction of time for extra labour, or labour of a skilful and valuable kind, might be attended with public advantage. In all other descriptions of labour, a daily task, fixed according to the prisoners' capabilities, ought to be demanded of him, and if not performed, he should be made amenable to punishment, under the regulations of the establishment where the sentence is being carried out.

8. I look upon it, as observed by me before, that the labour of a prisoner is public property, and that the whole of that labour belongs to the public, and no portion to the prisoner, and that the greatest possible amount of labour should be obtained, without the aid of indulgences or any other conciliatory means, but by coercion, if necessary. I think it is quite practicable to enforce the performance of a daily task, fixed according to a prisoner's physical powers, without having recourse to corporal punishment, by adopting a system I have known to be pursued in some places of punishment, of dividing the day's task into three equal parts, and, with prisoners who are habitually idle and refractory, giving the meal for each portion of the day as the task belonging to it is completed.

9. If it were considered advantageous, in a public point of view, to reduce the sentence of a prisoner for extraordinary industry, in the completion of an important public work, or where a difficulty might arise from the nature of the work in fixing a daily task, I do not think that credit in the reduction of the sentence should, in any case, exceed one-third of a day.

10. The prisoners on Cockatoo Island are more healthy during the winter than the summer.

11. For reformatory purposes, I consider it absolutely necessary that prisoners should be confined in separate cells at night, and, if possible, that they should eat their meals separately.

12. If it were intended that the prisoners should be taught trades, it would be necessary to employ a class of persons, as overseers, capable of giving instruction in the several trades or handicrafts carried on in the gaol.

13. Nothing is so valuable in the eyes of a prisoner as a reduction of his sentence; it is considered of incomparably more value than money.

14. In reference to my suggestion of giving monthly or quarterly gratuities, I think the highest amount on the scale should be about ten shillings per quarter, so that a prisoner, on the completion of a sentence of two years with uninterrupted industry and good conduct, would have £4 to receive.

15. Before making any of the gaols of the colonies places of punishment for prisoners under penal sentences, I think it would be necessary, in order to carry out effectually the punishment of such sentences, to exclude from the gaol prisoners of the following descriptions:—

- Debtors;
- Persons confined under civil processes;
- Ditto under remand;
- Ditto for trial;
- Juvenile offenders;
- Female ditto;

Drunkards; and all persons coming within the class of simple misdemeanants, sentenced to imprisonment without hard labour—places of confinement similar to the houses of detention in England, where the buildings are not so strong, nor the discipline so severe as in penal establishments, would, of course, be required for the classes of prisoners referred to.

16. In the confinement of juvenile offenders, I think they ought to be kept entirely apart from other offenders, and classed by sexes, according to age.

17. Unless prisoners could be classed for labour, I can see no object in classing according to the number of their convictions, and character, because they must necessarily be brought together during working hours.

18. Looking at Cockatoo Island as a *temporary* penal establishment, depending on the completion of the Dry Dock, I think the dormitories fitted up as they are answer very well.

19. Any further increase to the present number of prisoners on the Island (390) would render some increased means of housing them necessary, there being no spare sleeping-accomodation.

20. I do not think it advisable to separate female prisoners from their children under six years of age, unless the mother is undergoing a sentence of the Supreme Court, or Quarter Sessions, when they should be sent to some public institution.

21. I have always looked upon the practice of committing drunkards to the gaol for 24 or 48 hours as one requiring a change; it not only affects materially the cleanliness and discipline of the gaol, but throws a large amount of work on the Clerical and Executive branches of the police, as the same time and care is required in preparing a warrant for a drunkard, sentenced to 24 hours in a cell, as for any other prisoner committed to gaol. A sufficient number of cells might be fitted up at the police stations, for the confinement of persons convicted for the first time of drunkenness, but the habitual drunkard ought to be sent to gaol for a period of not less than 14 days, to be worked on the roads or streets. Convictions under the Vagrant Act should be treated in the same way, unless the magistrate considered the offence deserving of a penal sentence.

22. A gaol is not, in my opinion, a proper place of confinement for a lunatic for any period; persons of this class ought to be detained in some other public building, for the medical observation necessary to warrant either their discharge or removal to a lunatic asylum.

23. I do not think that the Visiting Magistrate, or Keeper of a Gaol, should have the power of giving a prisoner a right of selection as to the punishment he should undergo; by this, I mean that a person sentenced to imprisonment without hard labour, should not be allowed the choice of performing hard labour for the purpose of receiving a larger or better ration of provisions, or that a prisoner committed for trial should be permitted to perform hard labour, with the object of receiving the ration of that class of prisoners;—by the gaol regulations, all prisoners receiving rations, may be compelled to do labour of some kind.

24. In the event of a prisoner being sentenced to hard labour, and there being no hard labour for him in the gaol to which he may be sent, he ought, in my opinion, still to receive the hard labour rations, because the sentence, whether advantageous or otherwise, to the prisoner, should be carried out in its integrity.

25. It is to be presumed that a Judge in passing a sentence of hard labour, anticipates its being effectually carried out, and that if he were aware, from circumstances connected with the gaol, that such a sentence would be a nullity, a sentence of imprisonment without hard labour, if sanctioned by law, would be passed.

26. If the sentence of hard labour cannot be carried out, a prisoner receiving that sentence is certainly in a better position than one sentenced to imprisonment only, because he is entitled to a better ration.

27. I have no doubt that the introduction of an improved system of gaol discipline, such as exists in some of the Model Gaols of England and Scotland, would be attended with great advantage as regards the reformation of the criminal, the suppression of crime, and the public revenue of the colony.

Mr. Allen, Principal Gaoler, Parramatta:—

H. M. Gaol, Parramatta,

3 May, 1855.

		Males.	Females.
Total	246	189	57
Left.....		167	46
Stone cutters	46		
Shoemakers	10		
Tailors	6		
Carpenters	3		
Blacksmiths	2		
Miscellaneous.....	20		

Work comes in irregularly. The men are generally desirous of working.

20 men can be employed at weaving, at 2s. 6d. per day, if a workshop were provided.

200 male prisoners can be at all times employed at profitable labour.

It is very desirable that females should be separated as much as possible from males in prison.

A medical man attends on alternate days, and oftener if required.

When there is no work for the prisoners, the confine is more severely punished than the hard-labour prisoner.

When the men are fully employed, their conduct is generally satisfactory.

Separate cell confinement is more desirable than herding two or more in a cell.

The oldest and worst offenders are placed in single cells, where they are considered to be more safe, and under greater punishment.

Many quarrels, and other faults, might be avoided, if the prisoners generally were confined in separate cells.

Half of the prisoner's earnings goes to Government; the other moiety is for the prisoner's benefit, a portion of which is expended in tea and sugar; the remainder is handed to the man on his discharge.

A good stone-cutter may cut 15 feet, or 3s. to 4s. per day.

A shoemaker about 3s. per day.

A tailor the like.

A blacksmith may earn about 5s. per day.

All are anxious to work, both as employment is beneficial and lucrative—the majority of the confines, as well as the hard-labour prisoners.

The prisoners are generally desirous of working out a part of their time, as well as earning a portion of money to carry them home.

The ration of meat for the confine prisoner is considered too small; it is recommended that half a pound in lieu of one quarter should be allowed to this class, on account of their health.

ANSWERS to Questions proposed by the Board to Dr. Greenup, Medical Superintendent of the Lunatic and Invalid Establishment, Parramatta.

1. There are now 282 lunatics in my establishment.
2. There are no men on the Sick List, out of 281 prisoners confined in the gaol, with the exception of one old man; but there are some who are suffering from chronic diseases of the eye.
3. I find that the prisoners at the gaol are most unhealthy at the changes of the seasons in winter and summer.
4. I believe that no difficulty would arise in classifying the male prisoners, with reference to their physical powers, either as tradesmen or otherwise.
5. It is my opinion that it would be more desirable that the female prisoners should be confined in a separate establishment, and that children above the age of twelve months should neither be admitted, nor remain in the gaol, after they have arrived at that age.
6. I think it very desirable that the prisoners should sleep in separate cells.
7. I think that every prisoner on his first admission into the gaol should be placed in separate confinement for a few days, in all cases, but not to exceed a fortnight—if necessary, to continue five days. A reference should be made to the doctor of the establishment.
8. I think that the "hard labour" ration is sufficient, but not too much; while I recommend that the common gaol ration should be increased by a quarter of a pound of animal food, as the depressing influence of his confinement upon the prisoner within the gaol requires a more liberal scale of diet to sustain him in the same state of health as that enjoyed by a prisoner similarly employed outside.
9. There should be a bath-room attached to every gaol, to be used invariably on each prisoner's admission into the gaol, and once a week afterwards.
10. I think that sheets, if of cotton manufacture, would be an improvement, both as regards health and cleanliness.
11. The present allowance of but one shirt to the prisoners is insufficient; they should have two, and also three blankets in the winter season.
12. I consider, with reference to their health, that the prisoners should not be worked in the sun, but under the protection of sheds.
13. I am of opinion that the labour of the prisoners, if employed to the best advantage, might be made to contribute principally to their support.
14. I think if two rations were fixed, one for the confine ration, and the other for the hard labour ration, I do not think the present ration could be improved.
15. I disapprove of separate prisons for juvenile offenders, and I consider that it is better to have mixed ages in all prisons.
16. I am of opinion that lunatics should, in no case, be sent to gaols.
17. Constant employment I consider to be beneficial, both to the health and morals of the prisoners.
18. The introduction of schools, to be attached to gaols, I consider very desirable.
19. Every Police Office should have attached to it a number of cells, for the temporary confinement of drunkards, &c., &c., in lieu of an open lock-up.

ANSWERS by Mr. Mann to Questions proposed by the Board.

1. I am Civil Engineer and directing Public Works on Cockatoo Island.
2. I am not prepared to say how long a time it may take to complete the Dry Dock sufficiently to receive vessels.
3. I think convicts could be advantageously employed there after the Dock is completed to the number of 200, perhaps more, at the various works of the Island.
4. There would be some work absolutely required, which, if not performed by convict labour, must be by free, besides other work of a less urgent nature.
5. I think that the value of each convict's work so employed, would be worth considerably more than 2s. average per day.
6. That the men work far better since the task-work system has been introduced; but that there is still room for great improvement there can be no doubt. Before the introduction of task-work the labour of a prisoner was very deficient.
7. I am highly in favour of that system, it being the only way by which a fair amount of work can be obtained from a prisoner; besides, I consider it induces habits of industry, which, I think, is the first step to anything like a reformation.
8. It is always necessary to be prepared for any deception on the part of convicts, with reference to the amount of work they may be able to perform.
9. A convict can never be exposed to ridicule from the other convicts by working his utmost, since his task is set according to the fixed and authorized scale, and he is classified according to his mental and bodily ability, reference being made to the medical officer when necessary.

10. A convict gets no amount of credit until he has completed his penal task; it would, therefore, be contrary to his interest to slight his assigned task.

11. The task is not regulated by any officer in charge, but by a fixed scale; should, however, any complaint arise on the part of a convict, as sometimes occurs, it is rectified by me according to the fixed scale.

12. The necessity of keeping and opening accounts for each one of the convicts is doubtless very laborious, and fully occupies the time of a clerk.

13. I think it very necessary to have officers who can be depended upon, to guard against deception in the measurement of the work.

14 and 15. The system, certainly, does not tend to produce insubordination; the convicts work more willingly, and require less coercion; the small amount of money paid to the prisoners is immediately expended under the supervision of proper officers, and cannot be made the means of corrupting the overseers.

16. With reference to tickets-of-leave, I think it desirable that a prisoner should pass gradually into society from his servitude; whether the present system meets this view of the case, I am not prepared to say. It has struck me that ticket-of-leave holders might be employed on Government works, at a fixed rate of wages, with a limited amount of labour, to be permitted greater liberty after passing this probation satisfactorily.

17. I think the time is a greater inducement to work than the gratuity, but I think the time too liberal, though there are some trebly convicted felons who care more for the money than the time, but on no general rule can this question be answered.

18. I think that there can be no proper system of prison discipline without the locking up of the convicts at night in separate cells, at the conclusion of the day's work, as I consider it most essential to allow convicted men some time for reflection; at the same time, I would not be understood to allude to, or approve of the separate and silent systems of Europe and America, which allow of no communication whatever at any time.

19. I consider that a well fitted-up hulk, with separate cells, would be a more efficient and a more economical mode of locating convicts, and would be available for any part of the harbour; indeed that such an arrangement is now necessary with respect to Cockatoo Island.

20. I am of opinion such a hulk would be far preferable to a ward to contain 300 or 400 separate cells for the reception of the convicts at night; as far as Cockatoo Island is concerned, that Island must cease to be occupied as a penal establishment, consequently, the building of prison wards there would only be a useless expenditure of public money—not so the hulk.

21. I think that the present penal system pursued on Cockatoo Island is decidedly not calculated to reform the bad habits of the prisoners as a general rule, but rather the reverse, in common with even the most efficient system of secondary punishment now in vogue.

22. With reference to the desirability of any distinction or separation between short sentenced and long sentenced men, I consider that the prisoners should be classified, in my opinion, to the disposition and character of the individual, of which his sentence and crime are frequently most incorrect indications.

No. 18.

THE COLONIAL SECRETARY TO THE BOARD.

Colonial Secretary's Office,

Sydney, 13 July, 1855.

GENTLEMEN,

Referring to your Report on the subject of Prison Discipline, I do myself the honor, by direction of His Excellency the Governor General, to request that you will have the goodness to report as to the probable additions to the number of prisoners for whom gaol accommodation will be required, should your suggestions be carried out; and as to the effect of doing away with the remission of one-fourth of the sentence, as suggested by you, upon the number confined in the gaols.

2. You will also be pleased to state the nature of the additions and alterations which will be required in the different gaols, in order to enable them to accommodate the maximum number of prisoners upon the most stringent system; that is without any remission of punishment; and to submit the data upon which these calculations are based.

3. The Cockatoo Island prisoners, I am to say, should be provided for in the above calculations.

4. It is also necessary that you should send in an estimate of the number of men required as turnkeys and gaolers for any given number of men.

I have &c.,

W. ELYARD,

THE BOARD APPOINTED

TO INQUIRE INTO AND REPORT
RESPECTING PRISON DISCIPLINE.

No. 19.

THE COLONIAL SECRETARY to THE SHERIFF.

Colonial Secretary's Office,

Sydney, 19 July, 1855.

SIR,

Referring to the fourth and fifth pages of the Report of the Board, (of which you were a Member;) appointed for the purpose of inquiring into the state of Prison Discipline in the Colony of New South Wales, wherein it is stated, that in the different gaols the men sentenced to imprisonment with hard labour receive a better ration than those sentenced to imprisonment only, whether the sentence to hard labour be carried into effect or not, I am directed by His Excellency the Governor General to request, that this may be amended at once, and no prisoner in future receive the hard labour ration unless he actually does work.

2. You will also have the goodness to communicate this decision to the several gaolers throughout the Colony.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 20.

THE BOARD to THE COLONIAL SECRETARY.

Sydney, 20 July, 1855.

SIR,

We have the honor to acknowledge the receipt of your letter of the 13th instant, 55-97, requesting our report:—First, as to the probable additions to the number of prisoners for whom gaol accommodation will be required, should our suggestions be carried out. Second, as to the effect of doing away with the remission of one-fourth, as suggested by us, on the number confined in the gaols. Third, as to the nature of the additions and alterations required in the different gaols to enable them to accommodate the maximum number of prisoners without any remission of punishment. And, fourth, as to the number of gaolers and turnkeys required for a given number of prisoners. At the same time, instructing us to provide in these calculations for the prisoners upon Cockatoo Island and Newcastle, and to submit the data upon which these calculations are based.

2. On reference to enclosure No. 1, paragraph 7, it will be seen that the probable addition to the number of prisoners for whom gaol accommodation will be required in March, 1856, inclusive of those upon Cockatoo Island under the system of one-fourth remission, proposed in our Report, will be about 542; and, on reference to paragraph 6, it will be seen that the probable number for whom additional gaol accommodation will be required at the same period under a system granting no remission of sentence, will be about 788. The increase, under the first of these two systems, being at the rate of 11 per cent. on the number of convictions, and under the second at the rate of 48 per cent. increase.

3. In a similar manner, it may be calculated that in March, 1857, there would be under the one-fourth remission system additional accommodation required for 668 prisoners above that required in March, 1855, and, under the no-remission system, additional accommodation required for 1,183 prisoners above that required in March, 1855.

4. We have already stated in our Report, that we could not recommend any alterations to the gaols at Bathurst, Goulburn, and Brisbane, in consequence of these buildings being very badly constructed; and we would suggest, therefore, that for the present they should be left as they are. With respect to Darlinghurst Gaol, we would recommend that wing D, as shewn in the plan attached to the Report, should be completed, and that the wing shown in the large plan to contain 132 single cells (the foundation of which is already laid,) should also be completed, and that the double cells should be divided into single ones. If this were done, the gaol would accommodate 444 male prisoners, and another wing might also be built to accommodate about 100 more, and the gaol would then hold 544 in all, provided the females were removed. Now, the number of prisoners in Darlinghurst Gaol on 31st March, 1855, was 354; so that, by these additions and alterations, this gaol might be made to contain 190 more prisoners. With respect to Parramatta Gaol, if the double cells were divided into single cells, as proposed, the gaol would not contain more than 200 prisoners,

prisoners, and, with the small addition proposed to accommodate the females committed for trial, &c., (see the plan annexed to the Report,) it would not contain more than 216, which number were confined in it on the 31st of March last, so that no additional accommodation can be calculated upon from that quarter. With respect to the gaol at Maitland, new wards might be built within the walls, which are good, capable of containing, at least, 200 prisoners in separate cells, or 117 more than there were in it on 31st March last. The gaol at Berrima is not used at present, but if one more story were built upon each of the wings, and the cells divided into single cells, it might be made to contain about 200 prisoners. A new gaol, we understand, is about to be built at Brisbane, which we may reckon as capable of containing 200 prisoners, or 165 more than were in it in March. We should thus have additional accommodation in the several gaols as follows:—

Darlinghurst Gaol	190
Maitland Gaol	117
Berrima Gaol	200
Brisbane Gaol	165
TOTAL.....	<u>672</u>

In addition to these suggestions, we propose that a female gaol be built at or near Sydney, capable of holding, when finished, 400 female prisoners. Accommodation would not be required in the first instance for more than about 150, so that the walls and part only of the interior buildings would be necessary immediately. We would also recommend that a hulk should be constructed as a floating prison in Sydney Harbour, to contain 300 short sentence prisoners. Those prisoners whose sentences did not exceed six months, or even twelve months in certain cases, might be so confined, and their services made available in any part of the harbour where their labour might be useful. We would also recommend that a stockade should be built at the road-metal quarry, on the Western Road, near Prospect, in the district of Parramatta. 100 prisoners, whose sentences did not exceed twelve months, might be usefully employed there, in the quarry and on the road. We should thus have additional accommodation as follows:—

In the gaols, as above	672
Female gaol.....	150
Floating prison	300
Stockade	100
	<u>1222</u>

We have suggested, in our Report, that solitary cells should be built at the several Police Courts, for the reception of drunkards sentenced to be so confined, and we would recommend that 30 such cells should be built at the Central Police Office, and 15 such cells at the Water Police Office, Sydney, and 10 at Parramatta, and 10 at Maitland Police Offices. Such an arrangement would relieve the gaols of about 50 more prisoners of this class who are now confined in them.

5. We have thus given a general sketch of the additions and alterations required for the accommodation of 1272 (the 50 drunkards' class being added) prisoners more than the gaols contained on 31st March, 1855, and we have shewn that, under the most stringent system, where no remission of sentence would be granted, the additional accommodation required in March, 1857, would not be more than 1183.

6. With respect to the number of gaolers and turnkeys required for any given number of prisoners, we consider that there should be one principal gaoler at each gaol or place where prisoners are confined, and one assistant wherever the number of prisoners exceeds 200, and for every 200 over that number an additional assistant, and that the number of other officers should be one to every 15 prisoners. This is the number found sufficient in the gaols in America.

We have, &c.,

J. McLEAN, J.P.,
Chairman,
JOHN O'NEILL BRENNAN,
Sheriff,
DAVID FORBES, J.P.,
Visiting Justice,
Parramatta Gaol.

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

[Enclosure

[Enclosure 1 in No 20.]

See Report on Prison Discipline, Appendix No. 4.

1. Total number of prisoners in all the gaols in this Colony, on 31st of March, 1855	908
Total number of prisoners in the penal establishments of Cockatoo Island and Newcastle, same date	429
	Total...1,337

This was the number under the present system, which allows no remission in gaols, and a maximum remission of $\frac{1}{2}$ of the sentence in the penal establishments, at which $\frac{2}{3}$ of the sentence is all that is served as a minimum.

2. Suppose the whole of the sentence was served without any remission, we should have had $\frac{2}{3}$ times as many prisoners in the penal establishments, or,

$$429 \times \frac{2}{3} = 1,072, \text{ nearly}$$

add prisoners in gaols 908

Total...1,980

so that under such a system there would have been 1,980 prisoners in all, instead of 1,337 as above, the increase being 643, or at the rate of 48 per cent.

3. But, suppose there was a remission of $\frac{1}{4}$ off each sentence as a maximum, then to find the number of prisoners we have,

$$1,980 - \frac{1980}{4} = 1,485,$$

or there would have been 1,485 prisoners in all, instead of 1,337 as above, the increase being 148, or 11 per cent. nearly.

4. Now from enclosure No. 2 we get the number of convictions in the years 1853 and 1854, and if we calculate on in the same ratio, we get:—

Convictions in 1853.....593	} difference 36.
1854.....629	
1855.....667	} difference 38.
1856.....707	

5. Present system:—

Number of prisoners on 31st March, 1855	1,337
Add increased number of Convictions	40
	1,377
Probable number of prisoners on 31st March, 1856 ...	1,377
Now provided with gaol accommodation	908
	469

6. Stringent System—no remission:—

Number of prisoners 31st March, 1855	1,337
Add increased number of convictions	40
Increase 48 per cent. (see paragraph 2) on 667 convictions	319
	1,696
Probable number of prisoners on 31st March, 1856 ...	1,696
Now provided with gaol accommodation	908
	788

7. Proposed system, one-fourth remission:—

Number of prisoners 31st March, 1855	1,337
Add increased number of convictions	40
Increase 11 per cent. (see paragraph 3 above) on 667 convictions.....	73
	1,450
Probable number of prisoners on 31st March, 1856 ...	1,450
Now provided with gaol accommodation	908
	542

The improvements and additions proposed to be made to Darlinghurst Gaol are as follows. (See Plans.)

That wing D be completed according to the original plan, to contain seventy-two prisoners in separate cells, and, as soon as practicable, that the double cells in wings A and B be divided; that the wing, as shown on the large plan to contain 132 single cells, (the ation of which is already laid,) should be built accordingly.

These four wings would hold 360 male prisoners in separate cells, (only forty less than the original plan, which consisted of seven wings of the same length and width, but of only two

two stories)—this is supposing that wing G be for the present kept for females; but when it can be appropriated as a male ward, and divided as the others, it will contain eighty-four, therefore the five wings, when finished, will be capable of holding 444 male prisoners in separate cells, leaving ample space for workshops, sheds, &c.

That the building known as the mill-house be completed, so as to contain hospitals, stores, workshops, &c.

That the centre or castle building be finished as a kitchen, school room, and chapel.

That on the space of ground where it is proposed, hereafter, to build the new wing which is to contain 132 prisoners in separate cells, there be erected one shed, parallel with the north-eastern wall, of 100 feet long by 50 feet wide, divided into two, with a passage between of 10 feet wide, the outer sides of which should be boarded. (See sketches marked A and D.)

That on the opposite side, between the bath-house and the unfinished wing, there be erected a range of workshops forming three sides of a square, and of two stories high. (See sketches marked B and C.)

[Enclosure 2 in No. 20.]

NUMBER of Convictions at the Supreme Court, Sydney, and Circuit Courts, during 1853.

February	Goulburn	7
"	Sydney	16
February and March	Bathurst	21
March	Maitland	10
April	Sydney	18
May	Brisbane	19
June	Sydney	20
August	Bathurst	12
"	Maitland	13
"	Sydney	10
September	Goulburn	15
October	Sydney	9
November	Brisbane	8
December	Sydney	16

189

Number of Convictions at the Quarter Sessions in New South Wales, during 1853

404

Total 593

NUMBER of Convictions at the Supreme Court, Sydney, and Circuit Courts, during 1854.

February	Sydney	23
"	Bathurst	33
"	Maitland	17
March	Goulburn	22
May	Brisbane	10
June	Sydney	16
August	Sydney	17
"	Maitland	11
"	Bathurst	19
September	Goulburn	10
October	Sydney	13
November	Brisbane	9
December	Sydney	17

217

Number of Convictions at the Quarter Sessions in New South Wales, during 1854

412

Total 629

No. 21.

THE COLONIAL SECRETARY to THE BOARD.

Colonial Secretary's Office,

Sydney, 25 July, 1855.

GENTLEMEN,

In acknowledging the receipt of your letter of the 20th inst., furnishing certain information relative to the subject of Prison Discipline, (called for by my communication of the 13th of this month), I do myself the honor to point out that your calculations only extend to March, 1857, and I am directed by the Governor General to inquire whether the arrangements alluded to by you would not cause an increase for more than two years.

2. I am further to state that provision should of course be made for the natural increase of crime in some certain ratio with that of population, in making your calculations as to the extent of gaol accommodation; and that it is not enough to shew that provision may be made at Berrima or elsewhere for a given number of prisoners. It should be shewn that such a number would, according to the ordinary course of law, be sent to Berrima; in fact, the gaol accommodation should be proportioned to the population of the district.

I have, &c.,

W. ELYARD.

THE BOARD APPOINTED TO INQUIRE INTO
AND REPORT RESPECTING PRISON DISCIPLINE.

No. 22.

THE BOARD to THE COLONIAL SECRETARY.

Sydney, 27 July, 1855.

SIR,

In reply to your further communication of the 25th instant, on the subject of Prison Discipline, we have the honor to inform you that a change of system such as we have proposed in our Report, or in fact any other change under which the period of sentence to be served in gaols was lengthened or shortened, would cease to affect the number of prisoners confined two years after such system had come into operation; because the total number of all prisoners in this Colony in March, 1855, being 1337, and the number of convictions for the same year being 667, the average of all sentences served would be $\frac{1337}{667} = 2$ years nearly, and consequently as the change of system would take effect on the whole number of convictions each year, in two years it would take full effect, and then the number of prisoners under such system having arrived at the maximum, or minimum, the only increase or decrease which could take place would be caused by the increase or decrease of crime.

2. In the year 1853 the population of this Colony was estimated at 231,288, and the number of convictions was 593, or two and a half to every thousand of the population. In the year 1854 the population was 251,215, and the number of convictions was 629, or two and a half to every thousand of the population, nearly; therefore the increase of crime is about two and a half to every thousand of the increase of the population, or from forty to fifty per annum, so that two years after the new system came into operation it would be necessary only to provide additional accommodation annually for about that number of prisoners. The number of prisoners in gaols and penal establishments in March 1855, we have seen was 1337, and this number would be about as five to every thousand of the population of the Colony at that time.

3. In making our calculations in order to provide additional accommodation for a maximum number of prisoners, as we were directed to do in your previous letter of the 13th instant, we endeavoured to show how sufficient accommodation could be obtained at the least possible expense to the Colony, and we considered it better to recommend that the gaols already built, such as that at Berrima, should be used, than that others should be built. We do not think that gaol accommodation in any particular district should be proportioned to the population of such district so long as the practice exists generally, as it does at present, for the Judges to sentence those who commit depredations at one part of the Colony to be imprisoned in another; we believe that the reason assigned by the Judges for doing this is that the offender may be removed as far as possible from the scene of his crime, and from his relatives and associates. In our opinion the mass of the prison population should be kept near Sydney, unless the labour of prisoners be required elsewhere to perform any public work of importance; at Sydney they can be kept more cheaply, and the means of guarding them is better, in consequence of the military being stationed there.

4. Before closing this subject, we would recommend that, in the event of a very large number of prisoners being removed to Darlinghurst Gaol, or to any other gaol at or near Sydney, a narrow platform might be built along the top of the walls so that military sentinels might be stationed to walk there as a guard; under such an arrangement several turnkeys
might

might be saved; the number required would probably not be more than one to every twenty prisoners, instead of the number we have already named, namely, one to every fifteen.

We have, &c.,

J. McLEAN,

Chairman.

JOHN O'NEILL BRENNAN,

Sheriff.

DAVID FORBES, J.P.,

Visiting Justice, Parramatta Gaol.

THE HONORABLE

THE COLONIAL SECRETARY,

&c., &c., &c.,
Sydney.

No. 23.

MEMORANDUM.

In the new scheme of Prison Discipline which has been suggested, or indeed in any scheme, it will be necessary to provide work for the inmates of the gaols. Now I know of no work so distasteful, so easily provided, so easily measured, as stone-breaking; and if we can find a quarry within a decent distance of the city, and within a decent distance of the Railway, it might be as well to adopt the suggestion of the Police Magistrate of Parramatta, and erect a prison for short-sentenced men who might be employed in quarrying and breaking stone. The streets of the city will supply a ceaseless demand for this material. In order, however, that we may go upon sure grounds, let a reference be made to the Commissioners to ascertain the amount at which they estimate their annual consumption of hard metal. In making this estimate they should take into consideration only the annual wear and tear of the street, not the amount required to give it a full coat, and this wear will vary from one-eighth of an inch to an inch per annum, according to the traffic. I should like also to know the cost of metal to them already, per cube yard, divided into its different elements, such as quarrying and breaking stone, conveyance to Sydney, cartage to streets, &c., &c.

W. D.

18 August, 1855.

No. 24.

THE COLONIAL SECRETARY to THE CITY COMMISSIONERS.

Colonial Secretary's Office,

Sydney, 20 August, 1855.

GENTLEMEN,

As in the new scheme of Prison Discipline which has been suggested, or indeed in any scheme, it would be necessary to provide work for the inmates of the gaols, and it is probable some arrangements might be made for their employment in quarrying and breaking stones, for which material the streets of the City will supply a ceaseless demand, I am directed by His Excellency the Governor General to request that, with a view to a proper consideration of the subject, you will furnish me with a statement of the amount at which you estimate your annual expenditure of hard metal. In making this estimate you should take into consideration only the annual wear and tear of the street, not the amount required to give it a full coat, and His Excellency desires me to observe, that this wear will vary from one-eighth of an inch to an inch per annum, according to the traffic. His Excellency would also wish to know the cost of metal to you already per cubic foot, divided into its different elements, such as quarrying and breaking stone, conveyance to Sydney, cartage to streets, &c.

I have, &c.,

W. ELYARD.

THE CITY COMMISSIONERS:

No. 25.

THE CITY COMMISSIONERS to THE COLONIAL SECRETARY.

City Commissioners' Office,

Sydney, 7 September, 1855.

SIR,

In reply to your letter of the 20th ultimo, requesting, by direction of His Excellency the Governor General, to be furnished with certain information with reference to the consumption and cost of the blue metal used on the streets of the city, I have the honor, by direction of the City Commissioners, to state, for the information of His Excellency, that the annual supply of metal is regulated by the amount of money which the Commissioners may have at their disposal for this particular service, and that at present it does not exceed 8000 tons. Of this quantity about 4077 tons may be estimated as the actual consumption, or wear and tear, on the streets which have already been coated with blue metal, leaving about 4000 tons available for the formation of other localities.

2. The cost of procuring this material at Pennant Hills, and landing it upon the wharf in Sydney, is calculated at one pound eight shillings and sixpence per cubic yard, which sum is made up of the following items, viz. :—

Quarrying	0	5	7½
Breaking	0	7	6
Carting	0	7	6
Boating	0	5	3
Repairs to road from quarry to river, repairs to carts, horses, tools, &c.	0	2	7½
Total	£1	8	6

3. The expense of carting the metal from the wharf for a lead of one mile, and spreading the same upon the street, is about ten shillings per cubic yard. This is supposed to cover six square yards with two coats, each three inches in thickness, the second coat being spread after the consolidation of the first.

I have, &c.,

CHARLES H. WOOLCOTT,

Secretary.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 26.

THE COLONIAL SECRETARY to THE CITY COMMISSIONERS.

Colonial Secretary's Office,

Sydney, 21 September, 1855.

GENTLEMEN,

Having laid before the Governor General your letter of the 7th instant, No. 73, relative to the consumption and cost of the blue metal used in the streets of Sydney, I am directed to inform you that His Excellency's object is to ascertain, not so much the present amount of the expenditure of blue metal, but the probable future consumption when the whole city is metalled; he wishes, in fact, to ascertain the probable amount of loss by wear and tear. This, of course, will be greater on the leading thoroughfares than in the bye streets. In the latter, $\frac{1}{2}$ th of an inch per annum, His Excellency considers, would be an ample allowance; while, in the former, it would amount perhaps to nearly 3 inches.

2. It may be remarked, however, that this wear would be very much diminished, and the draught upon newly metalled portions of the road made much less, were the Commissioners to arrange for rolling the street, after the metal had been laid upon it, with a heavy roller, say 4 tons weight, by which, especially if a *slight* binding of hard material were used, the road would be at once available, and all the waste of metal, resulting from the traffic of carriages over the loose stones, would be saved. This waste, at the very high price now charged, would much more than pay for the cost of rolling.

3. With reference to the estimate submitted, the price, 5s. 7½d., for quarrying, seems to His Excellency very great; and I am to state that a man should turn out, if his labour is skilfully directed, at least from 2 to 2½ yards per day, and should break about three-quarters of a yard.

4. However, with this, His Excellency directs me to observe, he has nothing to do. Still, it is evident, that if arrangements can be made for breaking stone by prison labour, at Prospect Hill, the Government will be able to deliver it at the railway station at a much lower rate than that given in your estimate, in fact, at less than half the cost, so that the Commissioners might make their money go twice as far.

I have, &c.,

W. ELYARD.

THE COMMISSIONERS
FOR THE CITY OF SYDNEY.

No. 27.

THE CITY COMMISSIONERS to THE COLONIAL SECRETARY.

City Commissioners' Office,

Sydney, 16 October, 1855.

SIR,

I do myself the honor, by direction of the City Commissioners, to transmit herewith, for the information of His Excellency the Governor General, a Joint Report of the City Engineer and the City Surveyor, with reference to the consumption and cost of blue stone metal in the City of Sydney, as referred to in your letter of the 21st ultimo.

I have, &c.,

CHAS. H. WOOLCOTT,

Secretary.

THE HONORABLE
THE COLONIAL SECRETARY.

[Enclosure in No. 27.]

COPY of Joint Report of City Surveyor and City Engineer on Letter from Colonial Secretary, dated 15 October, 1855.

Estimating the entire length, within the city boundaries, of those streets which are twenty feet and upwards in width, to be fifty miles, there will be 88,000 lineal yards of roadway requiring metal. Twelve yards are assumed as the average width of streets, this being the least extent of five-sixths of the proclaimed thoroughfares, whilst George-street, Parramatta-street, Bridge-street, Charlotte-place, and others, vary from forty-two to seventy-six feet.

At this assumption, the entire area which will require to be metalled is 1,056,000 square yards. Of this large extent it is considered that fully one-seventh will eventually require an annual coating of three inches in thickness, that two-sevenths will be sufficiently provided for by one inch per annum, and that the remainder will not require more than one-eighth of an inch during the same period.

The total amount required annually will thus be:—

$\frac{1}{7}$ th of area covered to an extent of 3 inches	=	12,571 $\frac{1}{2}$	cubic yards
$\frac{2}{7}$ ths of ditto ditto 1 inch	=	8,381	ditto
$\frac{4}{7}$ ths of ditto ditto $\frac{1}{2}$ inch	=	2,095	ditto

23,047 $\frac{1}{2}$

2nd. The suggestion of rolling the newly laid metal would, if carried out, be found to answer admirably, and cause the rapid consolidation of the material and the saving of a considerable portion, by preventing the grinding caused by rapid traffic. The practice of using binding has, however, been generally discontinued by road engineers, in consequence of its constantly working up between the metal, and forming a thicker coating of mud in wet weather, and more dust than usual during dry seasons; in such cities as Sydney, however, where the heavy traffic is confined to, perhaps, one or two thoroughfares, the use of a slight binding might be advantageously employed.

3rd. The price, of 5s. 7 $\frac{1}{2}$ d., for quarrying, though undoubtedly high, is yet the lowest rate at which men working piece-work can be employed. The peculiar stratification of the Pennant Hills stone prevents the employment of gunpowder, and the quarry is invariably worked by wedges and picks. The quantity quarried per man averages 1 $\frac{1}{2}$ cubic yards per diem, whilst the amount broken is only from eighteen to twenty-two cubic feet, or, averaging one ton.

W. B. RIDER,
Engineer,
WILLIAM H. BARON,
City Surveyor.

15 October, 1855.

No. 28.

REPORT of the visiting Justice of Parramatta Gaol, describing the present state of that institution, and the manner in which it has been conducted during the year ending 31st December, 1855.

THE gaol at Parramatta having been conducted, and managed under my immediate superintendence for more than a year, upon a plan (somewhat similar to the American "Silent System") suggested by myself, approved by the Government, and different from any other now in operation in this Colony, I have deemed it desirable to forward this my Report to the Government, describing the institution, and the manner in which it has been conducted during the year just ended.

The walls of the gaol, which are twenty-one feet high, enclose a space about two hundred and forty feet square; the Gaoler's house stands in the centre, from which three wings radiate; each wing is three stories high, having cells on either side, with a passage between them open from the floor to the roof. The cells on the ground tier are too small to contain more than one prisoner each; those on the two upper stories are twice the size, and are capable of containing three or four prisoners each. Between these wings, and on either side of them, are yards of triangular shape, in which the prisoners labour and take exercise. Half the space within the gaol walls has been used as a garden, except a small piece on which the hospital is built. Almost the whole of this space could be made available for yards, where the prisoners might labour under sheds, and in workshops. Such an arrangement, while it would greatly facilitate their work, would at the same time conduce much to the health of the prisoners, who are now, crowded in yards too small for them, exposed sometimes to damp and cold, and at others to the heat of the sun.

Officers.

The officers immediately attached to the institution number fourteen, and consist of a Gaoler, Matron, Clerk, Principal Turnkey, eight Ordinary Turnkeys, and two Female Turnkeys. The duties to be performed by these several officers will be found detailed in the "Rules and Regulations for the management of the Gaol," (see Appendix 1.) These rules and regulations have been lately framed by me, and combine, with those contained in the Act of Council for regulating gaols, many others which have become necessary, under the new regulations, for working the prisoners sanctioned by the Government. The fourteen officers above named are appointed by the Sheriff, and there are three others who visit the gaol, namely, the Visiting Justice, Surgeon, and Dispenser, who are appointed by the Governor. I think the Gaoler should appoint all the inferior officers under his control, and not the Sheriff; the Gaoler would then be responsible to his superior for the proper management of the establishment, and for the efficiency of the subordinate officers, which he cannot be under the existing arrangement.

Prisoners.

The number of prisoners in Parramatta Gaol on the 1st January, 1855, was 187, of whom 127 were males, and 60 females; and on 31st December, the same year, the number was 239, of whom 184 were males, and 55 females. The annexed return (Appendix 2) shows, at the end of each month throughout the year, the number of officers attached to the gaol; the number of prisoners, male and female, distinguishing the number at work from those who were idle; the cost of management, including salaries, provisions, fuel, light, and clothing; the cost of tools and materials, and the net amounts earned by the prisoners. There were 734 prisoners received into gaol during the year, of whom 516 were males, and 218 were females. There were 489 prisoners who served the full period of sentence, of whom 331 were males, and 158 were females; 9 males and 1 female received mitigation of sentence; 2 died, and 181 passed on escort to other penal establishments. It will thus be seen that the number of prisoners who received mitigation was small in comparison to the number who served the full period of sentence.

Cost of Management.

On reference to Appendix 2, it will be found that the actual cost of the gaol in provisions, clothing, and management—after deducting the amounts earned by the prisoners, which were forwarded to the Treasury—was £5,227 14s. 8d. for the year; and that the average number of prisoners during the year was 231. Now, in preparing the estimates for 1855, the number of prisoners calculated for was 150, and it was estimated that they would cost about £3,668 1s. 1d., including temporary increase to salaries, but not including clothing. But 231 prisoners, at the same rate, would have cost £5,582 1s., whereas they only did cost £4,587 17s. 9d. (the sum of £639 16s. 11d. being deducted for clothing), so that the gaol

cost

cost £994 3s. 3d. less than the rate at which it was estimated. Under the present arrangement the prisoners receive one-half their net earnings, and the other half is paid into the Treasury. I think the proportion allowed the prisoners too great, when it is remembered that they are fed, kept, and clothed, at the expense of the Government. An allowance of one-third their net earnings would, I submit, be sufficient to answer the purpose for which it was given, namely, to induce the prisoners to labour hard. I may here remark that the proportion of one-third was the allowance at first made, upon my recommendation; it was, however, subsequently increased to one-half, at the suggestion of the Sheriff, by order from the Colonial Secretary, without any reason being assigned for the alteration. I find that the net earnings of the prisoners during the year amounted to £677 16s. 1d., of which half was paid into the Treasury, and half to the prisoners. Now, if the prisoners had only received one-third, the sum paid into the Treasury would have been increased by £112 19s. 2d. As, however, the earnings of the prisoners for the present year will considerably more than double those of the past—judging by the rapid manner in which they have progressively increased from £17 19s. the first month, to £118 16s. 1d., the last—the alteration which I propose would, probably, make a difference of nearly £340. In the estimates for the present year I find the expense of the gaol, calculating for 250 prisoners, set down at £5,980, not including clothing of prisoners, and temporary increase of salaries. Now, on reference to Appendix 2, it will be seen that on the 30th November last year, there were 256 prisoners in gaol, and that the cost for the month, clothing not being included, was £450 14s. 8d.; from which, if we deduct £52 12s. 9d. for temporary increase of salaries, we get a balance of £398 1s. 11d., which multiplied by 12 gives £4,777 3s. for the year; but we may again deduct from this amount at least £100 per month, or £1,200, for the earnings of the prisoners—if two-thirds their net earnings be forwarded to the Treasury—and this would reduce the probable cost of the gaol, for the year 1856, not including clothing or temporary increase of salaries, to £3,577 3s., instead of £6,822 8s. 8d., showing a probable saving of about £3,245 5s. 8d., for the year 1856.

Of the male prisoners in gaol on the 31st December, there were 123 employed in the following manner:—as hatmakers, 26; shoemakers, 10; tailors, 8; stone-cutters, 50; blacksmiths, 4; carpenters, 3; tinmen, 2; cooks, 2; wardsmen, 8; wood-cutters and water-drawers, 8; barbers, 2; and there were 61 unemployed. Of the female prisoners in gaol at the same date, there were 51 employed as follows:—at fine needle work, 15; at common needle work, 34; and there were 4 unemployed. During the year, 85 of the male prisoners learned the art of stone-cutting, (these men knew nothing of the art when they came into the gaol,) 19 learned hatmaking, 4 shoemaking, 2 tailoring, and 1 the blacksmith's trade, and this last named man is now really a very excellent workman. The greatest number of male prisoners who labour are employed at stone cutting; the rough stone is carted into the gaol by the builders and carted away when cut, the price now paid being 3d. per superficial foot for common work, and 6d. for fine work; the rate is certainly low, but it is the highest which can be obtained in Parramatta, and the prisoners, on an average, can earn about 25s. per month at it. I find the best mode of employing those prisoners who are tradesmen is, to furnish them with tools and materials suitable for the manufacture of such articles as they can make; hatmakers, shoemakers, carpenters, and tinmen, are employed in this way, and at the end of the month the produce of their labour is sold by public auction. The plan I first tried, was that of inviting the several tradesmen in the town to employ this class of prisoners, the prices however which they paid appeared to me so small for the work done, that I have adopted the plan stated above, which I find is far more profitable, while, at the same time, the work is more certain. The tailors and needlewomen work by the piece; a regular scale of prices is made out by the Gaoler and altered from time to time, with my approval. In order to facilitate the purchase of materials and tools and the sale of articles manufactured, I have found it expedient to appoint two agents, one to buy, and the other to sell, and, as a check upon irregularities, I would recommend that these agents should in future be appointed by the Gaoler with the approval of the Visiting Justice. I have found some difficulty in procuring sufficient work for the female prisoners; they might be employed in washing, were it not for the insufficient supply of water and the want of space for drying. It will be seen that the only work they now perform is needlework. I would here remark, that much of this needlework is for the Orphan Schools, and that no payment is made for it. I think that all prisoners should be paid a certain proportion of the work done by them, or none;

none; that they should all work upon the same terms, and therefore, that the work done for the Orphan Schools or any other Government establishment should be valued and paid for the same as other work. In the month of June last, I received instructions to allow the hard labour ration to those of the prisoners only who performed hard labour in the gaol, in accordance with the suggestion to that effect contained in the Report of the Board appointed by His Excellency the Governor last year; this arrangement is a great improvement upon the old plan of allowing the hard labour ration to all prisoners sentenced to labour, whether they laboured or not, as it affords an additional inducement to the prisoners to work hard, and to conduct themselves properly; indeed, to deprive a prisoner of the privilege of working is considered in itself a severe punishment.

Clothing.

With respect to the clothing of the prisoners, the boots and hats furnished by the Government are exceedingly unserviceable; indeed, the hats are seldom or ever worn; both these articles are manufactured by the prisoners themselves, of a much better quality; and I would recommend that they should be made in the gaol, and paid for by the Government at a certain price.

General remarks.

The present supply of water in the gaol is obtained by conveying into a covered tank the rain which falls on the roofs of the buildings; when this supply fails, which it very frequently does in dry seasons, water is obtained from the contractor, at a cost of sixpence per hundred gallons, and at such times it is necessary to be very sparing in use of it. I would recommend that an open tank should be dug on the lower side of the gaol, into which could be conducted all the water which falls on the area enclosed within the walls of the gaol, the supply thus obtained might be used for washing purposes, and that in the covered tank could be reserved for drinking and cooking. The expense of constructing such a reservoir would not be great, as the prisoners could excavate the whole and construct the leading drains.

The only means which the prisoners now have of washing themselves is by using the night tubs. This practice is very objectionable, and I would recommend that a bath room and other suitable accommodation should be provided at once, where the prisoners might wash their faces and hands two or three times during the day, and their persons as often as might be considered necessary.

The arrangement for removing the night soil is bad. It is first emptied into the water-closets, which are emptied once a week, the contents are thrown in a heap in one of the corners formed by the outer walls of the gaol, where they are suffered to remain and accumulate for a month before they are removed. I have ordered in future that all the night soil should be removed outside the gaol walls daily, and covered. (*See rule 41, Appendix 1.*) This will be one of the duties to be attended to by the messenger to be appointed at the commencement of the year 1856. I fear, however, there will be some difficulty in getting this duty regularly performed until a cart is provided for the purpose. While on this subject it may be well to suggest for consideration whether it would not be advisable to have a Government horse and cart attached to the gaol, which the messenger could attend to and work in removing the rubbish and night soil out of the gaol, and carting luggage to and from the gaol when required.

The prisoners do not at present receive any regular religious or other instruction, neither are they provided with suitable books other than the bible and prayer books—one set for each cell. I have invited the attention of those clergymen who are in the habit of visiting the gaol to the consideration of some plan to provide what is requisite in this respect, and I trust soon to be able to report favourably upon this subject, which I consider to be a very important one.

In conclusion I would remark, that the experiment of working the prisoners on the plan originally suggested by me, and so far carried out in the gaol at Parramatta, has been attended with results so favourable, and has so completely realised the success which I anticipated, that I would strongly recommend its introduction into every other gaol in this Colony; and I feel assured that, under an improved system of prison discipline, these establishments before many years might be made to pay a large proportion of their cost, and that the reformation worked upon the prisoners under punishment would tend considerably to lessen crime. The proper object of imprisonment is the prevention of crime, and if this can be effected under a system which, while it inflicts a severe punishment upon the imprisoned

and

and tends to reform them, does not deprive the community of their labour, which it turns to profitable account, surely such a system must be attended with many advantages in a country where labour is so scarce that it has been considered advisable to spend hundreds of thousands of pounds upon its introduction.

DAVID FORBES, J.P.,

Visiting Justice.

Parramatta Gaol,

6 January, 1857.

APPENDIX I.

RULES and REGULATIONS for the management of the Gaol at Parramatta, framed in accordance with the provisions of the Act, of Council, 4 Vict., No. 29.

DUTIES OF THE GAOLER.

1. To reside in the gaol; to visit every cell and apartment, and see every prisoner at least once a day, and to sleep in the gaol every night, unless he has obtained leave from the Visiting Justice to be absent.
2. To record in a journal all punishments inflicted on prisoners for offences committed in the gaol, showing the cause and date thereof, and by whose authority inflicted; also, all other occurrences of importance in the gaol.
3. To cause the books and accounts to be so kept as clearly to exhibit the state of the prisoners, the number employed in each branch of business, their earnings, the number in hospital, the expenses of the gaol, and all receipts, payments, purchases, and sales.
4. To keep an inventory of all fixtures, furniture, and stores, in the gaol, and of all articles received for or taken from prisoners.
5. To make all contracts, purchases, and sales, for and on account of the gaol, in which duty he will be assisted by two agents, to be appointed by himself, with the consent and approval of the Visiting Justice,—the one to purchase materials, and the other to conduct the sales of articles manufactured.
6. To have his monthly and quarterly accounts ready before the 14th day of the month next after that to which they extend, which accounts shall specify minutely the persons from whom or to whom moneys are received and paid, and for what purpose; and to certify the same to be correct before the Visiting Justice, in order that they may be attested by him.
7. To exhibit the account books and several records of the gaol to the Visiting Justice whenever he may desire to inspect them.
8. To see that all persons visiting the gaol are treated with uniform civility and politeness.
9. To take care that none of the prisoners who are capable of working are suffered to remain idle if work can be procured for them.
10. To oversee and command all the inferior officers, to see that they conform to the rules and regulations prescribed, to see that the prisoners are treated with kindness and humanity, and to exercise his powers without favour, partiality, or personal resentment.

DUTIES OF THE CLERK.

11. To attend daily (Sundays excepted) from 9 o'clock, A.M., till 1 o'clock, P.M., and from 2 o'clock, P.M., till 4 o'clock, P.M., and at all other times when he may be ordered to do so by the Gaoler.
12. To keep the accounts and records of the gaol with care, neatness, and order, under the direction of the Gaoler.

DUTIES OF THE PRINCIPAL TURNKEY.

13. To be present at the opening and closing of the gaol, during the performance of Divine Service, and at all other gaol hours during the day time.
14. To visit daily the hospital, cookery, and cells, and to see that every part of the gaol is clean and in good order.
15. To keep an account of the quantities of work performed by the prisoners, and of all tools and materials supplied to them, which shall be rendered by him to the Clerk, either daily or weekly, for the purpose of being entered by him in the books.
16. To exercise, under direction of the Gaoler, a general inspection and supervision over the whole establishment; to see that the subordinate officers perform their several duties; to visit frequently the places of labour and yards, without notice; to see that the prisoners are diligent and industrious, that the rules and regulations are properly enforced, and that every precaution is taken for the secure custody of the prisoners.

DUTIES OF THE ORDINARY TURNKEYS.

17. To obey all the orders of the Gaoler and Principal Turnkey.
18. To be regular in their attendance from 6 o'clock in the morning till 6 o'clock in the evening daily.
19. To keep a strict watch and due surveillance over the prisoners, and not to hold any communication with them further than duty requires.
20. To keep the hard-labour prisoners diligently at their work, and to report any idleness or carelessness in the same to the Principal Turnkey.

21. While on duty in the day time they are not to read or employ themselves in any way likely to distract their attention.

22. While on duty at night they are to call the hours and half-hours from 9 o'clock, P.M., till 6 o'clock, A.M., to report immediately to the Principal Turnkey any circumstance of unusual occurrence, and to challenge any person walking through or about the gaol after dark.

23. No Turnkey to leave his post without having first obtained permission to do so from the Gaoler or Principal Turnkey, and any Turnkey found sleeping on his post to be reported to the Visiting Justice.

24. The Turnkeys in charge of each wing are to examine daily the cells, cell doors, and windows, in order to ascertain whether any attempt has been made to escape, and should any such be discovered, to report the same to the Principal Turnkey.

25. When the prisoners return to their cells from the working yards and shops, the Turnkeys are to use their utmost vigilance to prevent any of the prisoners secreting any of the tools, or any pieces of iron or nails, about their persons.

26. All the Turnkeys for day duty are to be present when the prisoners are let out in the morning.

27. The Turnkey on duty at the gate is never to open it till he has ascertained who it is that seeks admission; he is to report any Turnkey who is half an hour late in the morning; he is not to admit any Turnkey who may be under the influence of liquor; and he is not to allow any Turnkey to pass after going on duty, without leave from the Gaoler or Principal Turnkey.

28. Any Turnkey absent from duty from illness must produce a medical certificate, or his pay will be stopped for the time he has been away.

29. And, generally, the Turnkeys are to report any and every irregularity, either of a Turnkey or prisoner, to the Gaoler or Principal Turnkey; to perform all such duties and services for the safety and security of the gaol as may be required by the Gaoler, and to be vigilant and watchful while on duty, and orderly and clean when off duty.

DUTIES OF THE MATRON.

30. The duties of the Matron with respect to the female prisoners will be similar to those of the Gaoler with respect to the male prisoners, with the exception of keeping the books and accounts, and she is to act under the direction of the Gaoler.

DUTIES OF FEMALE TURNKEYS.

31. The duties of the Female Turnkeys with respect to the female prisoners will be similar to those of the Male Turnkeys with respect to the male prisoners.

DUTIES OF THE PRISONERS.

32. To be industrious, submissive, and obedient, to labour diligently, and to conduct themselves towards their officers with deference and respect. They may occasionally speak to each other with respect to the work about which they are engaged, but then only in a low tone of voice.

33. In proceeding to their work and returning to their cells the prisoners shall walk in regular order and in silence.

34. All the prisoners shall attend Divine Service on Sunday, and appear neat and clean in their persons.

35. No prisoner shall write to or receive letters from or hold any communication with any person outside the gaol without permission from the Visiting Justice.

36. No prisoner shall burn, waste, or destroy, any article of public property, nor deface or injure any part of the gaol.

37. No prisoner shall leave his work without permission from an officer, nor shall he make any unnecessary noise in his labour, nor do anything to interrupt the good order of the institution.

OF CLEANLINESS.

38. The halls and cells shall be swept daily, and the sweepings carried outside the walls of the gaol; the floors shall be frequently washed, and the walls white-washed.

39. The beds and bedding are to be aired in the yard once a week in summer, and once a fortnight in winter, and each prisoner is to take care that his cell is neat and clean.

40. Care is to be taken that the persons of the prisoners are kept clean.

41. The night-pails are to be kept carefully clean, and their contents carried outside the gaol walls each day and covered.

42. No filth, or nuisance, or offensive matter, shall be suffered to remain in the yards or workshops, and the chippings, shavings, and rubbish, are to be cleared away and taken outside the gaol walls at least once a week.

OF WORK.

43. The prisoners are to leave their cells for work at 6 o'clock every morning in the summer, and half an hour later in the winter; breakfast at 7 o'clock in summer, and 8 o'clock in winter; dine at 12 o'clock, and sup at 5 o'clock in summer, and half-past 4 o'clock in winter. One hour will be allowed for breakfast and dinner, and half an hour for supper.

44. Prisoners who are tradesmen are to work at their trades in the gaol, if it be possible so to employ them, and they are to be classed accordingly. If they are ignorant of any trade they are to be instructed in one of those carried on in the prison, and easily acquired, such as stone cutting, hat making, &c.

45. Each prisoner is to be responsible for the tools served to him, and he will be charged with any that are missing, or unfairly broken or injured.

46. Each prisoner is to be credited at the end of each month with the amount of work actually performed by him during such month, the net proceeds of which, after deducting the cost of tools, materials, and other necessary expenses, are to be divided: one-half

half will belong to the Government, and is to be forwarded to the Treasury; the other half will belong to the prisoner.

47. Of the prisoner's share, one-half is to be entered in the books to the credit of his account, to be held by the Gaoler until the period of liberation, the other half is to go to the "*Prisoners' General Fund.*"

48. From the "*Prisoner's General Fund*" those of the prisoners who assist the others in their work by making and repairing tools, and otherwise, are to be paid; the clerk's assistant, the foreman in the stone-cutters' yard acting under the turnkey, and the blacksmiths, are to receive sixteen shillings each per month, provided they work diligently and conduct themselves properly; but they are not to receive any other payment than this; the foremen in each branch of trade who act as instructors to the other prisoners under the direction of the turnkeys are to receive four shillings each per month, in addition to what they may otherwise earn; the cooks, wardsmen, and those engaged in cleaning, cutting wood, and drawing water, are each to receive two shillings per month, provided their conduct is good. These several sums are to be paid out of the "*Prisoners' General Fund,*" and the balance is to be expended in the purchase of tea and sugar, to be equally divided between all the prisoners who labour, so that the "*Prisoners' General Fund*" will be balanced each month.

49. Prisoners who are good tradesmen, and who act as foremen in the several branches of trade, must act only under the immediate supervision and direction of a turnkey, and they must on no account be allowed to assume any authority, or exercise any over the other prisoners; in fact, they will be merely assistants to the turnkeys as teachers of trades, and they must act as such only when the turnkey is present.

50. All prisoners who labour are to receive the hard labour ration, and all prisoners who are idle are to receive the confine ration.

51. On the first Wednesday in each month the whole of the articles manufactured out of raw material purchased on account of the gaol are to be sold by auction by the agent for managing sales; account sales are to be rendered before the following Saturday by such agent to the Gaoler, and, unless prevented by public duty, the Gaoler is to be present at the sale.

52. Those of the prisoners who can be employed in the manufacture of articles which when sold by auction are likely to realize a good profit are to be so employed, and the articles so manufactured are to be so sold; and it will be desirable to employ as many as possible in this way.

53. Those of the prisoners who may not be able to work at the manufacture of articles for sale as proposed—such as stonecutters, tailors, shoemakers, and the like—are to be employed by any persons willing to employ them, and those who offer the highest price are to have the preference for such work. A scale of prices will be fixed from time to time by the Gaoler, with the approval of the Visiting Justice, and no work is to be commenced until the price to be paid for it has been determined upon.

54. The prisoners must not be allowed to remain idle for want of tools and materials. Whenever these are required the Gaoler must furnish a requisition to the agent for purchasing materials, who will be required to furnish them with the least possible delay.

55. Each month's account sales must be kept distinctly separate, and clearly exhibit the amount realized by sale of goods and work done during such month, and the same with regard to the purchases.

56. All accounts must be made up by the 13th of the month next following that to which they belong, and are to be forwarded to the Colonial Treasurer and Auditor General before the 15th of such month following; and all persons who have neglected to settle their accounts to that date are to have no more work done until the same are paid.

GENERAL RULES.

57. The 5th, 6th, 7th, 8th, 9th, 14th, and 24th clauses of the Rules appended to the Act of Council regulating gaols, are to be printed or transcribed legibly, and hung up in each ward, and these rules are to be strictly enforced.

58. Under the existing Regulations the Gaoler has the privilege of employing the prisoners as domestic servants within the gaol walls; for this purpose the Gaoler is to select from among the prisoners a certain number, to be determined by the Visiting Justice, who shall act as his servants, but he shall on no account employ any other of the prisoners for his own benefit.

59. No officer or person connected with the gaol is to buy from or sell to any prisoner any article or thing whatever, or make with him any contract or engagement whatever, or cause or allow any prisoner to work for him or her (the Gaoler excepted, so far as is provided in Rule 58), or grant any favour or indulgence to a prisoner, except such as the law allows, nor receive any fee or emolument from the friends or relatives of any prisoner.

60. When a prisoner is to be discharged from gaol he shall be brought into the waiting-hall and inspected by the Gaoler; immediately before he is discharged his account shall be made up, and whatever may be due to him paid, and his warrant shall be produced and read aloud by the Clerk, in presence of the Gaoler and Principal Turnkey.

61. Whenever it is necessary that a cell should be opened at night, two turnkeys should be present, the one to enter while the other remains outside.

62. Whenever the gates are opened to admit carts or let them out, two turnkeys at least should be present, and the inner gates should first be carefully closed and fastened.

63. Whenever a prisoner is punished by order of the Visiting Justice, whatever indulgence he may have earned during the month previous to that in which the punishment is inflicted, is to be forfeited and paid over to the Prisoners' General Fund.

64. All Ministers of Religion, Members of Council and of the Legislative Assembly, and Magistrates, are to be admitted whenever they may desire it.

Parramatta Gaol,
1 January, 1856.

DAVID FORBES, J.P.,
Visiting Justice.

APPENDIX 2.

RETURN showing the Number of Officers; the Number of Prisoners—male and female; the Ordinary Expenditure, and amounts realized by work in H.M. Gaol, Parramatta, for the year ending 31st December, 1855.

DATE.	NUMBER OF PAID OFFICERS.		PRISONERS.				TOTAL PRISONERS.				ORDINARY EXPENDITURE.						WORK DEPARTMENT.											
	1855.		MALE.		FEMALE.		Work.	Idle.	Work.	Idle.	SALARIES.	PROVISIONS, FUEL, AND LIGHT.	CLOTHING, &c.	TOTAL COST.	GROSS EARNINGS.	COST OF MATERIALS.	NET EARNINGS.											
			Work.	Idle.	Work.	Idle.																						
January	31	14	57	95	8	50	210	117	10	3	255	7	9	—	—	372	18	0	17	19	0	—	—	17	19	0		
February	28	14	72	98	8	39	217	107	17	9	265	19	7	—	—	373	17	4	28	16	6	5	0	23	16	6		
March	31	14	73	96	8	39	216	117	10	3	280	0	10	85	16	8	483	7	9	49	13	8	—	—	40	13	8	
April	30	14	75	113	10	45	243	114	6	1	320	3	1	—	—	434	9	2	35	19	6	—	—	35	19	6		
May	31	14	92	79	12	48	231	122	4	9	351	3	5	—	—	473	8	2	41	11	1	—	—	41	11	1		
June	30	14	103	66	12	45	226	119	11	1	325	8	6	410	4	0	855	3	7	47	5	0	6	7	6	40	17	6
July	31	14	91	76	12	44	225	122	18	9	359	19	7	—	—	482	18	4	63	3	7	5	1	3	58	2	6	
August	31	14	116	60	13	43	238	122	18	9	323	12	6	—	—	446	11	3	66	4	4	7	16	7	58	7	9	
September	30	16	120	49	15	47	228	130	18	7	321	18	8	—	—	452	17	3	105	13	5	27	10	5	78	3	0	
October	31	16	124	56	29	33	242	143	1	9	338	14	6	—	—	481	16	3	99	12	10	26	13	0	72	19	10	
November	30	16	120	74	40	21	255	138	3	7	312	11	1	—	—	450	14	8	101	1	0	19	12	2	81	8	10	
December	31	16	123	61	51	4	239	143	1	9	310	10	0	143	16	3	597	8	0	150	0	6	31	4	118	16	1	
Totals								1,500	3	4	3,765	9	6	639	16	11	5,905	9	9	807	0	5	129	5	4	677	15	1

DAVID FORBES, J.P.,
Visiting Justice.

ESTIMATES FOR 1855.

Tarban Creek Lunatic Asylum.—Number of Patients 230.

Salaries	1,635
Provisions, &c.	4,700
Other things... ..	930

Total £7,265

*Parramatta Lunatic Asylum.—Number of Patients 360.**(Including both Imperial and Colonial Convicts)*

Salaries	1,880
Provisions, &c.	6,600
Other things	804

Total £9,284

Roman Catholic Orphan School.—Number of Children 240.

Salaries... ..	472
Provisions, &c.	3,300
Other things	348

Total... .. £4,120

Protestant Orphan School.—Number of Children 200.

Salaries... ..	561
Provisions	3,300
Other things	570

Total £4,430

Lunatic Asylum, Tarban Creek	7,265
Ditto ditto, Parramatta... ..	9,284
Roman Catholic Orphan School	4,120
Protestant ditto ditto	4,430
Gaol Actual Cost... ..	5,905

Total cost of Government Establishments, Parramatta ... £31,004

By combining the two Lunatic Asylums a saving of about £3000 per annum would be effected; and by attaching a farm to such establishment a further saving of £2000 per annum might be effected if the other Government Establishments were supplied from it with milk and vegetables. By combining the two Orphan Schools a saving of about £1000 per annum might be effected if the gaol did the washing and needlework; and with regard to the gaol, £3000 per annum can be saved there by the work of the prisoners.

I think £9000 per annum might be saved in all.

No. 29.

THE COLONIAL SECRETARY to THE VISITING MAGISTRATE OF PARRAMATTA GAOL.

Colonial Secretary's Office,

Sydney, 6 February, 1856.

SIR,

In acknowledging the receipt of your Report of the 1st ultimo, describing the state of the Parramatta Gaol, and the manner in which it has been conducted during the year ending the 31st December, 1855, I am directed by His Excellency the Governor General to inform you, that the Report in question will form a very useful Appendix to the Report on Prison Discipline, and will be brought under the consideration of the Executive Council, and finally of the Legislature.

I have, &c.,

THE VISITING MAGISTRATE OF THE GAOL,
Parramatta.

W. ELYARD.

No. 30.

THE VISITING MAGISTRATE OF PARRAMATTA GAOL to THE COLONIAL SECRETARY.

H. M. Gaol, Parramatta,

7 February, 1856.

SIR,

I have the honor to point out that, under the present arrangement, there appears to me to be some injustice with regard to the payment of female prisoners in this gaol for work performed by them, as compared with that performed by male prisoners.

2. The whole of the work performed by the male prisoners is paid for, and of the net proceeds half is paid to the Government, and half to the prisoners who perform the work; of the portion paid to the prisoners one moiety is expended in the purchase of tea and sugar, which is equally divided among all those who labour, and the other is divided according to the amount of work done by each, and held till the period of liberation.

3. The work performed by the female prisoners is of two kinds—that done for the public, who pay, and that done for the Government, who do not pay; thus some of the female prisoners are working under the same arrangement as the male prisoners, while some others receive nothing for what they do; the consequence of which is, that these last are careless and idle in their work, and not unfrequently spoil it on purpose.

4. The Government work here alluded to is for the Orphan Schools and the Lunatic Asylum, and I would most respectfully suggest, that it would be more in accordance with a general system if these establishments paid something for the work done, a portion only of which would be given to the prisoners, and the remainder paid into the Treasury.

5. I think, too, that some arrangement could be made for having the whole of the washing required for the Orphan Schools done in the gaol; the expense would be less than as at present, and it would supply constant and regular employment for the female prisoners, which it would be very desirable to obtain.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.DAVID FORBES, J.P.,
Visiting Justice.

No. 31.

THE COLONIAL SECRETARY to THE VISITING MAGISTRATE OF PARRAMATTA GAOL.

*Colonial Secretary's Office,**Sydney, 19 February, 1856.*

SIR,

In acknowledging the receipt of your letter of the 7th instant, on the subject of the present arrangement for the payment of the female prisoners for work performed by them in the Parramatta Gaol, I am directed to inform you, that it appears to His Excellency the Governor General that your suggestions on this subject may remain over until the general system of Prison Discipline comes under consideration.

I have, &c.,

THE VISITING MAGISTRATE OF THE GAOL,
Parramatta.

W. ELYARD.

No. 32.

THE SHERIFF to THE COLONIAL SECRETARY.

Sheriff's Office,

27 May, 1856.

SIR,

I have the honor to enclose an application from the Principal Turnkey, Darlinghurst Gaol, requesting a gratuity may be allowed him for extra duty done, as overseer of works in that establishment; and, from my knowledge of the extent of those works, and the manner in which they have been conducted by that officer, I feel pleasure in recommending his application to the favourable consideration of the Government.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.JOHN O'NEILL BRENNAN,
Sheriff.

[Enclosure]

[Enclosure in No. 32.]

H. M. Gaol, Darlinghurst,
13 May, 1856.

SIR,

I do myself the honor most respectfully to request that you will sanction an application to the Government for an allowance as gratuity to myself out of the moneys earned by prisoners, for additional duty performed as overseer of the works in the gaol during the past three years and a half of my appointment.

At the time of entering on the duties of my present situation (11 September, 1851), there was an overseer, paid at the rate of 6s. (six shillings) per day, whose duty it was to direct the prisoners in cutting and laying stone. This office was continued till September, 1852, when the overseer resigned, in consequence of the insufficiency of the pay, and then the whole duty fell to me, in addition to that of Principal Turnkey, and has since continued. During this time the Debtors' Prison has been built, the Bath-house completed, and the new Hospital floored, and a large quantity of stone cut ready for the new wing, besides minor work, under my personal superintendence; and as to the manner in which the works have been conducted, I think I may, with confidence, refer to the Colonial Architect or Clerk of the Works.

Therefore, taking into your consideration the large amount of extra duty, and that instead of an expenditure in overseer's salary of upwards of £300 there has been the sum of £520 paid into the Colonial Treasury, I trust you will see sufficient reason to comply with my request.

I have, &c.,

The Sheriff.

T. HARRISON.

I can safely bear testimony to Mr. Harrison's usefulness as a superintendent or overseer of the buildings which have been erected since I have been connected with the gaol, and I should be very glad if the Sheriff could procure him some compensation for the additional duty he has performed.

J. H. BEVERLEY.

No. 33.

THE COLONIAL SECRETARY to THE SHERIFF.

Colonial Secretary's Office,
Sydney, 5 June, 1856.

SIR,

In acknowledging the receipt of your letter of the 27th ultimo, forwarding an application from the Principal Turnkey, Darlinghurst Gaol, for gratuity for extra work done as Overseer of Works in that establishment, I am directed by His Excellency the Governor General to inform you that the application must be taken into consideration when the scheme for the revision of the system of Prison Discipline is considered.

I have, &c.,

THE SHERIFF.

W. ELYARD.

No. 34.

*RETURN of all work performed by the Prisoners in H. M. Gaol, Darlinghurst, from
1 January, 1855, to 30 August, 1856.*

3,850 feet stone cut and set for the New Debtors' Prison and Principal Turnkey's Quarters.			
Framing roof, slating and plumbing	do.	do.	do.
Carpenter's, joiner's, and staircase work for	do.	do.	do.
Plastering, sheathing, painting and glazing	do.	do.	do.
Blacksmith's work for	do.	do.	do.

The building is 48 feet by 40 feet, and 26 feet from foundation, the wall 1 ft. 6 in., and contains 14 apartments with 3 passages.

50,128 feet stone cut for the new wing.

Carpenters principally employed in making squares, straight-edges, and mallets for the use of the stone-cutters, and repairing wheelbarrows, hand-carts, carts and drays for other Government Departments, since the completion of the Debtors' Prison and Principal Turnkey's quarters.

94 picks made.

147 picks steeled.

233 chisels made.

18,526 chisels sharpened.

17,062 picks sharpened.

2,424

2,424 cubic feet stone taken down in making alterations for new prison (dove-tailed).
 1,752 cubic feet stone set (dove-tailed).
 672 cubic feet stone flooring taken down (dove-tailed).
 672 cubic feet stone set (dove-tailed).
 Supplying the gaol with water, and keeping the yards and main sewers in repair.

Work performed for which payment has been made.

20,563 lbs. oakum picked	£171	7	2
9,477 lbs. coir rope picked	105	5	11
6,443 lbs. flax picked	67	15	8
33,012 lbs. horse-hair picked	206	6	6
Work performed by the tailors	165	12	6
Blacksmith's work	18	5	0
	<u>£734</u>	<u>12</u>	<u>9</u>

Work performed for which no payment has been made.

Work performed for Children's Destitute Society	£95	2	5
„ Colonial Architect's Department	18	10	0
„ H. M. Ship "Herald,"	13	14	6
„ Military Barracks	11	12	0
„ Ordnance Department	11	5	0
	<u>£150</u>	<u>3</u>	<u>11</u>

JOHN O'NEILL BRENNAN,
 Sheriff.

No. 35.

THE SHERIFF to THE COLONIAL SECRETARY.

Sheriff's Office, Sydney,

13 October, 1856.

SIR,

Understanding that Mr. Forbes, the Visiting Magistrate, has on several occasions communicated with the Government on the subject of Prison Discipline, since the Board (of which he was a member) appointed to consider and report upon that subject had sent in its Report; that, in one of those communications, he stated that it was under my recommendation that the prisoners in Parramatta Gaol were allowed half their earnings; in another he claims to be the first person who brought a new and improved system of Prison Discipline under the notice of the late Governor General.

2. To the first of these allegations I give a direct denial, which my correspondence with the Government will shew; and if Mr. Forbes had paid but common attention to the wording of the letter upon which he relies as an authority for that assertion, he would have seen that he was in error, and that the prisoners have been receiving more than double what they were entitled to, as the letter states *half the net proceeds*, and which I cannot understand having been read as half the earnings. It also appears to me very extraordinary that Mr. Forbes should never have spoken to me on that subject, for, if he had, I should at once have repudiated any such recommendation. I am also surprised that my differing with him and Captain McLean upon that very branch of the Report which recommended a quarter of the earning, and a quarter of the time of imprisonment, to be given for good conduct, &c., I being of opinion, with regard to the *pecuniary indulgence*, that the prisoner should earn the cost he, individually, put the country to before getting any portion of his earnings; and this opinion had been previously given by me to Sir Charles Fitz Roy, late Governor General, which accounts for the letter relied upon stating *half the net proceeds*. I may here observe, that I have never allowed any of the prisoners in Darlinghurst Gaol any indulgence whatever, unless the Gaoler was satisfied that they earned more than they individually cost the Government.

3. With regard to the second assertion, I beg to refer you to the late Governor General's Minute upon Mr. Forbes' first communication upon the subject of Prison Discipline.

At

At the same time, denying *in toto* that Mr. Forbes has introduced any *new system of Prison Discipline* into the Parramatta Goal; he has, no doubt, got employment for the prisoners from the people of that town; but I have yet to learn that a number of men, cooped-up in a small yard, cutting stone, and fifty-four seated in the corridor of one of the wings of the gaol cabbage-tree hat making, and sleeping four or five in a cell at night, is a *new and improved system of Prison Discipline*, for, as I regard the subject, I apprehend that employment is but one of the very many important branches of the system, viz. :—classification, separate confinement during the hours of rest, education, religious and secular, most of which are defectively carried out in all the gaols of the Colony, owing, in a great measure, to the establishments being wholly unfit for carrying out a proper system; therefore I think it would have been much better had Mr. Forbes exerted the same energies to get the Government to obtain funds to enable them to carry out the improvements so much required in the establishment of which he is the Visiting Justice, and without which no proper system of Prison Discipline can be introduced, with good results, in that establishment.

4. I shall not now go further into this subject, which I should not have done at all, did I not think it due to Captain McLean and myself, as I consider, to say the least of it, unhandsome on Mr. Forbes' part to be continually writing upon a subject which had already been fully reported upon by a Board of which he himself was a member, and knowing, as well as his brother members, Captain McLean and myself, that the subject was promised by the Government to be brought before the Legislature of the country, when all of us would be afforded an opportunity of giving our individual opinions and suggestions.

5. As Mr. Foster's motion for the correspondence between Mr. Forbes and myself, and the Government, upon the subject of Prison Discipline, has been made at Mr. Forbes' instance, to endeavour to shew that all the credit of the introduction of a new system is due to him; and as some of Mr. Forbes' correspondence, herein alluded to, has never been submitted to me to report upon, the House might take the statements therein as admitted facts. I trust that the Government will do me the justice of laying this letter, along with the other correspondence, before the Assembly, should Mr. Foster renew his motion on the meeting of the House.

I have, &c.,

JOHN O'NEILL BRENNAN,

THE HONORABLE

THE COLONIAL SECRETARY.

Sheriff.

No. 36.

MEMORIAL of Parramatta Tradespeople, relative to the price of Gaol Labour.

To His Excellency SIR WILLIAM THOMAS DENISON, Knight,
Governor General in and for all Her Majesty's Colonies
of New South Wales, Tasmania, Victoria, South Australia,
and Western Australia, and Captain General and Governor-
in-Chief of the Territory of New South Wales and its
Dependencies, and Vice Admiral of the same, &c., &c., &c.

The Petition of the Tradesmen, Mechanics, Shopkeepers, and others, Inhabitants of the Town of Parramatta, in the Colony of New South Wales,—

HUMBLY SHEWETH :—

That your Petitioners are residents of Parramatta, where they have been for a long time exercising their various trades and callings, as a means of gaining a livelihood, and upholding the respectability of their families and themselves.

That for a considerable period their efforts have been impeded by a system carried on in Her Majesty's Gaol at Parramatta, namely,—allowing the confines therein to work at their several trades, in the execution of orders furnished by certain parties in the town, and which can naturally be done at a much lower rate by prison labour than by free.

That the proof of this great detriment to your Petitioners is readily shown by the following facts :—There are at present some eighty (80) confines in that gaol engaged as before stated, whose work can be obtained at one-third the cost of free labour. For instance, taking stonemasons' work as an example ;—the cost of such work within the walls of the gaol is three-pence per foot, whereas outside the walls it cannot be fairly done under nine-

pence per foot; and to such an extent is masons' work carried on in the gaol, that no less than twenty-seven thousand (27,000) feet of stone have been cut there, and sent from thence for private purposes, within the last five months.

That not only does prison labour come into overwhelming competition with the working mechanics, stonemasons, blacksmiths, tailors, wheelwrights, and others of a similar class, but the shopkeepers also are seriously injured by the system.

That for some time past, the work of the confine masons, blacksmiths, wheelwrights, tailors, and hat-makers, has been most in demand; and, in fact, is so at present; and to so great an extent, that within the last three months, no less a sum than five hundred pounds (£500) has been paid for it; whereas, had the same work been executed by free labour, the cost would have been one thousand five hundred pounds (£1,500), a large sum to be withheld from the industrious free men who have heavy expenses to pay, whilst their competitors in gaol are entirely provided for by the Government.

That the plea of such labour being beneficial to the inhabitants at large cannot be advanced in this case, because the produce of such labour only comes into a few hands; and, as regards masons' work, the only persons who receive any benefit thereby are the contractors, whose number is small.

That looking upon it in a moral light, there is a strong objection to such a system of gaol labour; inasmuch as the sum which each prisoner receives out of his earnings, at the expiration of his sentence, in lieu of being looked upon by him as a means of provision until he can procure honest employment, is generally squandered by him in intoxication or other disgraceful ways, which eventually plunge him into deeper crime than that which he has just expiated by law.

Your Petitioners therefore humbly pray your Excellency, that you will be pleased to take all the foregoing circumstances into consideration, and be graciously pleased to grant your Petitioners such relief in the premises as to your Excellency shall seem meet.

And your Petitioners will ever pray.

[Here follow 400 Signatures.]

No. 37.

REPLY of His Excellency the Governor General to the Deputation with the foregoing Memorial.

I have listened attentively to the Memorial which you have just read; the substance of which appears to be a complaint that the prisoners confined in the gaol at Parramatta are, in working out their sentence of hard labour, enabled to compete unfairly with the mechanics of Parramatta.

I will cause inquiry to be made into all the circumstances; and, should I find that the price charged for the labour of the prisoners is such as to give an undue advantage to them, a change can be made.

It must be obvious, however, that in carrying out the sentences of hard labour which the law has allotted as a punishment for certain offences, the labour of the prisoners must come into competition with that of the population without the gaol. If, then, the law is to be carried out, and a gaol to be maintained at Parramatta, it will be impossible for the Government to guarantee the working population of that town from all competition.

No. 38.

THE COLONIAL SECRETARY to THE COLONIAL ARCHITECT.

Colonial Secretary's Office,

Sydney, 25 July, 1856.

SIR,

In transmitting to you the accompanying Petition from certain Tradesmen Mechanics, &c., of Parramatta, complaining that the price charged for prison labour is too low, I am directed to request that you will be good enough to meet the Police Magistrate, Parramatta, and the Colonial Storekeeper, for the purpose of forming a Board to inquire into

into the matter, and to submit a tariff of prices, which should be settled on a scale which would not give an undue advantage to the prison labour.

2. The Board should examine the Petitioners, or such of them as can give information on the subject of the inquiry.

I have, &c.,

W. ELYARD.

THE COLONIAL ARCHITECT.

No. 39.

THE COLONIAL SECRETARY to THE COLONIAL STOREKEEPER.

Colonial Secretary's Office,

Sydney, 25 July, 1856.

SIR,

Certain Tradesmen, &c., of Parramatta having complained that the price charged for prison labour is too low; I am directed to request that you will be good enough to meet the Colonial Architect and the Police Magistrate of Parramatta, for the purpose of forming a Board to inquire into the matter, and to submit a tariff of prices, which should be settled on a scale which would not give an undue advantage to the prison labour.

I have, &c.,

W. ELYARD.

THE COLONIAL STOREKEEPER.

P.S. A corresponding letter to this was addressed to the Police Magistrate, Parramatta.

No. 40.

THE BOARD to THE COLONIAL SECRETARY.

Parramatta, 30 August, 1856.

SIR,

In reply to your letter of the 28th ultimo, No. 226, to the Colonial Architect, transmitting a Petition (herewith returned) from certain Tradesmen, Mechanics, &c., complaining that the price charged for prison labour is too low, and instructing us to form a Board to inquire into this matter, and to submit a tariff of prices so fixed as not to give undue advantage to prison labour—we have the honor to report:—

2. The Petitioners complain that the labour of prisoners in gaol is brought into direct competition with free labour in the town; that the price charged for prison labour is much too low; and by the use of the term *certain parties* in the second paragraph, to imply that the privilege of employing prisoners has been restricted to certain parties.

3. In order to satisfy ourselves upon these points, we inspected the gaol, and examined the several kinds of work performed there; we obtained a scale of the prices charged; and we afterwards examined such of the Petitioners as were desirous of giving evidence, and such others of the townspeople as we deemed likely to afford useful information.

4. On the day we visited the gaol, we found 165 prisoners employed as follows:—carpenters and blacksmiths, 8; shoemakers, 5; hatmakers, 51; at needlework, (3 males and 35 females,) 38; and stone-cutting, 63; there were others engaged about the work of the prison, such as cooks, cleaners, &c., to whom it is not necessary for us to allude.

5. The articles manufactured by the first three of the above five classes of employments, consisting of wheelbarrows, strong boots, and cabbagetree hats, are sold periodically by public auction, at Sydney, and therefore the manufacture of them in the gaol can have no effect whatever upon the tradespeople of Parramatta; we may also remark that the amounts obtained from such sales have formed rather more than half the total proceeds of gaol labour.

6. Of those employed in needlework, the females are chiefly occupied in making clothing for the inmates of the Orphan Schools, Lunatic Asylums, and other Government Establishments; those not so engaged are employed by the townspeople; the three males who are tailors also work for the townspeople, but as this appears to be a matter of grievance to the tradesmen in Parramatta, we propose that some other occupation should be found for them; we have also to recommend that the price charged for the needlework done by the females be raised twenty-five per cent.

7. We now come to the last class, namely, that of stone-cutting, which appears to be the main cause of complaint. On this subject the opinions of the several persons whom we have examined are most conflicting, Mr. Houson and Mr. Byrnes contend that the price charged at the gaol, namely, 3d. per foot superficial for stone faced on one side, and 6d. per foot for stone faced on both sides, is quite as much as builders can afford to pay, that if the price be raised, brick will be used instead of stone, which would give employment to fewer persons than are now employed, and that the buildings lately erected, and those in course of erection, would never have been commenced unless persons had been able to get the stone cut for them at reasonable prices; Mr. Curran and Mr. Harvey, on the other hand, assert, that if 4½d. were charged per superficial foot for stone faced on one side, and 10½d. per superficial foot for stone faced on both sides, persons would be found ready and willing to employ the prisoners at such prices. In the face of such opposite opinions as these it is impossible for us to arrive at any satisfactory conclusion as to the price to be charged for stone-cutting; we have to suggest, however, the following plan, with which the parties interested have expressed themselves satisfied;—we propose to ascertain how much stone per month can be cut in the gaol, and to call for tenders, in quantities not less than one thousand superficial feet, such tenders to state description of work required and the price offered, and to be addressed to the Gaoler; these tenders could be opened by a Board, to consist of the Visiting Justice, the Gaoler, and some other; the highest tender would be accepted first, then the next, and so on, the first contract accepted being the first to be performed.

8. It appears to us, then, that the first cause of complaint—that the labour of prisoners in gaol is brought into direct competition with free labour in the town, as distinctly set forth in the fifth paragraph of the Petition—is but partially true; more than half the proceeds of prison labour is derived from sales by auction at Sydney, as already stated, and, therefore, the labour bestowed on the manufacture of articles so sold can in no way enter into competition with the labour of free persons in Parramatta. With regard to the objection, that the price of prison labour is too low, we have recommended the tailoring work to be discontinued, and a scale of prices to be charged for needlework done by the females, twenty-five per cent. higher than the present rate, while the plan which we have proposed for the stone-cutting will command for this branch of labour whatever price the public can afford to pay; and with regard to the implication that the privilege of employing prisoners has been restricted to certain persons, we have closely examined all the witnesses upon this subject, and can find no foundation whatever for such a charge.

We have, &c.,

ALEX. DAWSON,
Colonial Architect.

DAVID FORBES, J.P.,
Visiting Justice.

JNO. BUCHANAN,
Colonial Storekeeper.

THE HONORABLE
THE COLONIAL SECRETARY.

No. 41.

THE COLONIAL SECRETARY to THE VISITING JUSTICE, PARRAMATTA GAOL.

Colonial Secretary's Office,

Sydney, 17 September, 1856.

SIR,

Referring to the Report of the Board (of which you were a member) appointed to make inquiry into the alleged lowness of the price charged for the labour of the prisoners confined in the Parramatta Gaol, I am directed to approve of the several recommendations of the Board, viz.,—that no tailoring work should for the future be done by the prisoners, and that the scale of prices for needlework should be raised twenty-five per cent.

2. I am also to approve of tenders having been called for from persons desirous of having stone cut by the prisoners in quantities not less than one thousand superficial feet, such tenders to state the description of the work required, the price offered, and to be addressed, opened, and accepted, in the manner proposed by the Board.

I have, &c.,

THE VISITING JUSTICE,
Parramatta Gaol.

W. ELYARD.

No.

No. 42.

THE VISITING JUSTICE, PARRAMATTA GAOL, to THE COLONIAL SECRETARY.

H. M. Gaol, Parramatta,

6 November, 1856.

SIR,

Referring to a motion made in the Legislative Assembly on the 4th instant, praying for the production of certain correspondence relative to Prison Discipline, I have the honor to forward herewith the enclosed returns, numbered 1, 2, and 3, which, when complete, it is my intention to append to a second Report on the management of this gaol, similar to that which I had the honor to forward at the end of last year.

2. My object in transmitting these returns now, is that they may be appended to the papers asked for (should there be no objection to such a course), as they will afford additional information and proof of the successful manner in which the new system suggested and introduced by me has continued to work.

3. These returns, although somewhat different in form, are similar to that appended to my last year's Report, and will, therefore, require no explanation, as they merely extend the return then made to the present time.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY,
Sydney.

DAVID FORBES, J.P.,
Visiting Justice.

No. 1.

RETURN shewing, at the end of each month throughout the year 1856, the number of Officers attached to the Gaol at Parramatta; the actual Salaries paid to them; the number of Prisoners confined in the Gaol; the actual cost of the Provisions, Fuel, and Light, Clothing, and Blankets supplied, and the Total.

1856.	Number of Officers.	SALARIES.	Number of Prisoners.	PROVISIONS, FUEL, AND LIGHT.	CLOTHING AND BLANKETS.	TOTAL.
		£ s. d.		£ s. d.	£ s. d.	£ s. d.
January	19	154 6 0	244	312 2 2		
February	19	146 4 3	256	290 8 9		
March	20	157 9 0	255	333 6 8		
April	20	154 15 6	262	*233 2 3		
May	20	158 19 2	241	222 17 1		
June	20	154 15 6	267	220 13 9		
July	20	158 19 2	273	280 9 5		
August	20	158 19 2	238	279 13 4		
September	20	154 15 6	226	243 7 10		
October	20	158 19 2	229	258 3 7½		
November .....	..	.....	.....	.....
December .....	..	.....	.....	.....
.....	..	1,553 2 5	{ Average number of Prisoners } 251	2,674 4 10½		

* In the month of April the new Contract commenced, and hence the reduction in the cost of provisions, &c.

NOTE.—Of the officers, four, namely, the Clergyman of the Church of England, the Clergyman of the Church of Rome, the Surgeon, and the Dispenser are non-residents.

DAVID FORBES, J.P.,
Visiting Justice.

No. 2.

RETURN shewing, at the end of each month throughout the year 1856, the number of Male Prisoners in Parramatta Gaol; those who were at work, and those who were idle; the Amount paid for Tools and Materials; the Amount held for the Prisoners (including what was expended for tea and sugar for their use); the Amount reimbursed to the Government, and the Gross Amount of their earnings paid into the Colonial Treasury.

1856.	MALE PRISONERS.			PAID FOR TOOLS AND MATERIALS.	HELD FOR PRISONERS.	REIMBURSED TO GOVERNMENT.	GROSS EARNINGS PAID INTO COLONIAL TREASURY.
	WORK.	IDLE.	TOTAL.				
January	153	35	188	£ s. d. 44 15 10	£ s. d. 63 18 7	£ s. d. 63 18 7	£ s. d. 171 19 0
February	166	31	197	46 3 7	58 16 7½	58 16 7½	163 16 10
March	160	39	199	43 7 9	40 12 4½	40 12 4½	124 12 6
April	166	42	208	47 12 2	44 19 7	44 19 7	137 11 4
May	164	28	192	30 0 3	52 10 2	52 10 2	135 0 7
June	174	33	207	36 13 1	54 11 11½	54 11 11½	145 17 0
July	179	39	218	42 2 1½	79 14 5¾	79 14 5¾	201 11 1
August	156	32	188	36 10 6	83 16 6	88 16 6	204 3 6
September	135	39	174	47 10 11	47 7 11½	94 16 10½	189 14 9
October	163	17	180	30 10 4	62 0 10	262 1 11	*344 13 3
November .....	..	..	..	.....	.....	.....	.....
December .....	..	..	..	.....	.....	.....	.....
	..	..	..	405 6 6½	578 9 0½	835 18 0½	1,818 19 10

*The Return for October is not quite accurate, in consequence of some of the Accounts not having been sent in.

DAVID FORBES, J.P.,
Visiting Justice.

No. 3.

RETURN shewing, at the end of each month throughout the year 1856, the number of Female Prisoners in Parramatta Gaol; those who were at work, and those who were idle; the Amount received for Needlework, &c.; the estimated value of the work done for Government Establishments; the Amount expended in Tea and Sugar for the use of the Prisoners, as an indulgence; and the total value of the work done by Female Prisoners.

1856.	FEMALE PRISONERS.			RECEIVED FOR NEEDLEWORK, &c.	ESTIMATED VALUE OF WORK DONE FOR GOVERNMENT.	EXPENDED IN TEA AND SUGAR FOR PRISONERS.	TOTAL VALUE OF FEMALE PRISONERS' LABOUR.
	WORK.	IDLE.	TOTAL.				
January	45	11	56	£ s. d. 5 12 8	£ s. d. 2 15 6	£ s. d. 4 0 0	£ s. d. 8 8 2
February	50	9	59	9 0 8	3 10 0	3 17 6	12 10 8
March	49	7	56	2 2 6	2 5 6	3 19 0	4 8 0
April	45	9	54	1 2 0	15 0 8	3 13 0	16 2 8
May	40	8	48	2 8 6	2 0 6	3 10 0	4 9 0
June	59	11	60	2 3 6	8 19 0	3 15 0	11 2 6
July	50	5	55	1 19 0	5 9 6	3 18 6	7 8 6
August	44	6	50	3 19 0	4 6 0	3 9 0	7 19 0
September	46	6	52	1 13 11	4 12 0	3 7 6	6 5 11
October	43	6	49	2 10 0	6 2 6	2 4 2	8 12 6
November .....	..	..	..	.....	.....	.....	.....
December .....	..	..	..	.....	.....	.....	.....
	..	..	..	32 11 9	55 11 2	35 9 8	88 6 11

DAVID FORBES, J.P.,
Visiting Justice.

1856.

NEW SOUTH WALES.

ASSIZE COURT AT TAMWORTH.

Ordered by the Legislative Assembly to be Printed, 28 October, 1856.

To the Honorable the Legislative Assembly of New South Wales.

The humble Memorial of the Magistrates, Residents of the Town of
Tamworth, and Others.

WE, the undersigned Magistrates, Residents of the town of Tamworth, and Others, respectfully approach your Honorable House, on a subject affecting, to a considerable extent, our social position and welfare.

2. We beg to draw the attention of your Honorable House to the great distance at which your Memorialists reside from an Assize Court, and to the circumstance of much crime passing unnoticed, to the serious prejudice of society, on account of the great loss of time occasioned by prosecuting at the Assize Court in Maitland, thereby involving a lengthened absence of individuals from their homes and occupations.

3. Your Memorialists would wish especially to impress upon your Honorable House, that from the position of Tamworth, it forms the central depôt for the reception of prisoners from the northern and western portions of this part of the Colony, on their transit to Maitland, and that a large portion of the Police in their respective Districts, but more particularly in the Police District of Tamworth, are almost exclusively employed in the escort of prisoners.

4. As evidence of the correctness of these views, your Memorialists beg to submit to your Honorable House the respective distances of the following Benches from the nearest Assize Court, held in Maitland:—

Tamworth, distant from Maitland	...	...	170 miles.
Nundle and Hanging Rock	...	...	162 "
Wee Waa...	...	...	275 "
Warialda ...	...	...	300 "
Armidale...	...	...	240 "
Wellingrove	...	...	282 "
Tenterfield	...	...	326 "

5. In addition to which your Memorialists desire to remark, that although the distances are computed from Maitland, the Police Districts extend, in most cases, fully 100 miles further, and thereby increasing the expenditure.

6. It is the confirmed opinion of your Memorialists, that many persons refrain from prosecuting, owing to the great distance of the Assize Court from their respective abodes, and consequent expense; and, what is of more importance, the serious inconvenience to individuals, in whatever employment they may be engaged. These remarks apply still more to witnesses not interested in the prosecution.

7. Were an Assize Court established at Tamworth, your Memorialists are of opinion that it would tend to suppress Crime, and would be also a source of considerable economy to the Government, by reducing the present heavy expenses of escort, and the allowance to prosecutors and witnesses.

8. With a view of shewing the adaptability of Tamworth as an Assize Town, arising from the circumstance of its position, your Memorialists beg respectfully to remind your Honorable House, that when, in the year 1848, the Law Commissioners' Report was submitted for the consideration of the Honorable the Legislative Council, the Colonial Secretary recommended Tamworth as a suitable place for an Assize Town.

9. Your Memorialists also beg to observe, that in the event of the District of Moreton Bay being formed into a distinct Colony, the greater portion of New England would be included in it, which circumstance would contribute more powerfully still to the desirability of Tamworth being created into an Assize Town.

10. Your Memorialists likewise beg to state, that the several Gold Fields of the Hanging Rock, Peel River, Rocky River, and Bingera, render the township of Tamworth the most central position for the establishment of an Assize Court, and your Memorialists are of opinion, that experience warrants the assertion that crime is more rife in the neighbourhood of the respective Gold Fields than in any other part of the Colony, causing in many instances, the absence of the chief officers of this Department, in prosecuting cases at Maitland, to the great prejudice of good order on the Gold Fields.

11. It now only remains for your Memorialists humbly to solicit the consideration of your Honorable House to the following statement, shewing the respective distances from the two principal towns, viz., Tamworth and Armidale, in order that your Honorable House may be better able to see that Tamworth is by far the most central town for the establishment of a Court of Assize.

	Distant from Tamworth.		Distant from Armidale.	
Nundle	35 miles.	...	105 miles.	...
Murrurundi	70 "	...	140 "	...
Wallabadah	85 "	...	105 "	...
Goonoo Goono	15 "	...	85 "	...
Wee Waa	130 "	...	200 "	...
Lower Namoi	250 "	...	320 "	...
Warialda	130 "	...	200 "	...
Bingera	70 "	...	140 "	...
Barrabba	60 "	...	130 "	...
Bendmeer	30 "	...	40 "	...
Walcha	61 "	...	60 "	...
Wellingrove	127 "	...	60 "	...
Tenterfield	190 "	...	120 "	...
	1203 miles.		1705 miles.	

And also from the large and increasing population of the town of Tamworth, and the adjacent Districts, which is rapidly developing the Pastoral, Mining, and Commercial interests of this portion of the Colony.

12. Your Memorialists desire to remark, that a Memorial, praying for the establishment of a Court of Assize and Quarter Sessions at Tamworth, was numerously signed by the residents of Tamworth, Liverpool Plains, Wee Waa, Warialda, and Murrurundi, and forwarded to His late Excellency Sir Charles Augustus Fitz Roy, and Executive Council, in the month of September, 1854, and also to state, that no attempt is now made to obtain a
great

great number of signatures to this Memorial, in consequence of the desire of your Memorialists to have it presented to your Honorable House with as little delay as possible.

13. In conclusion, your Memorialists regret that they are not able to lay before your Honorable House more full data and statistics upon the several heads they have referred to, but earnestly hope, that should your Honorable House see fit, Returns may be called for on the following subjects :—

1st, The expenses connected with the escort and transit of prisoners to Maitland.

2nd, The amount of expenses paid annually in allowances to witnesses and prosecutors, in cases occurring to the westward of Murrurundi.

3rd, The number of criminals convicted from the various Benches referred to.

Your Memorialists respectfully commit this Memorial to the favorable consideration of your Honorable House.

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

[Here follow 126 signatures.]

1856.

NEW SOUTH WALES.

ASSIZE COURT AT ARMIDALE.

Ordered by the Legislative Assembly to be Printed, 31 October, 1856.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the undersigned Magistrates, Lessees of Crown Lands, and Residents in the Pastoral Districts of New England, McLeay, Gwydir, and Clarence, and the various Towns therein.

We, the undersigned Magistrates, Lessees of Crown Lands, Householdors, and Residents in the Pastoral Districts of New England, McLeay, Gwydir, and Clarence, and the various towns therein, beg to draw the attention of your Honorable Assembly to the urgent necessity for the immediate establishment of an Assize Court, for the convenience of the population inhabiting some of the Districts between Moreton Bay and Maitland, and further, to the reasons which exist for the selection of the Township of Armidale as the site for the establishment of such a Court.

Your Petitioners, in bringing this subject under the notice of your Honorable House, would observe, that the urgent necessity of a Midland Circuit in the Northern Districts is so notorious, and so fully admitted, that a very brief statement of the circumstances inducing it will be sufficient. On this point, then, your Petitioners have to urge—

1. That the nearest Assize Court to which they have access is, at the minimum, two hundred, at the maximum, about three hundred miles.
2. That the fear of incurring expense, and the certain loss and detriment, accruing to their private affairs while occupied in performing so long a journey, operate as a strong check to the due administration of Justice, and offer considerable impunity to crime.
3. That Constables are taken away from their duties for a very considerable time, to the consequent injury of the public service.
4. That prisoners after committal, even with the strictest care and surveillance, frequently escape while travelling so long a distance.
5. That a considerable and unnecessary public expenditure is incurred in payment of travelling expenses to prosecutors and witnesses.
6. And that the ordinary business transactions of the community are much impeded by the want of a Local Court, with unlimited Civil Jurisdiction.

That all these serious inconveniences would be, in a great measure, obviated, by the establishment of an Assize Court in the Northern Districts. Your Petitioners affirm that the Township of Armidale is the most eligible site for the establishment of the said Court.

In enunciating the grounds on which this assertion is based, your Petitioners would express an opinion, that the principle by which the selection of the site should be decided is obviously the proximity to the Court of the greater number of the present population in the area of the proposed Circuit, due regard being had to probable increase in any particular locality, as indicated by the apparent capacity of the surrounding country to support a dense population, and the advantages it holds forth to attract it. Assuming this position to be

correct, your Petitioners proceed to lay before your Honorable House the statistics contained in the Schedule hereunder, setting forth the population of the several Districts and Townships within what will probably comprise the Midland Northern Circuit, and showing the correct distances from each place to Armidale, the proposed site of the Circuit Court.

The distance between the present Circuit Courts at Maitland and Brisbane, which are the only two tribunals of this nature in the Northern part of this Colony, being five hundred and thirty miles, your Petitioners, proceeding on the assumption that the population will naturally seek justice at the nearest source, consider that the probable boundaries of the proposed Midland Assize District will be—to the northward, about thirty miles south of the Township of Warwick; to the south, the Liverpool Range; to the east, the Sea Coast; to the west, indefinite. In such case (and your Petitioners, after due enquiry, are convinced that, independently of the site fixed on for the Court, such boundaries are a close approximation to what must be ultimately adopted), your Honorable House will perceive, by a reference to the statement of distances and population in this area, that the establishment of the Court at Armidale will bring justice nearer to the doors of a far greater number of the total present population than any other permanently established Township within the limits of such Assize District.

That your Petitioners having thus shown the grounds on which they claim the Court for Armidale, so far as present population is concerned, would proceed to set forth the grounds for anticipating a considerable and permanent population in the country surrounding Armidale. On this head your Petitioners have to urge:—

1. That the district of New England, of which Armidale is the Capital, contains about six and a half millions of acres, a considerable portion of which is arable, and of more than average agricultural capability, being also, from its peculiarly favorable climate, attended by certainty of production; it being ascertained that in the year ending March, 1856, the Township of Armidale contained 787 acres of land under cultivation, and the District of New England 2,991 acres, producing on the average 90,000 bushels of wheat per annum.

2. That as regards its mineral wealth, this District now contains the richest Gold Field in the Colony, fourteen miles from Armidale, with a daily increasing population of about three thousand souls, besides three or four minor Gold Fields; and it is the opinion of both practical and scientific men, that the whole District is more or less auriferous.

3. That since the year 1851, notwithstanding that obstacles have arisen to prevent land in sufficient quantities from being brought forward for sale, sales have been effected in the District of Armidale alone to the amount of at least nineteen thousand pounds, and the demand is still increasing.

Your Petitioners would urge, that by the facts and statistics thus set forth, it is proved that the selection of Armidale as a site for the establishment of the Midland Northern Circuit will afford to by far the greatest number of the present and probable population of the Assize District the readiest access to justice, and they venture to assert that the site which does possess these qualifications is, beyond controversy, the proper position for such a Court.

As it is manifestly desirable that full and correct information should be laid before you on all points connected with the subject, your Petitioners feel it necessary to draw the attention of your Honorable House to certain points connected with a Petition forwarded from the Town of Tamworth, praying the adoption of that Town as the site for the Assize Court.

Firstly—On this head your Petitioners draw attention to the fact, that from the small number of signatures, being chiefly, if not all, those of residents of the Town of Tamworth, this document must be taken to indicate merely the sense of the Tamworth population on the subject, and does not even represent the opinions of the small section of the proposed Assize District which would be included in the District of Liverpool Plains.

Secondly—That although, as stated by the Tamworth Petition, that Town is at present the depôt for reception of prisoners from the northward and westward on their transit to Maitland, it is impossible that it can continue to be so, because, by reference to the map, and from the evidence of competent persons acquainted with the country in its vicinity, it will at once be shown that the present position of Tamworth is considerably to the westward of what must eventually be the line of the Great Northern Road; and, under any circumstances, it is not apparent that the fact of its being a place through which prisoners pass on their transit to Maitland, is an argument in favor of its adoption as an Assize Town.

Thirdly

Thirdly—It is urged in favor of the Tamworth site, that, in the event of a Northern Colony being established, the greater portion of New England would be included in it—Your Petitioners assert, that the separation of a Northern Colony may not happen; and if it should, they have every confidence that, so long as their welfare is under the keeping of your Honorable House, a ready access to justice will not be denied, on the ground of a remote contingency. Further, that if a separation does take place, your Petitioners imagine that some attention is due to their choice of the Government under which they desire to live, and they do not desire to be included in any section of the Northern Districts which may be separated from the present Colony of New South Wales.

Your Petitioners, in conclusion, would beg that the statistics, in both cases, as to population and distance may be subjected to a rigid scrutiny, inasmuch as a mere perusal of names and distances, without reference to population, or the capacity of the locality to sustain a large community, will create erroneous notions, and may prejudice the interests of your Petitioners; it being notorious, that the greater portion of Liverpool Plains is totally unfit for any but grazing purposes—a pursuit which does not employ, and is never likely to create a dense population.

Finally—As respects the notion which has obtained, that the delay to the Officers of the Court, occasioned by the land journey to Armidale, would be greater than to Tamworth; your Petitioners would point out, that the road from Armidale to Grafton, a distance of 130 miles, is at present perfectly practicable for wheel traffic, and will shortly be put in good repair, and there being now regular steam communication between Sydney and Grafton, your Petitioners assert, that the advantage in transit, both as to time and convenience, is on the side of Armidale, the land journey from Maitland to Tamworth being 170 miles.

Your Memorialists now leave their request to the consideration of your Honorable House, in the full confidence that the subject will meet with that earnest and immediate attention which it so urgently demands.

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

[Here follow 1,550 signatures.]

1856.

NEW SOUTH WALES.

ASSIZE COURTS AT ALBURY.

(PETITION IN FAVOUR OF ESTABLISHMENT OF.)

Ordered by the Legislative Assembly to be Printed, 19 December, 1856.

To the Honorable the Legislative Assembly of the Colony of New South Wales.

The Petition of the undersigned Inhabitants of the District of Albury,—

SHEWETH:—

That, owing to the proximity of the Victorian Diggings, and the facility with which lawless men can remove from one Colony to another, crimes of great atrocity are of continual occurrence in the district, particularly horse and cattle stealing; and although the parties committing these offences are well known to the sufferers, they forbear prosecuting in consequence of the heavy expenses they would incur by a journey to Goulburn, preferring to submit to the first loss than to incur, in many instances, a more serious one, in the expenses of the journey.

That owing to the immense distance which prosecutors and witnesses have to travel, and the expenses attending the journey, and the wretchedly small allowance given to witnesses and others, many cases of fearful atrocity are permitted to go unpunished, and crime consequently almost stalks unchecked through the district; in many cases, recently, to the knowledge of your Petitioners, criminals have been allowed to go unpunished.

That portions of this District, viz:—Deniliquin, Balranald, and Moulamein, are severally distant from Albury one hundred and fifty to two hundred and fifty miles at least, and Albury is distant two hundred and fifty miles from Goulburn, the nearest place at which Circuit Courts are now held for the said district. Prisoners from all the above-mentioned places and surrounding neighbourhood, which are now thickly populated, must be tried at Goulburn; and of necessity all witnesses must also proceed there to attend and give evidence upon the trials.

That the only Courts for the recovery of debts in this district are the Small Debts' Courts, attached to the Magisterial jurisdiction, in which no larger amount than ten pounds can be recovered; this sum now scarcely represents any value, owing to the increased circulation of money since the gold discovery; and these Courts have a most decided tendency to increase dishonest trading above that amount.

That your Petitioners, for want of a local Court of increased jurisdiction, are very frequently compelled to suffer wrongs to their persons and property, which the establishment of an Assize Court would obviate—not that your Petitioners are of a litigious disposition, but they feel that, in many instances, they are quite deprived of the rights and privileges of British subjects, and are prevented, through the immense cost now attendant upon civil proceedings, from asserting their just rights.

Your Petitioners, therefore, pray that the immediate establishment of Assize Courts at Albury be at once taken into the consideration of your Honorable House, or such other Courts be established, with extended jurisdiction, as your Honorable House may deem advisable to meet the circumstances above stated, to facilitate the punishment of offenders, and for the recovery of debts to the amount of two hundred pounds, and generally to protect the rights and privileges of your Petitioners.

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

[Here follow 199 Signatures.]

1856.

NEW SOUTH WALES.

GAOL AND CIRCUIT COURTS AT MORETON BAY.

(CORRESPONDENCE UPON.)

Ordered by the Legislative Assembly to be Printed, 9 December, 1856.

RETURN to an *Order* of the Honorable the Legislative Assembly, dated
4 November, 1856, for,—

“(1.) A Return of all Correspondence between the Executive
“ Government in Sydney, and the Government Resident at
“ Moreton Bay, relative to building a Gaol for the District of
“ Moreton Bay.

“(2.) A Return of all Correspondence between the Executive
“ Government and their Honors the Judges of the Supreme
“ Court, relative to the most suitable site for the erection of a
“ Gaol for the District of Moreton Bay.

“(3.) A Return of the number of cases tried before each
“ Circuit Court at Moreton Bay, shewing the number of persons
“ committed for trial at Brisbane, and the number committed
“ for trial at Ipswich and the Districts beyond it.”

SCHEDULE.

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GAOL AND CIRCUIT COURTS AT MORETON BAY.

No. 1.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

Brisbane, 3 June, 1854.

SIR,

I do myself the honor to bring under your notice the very inadequate state of the Brisbane Gaol, not only that it does not afford a sufficient degree of security for the safe custody of the prisoners, but, from its very confined and limited accommodation, it is utterly impossible to carry out the Gaol Regulations as they ought to be; more particularly as regards the classification of the prisoners, which may be considered to be most important.

2. Generally speaking, prisoners of all ages are from necessity mixed indiscriminately together; the hardened criminal, and the comparatively inexperienced offender, are the inmates of the same Ward; which alone must have a very demoralizing effect on the latter. Besides which, the confined space of the airing yards, and the want of proper ventilation throughout the establishment, has more or less shewn on the health of the prisoners, especially during the two months preceding the half-yearly Assizes, when the Prison is more crowded than at other periods of the year.

3. I may also add that prisoners, who would otherwise be sentenced to imprisonment in Brisbane Gaol, are, on account of its insufficiency, sentenced by the Judges to be confined in the Gaols at Darlinghurst and Parramatta, thereby incurring considerable expense by their transition to those places.

4. I had intended to bring this subject under notice at an earlier period; but when I found that the Sheriff would accompany the Judge to the Assizes, I thought it would be better to defer doing so, until that officer had an opportunity of inspecting the Gaol, and thereby be the better able to form an opinion as to its state.

5. I now beg to suggest that a sum of money be placed on the Estimates for the purpose of commencing a new Gaol, on a scale suitable to the increasing population of this and the surrounding districts, and that a Court House should be attached to it; as the building now used as such is very badly constructed, and will ere long require the outlay of a considerable sum in repairs.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

J. C. WICKHAM,
Government Resident.

No. 2.

THE COLONIAL SECRETARY to THE GOVERNMENT RESIDENT, MORETON BAY.

*Colonial Secretary's Office,
Sydney, 11 December, 1854.*

SIR,

Referring to your letter of the 3rd June last, reporting on the state of the Gaol at Brisbane, and suggesting that a sum of money should be placed on the Estimates for the purpose of building a new one, I am directed by His Excellency the Governor General to apprise you, that under a Report from the Auditor General, stating that it was found impossible, in the absence of local information, to prepare plans and estimates for this work during the present Session, the Colonial Architect has been instructed to prepare an estimate for the same, to be brought forward next year.

I have, &c.,

THE GOVERNMENT RESIDENT,
Moreton Bay.

W. ELYARD.

No. 3.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
Moreton Bay, 4 February, 1856.*

SIR,

There being now a considerable amount of available labour in this district, I have the honor to submit to you, that if it is the present intention of Government to proceed with the erection of a Light House at Moreton Island, and the building of a new Gaol at Brisbane, advantage might be taken of this circumstance; and if plans and specifications of the works in question are sent here, tenders might be called for, both here and in Sydney, with a prospect of obtaining them at a reasonable rate.

I have, &c.,

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

J. C. WICKHAM,
Government Resident.

No.

No. 4.

EXTRACT from a Petition from certain Residents in the neighbourhood of Brisbane, praying for prosecution of Public Works at Moreton Bay.

(First.)—The new Gaol at Brisbane, the present building occupied as a Gaol being quite inadequate to the requirements of the District, both in accommodation and security. Should tenders for this building be called for at once, it is probable that a considerable saving in its cost would be effected, as there exists at present a great quantity of unemployed labour, and the value of materials is much reduced.

On behalf of the Committee,

WILLIAM KENT,
Chairman.

Brisbane, Moreton Bay,
5 March, 1856.

No. 5.

THE COLONIAL SECRETARY to R. TOWNS, Esq.

449.

Colonial Secretary's Office,
Sydney, 12 April, 1856.

SIR,

With reference to your letter of the 11th ultimo, enclosing a Memorial from certain Residents of the Town and neighbourhood of Brisbane, urging the commencement of the Public Works at Moreton Bay, for which provision has been made by the Legislature, I am directed by the Governor General to state, for the information of the Memorialists, that steps will be taken to carry out the Public Works at Moreton Bay as early as circumstances will permit. A Tender for the erection of the Lighthouse at Cape Moreton has been recently accepted.

2. His Excellency, however, desires me to add, with regard to the Gaol, that the arrangements for the erection of this building must stand over, until the Report of the Commission upon Prison Discipline has been submitted to the Legislature; as upon the character of the system to be adopted must the construction of the Gaol depend.

I have, &c.,

W. ELYARD.

R. TOWNS, Esq.,
Sydney.

No. 6.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

Government Resident's Office,
Moreton Bay, 2 April, 1856.

SIR,

Referring to my letter of the 4th February (56-68), respecting the erection of a new Gaol at Brisbane, I do myself the honor respectfully to bring the subject again under the notice of His Excellency the Governor General, and to inform you, that during the last three months the average number of prisoners in Brisbane Gaol has amounted to fifty; and these, together with the resident Officers of the Gaol, are enclosed in an area of 133 feet by 115 feet, which includes the kitchen, Gaoler's and Principal Turnkey's quarters, dispensary, six privies, and all other requisite offices, on so close and confined a scale, as to cause serious apprehension of the outbreak of sickness, and to require very laborious and incessant vigilance on the part of all the officers. It has, moreover, been suggested to me by the Visiting Surgeon, that should the number of prisoners increase, it will be necessary to make application for the removal of some of them to the Gaol at Darlinghurst or Parramatta.

2. Under all these circumstances, I beg to suggest for the consideration of His Excellency the Governor General, that the Clerk of the Works at Moreton Bay be instructed to prepare plans for the erection of a Gaol at Brisbane, and that steps may be taken for the carrying out the work with the least possible delay.

I have, &c.,

J. C. WICKHAM,
Government Resident.

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

No. 7.

THE COLONIAL SECRETARY to THE GOVERNMENT RESIDENT, MORETON BAY.

71.

Colonial Secretary's Office,
Sydney, 15 April, 1856.

SIR,

In acknowledging the receipt of your letter of the 2nd instant, No. 152, respecting the crowded state of the Gaol at Brisbane, I am directed by the Governor General to inform you, that if there are more prisoners than the Gaol will accommodate, it will be necessary

necessary to remove some of them to Darlinghurst; before, however, this can be done, it is requisite for you to furnish me with a Return, shewing the names, offences, and sentences of the prisoners, when His Excellency's signature will be obtained to an order for their removal.

I have, &c.,
W. ELYARD.

THE GOVERNMENT RESIDENT,
Moreton Bay.

No. 8.

THE GOVERNMENT RESIDENT, MORETON BAY to THE COLONIAL SECRETARY.

*Government Resident's Office,
Moreton Bay, 21 April, 1856.*

SIR,

With reference to your letter of the 15th instant, No. 56-3262, respecting the removal to Darlinghurst of such prisoners in the Gaol of Brisbane as cannot be accommodated there, I have the honor to inform you, that since the 1st January, there have been in the Gaol at Brisbane, upon an average, from 8 to 10 more prisoners than it was calculated to accommodate, but as the hot weather has now passed, and the Circuit Court is soon about to be held, when a Gaol delivery will take place, there does not now exist any immediate necessity for incurring the expense of removing prisoners to Sydney. Should, however, such necessity arise, the return alluded to in your letter shall be forwarded.

I have, &c.,
J. C. WICKHAM,
Government Resident.

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

No. 9.

THE GOVERNMENT RESIDENT, MORETON BAY, to THE COLONIAL SECRETARY.

*Government Resident's Office,
Moreton Bay, 16 September, 1856.*

SIR,

With reference to former correspondence, I do myself the honor to again bring before the notice of the Government the great necessity that exists for some alteration in the accommodation for prisoners in the Gaol, at Brisbane, which subject is the more immediately brought to my attention by the fact of an indecent assault having been committed upon a boy in the Gaol, owing to the want of means of properly classifying and separating the prisoners.

2. The offenders I committed for trial at the present Circuit Court, and they have this day been tried before His Honor Judge Milford, whose notes upon the case I herein enclose, for the information of the Government.

3. I, therefore, beg respectfully to suggest the extreme urgency that exists for the erection of a new Gaol at Brisbane, and to call the attention of the Government to the subject as early as possible.

I have, &c.,
J. C. WICKHAM,
Government Resident.

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

[Enclosure in No. 9.]

REGINA v. MARTIN DEVINE AND JOHN BALDWIN.

For an Assault on John Starkey.

Plea,—Not guilty.

John Starkey, confined in Brisbane Gaol:—I was there last week; I know the prisoners; they were confined in the gaol. The week before last they knocked me down, and took down my trousers, and handled my privates, and said, to see if there was any grass there; I struggled, and threw my shoe at them; they have been feeling me through my trousers since. I was afraid to make any complaint; they have felt me through my trousers once or twice since; they placed and held me down on a board.

Cross-examine

Cross-examined by John Baldwin :—

I was afraid to give information ; I did not mean to report it, if Riley had not reported ; there were a good many more persons present at the time the prisoners laid me down ; others joined but I can't say who they were ; I could not see the rest for my head was down ; I saw the others running away ; I won't swear that no person took freedoms with me before ; I won't swear that I never skylarked with any body before ; I don't remember that you told me not to come near you the day before I left the ward ; I never used bad language towards you ; I never had any quarrel with the prisoners before the assault was made on me—nor with them since.

Cross-examined by Martin Devine :—

I don't remember using bad language three weeks ago ; I have been an apprentice to Mr. Gurry ; I remember a servant girl who went in the stock-yard to milk ; I never spoke bad of her ; you handled my privates when I was down on the board ; I will not swear that there were other men holding me on the board ; there were men but I did not see them, they all ran away ; I don't know who they were ; I saw you ; I was not covered with a blanket ; I don't remember touching you on the privates ; I swear I did not ; I know the biggest man in the ward ; I have known him since he has been in the gaol ; I don't remember his running about the ward with his penis in his hand ; I remember a man lying close to me in the ward ; he might have taken liberties with me, but I did not see him doing it ; I don't remember a sailor taking and holding me down to see if I had any grass.

Re-examined :—

I am sixteen years old.

By a Juryman :—

I don't remember what conversation was going on before the assault ; they pulled me down for a joke ; there were sixteen or seventeen in the same ward ; no person ever assaulted me in the night-time ; the men were laughing and joking.

By Mr. Pring :—

They felt my private parts once or twice after.

Philip O'Riley, prisoner in Brisbane Gaol :—Remember the week before last going into a ward in the gaol where the men were dining ; whilst we were sitting at dinner I saw the prisoners with a lad skylarking—Starkey was his name—and, after some time skylarking, they took hold of him and laid him down on the bed-board, loosened his trousers, and, to the best of my knowledge, examined his person, when they had done that they let him loose and he got up ; he had struggled, and his shoes having fallen off he took one and threw it at them ; I recollect a conversation of prisoner's, after, on Saturday or Sunday night, I awoke out of my sleep ; Baldwin said I should like a girl, and Devine said, walking away, you like a boy better ; I did not report the assault till after this conversation ; their turnkey came up, and I said such beastly behaviour does not become a man ; I shall report this to-morrow and try to get out of this ward.

Cross-examined by Baldwin :—

There were three or four began skylarking at first with this boy ; they were all skylarking through each other ; I can't say I saw him skylarking before ; I mean by skylarking playing and following each other about ; I never saw such skylarking as that before.

Cross-examined by Devine :—

I can't say that you were the man who laid his hand on the boy's privates.

By a Juryman :—

The conversation at night was after nine ; I can't say at what time ; I did not hear further conversation ; I made the report in consequence of inquiries afterwards made by the turnkey.

Baldwin and Devine said it was only a skylark between the prisoners in the ward.

Evidence for the Prisoners.

Timothy Ryan :—I was in the ward when the assault was made ; I saw the prisoners take the boy in their arms ; others were present ; I did not see them do anything more ; I don't remember bad language being used the evening of the assault ; don't remember Devine saying anything about a girl that was drowned ; I remember Baldwin saying he would have jumped in and saved her, sink or swim ; I don't remember any one saying he had a mother and sisters of his own ; I was half asleep at the time the yarn was finished ; I don't remember Riley saying that he would sacrifice any prisoner for what they did to him in California.

By a Juryman :—

Did not see Starkey taking liberties with the men, or using bad language ; I did not see a man running with his penis in his hand, or any beastly behaviour in the prisoners.

Benjamin Wynne :—I am prisoner in the gaol here ; I never saw any harm in the place since I have been in it ; I have seen Starkey larking ; don't remember any particular day ; never saw the boy's trousers slipped down ; I have seen the front open ; I remember hearing Riley say he would jump into the water to save any woman in preference to a man ; you were the man that said so ; I never heard you (Baldwin) use any bad language ; I did not hear you (Baldwin) say anything after Riley awoke ; I have heard Riley say he could not bear ticket-of-leave men ; I never heard him say anything about having his revenge on them ; I heard him say he hated a man who had a ticket-of-leave.

Mr. Pring addressed the jury.

Verdict—Guilty. But the jury are of opinion that the matter arose out of a joke, and recommend the prisoners to mercy in consequence.

Sentence—Six months in Darlinghurst Gaol, with hard labour (each.)

No. 10.

THE COLONIAL SECRETARY to THE GOVERNMENT RESIDENT, MORETON BAY, 178.

Colonial Secretary's Office,
"Sydney, 24 November, 1856."

SIR,

With reference to your letter of the 16th September last, respecting the erection of a new Gaol at Brisbane; I am directed to inform you, that the building of this Gaol was deferred pending the determination of the system of discipline to be observed, which was necessary before preparing the Plans; but as the Separation of the Northern Districts has been decided upon by Her Majesty's Government, the erection of the new Gaol will now await the definitive settlement of that question.

I have, &c.,

W. ELYARD.

THE GOVERNMENT RESIDENT,
Moreton Bay.

No. 11.

RETURN of the Number of Persons Committed for Trial at each Circuit Court, holden at Brisbane, from May, 1850, to September, 1856, both inclusive, distinguishing the Benches from which the Cases were sent.

DATES of holding Circuit Courts.	Brisbane.	Ipswich.	Drayton.	Warwick.	Gayndah.	Maryborough.	Tenterfield.	Surat, (Maranoa.)	Warialda.	Wambo.	Myall Creek.	Callandoon.	Yandella.	Dalby.	No. at each Session.	Total Number in each Year.
	In May, 1850	8	2	1	8	...	2	1	22	48
„ November, 1850	6	12	3	3	2	...	...	.....	...	...	...	...	...	...	26	
„ May, 1851	15	24	1	4	8	...	...	.....	...	...	...	...	...	...	47	72
„ November, 1851	9	6	1	3	1	4	...	1	...	...	...	...	...	...	25	
„ May, 1852	9	8	1	2	5	4	...	.....	...	...	...	1	...	...	30	61
„ November, 1852	5	14	1	1	8	...	...	1	...	...	...	1	...	...	31	
„ May, 1853	9	5	4	...	2	2	...	.....	...	...	...	...	...	...	22	39
„ November, 1853	3	5	...	3	2	1	1	.....	1	1	...	...	...	...	17	
„ May, 1854	10	1	3	2	5	2	2	.....	1	1	...	...	...	...	27	39
„ November, 1854	4	3	1	...	1	...	2	.....	...	...	1	...	...	...	12	
„ May, 1855	9	13	1	2	...	...	...	.....	...	...	...	...	1	3	29	51
„ November, 1855	8	4	6	2	1	...	...	.....	...	...	...	...	...	1	22	
„ January, 1856...	2	3	...	2	1	...	...	.....	...	...	...	...	...	...	8	37
„ May, 1856	1	5	5	2	3	1	...	.....	...	1	...	...	...	2	20	
„ September, 1856	5	1	2	...	...	...	...	.....	...	...	...	1	...	...	9	
TOTAL...	103	106	30	34	34	16	6	2	2	3	1	3	1	6		347

Criminal Crown Solicitor's Office,
Sydney, 24 November, 1856.

J. MOORE DILLON,
Criminal Crown Solicitor.

NOTE.—The difference between the numbers in the last column of this Return, and the numbers in the corresponding column of the Prothonotary's Return, arises from the fact of this Report comprising every individual committed for Trial, whilst the other is a Return only of Cases actually tried at the Circuit Court.—W. M. M.

GAOL AND CIRCUIT COURTS AT MORETON BAY.

No. 12.

RETURN of Committals for Trial at Brisbane in each year, commencing May, 1850, to September, 1856, both inclusive, wherein the Attorney General declined to prosecute, shewing Date of Committal, Date of Receipt, and when the Attorney General declined to prosecute; and from what Benches the cases were received.

Where Committed.	When Committed.	When Received.	When Attorney General declined to prosecute.	Number of Cases.
	1850.	1850.	1850.	
Warwick	14 May	26 June	July	1 case
Brisbane.....	30 July	17 August	September	1 "
Grafton	8 October	7 November	November	1 "
Maryborough...	11 November	10 December	December	1 "
Do.	25 November	24 December	December	2 cases or persons.
	1851.	1851.	1851.	
Ipswich	2 and 14 January	3 February	March	2 cases or persons.
Do.	13 January	5 March	March	1 case
Maryborough...	3 February	5 March	March	1 "
Gayndah.....	1 April	22 April	May	1 "
Drayton	24 July	20 August	September	2 cases or persons.
Gayndah.....	25 November	24 December	January, 1852	1 case
Brisbane.....	1 December	29 December	January, 1852	1 "
Do.	24 December	15 January, 1852	January, 1852	1 "
	1852.	1852.	1852.	
Maryborough...	5 January	24 January	February	1 case
Ipswich	11 December, 1851	28 February	March	1 "
Do.	20 December, 1851	28 February	March	1 "
				Witnesses all drowned
Maryborough...	5 April, 1852	24 May	June	1 case
Drayton	17 February	11 March	March	1 "
Do.	1 September	15 September	September	1 "
Brisbane.....	5 October	18 October	October	1 "
Maryborough...	17 November	22 December	December	1 "
	1853.	1853.	1853.	
Drayton	21 February	18 March	March	1 case
Grafton	25 February	19 March	March	2 cases or persons
Drayton	September	5 October	October	1 case
	1854.	1854.	1854.	
Gladstone	21 September	31 October	November	1 case
Maryborough...	13 November	5 December	December	1 "
	1855.	1855.	1855.	
Ipswich	17 May	25 June	July	1 case
Dalby	18 August	15 October	October	1 "
Warialda	20 September	2 October	October	1 "
	1856.	1856.	1856.	
Wombo	7 April	25 April	May	1 case
Gayndah.....	16 June	10 July	July	1 "
			Total ...	35

Total number of Cases from each Bench :—

Warwick	1 case
Brisbane	4 cases
Grafton	3 "
Maryborough	8 "
Ipswich	6 "
Gayndah	3 "
Drayton	6 "
Gladstone	1 case
Dalby	1 "
Warialda	1 "
Wombo	1 "

Total..... 35

Attorney General's Office,
Sydney, 22 November, 1856.

No.

No. 13.

A RETURN of the number of Criminal Cases wherein the Prisoners have been tried, convicted, and sentenced; and also of the number of Cases wherein the Prisoners have been tried and acquitted, in the Circuit Court at Brisbane, since the institution of the Court.

Brisbane Circuit.	Number of Convictions.	Number of Acquittals.
May, 1850	18	3
November, 1850	12	4
May, 1851	11	16
November, 1851	14	6
May, 1852	10	12
November, 1852	8	5
May, 1853	17	5
November, 1853	8	3
May, 1854	10	10
November, 1854	9	1
May, 1855	16	7
November, 1855	15	5
January, 1856	3	1
May, 1856	10	8
September, 1856.....	5	2
	166	88

The number of Cases wherein the Prisoners have been tried, convicted, and sentenced, at the Circuit Court, Brisbane, Moreton Bay, from

May, 1850, to September, 1856 166

The same, wherein the Prisoners have been tried and acquitted 88

Total..... 254

S. RAYMOND,
Prothonotary.

1857.

NEW SOUTH WALES.

POLICE COURT HOUSE, CASINO.
(REMOVAL OF TO LISMORE.)

Ordered by the Legislative Assembly to be Printed, 15 January, 1857.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated the 9 January, 1857, praying that His Excellency the Governor General would be pleased to cause to be laid upon the Table :—

“ A Copy of any Memorial or Petition of the inhabitants of the
“ Richmond River, forwarded to the Governor General on the
“ 20th November last, praying that the site of the Police Court
“ House may be removed from Casino to Lismore.”

TO HIS EXCELLENCY SIR WILLIAM DENISON, K.C.B., GOVERNOR GENERAL
IN AND OVER ALL HER MAJESTY'S AUSTRALIAN COLONIES, &c., &c., &c.

The Petition of the undersigned Householders, Residents, Licensed Sawyers, and others residing on the Richmond River, and Owners and Masters of Vessels trading thereto.

HUMBLY SHEWETH,—

That the undersigned inhabitants, residing between the Township of Casino and the Richmond River Heads, labour under several disadvantages from the present inconvenient position of the Police Force, as well as from the Petty Sessions being held at Casino; and as no buildings have yet been erected there as Court House and Lock-up, humbly petition that your Excellency will take into consideration the advantage which would accrue to the greater proportion of the population of this district, as well as the means of facilitating police business generally, were the Police Establishment formed, and the Petty Sessions held, at the township of Lismore, in place of Casino. From the great distance the Magistrates reside from the present Court, frequent disappointments occur to persons seeking redress; and as two Magistrates reside in the immediate vicinity of Lismore, this great inconvenience would be avoided. Further, that Lismore being situated on the navigable river, and within a day's ride from the Heads, more speedy communication would be secured between the police stationed there and head quarters in cases of necessity. And your Petitioner's humbly beseech your Excellency that you will take this our Memorial into your serious consideration, so as to cause the removal prayed for.

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

[Signed by 165 persons.]

1856.

NEW SOUTH WALES.

WELLINGROVE PETTY SESSIONS COURT.

(REMOVAL OF TO GLEN INNES.)

Ordered by the Legislative Assembly to be Printed, 31 October, 1856.

To the Honorable the Legislative Assembly of New South Wales.

The humble Petition of the Justices, Landholders, Squatters, and other Residents in
the Police District of Wellingrove, New England,

SHEWETH :—

That your Petitioners labour under a heavy grievance, owing to the inconvenient locality in which the Court of Petty Sessions in this District is at present held. Your Petitioners would beg to bring under the notice of your Honorable House the propriety of removing the Court to the Township of Glen Innes, and to call attention to the following facts, on which the suggestion is grounded :—

1st. The Township of Glen Innes, owing to its position on the Main Northern Road, equi-distant between Armidale and Tenterfield, and possessing abundance of the *best* agricultural land, has every chance of becoming, in a few years, a large and populous place; whilst Wellingrove, on the contrary, enjoying none of these advantages, being remote in position, and barren in soil, must ever remain a desert.

2nd. Glen Innes is now in the centre of the *population* of the District, and the nearest and most convenient spot for the majority of the Magistrates to attend.

3rd. The quantity of land sold at Glen Innes has been 1,872 acres, amounting to £2,287; and numerous applications have been made for more. Land sold at Wellingrove, 144 acres, amounting to £433.

4th. There is a bi-weekly mail to and from Sydney and Glen Innes, whilst to and from Sydney and Wellingrove the communication is once a week only. There are also far greater facilities for transacting business, escort of prisoners, and other details of police duty, at the former place.

5th. The Township of Stonehenge, with an unlimited extent of the best arable land in its vicinity, which will cause a large accession to the population, adjoins Glen Innes; the distance from Wellingrove being 22 miles. Dundee, also, having a nucleus of a population in a Mill, Store, Inn, &c., is distant from Glen Innes 17 miles; from Wellingrove 26 miles.

6th. The Bench now hold a sum of money, granted by the Government, for the erection of a Court House, and other necessary buildings, including a lock-up, so that there will be no needless expenditure of public money.

PETITION.—WELLINGROVE PETTY SESSIONS COURT.

In support of these assertions, your Petitioners would beg to submit for your consideration the Memoranda attached to this Petition, viz. :—

1st.—A list of Stations in the District, with an account of Stock and approximate distances from each place; which, taking sheep as a test of population, will shew a large preponderance in favor of Glen Innes.

2nd.—An account of Land sold at each place; with prices, &c.

3rd.—An account of wheat and other grain, potatoes, &c., produced last year at each place.

4th.—A list of Magistrates of the District, with distances of their residences from each place.

We would also beg to refer your Honorable House to the correspondence which has already taken place with the Government on this subject, and to the Statistical and other Returns made to the different departments of the Government, which we trust will fully bear out your Petitioners in the justice of their prayer, and will cause your Honorable House to take their complaint into immediate consideration.

And your Petitioners will ever pray.

[Here follow 29 Signatures.]

1856.

NEW SOUTH WALES.

POLICE MAGISTRATE AT QUEANBEYAN.

Ordered by the Legislative Assembly to be Printed, 14 November, 1856.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The Petition of the undersigned Magistrates, Landholders, and other Inhabitants of the
District of Queanbeyan,

RESPECTFULLY SHEWETH,

That, in their opinion, there exists at this time an urgent necessity for the appointment of a Police Magistrate at the Township of Queanbeyan.

Your Petitioners beg to represent that the number of Magistrates at the Township of Queanbeyan who now carry on the Police duties is so small, numbering only seven, that these duties are very irregularly performed, producing thereby much inconvenience to the public generally.

This inconvenience is still further increased in consequence of the whole of the Magistrates, with one exception, residing at considerable distances from Queanbeyan, the nearest being twelve miles, and, as the Police District is both extensive and populous, parties requiring the services of Magistrates have to seek them at great uncertainty and trouble; they therefore frequently forbear initiating cases of importance rather than prosecute them under such disadvantages.

In alluding to the fact that it frequently happens on Court days that there is not a sufficient number of Magistrates to constitute a Bench, causing thereby great disappointment, pecuniary loss, and delay to both suitors and defendants, we do not mean to reflect on the gentlemen now in the Commission, for when we consider the long distances at which they reside, a very regular attendance can scarcely be expected.

That your Petitioners would further beg to point out, that the Township of Queanbeyan is situated on the high road to Maneroo, and is the only township at which Petty Sessions are held between Goulburn and Cooma, a distance of one hundred and thirty miles, thereby embracing all the Police business of the minor intermediate townships, including Bungendore, Molonglo, Micalogo, and Gundaroo. The township itself is much increasing, and the inhabitants feel the great want of a resident Magistrate to attend to the daily business which arises, and the direction and supervision of the Police duties generally, including the enforcement of the various Municipal Police Acts which have become here next to dead letters.

That your Petitioners consider it unnecessary to enumerate the various evils and inconveniences which necessarily arise from the want of a due attention to the administration of justice in such an important District, and they therefore pray that your Honorable House will be pleased to take such measures as may be necessary for the appointment of a Police Magistrate at Queanbeyan.

And your Petitioners will ever pray.

[Here follow 198 Signatures]

1856.

NEW SOUTH WALES.

POLICE MAGISTRATE AND COURT HOUSE AT
PANBULA.

(PETITION FROM INHABITANTS OF THE DISTRICT.)

Ordered by the Legislative Assembly to be Printed, 17 December, 1856.

To the Honorable the Legislative Assembly of New South Wales, &c., &c., &c.

The Petition of the undersigned Inhabitants of Panbula, Bega, and surrounding Country,—

RESPECTFULLY SHEWETH,—

That the Twofold Bay District is greatly in need of some arrangement that will render the Administration of Justice more speedy and efficient.

That there are, at the present time, only three Magistrates in the District; two of whom—James Manning, Esq., of Kameruka, and Henry Wren, Esq., of Bega,—are resident thirty-two and thirty-seven miles respectively from the Court House at Eden, involving a journey of some seventy miles over a mountainous country with bad roads.

That both of these gentlemen are actively engaged in their respective callings, and find themselves unable, in consequence of the great inconvenience and loss of time it entails upon them, to attend regularly to their Magisterial duties.

That the business of the Court is deferred from week to week, to the great inconvenience of many; and, in fact, for all efficient purposes, the District may be considered without a Bench.

That the Records of the Police Office at Eden show that a majority of the cases brought before the Bench are from Panbula, Bega, Kameruka, and the Honeysuckle Flat; and, from the peculiar situation of Eden, people from the above localities having to attend the Court must pass through Panbula, which is the most central township in the District, and this necessity involves a further journey of twenty-four miles.

Your Petitioners therefore pray, that a Police Magistrate may be appointed to the District, and a Court House erected at Panbula, being convinced that the business of the Bench and the convenience of the Public will be greatly facilitated thereby.

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

[Here follow 68 Signatures.]

5 December, 1856.

1857.

NEW SOUTH WALES.

POLICE MAGISTRATE, WARWICK.

(INHABITANTS AND HOUSEHOLDERS PRAYING APPOINTMENT OF.)

Ordered by the Legislative Assembly to be printed, 6 January, 1857.

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

The humble Petition of the undersigned Inhabitants and Householders, resident in the
Town and Police District of Warwick, Darling Downs,

SHewETH :—

That the Town of Warwick is the most populous in the District of Darling Downs, and that the immediate neighbourhood is the seat of a considerable rural and squatting population.

That the Police Business of the said Town and Police District is considerable, and demands frequent Courts to be held there during each week.

That although the Commissioner of Crown Lands for Darling Downs holds the additional appointment of Police Magistrate, yet, as that gentleman's residence is distant somewhere about fifty miles from Warwick, and as he is required to hold Courts at Dalby, (distant from Warwick one hundred miles,) it is impossible that he can hold, and your Petitioners believe that he has held, but few sittings at Warwick.

That the administration of Justice amongst a population like that of Warwick and its neighbourhood, is a desideratum which can only be attained by the appointment of a Police Magistrate; and, believing that your Honorable House is desirous of conferring this boon where it is really required,—

Your humble Petitioners therefore pray, that it may please your Honorable House to take the premises into consideration, with the view of adopting such steps as to your Honorable House may seem desirable.

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

[Here follow 69 Signatures.]

1856.

NEW SOUTH WALES.

THOMAS ABBOTT.

Ordered by the Legislative Assembly to be Printed, 16 September, 1856.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of Thomas Abbott, of Dungog, in the Colony of New South Wales.

HUMBLY SHEWETH:—

That your Petitioner was, on the first of September, one thousand eight hundred and forty, on account of meritorious conduct in resisting Bushrangers, appointed Chief Constable at Dungog, and continued to hold that appointment until the thirtieth of September, one thousand eight hundred and fifty-five, being upwards of fifteen years.

That during that period no charge of misconduct or neglect was ever made against your Petitioner; but, on the contrary, he frequently received high recommendations for his efficiency and energy.

That some years after his appointment, your Petitioner purchased several town allotments, and having a large family—some being sons, of an age enabling them to work—he put into cultivation several of the lots so purchased by him, but has never permitted his doing so to interfere in the slightest way with the discharge of his duty, his sons and servant doing all the labor.

That about twelve months ago your Memorialist was compelled to take public notice of the conduct of one of the Magistrates; his charge of habitual drunkenness, &c., was sustained, and a supersedeas was issued against that Magistrate's commission: by this act your Petitioner fears he rendered himself obnoxious to another Magistrate, or Magistrates, on the Bench, for, shortly after, your Petitioner received verbal notice to remove his residence within the township, or that he would be dismissed; but on pointing out that his residence was already within the township, and not above a quarter of a mile from the Court House Reserve, he heard no more on the subject.

That on the 29th of September, he received a letter from the Magistrates, of which the following is a copy:—

“ Police Office, Dungog,
“ 21 September, 1855.

“ Sir,

“ Some months ago you were instructed by us, in Petty Sessions assembled, either to give up farming or resign your situation as Chief Constable, it being quite impossible for you to do justice to both, more especially to the public service, for which you have been so long well paid, and to which your whole time and attention was required. We, therefore, now feel it to be a duty we owe to ourselves and the inhabitants of the District, to inform you, that your services as Chief Constable will be dispensed with on and after the 30th day of the present month. This decision is the more necessary seeing the order given to you by a full Bench has been too long trifled with, and would, if longer passed over, prove most injurious to the efficiency and respectability of the Bench to which we have the honor to belong.

“ We are, Sir,

“ Yours obediently,

“ THOS. COOK, J.P.

“ THOS. HOLMES, J.P.

“ To Mr. Thos. Abbott, C.C.,
“ Dungog.”

From the twenty-first day of September, which was a Bench day, your Petitioner had no knowledge of this letter being written—no opportunity for remonstrance or explanation was afforded, a constable handing to him on the twenty-ninth the letter dismissing him on the thirtieth. Your Petitioner never understood from the Bench that he was required to give up farming, otherwise than by removing from his residence, as before explained.

Several inhabitants of Dungog sent in a memorial to the Bench, pointing out the continued good services of Petitioner, and the good order preserved in the town and district by his exertions, and praying that the decision of the Bench might be reconsidered; but your Petitioner understands the Bench declined doing so.

That your Petitioner addressed a letter to His Excellency the Governor General, praying that an investigation might be made, but this request was also declined.

Your Petitioner, therefore, comes before your honorable House, assuring you that the inhabitants of the Town and District will fully justify his assertion that for upwards of fifteen years he performed his duty efficiently, and secured for the Town and District good order, and safety for life and property; assuring you also that no opportunity of defence against any charge was ever given him, and that he believes no charge against him can exist.

Your Petitioner also respectfully urges his claim of long service, and the great tribulation which being suddenly deprived of his means of living brings on his large family.

And your Petitioner humbly prays that your Honorable House will cause some enquiry to be made, and will, if your Honorable House is of opinion that your Petitioner has been a faithful public servant for many years, and has been undeservedly deprived of his appointment, afford such redress as your honorable House may deem to be just.

THOMAS ABBOTT.

1856.

NEW SOUTH WALES.

FREDERICK DUNBAR.

(CLAIM FOR REDRESS.)

Ordered by the Legislative Assembly to be Printed, 31 October, 1856.

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

The humble Petition of Frederick Dunbar, Quondam Captain of Her Majesty's 39th
Regiment, and late Clerk of Petty Sessions at Wellingrove,—

RESPECTFULLY SHEWETH:—

That Petitioner, in the year 1853, having witnessed many acts of inebriety, inconsistent with the dignity of the Bench, and the decorum and propriety which should ever attend the administration of the laws, judged it right and proper to call the attention of the Government to the said acts, specially reporting to the Colonial Secretary that two Magistrates, Messieurs Wauchope and Burges, on the Bench, during the hearing of a charge of sly grog selling, drank brandy with each other from a flask or bottle which the former had brought to the Court in his pocket, as a sample of some fifty gallons he had to dispose of to the latter, and the sale was effected in Petitioner's presence and hearing, in open Court, without the said Justices for a moment vacating their official seats at the Bench.

That, without any further investigation of the circumstance than is implied in the Colonial Secretary's letter of the 8th November, 1853, addressed to the Bench of Magistrates at Wellingrove, Petitioner was arbitrarily dismissed from office, at the request of these Magistrates, for they constituted the Bench, the other Magistrates, owing to some differences among themselves declining to act together for a long time previous, conveyed in their letters of the 20th October, 1853, which letters Petitioner has never been able to obtain copies of, although they contain matter of such vital importance to him, and although applied for respectfully from the Bench; and through the Colonial Secretary.

That Petitioner would most humbly and respectfully submit, for the gracious consideration of the Legislature, in Parliament assembled, the extreme hardship of his case in having been subjected to the degradation of dismissal without due investigation, in the gratuitous and erroneous attack upon Petitioner's honor and character in the allegation by the Colonial Secretary in his letter to the Bench at Wellingrove, of the 8th November, 1853, that Petitioner had been previously removed from other Benches for misconduct, such statement being contrary to fact, as the records of office will prove, in the refusal to grant Petitioner copies of the Magistrates' letters requesting Petitioner's removal from office, and their reasons for such request, and thus constituting the accused Magistrates judges in their own cause; and, lastly, in Petitioner's having been cast adrift several hundred miles in the interior of the Country, destitute of the means of removing his family from the midst of enemies eager for his and their ruin and destruction, as they have but too plainly evinced by every means in their power.

That Petitioner humbly and respectfully rests his case on the justice of Parliament, and prays for such redress as to your Honorable House may appear right, and conformable to the equitable maxim "Do unto others as you would they should do unto you." And your Petitioner will, as in duty bound, ever pray,

FREDERICK DUNBAR.

Wellingrove, 19 August, 1856.

1856.

NEW SOUTH WALES.

MR. FREDERICK DUNBAR.

(REMOVAL FROM THE OFFICE OF CLERK OF PETTY SESSIONS.)

Ordered by the Legislative Assembly to be Printed, 12 December, 1856.

RETURN to an *Address* from the Legislative Assembly of New South Wales, dated 28 November, 1856, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table,—

“Copies of all Correspondence between the Government and the Bench of Magistrates at Wellingrove, having reference to the removal of Mr. Frederick Dunbar from the office of Clerk of Petty Sessions at Wellingrove, in the year 1853.”

SCHEDULE.

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MR. FREDERICK DUNBAR.

No. 1.

THE CLERK OF PETTY SESSIONS, WELLINGROVE, to THE COLONIAL SECRETARY.

Wellingrove, 7 September, 1853.

SIR,

I have the honor to report to you, for the consideration of His Excellency the Governor General, one of the most indelicate pollutions of the seat of justice, and breach of law, which it has ever fallen to my lot to witness.

This morning, while inquiry was being made respecting an information filed by Chief Constable John Proctor, for breach of the Licensing Act, from a witness named Michael Rafferty, before Andrew Wauchope and George Burges, Esquires, Justices of the Peace, on the Bench, in open Court, Mr. Wauchope took a bottle of brandy out of his pocket, saying to his brother Justice, "Burges, will you have a nip of brandy;" and, accordingly each of their Worships partook of this treat, without even the form or ceremony of leaving their seats, or retiring. Mr. Burges then asked, "Is this a sample of the brandy you spoke to me about?" and, on being answered in the affirmative, said "It is very good;" and inquired the price, which was stated to be, to the best of my belief, fifteen shillings and six-pence per gallon, and the quantity about fifty gallons. Mr. Burges then agreed to take one half of it at that price, and the bargain having been concluded, the bottle was returned to its resting place, in his Worship's pocket.

This took place in my presence, in a subdued tone of voice, which I could not avoid hearing, being at the same table with their Worships, fulfilling the duties of my office. The Chief Constable was in the Court at the time, and I believe Constable John Clarke was in attendance also. I have no doubt the liquor was brandy, for, although I did not taste it, yet the smell of it was so strong that I could not be mistaken as to its being brandy, which I also doubt not their Worship's will admit.

Having a doubt as to the law of the question, whether a conviction under the 13th Vict. 29. could be sustained, unless delivery could be proved, and there being no Magistrate duly qualified under the above recited Act in the district, willing to take such information, or to hear the case, with the exception of Hugh Gordon, Esquire, of Strathbogie, who has not for the last two years sat on the Bench, and has declared that he never will sit with his brother Justices, I am compelled to submit the case for the consideration of His Excellency for advice, instruction, and support in the performance of my duty.

His Excellency will deal with the former part of the charge—that of profanation of the temple of justice by transforming it into a grog-shop—as it deserves, I am confident; and with respect to the latter, I forbear to comment further upon the matter than to say, it may have been done in the simplicity of their worship's minds!—simple, indeed! when it is considered that they were at that very instant occupied in the consideration of a case under the very Act of Council of which they were themselves committing an open and flagrant violation, far greater in culpability than the former—for it was only an implied or imputed case, in which the employer is made answerable for the act of his servant, proved to have been done without his knowledge, and contrary to his expressed commands—prosecuted in a spirit of malevolence and revenge disgraceful to all who are the promoters of such profanation of the halls of justice.

I beg, in conclusion, to state, that it has just come to my knowledge that Chief Constable Proctor is about to proceed to Maitland, and from thence to Sydney; and, as a matter of course, he will have to present or report himself to the Inspector-General of Police; and I do myself the honor to suggest that this will afford a good opportunity of questioning him on the subject; at the same time to say, that unless caution is used in so doing the truth of the matter will not be elicited.

I have, &c.,

FREDK. DUNBAR,

C. P. S.

THE HONORABLE

THE COLONIAL SECRETARY,

Sydney.

No.

No. 2.

THE COLONIAL SECRETARY to MESSRS. BURGES AND WAUCHOPE.

*Colonial Secretary's Office,**Sydney, 30 September, 1853.*

GENTLEMEN,

I do myself the honor, by direction of His Excellency the Governor General, to refer to you for any explanation or observations that you may desire to offer thereon, the accompanying communication from the Clerk of Petty Sessions, Wellingrove, respecting your conduct on the Bench, on the 7th inst.

I have, &c.,

W. ELYARD.

ANDREW WAUCHOPE, ESQ., J.P., and
GEORGE BURGES, ESQ., J.P.

Wellingrove.

No. 3.

A. WAUCHOPE, ESQ., to THE COLONIAL SECRETARY.

Wellingrove, 20 October, 1853.

SIR,

I do myself the honor to acknowledge receipt of your communication of the 30th ultimo, enclosing a letter from the Clerk of Petty Sessions, Wellingrove, to you, and referring to myself and Mr. Burges for any explanation or observations we may desire to offer thereon, respecting our conduct on the Bench on the 7th September, ultimo.

The said letter of the Clerk of Petty Sessions I beg to return, as requested on the margin of your letter; and the statements contained in same I shall proceed, for the information of His Excellency, to examine and remark on *seriatim*.

I may mention, in the first place, that my friend Mr. Burges and I, happening to be in Sydney together, in the month of May last, agreed, for our mutual convenience, to purchase together a cask of brandy, which was done by me on our joint account—the price, &c., being equally shared in by us.

On the 7th ultimo (on the morning of which day I had ridden nearly thirty miles through the bush, and Mr. Burges had walked some miles, to attend the Court,) a meeting of the Bench was held at Wellingrove. About 1 p.m., during an interval between the cases before us, it was suggested that we should retire to the inn at some distance, for refreshment. For the sake, however, of several attending as witnesses, who had many miles to return home after Court, we agreed to defer leaving until the business was finished. At this time—there being no one in the Court but the Clerk, who was writing, and Chief Constable Proctor in attendance—I offered to Mr. Burges my flask, remarking that it was a sample of our brandy. I think he tasted it, and inquired what the whole cost, including carriage and expenses would amount to? I replied I was not quite sure.

Mr. Dunbar's statement that Mr. Burges agreed to take one-half of "the cask at that price," and of "the bargain being concluded," is purely the fruit of his own imagination, and utterly false and malicious.

His doubt as to the law of the question, unless assumed as an excuse for laying the previous calumny before His Excellency, betrays an ignorance on his part of one of our most commonly used and best known Acts, disgraceful in his position; while his statement that there is no Magistrate duly qualified to take such information against us or to hear the case, with the exception of Hugh Gordon, Esquire, "who has declared that he will not sit with his brother Justices," is equally without foundation; for there are, besides, Captain Ditmas, J.P., and Edward Ashbee, Esquire, J.P., alike qualified with Mr. Gordon—and the latter has never made such a declaration as to not sitting with his brother Magistrates.

The following paragraph in Mr. Dunbar's communication speaks for itself. His sneers and sarcasms, his exceedingly offensive and indecorous language, and his strictures on the subject of a case still, by adjournment, under consideration by the Bench (and in which case throughout he has exhibited much inclination to thwart the ends of justice)—all these exhibit a spirit of malice in the writer scarce worthy of notice, except in so far as the language is addressed by a Clerk of Petty Sessions to the Colonial Secretary—and the subject

of

of his sneers and of his impertinent and offensive language is the Bench of Magistrates under whom he is employed to act. His charge at the conclusion—of our being actuated in this case by a spirit of “disgraceful malevolence and revenge,” assumes a more tangible shape; and in justice to myself, as a gentleman and a Magistrate, I would respectfully, but most anxiously, pray that His Excellency may be pleased to direct the writer of the allegation to substantiate what he has here asserted. If he can prove the same, by that proof I and the other members of the Bench who have taken a part in the case in question must be held as disgracing and unfit for that commission with which it hath pleased His Excellency to honor us: and should he fail to do so, then I shall expect, and leave him to receive, from His Excellency that meed of punishment which the author of a calumny so wanton and opprobrious may be considered to deserve.

In conclusion, it may not be considered out of place to remind you, for His Excellency's information, that Mr. Dunbar, within the last few years, has been Clerk of Petty Sessions in *three* different districts, and been removed from one to another at the express and unanimous desire of the Magistrates in each.

The records of your office, if referred to, will exhibit the reasons which in each successive case caused his removal; and to the same untractability of temper, to the same officious meddling in matters in which he has no connection, and to the same malicious and vexatious spirit of contradiction and opposition to those with whom, and under whom, he is employed to act—which made his name a bye-word in his former districts, and himself the subject of universal dislike throughout Wellingrove (to all, at least, with whom he has come in contact)—I would trace the origin of the present communication from him, to which I am called on to answer.

I have, &c,

A. WAUCHOPE.

I fully coincide in, and beg to confirm, the preceding statements of A. Wauchope, Esquire.

GEO. BURGES.

P.S.—I may mention that the case alluded to in Mr. Dunbar's letter—“Proctor against Pulleston”—was decided to-day, since writing the above. The defendant was fined £30, which sum was at once paid by his partner, Mr. Rawson, who appeared on his behalf, without even demanding a copy of the proceedings. The depositions, &c., have been ordered to be copied, and I shall have the honor of forwarding the same next week for the information of His Excellency the Governor General.

A. W.

No. 4.

THE BENCH OF MAGISTRATES, WELLINGROVE, to THE COLONIAL SECRETARY.

Wellingrove, 20 October, 1853.

SIR,

We, the undersigned, Magistrates of the Territory of New South Wales, being *the whole of the acting Magistrates* for this District, beg most respectfully to request that you will remove Mr. Frederick Dunbar, Clerk of Petty Sessions, here, from his present situation, as we have all of us made up our minds never to sit on the Bench with him as our Clerk.

In support of the position which we take in this matter—although many things have occurred, which if necessary, we can place before you for the information of His Excellency, the Governor General—we beg only to call your attention to the correspondence in which he has charged two of the Members of this Bench *with sly grog selling*; the language used by him leaves us no other course than that which we have been compelled to adopt, and

We have, &c.,

P. DITMAS, J.P.

GEO. BURGES, J.P.

A. WAUCHOPE, J.P.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 5.

THE COLONIAL SECRETARY to THE BENCH OF MAGISTRATES, WELLINGROVE.

Colonial Secretary's Office,

Sydney, 8 November, 1853.

GENTLEMEN,

Having laid before the Governor General your letters of the 20th ultimo, the one requesting the removal of the Clerk of Petty Sessions of your district, and the other reporting upon complaints preferred by that officer against Messrs. Wauchope and Burges, two of the Members of your Bench, I am instructed to inform you that your explanation appears to be perfectly satisfactory.

2. I am further to state, that as the charges brought by Mr. Dunbar against the above named Magistrates are evidently not only groundless, but of a very frivolous, and at the same time malicious character, and as Mr. Dunbar has already been more than once removed from one Bench to another for insubordinate and quarrelsome conduct towards the Magistrates he was serving under, it is clear that it is not for the interests of the public that he should continue to hold office under the Government.

3. His Excellency is therefore pleased to direct that Mr. Dunbar be dismissed accordingly.

I have, &c.,

E. DEAS THOMSON.

THE BENCH OF MAGISTRATES,
Wellingrove.

No. 6.

MR. FREDERICK DUNBAR to THE COLONIAL SECRETARY.

Wellingrove, 29 October, 1853.

SIR,

It is with unfeigned confidence that justice will be done, that I again do myself the honor to trespass upon you, for the consideration of His Excellency the Governor General, with the following facts relative to the administration of justice, which cannot be disproved.

On the 28th November, 1851, information was lodged before P. Ditmas, Esq., J. P. by Daniel Tuohy, against John Little, for robbery, and a warrant granted for his apprehension, which accordingly took place, and the case was set down for hearing on the 4th December, 1851. I was requested by the Bench to warn the Prosecutor and the Witnesses to be in attendance on that day, there being a scarcity of constables. I warned the Prosecutor, Daniel Tuohy, myself, personally, to attend on that day, telling him at the same time, that if the Magistrates should alter the time appointed, I would send him notice by the messenger to and from Frazer's Creek. This man was in the service of Hugh Gordon, Esq., of Strathbogie, to whom I wrote requesting he would be good enough to cause Tuohy to attend; also sending a notice for Tuohy to the same purport by the post-boy, John Cole, to be delivered to him, or to the overseer, John McCutcher, who I requested to warn him to attend. The Prosecutor did not attend. The case being called before P. Ditmas and G. Burges, Esquires, Justices of the Peace, was dismissed, and the Prisoner set at liberty *without further inquiry.*

On the following post-day I received a note from Mr. Gordon that it was no part of his business to cause Tuohy to be warned, and on inquiry from the Prosecutor why he did not attend to the subpoena, he stated that *Mr. Gordon had threatened him with punishment, under the Master and Servants' Act, if he should dare to leave the station on that day.* The post-boy also acquainted me that the Overseer, in consequence of the instructions I gave him, immediately, in his presence, sent a messenger for the purpose of warning Tuohy, but

that

that Mr. Gordon desired him to be recalled before he had gone out of sight. Thus, a robber was permitted to escape the punishment due to his crimes, only to repeat his offence on the 22nd September, 1852, upon which he was again discharged *without a hearing*, the Prosecutor in this case, John Burke, having, in consequence of the flooded state of the water-courses, been unable to attend at 10 a.m. on the 29th September. He was in attendance at 11 a.m., having narrowly escaped drowning in order to be present.

I will offer no comments on facts which must speak for themselves; but it may be asked, why have I raked up a case so long gone by? my answer to which I have the honor to submit for His Excellency's consideration, viz. :—That Mr. Gordon had declared subsequent to, and in reference to some matters arising from, His Honor the Chief Justice's decision in the case *Wright v. Gordon*, in which the Defendant was fined £100 with costs for slander, that he would never act as a Magistrate with either Captain Ditmas or Mr. Burges, that having now cancelled that pledge by joining these gentlemen in signing some petition or request for my removal from office, of which I complain I have not been furnished with a copy, I deem it advisable to acquaint His Excellency of the fact.

I also complain, most respectfully, of the conduct of Mr. Gordon during the hearing of the case of my charges against the Chief Constable, on the 28th July.

The Court, on that occasion, was ordered to be held with closed doors; Mr. Gordon would not take his seat on the Bench, but he was permitted by the Bench to remain in the Court, and almost on every question being put, or answer given, Mr. Gordon would rise from his seat, and hold private converse by whisper with either or both Andrew Wauchope or George Burges, Esquires, who were trying the case. I complain grievously of such unheard of proceeding in a Court of Justice, and I request that Captain Ditmas, the other Magistrate on the Bench, may be called upon with respect to this fact.

I have been informed by the last-named gentleman that he signed the document above referred to while labouring under an acute attack of illness, scarcely cognizant of what he was signing, being too unwell to be able to read it, being confined to his bed, that he could not tell me any of the causes of discontent therein set forth, but that it was represented to him to be his duty to sign it by *Mr. Wauchope and Mr. Burges*, who also represented to him that this tasting and selling of brandy by these two gentlemen on the Bench occurred while the Court was closed. I most distinctly and positively deny that assertion, and beg leave to state in confirmation of my charge, that on the case *Proctor v. Puleston* being called for hearing, Captain Ditmas left the office, saying that he did not intend to act in that case, and that it was still under discussion when he came again into Court, and, to the best of my belief, the witness Rafferty (who was under examination, but not on oath,) was yet in the Court when Captain Ditmas came back, and it was decided in his presence to adjourn the case for six weeks, he himself having been consulted, and said if it rested with him he would certainly adjourn the hearing of it, clearly evidencing that there was no closing of the Court during the time alluded to. Whilst the inquisition of Rafferty was going on, I was employed in filling in some necessary documents, the examination not requiring to be recorded as it was not sworn to, nevertheless, it *was* as much the business of the Court as anything that had been transacted on that day, and such an act at such a time and place, cannot be designated otherwise than *pessimi exempli*.

I have already exhibited, in the case of Constable Clark, charged with being a receiver of stolen property, and again in the administration of an extra judicial affidavit by George Burges, Esquire, *v. John Proctor*, in breach of 9th Vic., No. 9, c. VII and XII, such want of knowledge of the duties of a Magistrate, that it would be impertinent for me to comment upon them in this place. I felt satisfied from the outset that His Excellency would see justice done, and I submit my present complaint in the full assurance that the unenviable task, Augean as it is, which has devolved upon me will be duly appreciated.

I have, &c.,

FREDERICK DUNBAR,

C. P. S.

P.S.—The man, John Little, was in the employ of Geo. Polhill, Esq., J. P., of Wellingrove.

THE HONORABLE

THE COLONIAL SECRETARY.

No. 7.

THE COLONIAL SECRETARY to THE BENCH OF MAGISTRATES, WELLINGROVE.

Colonial Secretary's Office,

Sydney, 18 November, 1853.

GENTLEMEN,

Having laid before the Governor General a letter from Mr. Dunbar, late Clerk of Petty Sessions, Wellingrove, complaining of the conduct of Hugh Gordon, Esq., J.P., in respect to the case Tuohy *versus* Little—I am desired to state, for Mr. Dunbar's information, that the case detailed in his communication is so evidently raked up from personal feelings of spite, on account of Mr. Gordon having joined the other Magistrates in applying for his removal, that it only confirms His Excellency in the propriety of his decision, which was communicated to you on the 8th instant, directing Mr. Dunbar's dismissal from the office of Clerk of Petty Sessions.

I have, &c.,

E. DEAS THOMSON.

THE BENCH OF MAGISTRATES,

Wellingrove.

1856.

 NEW SOUTH WALES.

 ALEXANDER JOHN EVELYN.

Ordered by the Legislative Assembly to be Printed, 11 November, 1856.

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

The Petition of Alexander John Evelyn

HUMBLY SHEWETH,—

That, on the 13th ultimo, between 6 and 7 o'clock in the evening, your Petitioner was arrested and taken to the Station House, on a warrant issued by the Inspector General of Police, apparently without any sworn information.

That, on the following morning, your Petitioner, appearing on bail, was committed to take his trial, for an assault on Mr. Parker, at the Court of Quarter Sessions, to be holden in Sydney on the 27th ultimo, and that he attended that Court, in fulfilment of his recognizances accordingly.

That your Petitioner then ascertained, that the intention of trying before the Court to which he stood committed, had been abandoned, the case having been removed into the Supreme Court, before which he has since been cited to appear on the 1st December next.

That your Petitioner believes such transference of his case from one tribunal to another to be an unusual, if not an unconstitutional proceeding, and one which calls for inquiry at the hands of your Honorable House.

That your Petitioner ventures to submit, that, apart from any inconvenience to which he individually may have been subjected, the departure from the ordinary course of justice in his case, entitles him to appeal to that tribunal which by law has jurisdiction over every kind of public abuse or oppression; and he therefore, under the circumstances stated, begs that your Honorable House will favorably consider his Petition, and afford him such relief as to your Honorable House may seem meet.

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

A. J. EVELYN.

Sydney, 5 November, 1856.



1856.

NEW SOUTH WALES.

JOSEPH WILKES.

(PRAYING INQUIRY INTO CONDUCT OF A MAGISTRATE AND POLICE OFFICERS.)

Ordered by the Legislative Assembly to be Printed, 28 November, 1856.

To the Honorable Members of the Legislative Assembly of New South Wales.

The Petition of Joseph Wilkes, late of Sandilands, Richmond River, shepherd, but now of Garryowen, Balmain, gardener, —

SHEWETH:—

That your Petitioner was, in the the month of April, one thousand eight hundred and fifty-five, in the employment of the Messieurs Robertson, of Sandilands aforesaid, stockholders.

That your Petitioner had, at that time, a family consisting of a wife and four young children.

That, on the ninth day of April in the same year, your Petitioner left his family, and proceeded as usual with the sheep of his employers, and on coming home in the evening, at a short distance from his hut, he met one of his younger children crying, and, on your Petitioner calling to his wife and not receiving any answer, he proceeded to his hut, and found his wife quite dead, her head dreadfully mutilated.

That your Petitioner having missed two of his elder children, one aged eight years, the other seven years, he searched that night for them, and, the next morning, found them, the older alive with severe wounds on his head, the other dead.

That the hut of your Petitioner was ransacked, and a deposit receipt of the Sydney Savings' Bank for fifty pounds, and forty-four pounds in gold, with other property, stolen.

That, on the tenth of April in the same year, the day after the murder, Chief Constable Alcock, at the instance of your Petitioner, came from Casino, and on the following day, the eleventh of April, Mr. Mackellar, a Magistrate, and a Mr. King, Superintendent to Mr. Clark Irving, came to your Petitioner's hut, and examined your Petitioner as to how he left his family on the morning of the ninth of April, and how he found them on his return; but Mr. Mackellar did not hold any inquest on the bodies of your Petitioner's wife and child, although there were several persons in the immediate neighbourhood.

That your Petitioner's wife and child were, immediately after the examination of your Petitioner, buried by the order of Mr. Mackellar, in a very inhuman and disgraceful manner, without coffins, and without burial service.

That your Petitioner immediately after the funeral, was arrested by order of Mr. Mackellar, on the charge of murder, and dragged from his dying son and surviving infant children to Casino, and there confined in irons.

That your Petitioner's son died within four weeks after, from the effects of the wounds he had received, without your Petitioner being allowed to see him, although your Petitioner applied for liberty to Constable Alcock, for the purpose of ascertaining who was the murderer.

That your Petitioner had not any hearing of the charge proffered against him until the second of June in the same year, and was, during that period, kept in strict confinement.

That your Petitioner on being brought up on the charge, before Mr. Mackellar and other Magistrates, your Petitioner was remanded for want of evidence, and forwarded to Sydney to stand his trial.

That your Petitioner accused a person named James Lynch (a shepherd in the same employment) with, and as the perpetrator of the murder, before Mr. Mackellar the Magistrate; yet, he, Mackellar, declined to take any step in the matter.

That your Petitioner was kept in irons, in the lock-up in Grafton, on his way to Sydney, for a period of seventeen days, and that, on arriving in Sydney, he was lodged in Darlinghurst Gaol to await his trial, and at the Criminal Court, in August, one thousand eight hundred and fifty-five, he was brought forward and discharged by Proclamation.

That your Petitioner, after he was so discharged, heard that Lynch was in Sydney, and had him, Lynch, arrested on the charge of murder; on the hearing at the Central Police Court, Sydney, before Mr. Dowling, Lynch was remanded to Richmond River.

That your Petitioner arrived at Richmond River on or about the eighth of September, one thousand eight hundred and fifty-five, and, on the seventeenth of the same month, the investigation on your Petitioner's charge against Lynch came on to be heard, before Mr. Mackellar. The witnesses for both sides were allowed to remain in Court, contrary to your Petitioner's remonstrance, and to the course pursued in such cases.

That Mr. Mackellar would not allow the evidence of your Petitioner's witnesses on Lynch's trial to be recorded, nor order the part of the property of your Petitioner which was stolen, but then discovered, to be produced, in order to be identified by your Petitioner.

That, on the day Lynch was discharged, Mr. Mackellar sent for your Petitioner, and committed him on a charge of perjury, said to be committed by Petitioner on his giving evidence against Lynch.

That, on the following day, your Petitioner being in custody, was again sent to Grafton in irons, and was there detained, in the same state, nineteen days, and afterwards he was forwarded to Sydney for trial.

That, on your Petitioner's arrival in Sydney, he was again confined in Darlinghurst Gaol, and, at the Criminal Court held in December, one thousand eight hundred and fifty-five, was again discharged by Proclamation.

That your Petitioner's two surviving children are under the care of friends since the time of the death of your Petitioner's eldest son, and your Petitioner is now employed as a gardener.

That your Petitioner prefers the following charges against Mr. Mackellar, Constables Alcock, Jordan, and Walsh:—

- 1st. That your Petitioner, in consequence of the unlawful, cruel, and malicious prosecutions against him, by Mr. Mackellar the Magistrate, and Constables Alcock, Jordan, and Walsh, your Petitioner has not been able to obtain an investigation to discover the murderer of his family, but has been almost driven to desparation and despair, by means of the protracted imprisonment and degradation, extending over a period of nine months, and his property, worth upwards of four hundred pounds, has been wasted and destroyed.
- 2nd. That your Petitioner could have made arrangements to have his property protected if he had been allowed to do so by Mr. Mackellar and Constable Alcock.
- 3rd. That your Petitioner has been unjustly and unlawfully arrested and detained in custody by Mr. Mackellar, Constables Alcock, Jordan, and Walsh, and, whilst in confinement, ill-treated, harrassed, and unnecessarily ironed and committed for trial, without any evidence against him to justify the same.

4th.

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- 4th. That the Magistrate, Mr. Mackellar, Constables Alcock, Jordan, and Walsh were the cause of the loss of your Petitioner's property, by reason of their harsh and unjustifiable conduct in not allowing your Petitioner to make such arrangements as would have secured his property whilst he was so confined.
 - 5th. That your Petitioner was kept in confinement contrary to law.
 - 6th. That your Petitioner has been ruined in circumstances, and unable to proceed to law against the said Mr. Mackellar as a Magistrate, and the said Constables Alcock, Jordan, and Walsh.

That your Petitioner earnestly solicits an inquiry to be instituted as to the conduct of the said Magistrate, Mr. Mackellar, and the said Constables Alcock, Jordan, and Walsh, and that such redress may be granted to your Petitioner as to your Honorable Assembly may seem fit.

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

JOSEPH WILKES.

Garryowen, Balmain,
21 November, 1856.



1856.

NEW SOUTH WALES.

CORNELIUS DELOHERY.

(PRAYING REDRESS.)

Ordered by the Legislative Assembly to be Printed, 10 December, 1856.

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

The humble Petition of Cornelius Delohery, formerly Chief Clerk of the Sydney Police Office.

RESPECTFULLY SHEWETH:—

That your Petitioner for a period of nearly twenty years filled appointments in the Police Offices of this Colony, (sixteen years as the Chief Clerk of the Sydney Police Office), and during the whole of such period succeeded, by strict attention and integrity in the discharge of his duties, not only in gaining the approbation of the numerous body of the Magistracy under whose observation the demeanour and efficiency of Petitioner in the discharge of his duties had fallen, but in giving full satisfaction to the several Heads of the Departments under whom he served.

That in the year 1850, during the superintendentship over the Police of E. D. Day, Esq., through an error made by one of Petitioner's Assistant Clerks, Petitioner was very unwittingly drawn into an unfortunate collision with Mr. Day, who, in furnishing a Report called for by the then Governor, having put forth therein a statement entirely at variance with the truth, which statement, affecting Petitioner seriously in his official capacity, Petitioner was consequently necessitated, in self-defence, to point out to the Government as inaccurate, at the same time drawing attention to certain official correspondence, in confirmation of the truth of Petitioner's statement.

That subsequently the subject of Petitioner's statement being brought before a Board of Inquiry, although Petitioner produced a written document in the hand-writing of Mr. Day, clearly substantiating the representation made by Petitioner to the Government; yet Petitioner was by such Board required to apologize to Mr. Day, and on Petitioner's declining to do so, (as it would have compromised his character for veracity) Petitioner was reported to the Government as insubordinate, and thereupon dismissed from his appointment.

That Petitioner immediately prepared, and submitted for the consideration of the Honorable The Executive Council, a full and true statement of all the circumstances connected with the case; and, within a short time thereafter, was not only reinstated, but paid the full amount of his salary.

That Petitioner, on his restoration, although fully sensible of the awkwardness of his position (being in daily intercourse with some of the gentlemen who had recommended his dismissal, and concerning whom he had, in his statement to the Executive, been compelled to write freely), still persevered in his customary strict and attentive discharge of his duties, and by such conduct, up to the period of Mr. Day's removal from his office, Petitioner

succeeded in retaining his situation ; but Petitioner regrets to add, that he found, from the manner of certain influential parties with whom his duties brought him frequently in contact, that his position as an officer of the Government was not only very insecure, but that notwithstanding all his caution, the course pursued must eventually lead to Petitioner's ruin.

That Petitioner, from the above causes, continued for months in a state of constant anxiety and apprehension, so much so, that his health became sensibly affected ; till, at length, reduced to extreme nervous debility, his customary discretion and firmness having forsaken him, he, at an unguarded moment, found himself unable to attend to, and consequently compelled to absent himself from his duties for a few days.

That your Petitioner, on the occasion of such illness, adopted the usual practice at the Police Office, by writing to the Head of the Department, praying that his temporary absence might be excused ; but Petitioner's enemies having anxiously awaited an opportunity, now eagerly seized upon this. Charges were preferred against Petitioner, the nature of which he was not made acquainted with ; meetings of Magistrates assembled to inquire into Petitioner's conduct, during Petitioner's illness and consequent confinement to his house. Petitioner was never confronted with his accusers. A Report was got up, in the most irregular manner—(and, as Petitioner is informed and believes, entirely in contravention to the terms of a then existing regulation)—which Report was forwarded to the Government ; and Petitioner was subsequently, by direction of the Colonial Secretary, called upon for (immediate) explanation.

That on receipt of the letter to the foregoing purport, Petitioner immediately applied to Mr. McLerie, for information as to the nature of the charge against him ; but was positively refused information on that head.

That so circumstanced, and while still suffering from severe illness, Petitioner very unadvisedly ventured a defence, which (as afterwards appeared) was insufficient, being in a manner foreign to the charge against Petitioner—Petitioner was soon after again dismissed from an appointment he had held for a very protracted period of years, it clearly appearing on the face of the document conveying such dismissal, that the former charge (in the matter of Mr. Day), notwithstanding Petitioner's having rebutted the same, formed one of the strongest grounds for His Excellency's decision.

That your Petitioner having in vain during the late Administration, appealed for some redress for the grievous injuries inflicted on himself and family by the extreme measures adopted towards him for a single act of irregularity, under his own roof, and which, in the case of any other officer of the Government, would have drawn no more than a mere admonition from the head of the department,—now most humbly submits that he has just claims for consideration, grounded on his long period of approved service, his efficiency, and propriety of conduct, coupled with the unprecedented irregularity and harshness of the means adopted in depriving him of his appointment.

And Petitioner, in conclusion, earnestly prays a favorable consideration of the premises, and that such measures be adopted in his case as to your Honorable House may seem just.

C. DELOHERY:

Bathurst-street, Sydney,
1 December, 1856.

1857.

NEW SOUTH WALES.

JOHN GERRIE—BIGAMY.

(CORRESPONDENCE RELATIVE TO.)

Ordered by the Legislative Assembly to be Printed, 27 January, 1857.

RETURN and FURTHER RETURN to an *Address* of the Honorable the Legislative Assembly, dated 4 November, 1856, for,—

“Copies of all Correspondence between the Honorable the Attorney General and Mr. Donald Macpherson, with reference to a case of alleged Bigamy on the part of John Gerrie.”

SCHEDULE.

	PAGE.
1. Mr. Donald Macpherson to the Honorable the Attorney General, 31 May, 1856	2
2. Enclosures to ditto, 31 May, 1856	2
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5. Copies of Certificates of first Marriage (2), 3 June, 1856	3
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8. Copy of certificate of second Marriage, 21 January, 1857	4

JOHN GERRIE—BIGAMY.

No. 1.

DONALD MACPHERSON, Esq., to THE ATTORNEY GENERAL.

16, Jamison-street, Sydney,

31 May, 1856.

SIR,

I beg to call your attention to a case of Bigamy that has recently happened within my knowledge, and to request that you will advise as to the steps necessary for its prosecution. From some peculiarity in it, you will readily perceive why this application is made to you instead of the Police Court.

An individual named John Gerrie, left Keith, in Banffshire, Scotland, in or about the month July, 1854, and emigrated to the Colony of New South Wales, by way of Melbourne, leaving a wife and child to come after him at some future period, and bringing a letter of introduction to the Reverend Alexander Salmon, of this city, from the Reverend A. McGilvray, Free Church Minister in Keith, Scotland, in which letter the wife and child are mentioned. This man, soon after his arrival, formed an acquaintance with Jane Warren, a young girl residing in this city, and in August last married her. Of said John Gerrie's second marriage the legal evidence is on the spot; of the former, there is epistolary moral evidence in hand, and the legal evidence is procurable without difficulty, though with the necessary delay, from Scotland.

The aforesaid John Gerrie has dreadfully abused the poor girl (Jane Warren) whom he deceived, and she is now separated from him on that account; but he proposes to demand her as his wife, so that she is not sure of protection. There is a danger of his making his escape, if he has not done so already, if he hears of the probability of a prosecution.

I have, &c.,

THE HONORABLE

THE ATTORNEY GENERAL,

Sydney.

DONALD MACPHERSON.

No. 2.

[Enclosures.]

Free Church Manse, Keith, Banffshire,

3 July, 1854.

MY DEAR SIR,

I beg to introduce to you the bearer, John Gerrie, a native of this parish. He is a wright by trade. His father is a member of the Free Church in Keith, and the bearer, John Gerrie, has attended both the Free Church Sabbath-school and Church in Keith. He is not, however, a member of the Church. He is married, and has one child. He expects both wife and child to leave Scotland for Sydney next summer, &c., &c., &c.

Extract from a letter, dated Free Church Manse, Keith, Banffshire, 12th January, 1856:—

MY DEAR SIR,

I sent to you by post, some time since, a letter in reference to one John Gerrie, builder, Sydney, who was mentioned in a Sydney newspaper, and other newspapers in Britain, as married to Jane Warren, Sydney, said marriage being celebrated on the first or second of August last, by the Rev. Mr. Collins, Balmain. Lest my letter may have miscarried, I beg again to mention that if this be the John Gerrie who lately left Keith, he has left here, cruelly deserted, both his wife and child. He was married shortly before leaving Scotland. I have no words to describe my disgust at Gerrie's conduct, both towards his wife, child, and poor mother-in-law, in Keith, and, so far as I understand the case, towards the Warrens, in Sydney, &c., &c., &c.

To

To the Honorable the Attorney General.

SIR,

The above are portions only of the epistolary documents at present in my possession, or, at all events, accessible if they be required.

It is possible I may have made some verbal mistakes in transcribing from Mr. McGilvray's letters (relative to John Gerrie's marriages) to the Rev. Mr. Salmon, but the originals are here.

I have, &c.,

31 May, 1856.

DONALD MACPHERSON.

No. 3.

THE ATTORNEY GENERAL to DONALD MACPHERSON, Esq.

No. 56-186.

Attorney General's Office,

Sydney, 6 June, 1856.

SIR,

I do myself the honor to acknowledge the receipt of your letter of the 31st ultimo, bringing under my notice a case of Bigamy against one "John Gerrie," who, it is believed, left a wife and child in Scotland, who are still living, and who subsequently married one "Jane Warren." I beg to state, that as the first step in a prosecution for Bigamy is proof of the first marriage, unless there be some witness in the Colony who was present at the ceremony, the charge could not be substantiated, so as to obtain a conviction and punishment.

I have, &c.,

J. H. PLUNKETT,

Attorney General.

DONALD MACPHERSON, Esq.,

16, Jamison-street, Sydney.

No. 4.

DONALD MACPHERSON, Esq., to THE ATTORNEY GENERAL.

16, Jamison-street, Sydney,

9 June, 1856.

SIR,

In reference to the subject of a communication addressed by me, dated 31st May last, to the Honorable the Attorney General, I beg to hand the annexed copies of certificates of the Reverend Mr. McGilvray, of Keith, in Scotland. I may add that the Reverend Dr. McKay, of the Free Church, in this City, has been shewn the letter of the former gentleman, with whom he is well acquainted, and whose handwriting he has attested.

I take the liberty to suggest, that there should be no needless delay in the steps necessary to the prosecution of this case, as John Gerrie is still in Sydney, braving the parties whom he has injured on the spot.

I have, &c.,

DONALD MACPHERSON.

THE HONORABLE

WILLIAM MONTAGU MANNING,

ATTORNEY GENERAL, &c., &c., &c.,

Sydney.

No. 5.

Keith, 3 June, 1854.

I hereby certify that John Gerrie, and Ann Lawrence, were this day married by me, before witnesses, after producing a certified extract of Proclamation of Banns.

(Signed) A. MCGILVRAY,

Minister of the Free Church, Keith.

(Endorsement.)

I hereby certify that the copy on the other page was written by me, this day, tenth December, 1855, in consequence of the announcement in a Sydney newspaper, and also newspapers in Britain, of the marriage of said "John Gerrie" to Jane Warren, New South Wales—the marriage with said Jane Warren being illegal and adulterous.

(Signed) A. MCGILVRAY.

Free Church Manse, Keith.

The above is a true copy of the original now in my possession.

A. WARREN,

No. 6, Windmill-street, Sydney,

4th June, 1856.

No.

No. 6.

THE ATTORNEY GENERAL to DONALD MACPHERSON, ESQ.
 No. 56-198. *Attorney General's Office,*
Sydney, 20 June, 1856.

SIR,
 In reply to your letter of the 9th instant, on the subject of the charge of Bigamy against "John Gerrie," I have the honor to state, that it does not appear to me that proof of the handwriting of the Rev. Mr. McGilvray's certificate will be sufficient evidence of the first marriage of "John Gerrie," to enable you to proceed against him upon a criminal charge of Bigamy.

2. It is, however, right that I should state, that I conceive it will not be proper for me to communicate further with you upon this subject. My duty, as Grand Juror, is to act in somewhat of a Judicial character upon committals by Justices of the Peace; and although, as Attorney General, it is competent to me to initiate criminal proceedings, this power is, and ought to be, reserved for rare and extraordinary occasions.

I have, &c.,

DONALD MACPHERSON, ESQ.,
 16, Jamison-street, Sydney.

W. M. MANNING,
 Attorney General.

No. 7.

DONALD MACPHERSON, ESQ., to THE ATTORNEY GENERAL.
 16, Jamison-street, Sydney,
 22 January, 1857.

SIR,
 With reference to former communications, dated 31st May, and 9th June 1856, respectively, and 19th January instant, which I have had the honor to address to your Office, touching an alleged case of Bigamy on the part of John Gerrie, I regret to state that I inadvertently omitted to transmit along with either of my first or second communication, a copy Certificate from the Register of the Scots Church, Church Hill, Sydney, of said John Gerrie's marriage to Jane Warren, of this Sydney. I beg leave to forward now such Certificate of Marriage, in duplicate.

I have, &c.,

THE HONORABLE
 W. M. MANNING, M.L.A.,
 ATTORNEY GENERAL, &c., &c., &c.,
 Sydney.

DONALD MACPHERSON.

No. 8.

CERTIFICATE OF MARRIAGE.

I, John Gerrie, do hereby declare that I am a member of, or hold communion with the Presbyterian Church of Scotland.

(Signed) JOHN GERRIE.

I, Jane Warren, do hereby declare that I am a member of, or hold communion with the Presbyterian Church of Scotland.

(Signed) JANE WARREN.

I, James Collins, of Balmain, Minister of the Presbyterian Church there, do hereby certify that John Gerrie, bachelor, of Surry Hills, Sydney, and Jane Warren, spinster, of the same place, were joined together in wedlock by me, on the first (1st) day of August, 1855, at Botany-street, Surry Hills, in the presence of Donald Macpherson and John Guild, both residing in Sydney, and Margaret Donaghy, also resident in Sydney.

Witnesses { (Signed) DONALD MACPHERSON.
 " JOHN GUILD.
 " MARGARET DONAGHY.
 (Signed) JAMES COLLINS, Minister.

Extracted from the Records of the Scots' Church, Church Hill, Sydney, this twenty-first day of January, eighteen hundred and fifty-seven years (1857), by me.

(Signed) JAMES COLLINS, of Balmain,
 Acting Minister of the Scots Church,
 Church Hill, Sydney.

ADDITIONAL CORRESPONDENCE.

16, Jamison-street,

Sydney, 19 January, 1857.

SIR,

With reference to a letter which I had the honor to address to your predecessor in office, Mr. Plunkett, Queen's Counsel, on the 31st May last—and another addressed to yourself, on the 9th June last—respecting a case of alleged Bigamy on the part of one John Gerrie, I have again the honor to transmit to your office a copy of a letter on the same case; received by the "Tiptree" from the Rev. A. McGilvray, of Keith, Scotland.

In your letter to me, dated 20th June, 1856, you say, "It is, however, right that I should state that I conceive it will not be proper for me to communicate further with you upon this subject."

The words quoted above do not appear to me either to express or to imply a prohibition to my furnishing your office with any additional information which might from time to time come to hand touching the case referred to; more particularly as it is contemplated by certain parties here to bring the whole correspondence under the notice of the Imperial Authorities, and the British public generally, with a view of showing the state of the Colonial Law on the Crime of Bigamy.

I have, &c.,

DONALD MACPHERSON.

THE HONORABLE

WILLIAM MONTAGU MANNING, M. L. A.,

ATTORNEY GENERAL OF NEW SOUTH WALES, &c., &c., &c.,

Sydney.

*Free Church Manse,**Keith, Banffshire, Scotland, 15 September, 1856.*

DEAR SIR,

I hereby beg to certify that the documents, copies of which are transcribed in your letter to me, dated 20th May, 1856, were both written by me on the same slip of paper,—the one document bearing date 3rd June, 1854, certifying that John Gerrie and Ann Lawrence were married by me, on the day mentioned;—the other document, dated 10th December, 1855, certifies that in the event of John Gerrie having been married to Jane Warren, in Sydney, said marriage was both illegal and adulterous.

I now enclose an extract of the marriage of John Gerrie and Ann Lawrence, kindly given to me by Mr. McCornachie, Registrar of Births, Marriages, and Deaths, in Keith.

I will keep carefully the documents transmitted by you, and, if necessary, they may be made available, if the Civil Authorities in New South Wales should apprehend John Gerrie, with the view of proving his guilt and inflicting merited punishment. You justly remark in your letter, "That it is fearful to contemplate the probable injuries which may accrue to society if such an outrageous piece of villainy as that of John Gerrie be allowed to pass with impunity." You have sufficient data to warrant the authorities in New South Wales to take up the case and deal directly with John Gerrie. The Rev. Dr. McKay, of Sydney, and probably the Rev. Mr. Salmon, of Sydney, and the Rev. Dr. Cairns, of Melbourne, can certify that the present letter, and the other documents referred to, were written by me.

The crime was not committed in Keith, but in Sydney, and it is there, I believe, and not here, that the case should first be taken up.

In taking a conjunct view of John Gerrie's conduct, whether I look to his own relatives here—to his wife, Ann Lawrence, and their young child, and Ann Lawrence's aged mother—or if I think of the unfortunate young woman, Jane Warren, and her relatives, I can scarcely imagine a more heartless and unprincipled deed of villainy; but, from what I knew of John Gerrie, I am not surprised.

I understand that John Gerrie had the effrontery to write to Keith by the same mail that carried your letter to me, urging to send to him some document to certify that he was unmarried when he left Scotland.

Should he ever shew any such document, it contains a gross falsehood, and is also in all probability a gross forgery; as I cannot suppose it possible that any respectable person here would sign such a document.

I have again, in conclusion, to assure, that I will keep carefully both your letter and the Certificate of Marriage enclosed in it, and will be prepared, if necessary, to hand them to any party you may name.

What a wretched life is one of sin! May the Lord pour down his spirit on a guilty world, and may happier days dawn at length on the children of men.

MR. DONALD MACPHERSON,
Jamison-street,
Sydney, New South Wales.

I am, &c.,

A. MCGILVRAY.

A copy of the Certificate of Marriage referred to in the above letter is subjoined.

Keith, 27 May, 1854.

"John Gerrie and Ann Lawrence, both in this parish, were this day matrimonially contracted, and after the publication of Banns, married, on the 3rd June."

Extracted from the Register of Marriages of the parish of Keith, this twenty-seventh day of August, one thousand eight hundred and fifty-six years, by me,

JOHN MCCORNACHIE,

Registrar.

1856.

NEW SOUTH WALES.

 LODGING-HOUSE KEEPERS FOR SEAMEN.

(PRAYING ALTERATION IN WATER POLICE REGULATION ACT, 17 VICT., 36.)

Ordered by the Legislative Assembly to be Printed, 9 December, 1856.

To the Honorable the Legislative Assembly of New South Wales, in Parliament assembled.
The humble Petition of the undersigned, Lodging-house Keepers for Seamen, in the Port and
City of Sydney,—

MOST HUMBLY AND RESPECTFULLY SHEWETH :—

That your Petitioners, in complaining of the Water Police Regulation Act, of 17 Vict., No. 36, most respectfully and humbly pray that your Honorable House will take into consideration certain clauses of the above Act relating to Licensed Lodging-Houses for Seamen.

That your Petitioners, who are taxed at the rate of five pounds yearly, consider it a great hardship that many Lodging-House Keepers, whose houses are invariably full, receive the support from Seamen, who have a dislike to licensed houses, (being aware that the Water Police cannot enter unlicensed houses,) which your Petitioners conceive they ought to receive.

That many of your Petitioners have appealed to the Water Police Office, and been told in reply, to lay information against the keepers of unlicensed houses, although neighbours, which, if done, would create a disturbance, and end, perhaps, in a breach of the peace.

That your Petitioners in calling the attention of your Honorable House to the Water Police Regulation Act, would further pray that the Act may be repealed, or modified in such way as will satisfy your Petitioners and the public.

That your Petitioners, therefore, humbly pray, that your Honorable House will be pleased to take the above premises into consideration, and afford them such relief as to your Honorable House may seem meet.

Your Petitioners further pray, that a Bill may be brought forward by some Member of your Honorable House to repeal the obnoxious clauses.

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

[Here follow 45 Signatures.]

1856.

NEW SOUTH WALES.

RESTAURANT AND COFFEE HOUSE KEEPERS.
(CITY OF SYDNEY.)

Ordered by the Legislative Assembly to be Printed, 25 November, 1856.

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

The humble Petition of the Restaurant and Coffee House Keepers of the City of Sydney, most humbly and respectfully

SHewETH,—

That your Petitioners, in complaining of the City, Ports, Hamlets, and Country Towns further Police Regulation Act, most respectfully and humbly pray, that the clause No. 20 of the said Act, 19 Victoria, cap. 24, may be repealed.

That your Petitioners, in praying for the repeal of the above clause, most respectfully and humbly submit to your Honorable House, that they are put to great inconvenience and loss, in consequence of many respectable parties arriving per steamers, at an early hour in the morning, from Melbourne and other Ports, and upon leaving the said vessels, are obliged to perambulate the streets, until some public house or place of refreshment opens.

That your Petitioners are obliged to refuse admittance to many respectable parties desirous of partaking of refreshments, in consequence of the late hours the public amusements close, which is a serious loss to your Petitioners, and no small inconvenience to the public.

That your Petitioners being under heavy rents and taxes, feel their loss in consequence of the above stringent clause, and humbly pray that your Honorable House will take the matter early into your consideration, with a view to afford the relief now prayed for.

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

[Here follow 20 Signatures.]

1856.

NEW SOUTH WALES.

POLICE MATTERS.

(CORRESPONDENCE AND REPORT OF BOARD OF INQUIRY.)

Ordered by the Legislative Assembly to be Printed, 26 November, 1856.

RETURN to an *Address* from the Honorable the Legislative Assembly, dated 18 November, 1856, requesting that His Excellency the Governor General would be pleased to cause to be laid upon the Table :—

“ Copies of all Official Correspondence that has taken place
 “ in reference to the appointment of a Commission of
 “ Inquiry upon matters relating to Police, appointed in June
 “ last, and the Report of such Commission.”

SCHEDULE.

No.	PAGE.
1 Colonial Secretary to Messrs. Mayne, King, Bligh, Hay, Rusden, and Lang, 25 June, 1856, appointing them a Board to report on Police matters	2
2 Colonial Secretary to Messrs. Allen and Garland, 26 June, 1856, appointing them members of the Board, in lieu of Messrs. Bligh and Rusden	2
3 Colonial Secretary to Mr. Forster, 28 June, 1856, appointing him a member of the Board ..	2
4 Colonial Secretary to the Board, 28 June, 1856, apprising them of the appointment of Messrs. Allen, Garland, and Forster	2
5 Report of Board, 26 July, 1856	3
6 Colonial Secretary to the Board in reply, 12 August, 1856	7

POLICE MATTERS.

No. 1.

THE COLONIAL SECRETARY to THE INSPECTOR GENERAL OF POLICE.

79.

*Colonial Secretary's Office,**Sydney, 25 June, 1856.*

SIR,

The Government having deemed it expedient that a Board should be appointed to inquire into and report upon, the present distribution of the different forces of Police, Orderlies, and Patrols, and upon the present arrangement with reference to the duties of Police Magistrates, Commissioners of Gold Fields, Commissioners of Crown Lands, and Superintendents of Roads Patrol, with the view of suggesting improvements in the present system, and, if possible, of reducing the expenditure: I have the honor to request that you will have the goodness to meet the gentlemen mentioned in the margin, for the purpose of making the proposed inquiry and Report.

2. I beg to add, that it is desirable that the Report should be furnished not later than the 20th proximo.

I have, &c.,

STUART A. DONALDSON.

CAPTAIN MAYNE,

INSPECTOR GENERAL OF POLICE.

Corresponding Letters to foregoing, addressed to—

J. W. Bligh, Esq., M. L. C., Sydney.

W. E. King, Esq., Commissioner of Crown Lands, Southern Gold District.

Francis Rusden, Esq., M. P., Sydney.

Gideon S. Lang, Esq., M. P., Sydney.

John Hay, Esq., M. P.

No. 2.

THE COLONIAL SECRETARY to THE BOARD.

*Colonial Secretary's Office,**Sydney, 28 June, 1856.*

GENTLEMEN,

I have the honor to acquaint you that the gentlemen named in the margin have been appointed members of the Board of Inquiry into matters connected with the Police, &c., in place of Messrs. J. W. Bligh and F. Rusden, the former of whom cannot act, and the latter is absent from the Colony.

I have, &c.,

STUART A. DONALDSON.

THE BOARD APPOINTED TO

INQUIRE INTO THE POLICE, &c.

P.S.—William Forster, Esq., M. P., has also been appointed a member of your Board.

26 June, 1856,—Letters similar to No. 79 were addressed to—

J. Garland, Esq., M. P., Sydney.

G. Allen, Esq., M. L. C., Sydney.

And on 28 June, to—

William Forster, Esq., M. P., Sydney.

No.

No. 5.

REPORT.

Sydney, 26 July, 1856.

SIR,

The gentlemen named in the margin, having received copies of a circular letter signed by you, in which they were requested to form a Board for inquiring into and reporting upon, certain matters connected with the Police of the Colony, have met accordingly, and now agree to the following Report, which they have the honor to submit to the Government.

Captain
Mayne,
George Allen,
Esq., W. E.
King, Esq.,
James Gar-
land, Esq.,
John Hay,
Esq., Gideon
S. Lang, Esq.

SUBJECT OF INQUIRY.

In that letter they were desired, "to inquire into and report upon, the present distribution of the different forces of Police, Orderlies, and Patrols, and upon the present arrangement with reference to the duties of Police Magistrates, Commissioners of Gold Fields, Commissioners of Crown Lands, and Superintendents of Roads Patrol, with the view of suggesting improvements in the present system, and if possible of reducing the expenditure;" and it was intimated "as desirable that the Report should be furnished not later than the 20th proximo."

LIMITED TIME GIVEN FOR REPORT.

Several of the gentlemen first applied having declined to act, and others being nominated, less than three weeks was left to the Board in which to complete its inquiry and report. This period was manifestly far too limited for the collection of a body of evidence sufficient to enable us to digest any comprehensive plan for the improvement of the Police System of the Colony; such a plan as would meet its requirements at an expenditure consistent with its financial capabilities.

RANGE OF INQUIRY.

Moreover, the range of inquiry proposed, embracing as it does, the duties of Police Magistrates, Commissioners of Gold Fields, Commissioners of Crown Lands, and Superintendents of Roads Patrol, would lead us to the examination, with a view to the reconstruction of the machinery of various departments, some of them, such as the Gold Fields and Crown Lands Departments, depending upon Legislation of a very peculiar character.

CONSTRUCTION OF THE BOARD.

Had even time permitted us to go into such extensive questions in all their length and breadth, we do not think that the construction of this Board, neither possessing the powers and dignity of a Committee of the Legislature, nor those of a Commission from the Governor General, would authorize or enable us to make the necessary investigations.

DETAILS MORE PROPERLY CAST ON THE HEADS OF DEPARTMENTS.

Farther, the scope of this Report will be limited by the decided opinion which we have formed, that all the departmental details may be better arranged by the Government, from information to which it has ready access. In each department we consider that the Government should insist upon the officials in immediate charge of that department being prepared with proposals for all the requisite improvements in its efficiency, and all the reductions which can, without unduly impairing efficiency, be effected in the particulars of its expenditure. This is a responsibility which we do not think, in the framing of estimates, the various departmental officers ought to be relieved from in the slightest degree.

We therefore feel that we have entered upon this subject at great disadvantage. In so far however as time admitted, and proper principle would allow us to go, we have endeavoured to make such inquiries and suggestions as might aid your Ministry in this portion of the onerous task which has devolved upon it of improving the efficiency of the Public Service in the face of a diminished revenue.

RECOMMENDATIONS.

ESTABLISHMENT OF AN UNIFORM AND TRAINED POLICE TO BE KEPT IN VIEW.

In the first place, we would recommend that whatever alterations are made in the meantime, the establishment at as early a period as the feeling of the country and the state of the revenue will admit, of a general Rural Police, trained in its character, and uniform in its management, may constantly be kept in view. The principle has received the sanction of various Committees of the Legislature of the Colony, and more especially of that of 1850, of which Mr. Thomson was the Chairman. And although on the recommendation of the Committee of 1852, the Act 14th Victoria No. 38, by which it had been attempted to carry out the proposals of the Committee of 1850, was repealed, and its provisions nullified so far as the Rural Police was concerned, with the exception of the Roads Patrol, yet we believe that under that Act, the system had not a fair trial by any means. In the first place it has generally been supposed that the Government of the day was not very happy in its choice of some of the Provincial Inspectors, and there is no doubt but that in the first establishment of such a system, almost everything depends upon the selection of fit officers for its introduction. But, farther than this, the Act itself was at fault, the machinery established therein not having been suitable for adapting a general system of trained Police to the peculiar circumstances of this Colony.

THE PRINCIPLE OF SUCH A SYSTEM.

The principle involved in the system, on which the Irish, the London Metropolitan, and the various bodies of new Rural Police in the counties of Great Britain have been formed, which is now partially in existence here, and which, we think, at as early a period as possible, it

it would be wise to adopt generally, subject to the necessary modifications, we understand to consist in this:—That the Executive Police should be subject to an uniformity of discipline and ultimate direction throughout large tracts of country, and, to a certain extent, throughout an entire territory. The nature of the relations of such a force to the Magistracy, and the mode in which the latter should operate with it, as an implement, forms an important subject of consideration, but one into which we need not now enter, further than to express our opinion that the judicial and executive functions ought, as little as possible, to be confounded.

THE NATURE OF THE MODIFICATIONS NECESSARY TO ADAPT IT TO THIS COLONY.

In order to give such a system a fair trial in this Colony, we believe that there should be officers of good standing appointed as Inspectors over districts not so large as to prevent them from acquiring a thorough personal knowledge of the force placed under their charge, practically supervising it, and without much delay communicating with its members, or being with them in person at any point where required. Generally speaking, a few policemen or constables, at a distance from the control of a superior officer of character and standing, are, if not positively mischievous, of little or no use. Between such Inspectors, however, and the head of the police, there need not, and had better not, be any intermediate officials. In a country like this, *immediate and direct responsibility* will generally insure a greater amount of efficiency than a gradation of offices. The distances are so great, and the means of communication so limited, that it is necessary to devolve large discretion and corresponding responsibility upon local administrators.

EXTENSION OF THE JURISDICTION OF MAGISTERIAL COURTS.

Such a system once introduced, the Police Magistrates, being relieved from all but Judicial duties, would be able to attend Courts at several Benches at stated times; and as Chairman of Sessions for these conjoined districts, might be empowered, with the assistance of other Magistrates, to exercise a very much extended jurisdiction, both in civil and criminal cases.

Or where Police Magistrates were not judged necessary, the Magistrates of the conjoined districts ought to be allowed to elect their own Chairman of Sessions, and upon him, in the same way, the same powers might be devolved. Or, if necessary, paid Chairmen might be appointed, not being Police Magistrates.

Again, the system might be varied by making the whole of these Chairmen elective by the Benches, and such Chairmen, so elected, Police Magistrates, and payable by the State. This arrangement *might* be more in accordance with the feeling of the country, and, if so, could not be otherwise objectionable.

The objection to such an extended jurisdiction, which in itself would be of so much advantage in the country districts, arises from the mixture of executive and judicial functions in the Magistracy, and would disappear under a more perfect system of police.

SUITABILITY TO THE PECULIARITIES OF A GOLD MINING COMMUNITY.

In conjunction with the establishment of this general system, the arrangements with respect to the Gold Fields would not be difficult. The force being at the disposal of one head and uniform in its character, would readily admit of withdrawal, in whole or part, from place to place, and of concentration at any time.

NATIVE POLICE IN CONJUNCTION WITH IT—ROADS' PATROL AND TRAINING.

The Native Police, while necessary to be kept up, would remain a different corps, but under the same head.

The Roads' Patrol would, of course, be merged in the general body.

While in connection with the Metropolitan Establishment, the business of training might be effectually carried out.

MATURE DELIBERATION ADVISABLE BEFORE DISTURBING THE PRESENT ORDINARY POLICE IN THE COUNTRY DISTRICTS.

Such are our views as to the true principles of police administration, and in a general way as to the mode in which they might be adapted to our peculiar circumstances. But we are nevertheless decidedly of opinion that no attempt to carry out such principles should be made, without the fullest consideration of all the details of their probable workings. Any hasty Legislation would only retard indefinitely the establishment of a systematic, effective, and economical police.

IMMEDIATE RECOMMENDATIONS.

Having put these views on record, for the purpose of setting our recommendations for the present in a clearer light, we now proceed to state what these are. We desire it to be understood that they are only proposed as makeshifts, or, at best, steps in the right direction, such as we can afford to take, in the present thinly populated state of the Country, and with our present means.

1. *Amalgamation of the Offices of Gold Commissioners and Police Magistrates in the Gold Districts.*

Our first recommendation is, that in those Police Districts in which Police Magistrates and Gold Commissioners exist, the offices of Gold Commissioner and Police Magistrate should be amalgamated.

This is already the case at Braidwood, where the District Gold Commissioner of the Southern Gold District acts as Police Magistrate for the Police District of Braidwood. In the

the same manner we would conjoin the office of Police Magistrate at Bathurst with that of Gold Commissioner of the Gold Fields in that District, if not of the Western Gold Fields generally.

To carry this out, modifications might have to be made in some cases, so as to bring within the same Police District, temporarily, portions of the same general Gold Field which now lay in different Police Districts. For instance, the Tuena Gold Field, which now lies in the two Districts of Bathurst and Goulburn, should be brought altogether within one or other of these.

With respect to the Northern Gold Fields, which lie beyond the boundaries of location, having in view the recommendations as to the Commissioners of Crown Lands contained in the sequel to this Report, we would suggest that a Police Magistrate should be appointed for the District in which the principal of these diggings is situated, and that he should have the general control over the whole of these Fields in the meantime, with the aid of the requisite Assistant Commissioners. It may, however, be found necessary, from the increased importance of these diggings, and their distance from one another, to appoint more than one Police Magistrate in that quarter.

As required from time to time, Assistant Gold Commissioners should be appointed, having in all cases, of course, Magisterial power, with the understanding that it should be their duty to act as Magistrates in the respective Police Districts in which they were for the time resident. It is worthy of consideration, however, whether it should not be made a general rule by the Government, that on their ceasing to hold their official appointments the Commission of the Peace should be withdrawn from all these employés.

Practically this proposal would accomplish in the Gold Districts an amalgamation of the Gold and Ordinary Police, as it is found that paid Magistrates, from their being in constant attendance at the Courts, do in effect assume the control of the constabulary.

In order to complete this arrangement, all Police Magistrates ought to be *ex officio* Commissioners of Gold Fields within their respective Police Districts.

In those Districts where no Police Magistrates exist, the Commissioners of Crown Lands, whether within or without the boundaries of location, should be directed to watch the development of Gold Fields, for the purpose of reporting upon them to the Government; and, as conservators of the peace in their Districts, the Benches of Magistrates would be bound to do the same.

Upon these reports shewing it to be advisable, the Government should from time to time, as required, place any such field under the general superintendence of that Gold Commissioner to whom it might seem most expedient, from position and otherwise, to entrust it. Upon his recommendation, an Assistant Commissioner should be despatched, to take personal charge of the Gold Field.

Should the workings upon it, however, become extensive, it would become necessary to appoint a Police Magistrate for the particular District:

2. Assistant Commissioners of Gold Fields should be migratory.

In connexion with this, our second recommendation is, that on centralizing the different groups of Gold Diggings in this way, under Police Magistrates acting as District Gold Commissioners, the Assistant Commissioners should be essentially migratory, and have their quarters in properly arranged encampments, so as to admit of the ready distribution of the Judicial and Police Force provided for the general service of the Gold Fields.

3. Roads Patrol to be placed under Police Magistrates.

A majority of us are of opinion that it is advisable to provide for the present Superintendents of Roads Patrol, by appointing them to Police Magistracies as soon as vacancies may occur, and that on this taking place, each detachment of men should be put under the orders of the Police Magistrate of the District where it is now employed, or, if there be no Police Magistrate in that District, then of the one whose head quarters are nearest to the station of such detachment. It being understood that the stations are not to be changed without the sanction of the Inspector General; and that the men are to be kept distinct from the Ordinary Police for the present, and managed, employed, and distributed according to the directions of that officer.

In this way a considerable saving may be effected, to the extent at any rate of the salaries of the Superintendents, and of the possible reduction in the number of men practicable from their union in action with the Gold and Ordinary Police.

Or, otherwise, the services of these Superintendents, whom we have reason to believe good officers, and the surplus force, may be made available so as to augment the police protection in districts now in want of it.

4. Police Magistrates at Goulburn and Bathurst to be District Gold Commissioners.

In connexion with our last, we have now to make our fourth suggestion, which is, that if Police Magistrates are to be retained at Goulburn and Bathurst, where we submit that their services on the Bench need be very little required, the most proper men to fill these appointments, should they become vacant by exchange or otherwise, would be the present Superintendents of Roads Patrol. A nucleus of the Mounted Patrol would thus be left under their charge, which might at a future period be turned to account in the organization of a more perfect system of police, such as we have attempted to describe.

At all events the Police Magistrate of Bathurst ought to be the Gold Commissioner for a portion at least of the Western Gold Fields, with Assistant Commissioners at the different diggings; and the Tuena Diggings ought similarly to be assigned to the Police Magistrate at Goulburn.

We are also of opinion that a Police Magistrate is less required at Parramatta than in many districts where such do not at present exist.

Crown Lands Commissioners to be kept to their proper duties, and their number reduced.

The Crown Lands Commissioners appear to be charged with duties which are quite inconsistent with their performance of those of a Police Magistrate for any particular portion of their district, and still more so of those of Gold Commissioner. Our recommendation therefore is, that these officers should, as far as possible, be relieved immediately from their duties as Gold Commissioners and Police Magistrates; and we would suggest that the Head of the Crown Lands Department should be caused to instruct these gentlemen to proceed without delay, and without interruption, and in accordance with some definite and systematic plan, to be digested for their guidance, to the settlement of the necessary preliminaries for the preparation of such leases as were applied for under the Orders in Council. We are led by the information we have received from that department to believe, that in this way the peculiar work which we depend upon these Commissioners to perform, would, in all the older districts beyond the boundaries, be finished in little more than twelve months. We should thus be able to release a number of officers suitable for employment as Police Magistrates, Gold Commissioners, &c.

Even now it would, we believe, be practicable, (and we are confirmed in this belief by the statement made before us by the Chief Clerk of the Crown Lands Office,) to set some of them free, inasmuch as in several cases two of the districts admit of being conjoined in one. The districts of the Lower Darling and Albert, for example, those of Bligh and Wellington, Liverpool Plains and Gwydir, Darling Downs and Maranoa. By means of this reduction, the management of the Gold Fields beyond the boundaries of location might be amply provided for.

Policy of combining the office of Crown Lands Commissioner with that of District Surveyor.

We are disposed to recommend that the present Commissioners of Crown Lands, such as are not qualified surveyors, should, as opportunity occurs, be employed in situations of the sort indicated above, at salaries equal to those they may enjoy in their present offices, and that the Commissioners of Crown Lands should thenceforth be at the same time District Surveyors, and responsible as such for the correctness of all the surveys of Crown Lands made within their districts. This plan might, indeed, under a proper division of districts, be applied throughout the entire Colony. We cannot conceive how, without such officers to check the surveys of these licensed surveyors, any dependence can be placed upon these surveys, destitute as they are of the safeguard of responsibility; and certainly great advantages would follow the employment of a Commissioner in the apportionment of the Crown Lands either for sale, lease, or reserve, who should be at the same time himself a qualified surveyor.

6. Commission on Sale of Land to be extinguished, or very much reduced.

In connexion with the question of administration of the Crown Lands, our sixth recommendation is, that by an alteration, which appears to us quite practicable, the system of allowing a per-centage to the Commissioners of Crown Lands within the boundaries should be discontinued.

We observe that this commission amounts to a very large sum. For 1856, the amount payable in this way is estimated at £9,000. We are of opinion that no good result follows from this, and we cannot see why the Police Magistrates, where such exist, should not be able to protect the interests of the public, why the Surveyor General's Department ought not to manage the regular and systematic survey of the land for sale, and why the Clerks of Benches should not act as auctioneers, under the auspices of the Magistrate. Should it be conceived advisable to grant these last some additional remuneration on account of this small additional duty cast upon them, a very moderate sum would be sufficient for that purpose. Even where in the absence of Police Magistrates, Commissioners may be still thought necessary, we consider such a mode of paying them decidedly objectionable.

7. Native Police in the Northern Districts to be retained.

With regard to the corps of Native Police in the Northern Districts, we are not prepared to recommend any immediate change. Its nature precludes amalgamation with the other police, and so in fact do its uses. These are of a character which may be styled extraordinary, being suited to exigencies incident to the first settlement of the country. We think it desirable that the occupation of the country should proceed, and that legal protection should be abreast of it. Not that this can authorize the Government to sanction the wild enterprise which inclines some to push their stock far beyond others into the midst of hostile tribes. What we mean is, that the Government should be guided in the opening a new district by the number and character of the applications of those interested, so as by no means to repress the energies of the younger settlers; and that once a new district is opened, the protection of law ought to be afforded to it.

From the peculiarity of the nature of the new country to the northward, intersected as it is by dense scrubs, giving great advantage to the Aborigines when ill-disposed towards the settlers, there seems to be a necessity for keeping up this corps. It would probably be impracticable to maintain a police force of a more regular kind, adequate to the maintenance of proper relations with the indigenous tribes; while at the same time we know that the native troopers will not answer in conjunction with Europeans, except under them as their officers.

7. Southern Native Police to be discontinued.

The propriety of the continuance of the Southern Native Police is a different question. There they are now mixed up with the Crown Lands troopers, and we believe do

not

not answer well. They should therefore be reduced, by instructing the Commissioners not to take any fresh recruits.

The only way in which we can recommend the employment of aboriginal natives in connexion with Europeans in the Police, is in the capacity of guides.

CONCLUSION.

New and systematic division of the Colony proposed.

In conclusion, we beg to suggest that a Commission should issue, or a Committee of the Legislature be moved for, under which the whole of this question should be entered upon, with a view to the elaboration of a uniform system of Police adapted to the peculiar circumstances of this Colony, and, at the same time, capable of easy accommodation to its progressive character. And although we do not consider it advisable that the management of the Crown Lands and the Police should be mixed up, yet we do consider that it would be most advantageous that the division of the Colony, for these and other purposes, should be coincident. At present we have counties, Police Districts, and Crown Lands' Districts, all completely irrespective of each other. Many of these divisions too are framed without regard to the public convenience, and seemingly to facilitate the description of surveyors, and to look well upon the map. A well considered division of the Colony is a desideratum. In the more settled districts it might be complete; in the outer districts provisional, into large tracts, but still such as to admit of systematic subdivision at a future period, without necessitating any change in their outer boundaries.

Such a division once made, upon the principle not of the convenience of surveyors but of the public, would enable all Governmental arrangements for the interior to harmonize, and duplication of offices to be avoided, and thus economy and efficiency in every way to be consulted.

It would bestow lasting honor on the Ministry which should originate and carry it out.

In looking over our Report, it occurs to us that there is one point to which we ought, perhaps, more particularly to advert. The recommendations therein, if carried out, will entail upon the Country Police Magistrates, especially in the Gold Districts, greater duties than hitherto. In fact, all our recommendations hinge upon the principle that the public interest will be best served by a careful selection for these offices of men of *energy, business habits, and character*, by such arrangements as will give them full employment, and by adopting a liberal scale of remuneration, such as *may induce gentlemen possessing the high qualifications requisite to accept and retain the appointments*. We think that *true economy* will be better consulted by allotting to each a full share of work, and insisting upon its satisfactory performance, than by multiplying numbers and reducing pay.

JOHN HAY, Chairman.

GEORGE ALLEN.

JAMES GARLAND.

W. C. MAYNE.

WILLIAM ESSINGTON KING.

THE HONORABLE
THE COLONIAL SECRETARY.
&c., &c., &c.

No. 6.

THE COLONIAL SECRETARY to THE BOARD.

Colonial Secretary's Office,

Sydney, 12 August, 1856.

SIR,

In acknowledging the receipt of your Report of the Police Board, forwarded in their letter of the 26th ultimo, I am directed to request that you will have the goodness to convey to the Members of the Board the thanks of the Government for their Report.

I have, &c.,

W. ELYARD.

JOHN HAY, Esq.,
Chairman of the Police Board.

1857.

NEW SOUTH WALES.

INSUFFICIENT POLICE PROTECTION.

(DARLING DOWNS AND GWYDIR DISTRICT.)

Ordered by the Legislative Assembly to be Printed, 3 February, 1857.

To the Honorable the Legislative Assembly of New South Wales.

The Petition of the Residents in that portion of the Darling Downs and Gwydir Districts comprised in the McIntyre River, below its junction with the Severn and the Weir, or Jones' River,—

HUMBLY SHEWETH:—

That we, the undersigned, Residents in the above named portion of the Darling Downs and Gwydir Districts, beg to represent to your Honorable House the urgent necessity there at present exists for a Police Establishment being formed in this immediate neighbourhood.

That the destitute condition (as regards Police protection) of this portion of the above mentioned Districts is fully shewn in the fact, that your Petitioners reside, on an average, at a distance of one hundred and thirty miles from the nearest Bench; and the surrounding country having of late years become very populous, outrages of the worst description (to say nothing of minor offences), are of constant occurrence, and there is no redress, it being entirely out of the power of your Petitioners to carry their complaints to so great a distance.

That your Petitioners would beg to suggest to your Honorable House that a Court House, Lock-up, Clerk of the Court, a Chief Constable, and three ordinary Constables, should form the required establishment; and, as the most eligible site, a portion of a Government Reserve in the neighbourhood of Calandoon, four miles and a half from Gundiwindi Station, on the north bank of the River McIntyre.

Your Petitioners therefore humbly pray that your Honorable House will take the premises into your serious consideration, and that you will be pleased to devise such measures for the purpose of extending protection to us, and to do otherwise in the premises, as to your Honorable House shall seem fit and proper.

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

[*Here follow 43 Signatures.*]

1857.

NEW SOUTH WALES.

Legislative Assembly.

 NATIVE POLICE FORCE.

REPORT

FROM

THE SELECT COMMITTEE

ON THE

NATIVE POLICE FORCE;

TOGETHER WITH

THE PROCEEDINGS OF THE COMMITTEE,

AND

MINUTES OF EVIDENCE.

 ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,

28 January, 1857.

 Sydney:

 PRINTED BY WILLIAM HANSON, GOVERNMENT PRINTER,
 PHILLIP-STREET.

 1857.

EXTRACTS FROM THE VOTES AND PROCEEDINGS OF THE
LEGISLATIVE ASSEMBLY.

VOTES No. 40. SATURDAY, 8 NOVEMBER, 1856.

13. Native Police Force:—Mr. Sandeman moved, pursuant to *amended* notice,—
- (1.) That a Select Committee be appointed to inquire into the present state of the Native Police Force employed in the Colony, with a view to the improvement of its organization and management.
- (2.) That such Committee consist of Mr. Hay, Mr. Holt, Mr. Jones, Mr. Forster, Mr. Buckley, Mr. Hely, Mr. Francis T. Rusden, Mr. Lang, Mr. Wm. Macleay, and the Mover.
- Question (1.)—That a Select Committee be appointed to inquire into the present state of the Native Police Force employed in the Colony, with a view to the improvement of its organization and management,—put and passed.
- Question (2.)—That such Committee consist of Mr. Hay, Mr. Holt, Mr. Jones, Mr. Forster, Mr. Buckley, Mr. Hely, Mr. Francis T. Rusden, Mr. Lang, Mr. W. Macleay, and the Mover,—put and passed.
-

VOTES No. 48. TUESDAY, 25 NOVEMBER, 1856.

12. Management of the Native Police Force in the Northern Districts:—Mr. Sandeman moved, pursuant to notice, That the Papers relating to the Management of the Native Police Force in the Northern Districts, which were laid upon the Table of this House on the 28th of October last, be referred to the Select Committee appointed to inquire into the Native Police Force.
- Question put and passed.
-

VOTES No. 79. WEDNESDAY, 28 JANUARY, 1857.

5. Native Police Force:—Mr. Sandeman, as Chairman, brought up the Report from, and laid upon the Table the Evidence taken before, the Select Committee appointed, on the 8th November last, to inquire into the present state of the Native Police Force employed in the Colony, with a view to the improvement of its organization and management.
- Ordered to be printed.
-

REPORT

1857.

NATIVE POLICE FORCE.

REPORT.

THE SELECT COMMITTEE of the Legislative Assembly, appointed on the 8th November last, "to inquire into the present state of the Native Police Force employed in the Colony, with a view to the improvement of its organization and management;" and for whose consideration were referred certain "papers relating to the management of the Native Police Force in the Northern Districts," have agreed to the following Report:—

Impressed with the serious importance of providing protection for life and property, from the outrages and depredations of the Aborigines, so urgently claimed by the settlers residing in the unsettled parts of the Colony, and more particularly those inhabiting the outskirts or frontiers of those districts which have been most recently opened to occupation, your Committee, in pursuance of the duty devolving upon them, to inquire into the present state of the Native Police Force, with a view to the improvement of its organization and management, have availed themselves of the evidence of the undermentioned witnesses:—

1. Francis Nicoll, Esq., J.P., Lieutenant of Native Police, Wandai Gambul.
2. William Colburn Mayne, Esq., Auditor General, late Inspector General of Police.
3. Charles Archer, Esq., J.P., of Gracemein, Fitz Roy River, Port Curtis District.
4. Charles Leith Hay, Esq., J.P., of Rannes, Leichhardt District.
5. Colin John Mackenzie, Esq., J.P., of Wanna Wanna, Darling Downs.
6. Richard Purvis Marshall, Esq., J.P., late Acting Commandant Native Police.
7. William Thomas Elliott, Esq., Fitz Roy River, Port Curtis District.
8. Robert Strathdee, Esq., of Coranga, Burnett District.
9. Richard Purvis Marshall, Esq., J.P., second examination.
10. Henry Hort Brown, Esq., M.R.C.S, late of Gayndah, Burnett District.
11. Arthur Brown, Esq., of Gin Gin, Wide Bay District.
12. A. Orpen Moriarty, Esq., of the Chief Commissioner of Crown Lands Department.
13. William Forster, Esq., M.P., formerly a resident in the Wide Bay District.
14. Gideon Scott Lang, Esq., M.P., formerly a resident in the Murrumbidgee District.
15. Richard Bligh, Esq., J.P., Commissioner of Crown Lands for the Clarence River District.
16. John McLerie, Esq., J.P., Inspector General of Police.

Your Committee would, at this stage of their Report, remark, that the difficulty of obtaining the evidence of witnesses before the Committee, practically conversant with the subject of the Native Police, at so great a distance from the localities where the force is employed, has, for the present, prevented their prosecuting a more extensive examination of evidence on this very important subject. Their investigation, however, as far as it has gone, has furnished a very considerable amount of evidence of a practical character, from which your Committee will proceed to draw their deductions, which they are desirous should be submitted to your Honorable House before the Estimates of Expenditure for 1857 are brought under consideration; and in the absence of further *viva voce* evidence, they are desirous of drawing the attention of your Honorable House to the means afforded them of examining the written testimony furnished in the

answers

answers to a Circular addressed by their Chairman to his constituents residing in the Northern Districts, and others acquainted with the requirements of those Districts. A copy of the Circular, with the Questions to which the Answers referred to are given, is hereto appended:—

“ Ipswich, Moreton Bay,
“ 14 July, 1856.

“ Sir,

“ The difficulty of organizing a Public Meeting of the Inhabitants of these scattered Districts has suggested the step of inviting those interested in the important question of the Native Police Force, to express their opinions in writing on the subject, and your favouring me with answers to the annexed questions, and with any information or suggestions you may deem useful for the better organization of the Force, will be esteemed of service.

“ Your answer, addressed to me at the Legislative Assembly Chambers, Sydney, will oblige.

“ I am, Sir,

“ Your faithful Servant,

“ GORDON SANDEMAN.”

Proposed:—Fifteen men for each section, to be divided into two detachments of six each, allowing three men to be left at Barracks for sickness and accidents. One officer for each detachment; each officer to be independent of the other, and responsible for his own particular charge. The whole of the Native Police Force to be under the superintendence of a Local Inspector-General or Commandant, whose duty it should be, frequently, to inspect the various sections, to be assisted, if necessary, by a Deputy Inspector, or Assistant Commandant.

“ Each Trooper to be furnished with two serviceable horses; two pack-horses and gear for each section. Each section to have attached to it a Farrier, or man capable of shoeing horses and keeping the Saddlery, &c., in order, and taking charge of, and issuing Stores at the different Barracks.”

“ Are you of opinion that it is absolutely essential an Officer should be immediately appointed to the Local Superintendence of the Native Police Force, either as Commandant or Inspector, or both?

“ Do you consider that an augmentation of the Corps is essential not only to the interests as at present existing, but to the future progress and security of the frontier Districts; and to what extent in each District should such augmentation be made? and will you have the goodness to make any suggestions you consider may be of service to the future management of the Force, either as regards the general supervision or details of management.”

The Circular referred to was addressed to the undermentioned persons, from whom answers have been received:—

Name.	District.
1. John Balfour, Esq., J.P.	Moreton.
2. Messrs. Robert and Bryce Barker	Burnett.
3. Joshua Peter Bell, Esq., J.P.	Darling Downs.
4. James Bennett, Esq.	Do.
5. Henry Boyle, Esq., Commissioner of Crown Lands	Maranoa.
6. Henry Hort Brown, Esq.	Burnett.
7. Thomas R. Boulton, Esq.	Leichhardt.
8. J. D. Bushnan, Esq.	Darling Downs.
9. Pollet Carden, Esq., J.P.	Leichhardt.
10. A. W. Compigne, Esq.	Moreton.
11. John Ferrett, Esq., J.P.	Darling Downs.
12. F. A. Forbes, Esq.	Moreton.
13. H. B. Fitz, Esq.	Darling Downs.
14. William O'Grady Haly, Esq., J. P.	Burnett.

15. Charles Robert Haly, Esq.	Leichhardt.
16. Frederick R. Hutchinson, Esq.	Wide Bay.
17. Matthew Goggs, Esq.	Darling Downs.
18. W. P. Gordon, Esq.	Do.
19. Lieut.-Col. Gray, Police Magistrate	Ipswich.
20. Clark Irving, Esq., M.L.A.	Richmond River.
21. Joseph King, Esq.	Leichhardt.
22. W. F. Kennedy, Esq.	Darling Downs.
23. Messrs. J. and J. Landsborough	Wide Bay.
24. Messrs. A. and R. Lawson	Burnett.
25. Clement Lawless, Esq.	Burnett.
26. Colin John Mackenzie, Esq., J.P.	Darling Downs.
27. J. D. Mactaggart, Esq.	Wide Bay.
28. Thomas De Lacy Moffat, Esq., J.P.	Darling Downs.
29. Francis Nicoll, Esq., J.P.	Do.
30. P. J. Pigott, Esq., J.P.	Burnett.
31. R. B. Ridler, Esq.	Do.
32. Fredk. W. Roch, Esq.	Darling Downs.
33. Messrs. C. J. and E. M. Royds, J.P.	Leichhardt.
34. Messrs. R. and W. Strathdee	Burnett.
35. John Scott, Esq.	Leichhardt.
36. Simon Scott, Esq.	Moreton.
37. Alfred Sandeman, Esq. J.P.	Darling Downs.
38. James Taylor, Esq., J.P.	Do.
39. Joseph Thompson, Esq.	Leichhardt.
40. Honorable Robert Tooth, Esq., M.L.C.	Darling Downs.
41. Wm. Henry Walsh, Esq., J.P.	Burnett.
42. J. Ker Wilson, Esq., J.P.	Darling Downs.
43. William Henry Yaldwyn, Esq.	Leichhardt.

The above cited list includes, it will be perceived, the names of forty-three persons, all of whom, with one or two exceptions, have answered the questions proposed emphatically in the affirmative, while the greater number have enlarged upon the subject submitted to their consideration, by throwing out various suggestions, having for their object improvements in the management of the Native Police Force.

From the various evidence adduced, your Committee are of opinion, that the maintenance of the Native Police in such force, as to meet not only the requirements as at present existing, but the progressive wants of that widely extended class of the community, the frontier occupants, is absolutely requisite for the protection of life and property, and is essential as a most valuable adjunct to the pioneering energies of the extreme outlying districts with the progress of which the great producing interests of the Country are so intimately connected, and on the advancement and prosperity of which those interests are so largely dependant.

Before proceeding to make the recommendations which the Evidence before them enables your Committee to offer, they deem it proper to bring under review, as briefly as the circumstances will permit, a few prominent points in the past history of the Native Police Force, with the object of better elucidating the grounds on which your Committee feel justified in proposing the recommendations for the better organization and improvement of the Force, which they are prepared to submit to your Honorable House.

It appears from the Evidence before your Committee that, previously to the Native Police Force being introduced into the Northern Districts of the Colony, the outrages committed by the blacks in the outlying districts were of frequent occurrence, extending to murder as well as to the destruction of stock to a great extent. That, although the Native Police Force, then only recently raised, was not, as could scarcely be expected in a recently organized body, and so composed, in such a perfect state of efficiency, as under proper management there was no reason to doubt it might have attained. That body after its introduction into the troubled districts, effected a great amount of good in checking the lawless state of outrage on the part of the native blacks that had previously existed;

and although it does appear complaints existed that some portion of the Wide Bay District did not receive the same amount of protection as others, your Committee are inclined to attribute such neglect in a measure to the same serious fault on the part of the first Commandant, then perhaps partially betraying itself, to which so much reference is made in the Evidence before them, as well as probably to the weakness of the Force, and to the absence of such a distribution over a widely extended space, as a more matured experience would have dictated; and taking the aggregate result of the effects produced by the presence of the Native Police Force, your Committee are of opinion, that a far greater amount of life must have been sacrificed, and a much greater extent of property destroyed, had the Native Police Force not been established in the most recently occupied districts and those immediately adjoining. But while your Committee believe that much good was effected by the presence of the Native Police in the districts referred to, they are of opinion that a far greater amount of benefit might have been effected had the capabilities of the Force been properly developed and directed, which they are of opinion was not the case,—for with the difficulties naturally existing of perfecting the effectiveness of a recently raised body, composed of such novel material, to the management of which, perhaps, the majority of the officers had previously been totally unaccustomed,—there appears to have existed for a very considerable time, within the Force itself, an abuse quite sufficient to have rendered ineffective a body of men far more intelligent than a corps composed of native blacks. It appears that intemperate habits on the part of the Commandant had existed for some years—that frequent complaints of misconduct, arising out of those habits on the part of the Commandant, had been made to the Government by respectable residents, including Magistrates of the Districts,—but that no effectual steps were taken to remedy the abuse complained of, until the Officers of the Force themselves, after a long period of hesitation, arising from causes which are detailed in the Evidence before your Committee, were compelled to complain to the Government of the day,—and not till then were any effectual steps adopted to put a stop to an abuse so glaring, and so obstructive of all discipline and efficiency. The course thus, at last, forced upon the Government, was the institution of a Commission of Inquiry, and the consequence was the dismissal of the Commandant. The next step that appears to have been taken in the administration of the Force, was the abolition of the office of Commandant. In the Evidence before your Committee there is no just reason or grounds shown for the adoption of such a measure, and the great body of the Evidence taken, with the exception of that of Captain Mayne, under whose control the Force was at the time, combines to condemn that measure as subversive of the efficiency of the Force, and strongly to recommend the appointment of an Officer to fulfil the duties of the local head, as Inspector or Commandant.

Your Committee will only briefly allude to another measure adopted in the administration of the Force, viz.,—the reduction of the Force from its former strength of one hundred and thirty-six men to seventy-two men, the present nominal strength of the Force. No reason has been adduced to account for such a step having been taken, while the Evidence before your Committee tends to shew that that reduction (in conjunction, doubtless, with the impaired efficiency of the Force consequent upon the abolition of the Commandantship,) has been productive of very serious results, in an increase in the number of murders committed since the reduction took place; and not only is the loss of life thus occasioned to be deplored, but the important consideration is involved in the measure that the occupation of the frontier country, and development of its resources, the spread of population, and the advancement of the productive interests, have been seriously checked, and are still being retarded by the absence of the requisite protection.

On the whole, your Committee are prepared to state to your Honorable House, as the result of all the investigation they have been able to bring to bear upon the important subject before them, and after the most mature consideration: That throughout the whole mass of Evidence adduced there does not appear the least ground to question, or even to indicate, a doubt of the capabilities and adaptation of the Native Police Force for the duties for which that body was originally raised; but, on the contrary, that, under proper provisions and judicious management and direction, such a Force is admirably adapted to protect life and property, and materially to assist the progress of the settler in the unsettled frontier districts.

That

That the abuses and want of protection that have been complained of latterly have arisen—

1st. From the weakness of the Force.

2nd. An ineffective or improper distribution of it; and that the inefficiency of the Force has been greatly increased by the absence of a Local Officer, as Inspector or Commandant, to supervise and control the conduct of the Force generally—a duty the more imperative from the fact of many of the officers being young men with but limited experience, and a few of them, it is feared, with habits not improved by the force of example so long permitted to remain unchecked on the part of the former Commandant. Your Committee, therefore, convinced of the urgent importance of the subject, and confirmed in their views by the Evidence before them, will now proceed to submit to your Honorable House their earnest recommendation.

1st.—That there be appointed an Officer to undertake the local charge of the Native Police in the Northern Districts, as Commandant and Inspector, who shall be responsible to the Government for the efficiency and proper conduct of the Force, and whose duty it should be to inspect, from time to time, the various detachments, or bodies comprising the whole Force in the Northern Districts, and whose duty it should further be to control and regulate the movements and distribution of the Force; and considering the past irregularities which have already been referred to, your Committee recommend, that while the entire control and direction of the Force should be in the hands of the Commandant and Inspector alone, in whose hands, also, should rest the power of appointing Officers to the Force, subject to the approval of the Government—that Officer shall render to the Executive Officer of Government to whose department the Native Police Force shall be attached, Monthly Reports, to be transmitted through the Bench of Magistrates nearest to the locality where the Commandant and Inspectors shall happen to be at the time when such Monthly Report shall be due; and that such Reports may be accompanied by any Minutes that may seem to the Bench to be desirable to make on said Reports, and that copies of any such Minutes shall be transmitted to the Commandant and Inspector by the Bench; and in event of any complaint being made against the conduct or proceedings of the Commandant and Inspector, such complaint shall be referred to a Bench of Magistrates near to which the cause of complaint in question shall have occurred.

2nd.—Your Committee recommend—as the duties of the Officer proposed to be appointed as Commandant and Inspector would necessarily be of an itinerating nature, and prevent him remaining stationary at any given spot, and attending properly to the clerical duties in detail, including accounts of the Force—that an Officer should be attached to the Department of the Native Police in the capacity of Secretary or Clerk, whose duty it should be to undertake the correspondence and attend to the accounts, and other clerical business of the Force, and whose place of residence should be fixed at some central locality, where, also, should be fixed the head quarters of the Commandant and Inspector.

3rd.—Your Committee recommend, as absolutely essential to the due effectiveness of the Native Police Force—

That the Force for the service of the Northern Districts consist of not less than 120 Troopers, to be divided into bodies or Detachments of about 10 men each; say effective men 100 and to supply casualties by sickness or otherwise, allowing 2 men for each detachment

in all 120

4th.—Your Committee recommend, that while the Native Police should be employed principally as a patrolling Force, there should be main Camps formed for each body or detachment, to be fixed in localities the most central in each outlying district or portion of district where such detachments shall be stationed; and that such main Camps should be formed in number and in the districts named as follows:—

Leichhardt	4 main Camps.
Port Curtis	1 „
Maranoa and Lower Condamine	2 „
Burnett and Wide Bay	1 „
Moreton	1 „
Clarence and Macleay	1 „

in all 10

and

and that to each main Camp there should be attached an Officer as Camp Sergeant, whose duty it should be to issue and attend to the stores, keep the saddlery in order, and, if practicable, to be able to shoe the horses, and generally to assist the Officer in charge of detachment in drilling and exercising the Troopers.

5th.—Your Committee recommend that the number and respective grades of Officers in the Force should be fixed as follows, viz. :—

- 3 First Lieutenants,
- 11 Second Lieutenants.

The existence of the grades as recommended in the Department your Committee are of opinion is most advisable; as, in a prospect of promotion an encouragement is held out to increased exertion on the part of the junior Officers of the Force; and on the like principle, your Committee recommend that the pay of the different grades of Officers should be fixed and apportioned. Your Committee, while they would merely remark that the Evidence is conclusive as to the propriety of abolishing the grade of Sergeant, have not recommended that the grade of Sub-Lieutenant should be continued; being of opinion, that the amount of responsibility devolving upon a Native Police Officer is far too serious and important to be extended to a grade hitherto generally composed of very young men, or filled by a class of persons not more efficient than could be expected the low rate of salary attached to the office would induce to enter—what is in reality a very arduous service. Your Committee have therefore proposed, that the Officers should principally consist of Second Lieutenants, a grade, for which if proper remuneration is appropriated, it is to be hoped would be filled by persons fitted by character and competency for its responsible duties.

6th.—The distribution of the Force your Committee recommend should be adopted as set forth in the following scale,—leaving any future alteration in its distribution to the discretion and control of the Commandant and Inspector; viz. :—

- 1. Commandant and Inspector.
- 1. Secretary or Clerk.

NORTHERN DISTRICTS.

PORT CURTIS.

- 1. Second Lieutenant.
- 12. Troopers.
- 1. Camp Sergeant.

LEICHHARDT,

(Including the whole of the Upper Dawson.)

- 1. Lieutenant.
- 5. Second Lieutenants.
- 48. Troopers.
- 4. Camp Sergeants.

WIDE BAY AND BURNETT.

- 1. Lieutenant.
- 1. Second Lieutenant.
- 18. Troopers.
- 1. Camp Sergeant.

MARANOA AND LOWER CONDAMINE, DARLING DOWNS.

- 1. Lieutenant.
- 2. Second Lieutenants.
- 24. Troopers.
- 2. Camp Sergeants.

MORETON.

- 1. Second Lieutenant.
- 8. Troopers.
- 1. Camp Sergeant.

CLARENCE AND M'LEAY.

- 1. Second Lieutenant.
- 10. Troopers.
- 1. Camp Sergeant.

7th.—With reference to the Native Police Force employed in the Southern Districts, your Committee are of opinion, after having investigated the evidence before them on that branch of the service, that the Native Police are not now required in the District of Murrumbidgee, for the purpose for which the Force was originally raised and intended; and as the duties, to which its services are now devoted, belong to the ordinary Constabulary of the district, your Committee recommend that the force now employed there should be withdrawn—to the number of 12 Troopers and the 2 Sergeants attached—and that the services of said Troopers should be transferred to the Force stationed in the Northern Districts; and as, according to the evidence before them, the Native Police is still required in the Albert and Lower Darling Districts, for the purposes of protection against the Aborigines, they recommend that the Force to be employed in those districts should consist as follows, viz. :—

SOUTHERN DISTRICTS.

ALBERT.

1. Second Lieutenant.
6. Troopers.

LOWER DARLING.

1. Second Lieutenant.
6. Troopers.

In comparing the proposed amended Estimate with the sum placed on the Estimates of Expenditure for 1857, for the service of the Southern Districts, there will be a considerable reduction apparent.

After taking into account the probable reduction contemplated, there will be a large increase in the estimate for the Native Police for the Northern Districts; and in conclusion your Committee beg leave to state, that while they have been desirous in the consideration of the subject, to which they have devoted much serious attention, to advise and adopt the strictest economy consistent with efficiency, they have no hesitation, bearing fully in mind the important interests involved, strongly to recommend to the approval of your Honorable House the alterations and increase they have felt it their duty to propose for the Service—the improvement of the organization and management of which was referred by your Honorable House for their consideration and report.

*Legislative Assembly Chambers,
28 January, 1857.*

GORDON SANDEMAN,
Chairman.

PROCEEDINGS OF THE COMMITTEE.

FRIDAY, 14 NOVEMBER, 1856.

Members Present:—

Mr. Sandeman,		Mr. Hely,
Mr. Jones,		Mr. Holt,
Mr. Forster,		Mr. Wm. Macleay,
	Mr. Lang.	

Mr. Sandeman called to the Chair.

Committee deliberated as to their course of proceedings, and decided on taking evidence.

The names of several witnesses whose evidence, it was stated, would be found very serviceable in furthering this inquiry, having been submitted by various members of the Committee then present, the Chairman instructed the Clerk to make a list of such names, as a datum to direct the Committee in the future selection of witnesses.

Committee then considered whose evidence should be first taken.

Whereupon, Motion made (Mr. *Wm. Macleay*) and Question—"That Captain Mayne (*Auditor General*), F. Nicoll, Esquire, and C. G. N. Lockhart, Esquire, be summoned before the Committee as witnesses on Wednesday next"—*agreed to*.

Motion made (Mr. *Forster*), and Question—"That the Chairman be requested to move that the Papers relating to the management of the Native Police in the Northern Districts, which were laid upon the Table of the House on the 28th October last, be referred to this Committee"—*agreed to*.

[Adjourned till Wednesday next, at half-past Eleven o'clock.]

WEDNESDAY, 19 NOVEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.

Mr. Lang,		Mr. Wm. Macleay,
Mr. Hely,		Mr. Buckley,
Mr. Forster,		Mr. Hay.

Mr. *F. Nicoll*, Lieutenant in the Native Police, and Captain *Mayne*, Auditor General, late Inspector General of Police, examined.

Motion made, and Question—"That Charles Archer, Esquire, Charles Leith Hay, Esquire, and Colin McKenzie, Esquire, be summoned before this Committee, as witnesses, on Tuesday next"—*agreed to*.

[Adjourned till Tuesday next, at Twelve o'clock.]

TUESDAY, 25 NOVEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.

Mr. F. T. Rusden,		Mr. Lang,
Mr. Hely,		Mr. Buckley.

Mr. *Charles Archer*, Mr. *C. Leith Hay*, and Mr. *Colin J. McKenzie*, severally examined.

[Adjourned till Tuesday next, at Twelve o'clock.]

TUESDAY, 2 DECEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.

Mr. Buckley,		Mr. Forster,
Mr. Hely,		Mr. F. T. Rusden,
Mr. Lang,		Mr. Holt.

Mr. *R. P. Marshall*, Mr. *W. T. Elliott*, and Mr. *Robert Strathdee*, severally examined.

[Adjourned till Wednesday, 10th instant, at Twelve o'clock.]

WEDNESDAY,

WEDNESDAY, 10 DECEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.
Mr. F. T. Rusden, | Mr. Buckley,
Mr. Forster.

Mr. R. P. Marshall further examined.

Dr. H. Hort Brown, late Medical Officer to Native Police Force, Mr. A. Brown, and Mr. A. O. Moriarty, Chief Clerk, Crown Lands' Office, severally examined.
[Adjourned till Friday next, at half-past Twelve o'clock.]

FRIDAY, 12 DECEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.
Mr. Lang, | Mr. Buckley,
Mr. Forster.

Mr. Wm. Forster, and Mr. G. S. Lang, Members of the Committee, examined in their respective places.

Committee deliberated.

Motion made (Mr. Forster), and Question—"That the Chairman be requested to prepare a Draft Report for the consideration of the Committee"—agreed to.
[Adjourned till Friday next, at Twelve o'clock.]

FRIDAY, 19 DECEMBER, 1856.

Member Present:—

Mr. Sandeman.

A Quorum of the Committee not being present,
[Adjourned till Tuesday, 30th instant, at Twelve o'clock.]

TUESDAY, 30 DECEMBER, 1856.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.
Mr. Jones, | Mr. Forster;
Mr. R. Bligh, Commissioner of Crown Lands for Clarence River District, and Captain McLerie, Inspector General of Police, examined.
[Adjourned till Tuesday, 13th January, at Eleven o'clock.]

TUESDAY, 13 JANUARY, 1857.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.
Mr. Forster, | Mr. Jones,
Mr. F. T. Rusden, | Mr. Hely,
Mr. Holt.

Draft Report, proposed by the Chairman, read 1°
Committee deliberated thereupon.

Motion made (Mr. Holt), and Question—"That the Draft Report proposed by the Chairman be now read 2°, and then considered paragraph by paragraph"—agreed to.

Whereupon, Draft Report read 2°

Committee agreed to the introductory portion of the Report, being simply explanatory of the past and present condition of the Native Police Force, with certain verbal amendments.

Paragraph, comprising 1st Resolution, read:

"That there be appointed an Officer to undertake the local charge of the Native Police in the Northern Districts, as Commandant and Inspector, who shall be responsible to the Government for the efficiency and proper conduct of the Force, and whose duty it should be to inspect, from time to time, the various detachments or bodies comprising the whole Force in the Northern Districts, and whose duty it should further be to control and regulate the movements and distribution of the Force. And, considering the past irregularities, which have already been referred to, your Committee recommend that the said Officer should be subject to the administrative control of Captain Wickham, the Government Resident at Moreton Bay, and that the said Officer should render punctual Reports to the Government Resident, but that the entire control and direction of the Force shall be in the hands of the Commandant and Inspector alone, in whose hands, also, shall rest the power of appointing Officers to the Force, and without whose approval the appointment of no Officer, although recommended, shall be confirmed."

Motion

Motion made (Mr. Jones) and *Question proposed*: "That this Paragraph be amended by the omission of all the words after the words "recommend that" to the end of such Paragraph, in order to add the words "While the entire control and direction of the Force shall be in the hands of the Commandant and Inspector alone, in whose hands also shall rest the power of appointing Officers to the Force, subject to the approval of the Government, that Officer shall render to the Executive Officer of the Government, to whose department the Native Police Force shall be attached, monthly reports, to be transmitted through the Bench of Magistrates nearest to the locality where the Commandant and Inspector shall happen to be at the time when such monthly reports shall be due, and that such reports may be accompanied by any minutes that may seem to the Bench to be desirable to make on said reports, and that copies of any such minutes shall be transmitted to the Commandant and Inspector by the Bench; and in event of any complaint being made against the conduct or proceedings of the Commandant and Inspector, such complaint shall be referred to a Bench of Magistrates near to which the cause of complaint in question shall have occurred."

Question—"That the words proposed to be omitted stand part of the Paragraph"—*put and negatived*:

Whereupon *Question*—"That the words proposed to be added, in the place of the words omitted, be so added"—*put and agreed to*.

Words added accordingly.

Paragraph, as amended, read.

[Adjourned till Tuesday next, at Twelve o'clock.]

TUESDAY, 20 JANUARY, 1857.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.

Mr. Jones,
Mr. Forster,
Mr. Lang,

Mr. Holt,
Mr. F. T. Rusden,
Mr. Buckley.

Consideration of Draft Report, proposed by the Chairman, proceeded with.

Paragraph, comprising 1st Resolution, as amended, read 2^d and agreed to.

Paragraphs, comprising 2nd and 3rd Resolutions, read, and agreed to without amendment.

Paragraph, comprising 4th Resolution, read.

Motion made (Mr. Jones) and *Question*—"That in addition to the Main Camps, proposed to be established, as shewn in the Schedule contained in this Paragraph, two other Main Camps be formed in the Districts of Moreton Bay and Clarence and McLeay respectively"—*agreed to*.

Schedule in Paragraph amended accordingly.

Paragraph, as amended in Schedule, agreed to.

Paragraph, comprising 5th Resolution, read:

"Your Committee recommend that the different grades of Officers, at present existing in the Force should be continued, and that the number and respective grades of such Officers should be fixed as follows; viz:—

3 Lieutenants.

3 Second Lieutenants.

13 Sub-Lieutenants.

"The existence of different grades in the Department, your Committee are of opinion, is most advisable and essential, as an incentive to increased exertion on the part of the junior officers of the force; and on the like principle your Committee recommend that the pay of the different grades of officers should be apportioned. And they would remark, that while the evidence is conclusive as to the propriety of substituting the grade of Sub-Lieutenant in lieu of the former grade of Sergeant, they are of opinion, in accordance with the evidence, that the pay formerly allotted to the Sergeants of £68 5s., is altogether inadequate to secure the services of a class of Officers, as Sub-Lieutenants, such as it would be desirable to employ in the Force;—your Committee, therefore, recommend that the pay of the Sub-Lieutenants should be fixed at not less than £150 per annum.

"Your Committee further recommend, that the Salaries of the other Officers should be apportioned and fixed, as follows:—Lieutenants at £350, and Second Lieutenants at £250 per annum."

Committee deliberated

Motion made (Mr. Forster) and *Question*, "That the Committee deem it inexpedient to make any specific recommendation to the House in their Report, as to the amount of salaries to be paid to the Officers and Men of the Force, and that this Paragraph be therefore expunged"—*agreed to*.

Paragraph expunged accordingly.

Motion made (Mr. Jones) and *Question*, "That in lieu of the Paragraph expunged, there be inserted in the Report a Paragraph, providing that the Officers of the Force should consist, exclusive of the Commandant and Inspector, of two grades only, namely, Lieutenants and Second Lieutenants, and that the grade of Sub-Lieutenants should be abolished"—*agreed to*.

Motion

Motion made (Mr. Jones) and Question proposed, "That the number of such Lieutenants be four, and of such Second Lieutenants be sixteen, to be distributed as shown in the following Schedule:—

DISTRICT	NUMBER, &C., OF OFFICERS.	
	Lieutenants.	Second Lieutenants.
Port Curtis	1	1
Leichhardt, (including whole of Upper Dawson)...	1	7
Wide Bay and Burnett	1	2
Maranoa and Lower Condamine	1	3
Moreton Bay	0	1
Clarence and McLeay	0	1
Total.....	4 Lieutenants.	15 Second Lieutenants.

"leaving the one additional Second Lieutenant to be employed in such district as the Commandant and Inspector may see fit to direct."

Amendment proposed (Mr. Lang,) "That the number of such Lieutenants be seven, and of such Second Lieutenants be thirteen."

Question put on the Amendment.

Committee divided.

Ayes, 2.

Mr. Lang,

Mr. Holt.

Noes, 4.

Mr. Jones,

Mr. F. T. Rusden,

Mr. Buckley,

Mr. Forster.

Whereupon Original Question put and agreed to.

Paragraph, comprising 6th Resolution, read.

Motion made (Mr. F. T. Rusden), and Question, "That the consideration of this Paragraph, consequent as it is on the one preceding, now expunged, be postponed, until the Schedule attached thereto has been so far re-constructed, as to render it in accordance with the Resolutions respecting the officering of the Native Police Force, as at present determined on by the Committee"—agreed to.

Consideration of Paragraph postponed accordingly.

Paragraph, comprising 7th Resolution, read, and, with certain verbal amendments, agreed to.

Schedule, attached thereto, read.

DISTRICT.	SECOND LIEUTENANTS.	TROOPERS.
Albert	1	6
Lower Darling.....	1	6
TOTAL	2 Second Lieutenants.	12 Troopers.

Committee deliberated as to the sufficiency of the Force, as herein proposed, to meet the requirements of the Southern Districts.

Motion made (Mr. Lang), and Question proposed—"That, in lieu of the Schedule at present proposed to be attached to this Paragraph, there be substituted the following Schedule:—

DISTRICT.	SECOND LIEUTENANTS.	TROOPERS.
Albert	1	6
Lower Darling.....	2	12
TOTAL	3 Second Lieutenants.	18 Troopers.

Committee divided.

Ayes, 1.

Mr. Lang,

Noes, 5.

Mr. Holt,

Mr. Jones,

Mr. Buckley,

Mr. Forster,

Mr. F. T. Rusden,

Whereupon, Schedule, as originally inserted in Draft Report, agreed to.

Concluding portion of Report read, and, with certain *verbal* amendments, agreed to.

Motion made, and *Question*—"That it is expedient to insert a Paragraph in the Report, recommending that the Officers of the Native Police Force be appointed Magistrates"—*negatived*.

Motion made, and *Question*—"That this Committee, in agreeing to these Resolutions, do not wish to prevent the Chairman, in finally drawing up the Report, from introducing any fresh matter thereinto, provided that it be not inconsistent with such Resolutions"—*agreed to*.

Motion made (*Mr. Buckley*), and *Question*—"That this Committee do now adjourn till Friday next, with the understanding that, on that day, the Chairman be prepared to bring up the Report, amended in accordance with the foregoing Resolutions, for the adoption of the Committee"—*agreed to*.

[Adjourned till Friday next, at Twelve o'clock.]

FRIDAY, 23 JANUARY, 1857.

By direction of the Chairman, the Meeting of the Committee to be holden this day was postponed till Tuesday next, at Twelve o'clock.

TUESDAY, 27 JANUARY, 1857.

Members Present:—

Gordon Sandeman, Esquire, in the Chair.

Mr. Buckley, | Mr. Forster.
Mr. F. T. Rusden.

Consideration of Draft Report, proposed by the Chairman, proceeded with.

The Chairman requested Committee, before finally agreeing to their Report, to re-consider a Resolution agreed to at their last Meeting, on motion of Mr. Jones, by which it was decided that the number of officers attached to the Native Police Force should be 20,—viz., 4 Lieutenants and 16 Second Lieutenants, and suggested the expediency of withdrawing the same, with a view to the substitution of the following Resolution in lieu thereof, viz. :—
"That the number of Lieutenants be *Three* and of Second Lieutenants be *Eleven*, to be distributed, as shown in the following Schedule :—

DISTRICTS.	NUMBER, &C., OF OFFICERS.	
	Lieutenants.	Second Lieutenants.
Port Curtis	0	1
Leichhardt, (including whole of Upper Dawson) ...	1	5
Wide Bay and Burnett	1	1
Maranoa and Lower Condamine	1	2
Moreton Bay	0	1
Clarence and McLeay	0	1
TOTAL.....	3 Lieutenants.	11 Second Lieutenants.

as he was decidedly of opinion, that by this reduction the efficiency of the Force would be in no degree impaired, and, moreover, a very considerable saving in the expense would be thus effected.

Committee deliberated.

Motion made and *Question*—"That the Resolution agreed to by the Committee on the 20th *instant*, on motion of Mr. Jones, fixing the number of officers to be attached to the Force, and their distribution throughout the various districts, be withdrawn from the proposed Report."—*Agreed to*.

Resolution withdrawn accordingly.

Whereupon motion made and *Question*—"That, in lieu of the Resolution thus withdrawn, the above-mentioned Resolution, proposed by the Chairman, be inserted in the Report"—*agreed to*.

Resolution inserted accordingly.

New Paragraph, comprising 5th Resolution, inserted in lieu of Paragraph expunged on 20th *instant*, read and agreed to.

Paragraph, comprising 6th Resolution, the consideration of which was postponed, on motion of Mr. F. T. Rusden, on 20th *instant*, in consequence of it being requisite for the Chairman to make certain amendments therein, read and agreed to.

Motion made (*Mr. F. T. Rusden*) and *Question*—"That this Report, as amended, be the Report of the Committee"—*agreed to*.

Chairman requested to Report, together with the Minutes of Evidence.

LIST OF WITNESSES.

Wednesday, 19 November, 1856.

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F. Nicoll, Esquire, Lieutenant in Native Police Force	1.
Captain Mayne, Auditor General	4.

Tuesday, 25 November, 1856.

C. Archer, Esquire	8.
C. Leith Hay, Esquire,	12.
Colin Mackenzie, Esquire	15.

Tuesday, 2 December, 1856.

R. P. Marshall, Esquire, <i>late</i> Commandant of Native Police Force ..	17.
W. T. Elliott, Esq.,	22.
Robert Strathdee, Esquire	24.

Wednesday, 10 December, 1856.

R. P. Marshall, Esquire, (<i>further examined</i>)	25.
Dr. H. Hort Brown, <i>late</i> Medical Officer to Native Police Force ..	27.
A. Brown, Esquire	30.
A. O. Moriarty, Esquire, Chief Clerk, Crown Lands Office	33.

Friday, 12 December, 1856.

W. Forster, Esquire, M.P.	35.
G. S. Lang, Esquire, M.P.	40.

Tuesday, 30 December, 1856.

R. Bligh, Esquire, Commissioner of Crown Lands for Clarence River District	40.
Captain McLerie, Inspector General of Police	41.

1856.

NEW SOUTH WALES.

Legislative Assembly.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

NATIVE POLICE FORCE.

WEDNESDAY, 19 NOVEMBER, 1856.

Present:—

MR. BUCKLEY,
MR. FORSTER,
MR. HELY,MR. LANG,
MR. WM. MACLEAY,
MR. SANDEMAN.

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

Francis Nicoll, Esq., J.P., called in and examined:—

1. *By the Chairman*: You are an officer of the Native Police? Yes.
2. Where are you stationed? At Wandai Gumbal, on the Tehanning.
3. You are in the District of Darling Downs? The building which constitutes my headquarters actually stands in the Darling Downs District, but that is not the District where most of my work lays. It is only because I happen to be on one side of the creek, instead of the other, that I am in the Darling Downs.
4. How many men have you under your charge? Twelve at present, and there are six men on the Dawson, at Palmtree Creek, whom I have to visit occasionally, because it is too far for the officer in charge of the Leichhardt District, Mr. Murray, to inspect them. I have to go over the range and inspect these men, though they are not in my district.
5. Then you have eighteen men altogether under your orders? I have nineteen altogether, for there is one I keep and pay myself, because he is too good a man to lose.
6. What district or extent of country do you consider under your charge? I am supposed by the Government to keep the country quiet as far as Drayton, which would be utterly impossible were the blacks not quiet in that direction.
7. On the other side, how far does it extend? On the other side it is illimitable.
8. You are supposed to have the Maranoa in your district? Yes, and the Fitz Roy Downs. When the Force was stronger we were supposed to look after the upper part of the Balonne.
9. With these eighteen men you have charge of the whole of the Upper Dawson? Yes, but six of these men do not belong to me; I only look after them, because it is too far for Mr. Murray to come to inspect them; it would take him a fortnight to ride to them if he rode night and day; I can get to them in about four days.
10. Then, in fact, under your immediate command there only twelve men? Only twelve men.
11. And with these twelve men you are supposed to protect the country extending all over the Maranoa? Yes, and the Fitz Roy Downs, and up to Drayton.
12. *By Mr. Macleay*: Have you any idea of the number of the Native Police Force altogether? It has been so reduced that I do not know the number now. I think there are now seventy-two altogether: Mr. Murray has twenty-four in the Leichhardt District; there are twenty-four in the Wide Bay and Burnett; I have twelve; and there are twelve on the Clarence.
13. *By the Chairman*: Within what time has the Force been reduced—within eighteen months? About eighteen months.
14. How many men had you in your section previous to the reduction? Twenty-four. We always, at Wandai Gumbal, kept a supernumerary in the section in case of sickness in the Force; what will keep twelve men will keep thirteen. One thing the Government makes

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Francis Nicoll Esq. no allowance for is, that out of seventy-two men there are sure to be some of them sick. I have had at Wandai Gumbal ten of them not able to move, and at other times I have had them all well. The men that were brought from the southward with Mr. Walker, the original Commandant, are very subject to fever and ague, which my northern troopers do not suffer from.

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15. Did you consider twenty-four men sufficient protection for the country under your charge? Yes; but I considered they were very improperly placed.

16. If they had been properly placed, would they have been sufficient for the purpose? Yes, if one of the Sub-lieutenants had been regularly stationed on the Balonne with eight men, and relieved every three months.

17. *By Mr. Hely*: Have you ever known any instance of native troopers being sent out by themselves without even a white Sergeant with them? Yes; I did it. I was left for some months without a Sergeant; my Sergeant became deranged, and I got rid of him on the 27th January. I was left from that time to the 22nd July without an European, in charge of a large district. But whenever I sent out my troopers in this way, I took care that there were no blacks in the vicinity. I told them to go about from place to place and make camps, because when the blacks see the camps they conclude we are out patrolling, and go back again.

18. Have you ever known an instance in which native troopers sent out by themselves have attacked and shot other blacks? No; but I have heard it was once done before I joined the Force.

19. *By the Chairman*: Do you approve of the abolition of the grade of Sergeant and the substitution of that of Sub-lieutenant? Yes. We never could get Sergeants latterly that we could trust out of our sight; if there was a keg of grog in the district they were sure to get at it, and then they would leave the troopers to shift for themselves; they would not even get the men their rations.

20. You think it is a grade not applicable to the service? No; because the troopers do not pay so much attention to men of that class as they do to their Lieutenants. The Government wrote to us to say that we might make any appointments we chose; but if we got a good bushman, the chances were that he could not read and write, and then he could not manage the ration accounts; and if he could read and write, most likely he was a drunkard; so that we were between two stools; but I do not think the Sub-lieutenants can live on the pay they have at present.

21. The appointment of Commandant was done away with some two years ago? Yes.

22. Do you consider the Force has been improved or otherwise since that step was taken? I think it has deteriorated very much; but I should like to qualify that remark, by saying that it was getting very bad under the former Commandant—Mr. Walker—on account of his intemperate habits; if he had kept steady it would have been quite a different Force. Mr. Marshall had it so short a time that he had not time to get things in order; he was hardly in charge before they abolished the office; he had no chance at all.

23. What do you consider should be the duties of the Commandant or Inspector? I think a Commandant should interfere very little with the officers, unless any of them should be guilty of a very great breach of duty, because the Commandant cannot know so much as the officer in command of the District, what the native tribes are likely to do. I think the Commandant should see particularly to the forwarding of supplies. As the Force is at present constituted, it does not matter whether flour is £10 or £100 a ton; it must be bought just when it is wanted; but when flour is low why cannot a supply be laid in. When I wrote to Captain Mayne for permission to purchase flour, he wrote back to say, that he considered the purchase of flour in such large quantities as a ton at a time very objectionable. However, I had half a ton, at about £26, and the next time I wanted flour it was at £68 a ton. I think the greatest benefit to be derived from the appointment of an Inspector or Commandant would be, that he would see the supplies forwarded to the proper stations; because at present it may happen that I get another Lieutenant's tea and he gets my tobacco, and so on; and sometimes we do not get our supplies at all. As an illustration of the way in which matters are managed now, I may mention, that when a Sub-lieutenant was sent to Wandai Gumbal, on the Lower Condamine, or towards the borders of Maranoa, he was sent to Grafton by the Clarence steamer.

24. In the absence of supplies, you have to pay much higher prices to the neighbouring settlers? A great deal. I can shew accounts in which I have been charged a shilling a pound for flour.

25. How many men should be in each detachment? That would depend greatly upon the district. I think six men are too few for any detachment; because, if you have two sick at a time, which is not unlikely, you cannot do anything with four men.

26. What number do you think sufficient for a detachment? I think the smallest detachment should be eight; and then, allowing two for sickness and casualties, there would always be six fit for duty.

27. If you had a detachment of eight men, would you have any man to leave in charge of the stores? I think there should be an European for that purpose. When I was left by myself for five months, as I have before mentioned, whenever I went away I had to leave the men their rations for each day made up separately in paper bags; and if I happened to be detained longer than I expected, when I came back their rations were out, and they had helped themselves from the stores, for of course they could not starve.

28. *By Mr. Lang*: Then you would have a white man to each detachment, to weigh out the rations and take charge of the stores? Yes.

29. Would he have no other duty? If we could get a handy man, who could shoe horses and stuff a saddle, to fill up his time, it would be a great advantage. At present, I have to send such of my horses as want shoeing all the way to Myall Creek, and when they come back their shoes are nearly worn out again; some horses must be shod, as you are aware.

30. What sort of a man would you get, and what wages would you pay him? I do not think we could get a man up there at all; it would be easier to get him down here.
31. The blacks round about Wandai Gumbal are quite quiet now, I suppose? In the immediate neighbourhood they are.
32. Are they quiet round the head of the Yulbar? No; that is about the worst place in the district to get at them.
33. How far is that place from your station? About twenty-five miles, as the crow flies.
34. How far to the westward are the blacks quiet? I think if the barracks were moved further out, they would be quiet a long way back—say to the Bungle.
35. You think, if you moved on to the Bungle, they would be quiet all behind you? There would be no difficulty behind. There is one place on the Tchaning, viz., Bogandilla, where Mr. Kettle who was killed by the blacks built a station, close under the range, where I do not think they will ever be quiet.
36. Do you not think that if the country is to be put to the expense of putting up another barracks, it would be advisable to move on ahead still further than the Bungle, so that you would then command a larger extent of country behind you as well as in front? That would be of no use, unless we could arrange with settlers to move out and occupy the country at the same time.
37. Are there not settlers on the Bungle? I am not aware of any.
38. Does it not strike you that if the head quarters are to be removed and another station built, it should be placed in such a position that it would protect the settlers who might go out into the new district beyond the Bungle, and beyond the Maranoa? You would then leave a great deal of country unprotected down towards the south.
39. In which, I suppose, you would place detachments? That would be very well if you gave us men enough.
40. If you only move to the Bungle, people will soon push out ahead of you again, and when you go to the expense of moving from Wandai Gumbal—? You forget that the station at Wandai Gumbal cost the Government nothing; the squatters put it up themselves.
41. But they are not likely to do the same again, and it is evident this movement would cause additional expense. However, I suppose if you had to supply detachments for the whole frontier of that new district, you must have more men? Yes; twelve men cannot do it.
42. Do you think that if you had the whole number of your former command, twenty-four men, with sub-officers, so that you could place detachments at the necessary points, your head-quarters should be further out than the Bungle? Yes, I would go as far as I could, then.
43. How far is this place that you propose removing to from the Balonne? I only proposed removing to this place with twelve men; if you give us more men we would move further out at once. I would then send a detachment of eight men to the Balonne, and change them every three months; but, with twelve men, I could not do that. We should have enough to do to save ourselves with only twelve men, if we moved out so far. If I went out, I should never expect to find the barracks in existence, on my return.
44. *By the Chairman:* Supposing the number of men belonging to your section to be twenty-four, how many horses would you give them? They should have two each. We have been only allowed one to each man, but it is absurd.
45. You would require some pack horses? Yes; there should be two pack horses to twelve men. We have nothing but bush feed, and that is not very plentiful at times, so that we must have a good number of horses; besides the horses being loose in the bush are constantly missing.
46. *By Mr. Lang:* Have you ever had a paddock put up at Wandai Gumbal? No; I do not think there is a paddock at any Native Police Station, unless Mr. Murray has one at Port Curtis.
47. Could you not get the blacks themselves to put up a sapling yard? If they had somebody to direct them, they might; but I do not know that I could teach them.
48. *By the Chairman:* You consider that the local Commandant or Inspector should have the supervision of the whole Force? Yes. We did not know at times to whom we ought to write, whether to Capt. O'Connell, Capt. Mayne, or Mr. Marshall.
49. *By Mr. Buckley:* Where do you think would be the best locality for the Commandant to be stationed? I think he ought to have a place at Wide Bay, and a place at Brisbane—I mean some place to put his stores in; he might make arrangements with some storekeeper to give him room for them. The Inspector or Commandant ought to have some place where he could store up flour when it was cheap.
50. Which would be the most central spot for a dépôt? He could not get one, because my stores, for instance, have to be shipped to Brisbane; Mr. Murray's to Port Curtis; and Mr. Morrisett's to Wide Bay.
51. Supposing you wanted to communicate officially, which would be the most convenient position for the Commandant? Brisbane, because the posts are so regular there.
52. *By Mr. Lang:* I suppose you are acquainted with the country between the Dawson and the coast, and between the Burnett and Wide Bay? Very slightly. I was on the Burnett for a short time after I went down, but all the rest of the time I have been on the Lower Condamine.
53. What number of men would be required to take charge of the country between the Dawson and the Burnett? Twenty-four is the present number, as far as I have understood.
54. Do you think they are sufficient for the purpose? I am not sure, but I have always understood the officers were satisfied with that number.
55. They are placed in detachments, are they not? There are six or eight men on the Burnett, but I do not know where Mr. Morrisett has the others.
56. Do you know where the head quarters are? He is putting up a hut or two, I believe, in some central place; but, until lately, he has had no barracks at all.

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Francis Nicoll Esq. 57. You mentioned just now, as one of the duties of the Commandant, that he would be able to see that stores were regularly supplied to the different sections of the Force—do you not think arrangements to meet that object could be made with some storekeeper in each district? 19 Nov., 1856. We used to have some arrangement of that sort, but at times we have been starving.

58. Settlers have no difficulty in procuring supplies? I beg your pardon, I have seen all the shepherds and hutkeepers of the district where I was on a ration of half a pound of rice a day because there was no flour to be had in the district.

59. *By The Chairman*: Do you consider, from your knowledge of the country, that a Native Police Force is required in the Clarence District? I do not know the Clarence, but the blacks never seem to commit any murders there. I am always satisfied if I can protect human life. I do not think you can expect to prevent the blacks taking an odd sheep, or a bullock or two, now and then.

60. *By Mr. Lang*: Are the settlers themselves satisfied with that way of doing business? I have always heard them say so—I do not mean rushing the cattle and disturbing the main camps, or taking off a flock of sheep.

Although not given in actual evidence, I should much desire that the following remarks be printed with the questions and answers before given.

The number of officers at present in command of the different detachments of Native Police is so small, that a newly appointed Sub-lieutenant has to proceed at once to his own individual command. As a necessary consequence, he is at the mercy of his troopers, who, taking advantage of his ignorance, do whatever they choose. The appointment of another officer would enable the Sub-lieutenant last appointed to learn his duties under an experienced Lieutenant, before he undertakes a separate command.

W. C. Mayne,
Esq.

William Colburne Mayne, Esq., Auditor General, late Inspector General of Police,
called in and examined:—

- 19 Nov., 1856. 1. *By the Chairman*: As Inspector General of Police you had the Native Police Force under your charge for some time? Yes, since the middle of 1855.
2. Did your duty in that respect commence before or after the abolition of the office of Commandant? My taking charge of it was with the understanding that the office was to be abolished.
3. Do you consider that the abolition of that office has tended to increase the usefulness of the Force, or otherwise? I think it was an office that it was perfectly justifiable to dispense with as not being necessary.
4. And, from your experience in the management of the Force up to the time when you gave up the control of it, were you still of that opinion? Quite of that opinion.
5. Will you be good enough to state some of your reasons for forming that opinion? I think the means of communication with the central authority in Sydney are very nearly as great as for communicating with any Commandant. In fact, it being known that the central authority can always be communicated with, and is always there, presents a facility which does not exist in the other case, because the *locus in quo* of the Commandant could never be known to any of the officers of the Force. My view is that there is nothing to prevent the Corps being directed in the same way as the Mounted Police Corps was directed, each officer being made strictly responsible for his own command in his own district, but being compelled to act in co-operation and in unity with the officers in contiguous districts.
6. An alteration has been made recently, I believe, by which the grade of Sergeant was done away with, and that of Sub-lieutenant substituted? Yes. It was represented by the officers that making it a rank which gentlemen would hold would afford facilities for getting a better class than could be obtained for the rank of non-commissioned officers. I saw force in the reason; it was one that I quite concurred in, and on that ground I recommended the alteration. In fact, I may say it was impossible to get men as Sergeants in the least approaching to efficiency.
7. Do you believe that the appointment of Sub-lieutenants has worked well in the management of the Force? I have no means of judging, because I have had no reports one way or the other.
8. What is your opinion of the number of men required for the District of Leichhardt including Port Curtis? I originally proposed the strength of the Force there as it is at present; a Lieutenant, a second Lieutenant, two Sub-lieutenants, and twenty-four troopers. I subsequently saw reason to advise that there should be an increase of a few troopers, to meet contingencies of accident and sickness; but, there being no provision to enable that to be done, it was not done. I would always wish to have the division of the effective strength of twenty-four troopers.
9. Are you aware of the extent of country that body would be expected to protect? Not the whole extent. But the principle I have always endeavoured to carry out has been that the duties of the Native Police ought to be confined to the protection of the white population on the extreme limits of the frontier districts. That was the view taken by the Legislature, and it was one which, I confess, I concurred in.
10. *By Mr. Lang*: If twenty-four troopers are necessary for the protection of that district, how many do you suppose would be sufficient for the protection of the Maranoa and the country beyond it—it would require twenty-four also, I suppose? No, twelve.
11. There are twelve there now? Yes.
12. Do you think twelve men are sufficient to protect the Balonne—where the blacks are and always have been troublesome—and also to protect the country to the north of the Balonne? I have had nothing before me to lead me to suppose the contrary.
13. You are not aware that there is a Petition now before the Assembly on the subject of the outrages in the Maranoa District? I am not aware of it.

14. There is a detachment on the Darling? Not belonging to the Native Police Corps. W. C. Mayne, Esq.
15. Where are the detachments that were under your control—where were they placed? The division for the Clarence was stationed on the Clarence River as their head quarters.
16. What was the Force of that division? One Second Lieutenant, one Sub-lieutenant, and twelve troopers. 19 Nov., 1856.
17. That at Wide Bay and the Burnett you have described already? No; that was the Port Curtis and Leichhardt division; but the strength of the Wide Bay and Burnett Corps is just the same.
18. I suppose you hold it as a principle that the Native Police should move on further into the interior as population advances? Yes.
19. I believe there is a proposition before you to move the detachment at Wandai Gumbal out farther? Yes, about fifty miles.
20. Do you think it is worth while to move them fifty miles, bearing in mind the expense of establishing a new station, and the probability that they would soon have to move on again? I think not. That is exactly the principle on which I declined to recommend the removal.
21. You are aware that the Bungle—to which it is proposed they should remove—forms part of the district they are now protecting? I have understood so.
22. And you think it would not be worth while to go to the expense of moving the detachment so short a distance? I think so—that it would not justify the expense. I think it better to wait until the necessity arises for their removal to a greater distance onward. Then they should remove, but not before.
23. This Maranoa country extends only to the Ambic and the Grafton Range? I believe so.
24. You are aware that as soon as another district is proclaimed beyond any of the existing boundaries, settlers immediately go and take up the country? Yes.
25. The Maranoa country being now occupied, and the settlers anxious to go out into the country to the north, do you not think, if this detachment is to be moved at all, it should be moved far enough out to keep quiet not only the country that has been protected, but to be in a position to protect the settlers who go beyond them, and save the necessity for another removal a short time afterwards? Certainly.
26. *By Mr. Macleay:* Do you think that each division of the Native Police should be under the command of an officer of their own? Yes; I think so.
27. Then you disapprove of the system of placing them under the Commissioners of Crown Lands, as has been done in the southern districts? I have always understood that they have white Sergeants.
28. In the north country you have done away with white Sergeants altogether? It is merely nominal; it is giving them a different name, because the holders of these offices have to discharge precisely the same duties.
29. *By Mr. Buckley:* Do you think any Native Police Force is requisite on the Clarence? I was of opinion that they were not, but the representations made to me on the subject have been such that I have always felt a difficulty in withdrawing them, although I could hardly reconcile their remaining there with the view of the Legislature, in which, as I have said, I concurred. Although there has been no instance of loss of life in that district, there have been very serious outrages; two cases of rape have been reported; and there have been repeated remonstrances and calls from the residents of the Macleay District for the assistance of the detachment of Native Police from the Clarence.
30. Do you allude to depredations on stock? In the Macleay District there have been constant depredations on stock; and the nature of that country renders white men quite inefficient to stop them.
31. Do you not think that what you have stated is sufficient to warrant the maintenance of a Force in that locality? I have not refused to keep them there; I only said I had some difficulty in reconciling it with the view of the Legislature and my own view. I never thought of withdrawing them.
32. Are we to infer that you think they could be dispensed with? I am not prepared to go to that extent. I should have hoped and expected that a district so long occupied would not have required them; but, as I have said, the representations from the Clarence and the Macleay are such that we do not feel justified in dispensing with them.
33. Do you think Port Curtis would be a good place for the head-quarters of the Native Police? If the Force is handled and used as it should be, I think there never should be any permanent head-quarters. In the Port Curtis District I know they have had very serious collisions with the aborigines. I know they have dealt out very summary punishment to repress their outrages.
34. Do you not think Port Curtis would be a better position than Brisbane for an officer to reside who might have the general command of the Force—that the head-quarters of the officer in command of the Force should be at Port Curtis? The head-quarters of the present division are close to Gladstone.
35. But the officer there has not the supreme command of the whole Force? No.
36. Would it not be more desirable to have a person, having the full command of the Force, resident at Port Curtis, instead of placing them under the orders of Captain Wickham, for instance, at Brisbane? No, I do not think so. It would be very difficult for the other officers to communicate with Port Curtis. I do not recognise the necessity for a Commandant of the Force at all. The principle I acted upon with them was to place the fullest and widest discretion in the hands of each officer, and to discourage and discountenance referring to me for instructions. I looked to them for the proper management of the men under their command, and for maintaining the peace of their respective districts, holding them responsible for the exercise of a proper discretion.
37. Do you think it desirable to have a person resident at Gladstone for the purpose of taking charge of all the stores? No, I do not think it necessary. The stores for the Port Curtis

W. C. Mayne, Esq., Curtis District are sent to Gladstone, and the officer makes his own arrangements for their transmission.

38. Would it not be well to have a general store, at some central point, for the whole Force? No, I think not. The stores must be sent to the respective ports of the districts.

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39 We have been told that a person is required to look after the saddlery, and attend to stores of that kind—do you think there would be any economy in having a person of that kind attached to each division? I do not think so.

40. *By Mr. Lang*: Do you think some of the blacks should be taught to do that? Yes; I have no doubt they could be taught to do everything but what a really competent saddler could do. You cannot, I think, throw these men too much upon their own resources.

41. *By Mr. Buckley*: There is great difficulty as to shoeing the horses, which are much distressed in consequence? I know there is. If the country is a stony one, which I have reason to believe, there is a great difficulty, and one it is almost impossible to meet. I think it might be met to a certain degree by each detachment having shoeing tools, and a few spare shoes and nails with them, and some one of them being taught to put them on. I used to do it constantly myself when I was a Commissioner of Crown Lands. I used constantly to shoe my own horses. In fact the putting on of the shoes is a thing that every person paying common attention to it can soon do.

42. *By the Chairman*: In case of charges being made against any officer of Native Police, how would you propose to proceed with the inquiry when the Force is under the superintendence of an officer residing in Sydney? I would, in case of inquiry being necessary, have the Court held at whatever was the most convenient place where there were officers or gentlemen that could be made to constitute the inquiring body or commission. For instance, as regards the Clarence or the Maranoa, I would recommend that the inquiry should be held by the Government Resident at Brisbane; and in a case arising in the Port Curtis District, by the Police Magistrate at Gladstone. They might hold the inquiry, and transmit the depositions and proceedings, leaving the decision in the hands of the central authority in Sydney, of course subject to the control of the Executive.

43. *By Mr. Forster*: In speaking of the full discretion which you would allow to the officers of Native Police in their respective districts, do you imply a discretion to execute warrants whether they please or not? What description of warrants?

44. Warrants by Magistrates? Directed against whom?

45. Against blacks? Of course they should execute warrants against aborigines, but still subject to a proper discretion in not interfering with other more important and pressing duties.

46. You would allow them a discretion as to the execution of warrants? As to the immediate execution.

47. But you would not allow them a discretion as to whether they would put these warrants in force or not at any time? Certainly not.

48. Are you aware that warrants were issued and were never put in force during the time of Mr. Walker, and that the officers of the Native Police assumed a discretion of that sort? I am not aware of that. My knowledge of matters while the Force was under the control of Mr. Walker is very limited indeed. It is confined simply to matters that still required to be investigated after his dismissal—chiefly matters of account.

49. Are you aware of any case in which the Native Police were employed in the apprehension of white men, in pursuance of warrants issued under the Masters' and Servants' Act, or any other warrants? I am not aware of such a thing. I am aware that there was a complaint from a settler that they connived at, or did not prevent, the absconding of a white man.

50. I think I gather that you are unfavourable to the Native Police being engaged in apprehending white men? Yes; it is outside the sphere of their proper duty; but in the case of the commission of actual crime, for instance, in a case of murder, I think they ought to carry out the action of the law, to prevent the escape of the criminal.

51. Are you aware of the regulations that were imposed on the Native Police, in reference to their intercourse with the native tribes during your control of the Force? I recollect perfectly the instructions I gave, and particularly with reference to their interfering with the native women. I gave most positive instructions that they were not to be allowed to interfere with these women, and were not to have any of the women with them, except with the entire and full consent of the tribes, and the individual members of the tribes to whom they might be supposed to belong.

52. Do you know of any case, in the whole Native Police Force under your supervision, where the native women accompanied them all over the country? No, I am not aware of the fact; it has never come to my knowledge.

53. Respecting the permission implied in what you have said, as to the native women being with them with the consent of the tribes to which they belong, do you not think it possible that, although that consent of the tribe might be supposed, it might have been forced from them through fear of the Native Police? That was one of the things I called the attention of the officers to. If it could have been possible to have prevented it altogether I would have done so, but under the circumstances, I could only endeavour to guard against the evils of the practice.

54. With regard to the late management, since the dismissal of Mr. Walker, have you any reason to believe that the efficiency of the Force has greatly improved, or what is your opinion of it? Everything I could collect from my correspondence with Mr. Marshall gave me the impression that he was a very active, anxious, and zealous officer, and that he carried out his duty with benefit to the public.

55. My question implies no censure upon Mr. Marshall, but the system may be so bad that it is incapable of efficiency; I wish to know whether, by the substitution of Mr. Marshall for Mr. Walker any improvement has taken place? I should think there has been improvement.

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- The substitution of a man, such as I have described, for a man who had, to say the least, W. C. Mayne, serious and glaring faults, must have been beneficial. Esq.
56. Have you any knowledge of the reasons that led the Government to maintain Mr. Walker in his position so long in opposition to the wishes of the inhabitants? I suppose they must have had a conviction of his competency, until the contrary was shown. 19 Nov., 1856.
57. Have you had any evidence before you to shew how long his intemperate habits had prevailed? No.
58. With regard to procuring horses for the Force, what regulations existed—I believe some sort of certificate is required? The duty of purchasing horses devolved on the officer in charge of each division, and he was instructed to give his own certificate, and, if it were possible to obtain it, the certificate of some Magistrate, that the horses purchased were suitable ones.
59. Are you aware of any case in which a Magistrate gave certificates for some forty horses which had been procured during several weeks, from different individuals, and as to the serviceableness of which horses that Magistrate could not have had any knowledge? No. I must conclude that a Magistrate signs *bonâ fide*, until the contrary is shewn.
60. You have had no complaints to that effect? No.
61. What is your idea as to the relative expense of a Native Police Force, and a Force composed of white men, we will say similar numbers; do you think the expense of a Native Police Force would be smaller or greater than the expense of a body of white men? Much less, unquestionably.
62. Taking every circumstance into account, the wear and tear of accoutrements, for instance, may I ask you whether it would be greater? The wear and tear of accoutrements is considerably greater in the case of a Native Police, no doubt; but the pay is very much less, in fact it is merely nominal, 3d. a day; while that of white men would not be less than 5s. 6d. per diem.
63. You think the efficiency you obtain from the Native Police is obtained at much less cost than it would be from white men? Yes, and the duty is one you could not get performed by white men.
64. What would you think of the proposal to have a white mounted Police Force, smaller in number than the Native Police, attended by a certain number of blacks as trackers; what do you think would be the efficiency of a Force of that kind? It would be more expensive, and I do not think it would be so efficient in dealing with the Aborigines when they come into collision, because the blacks would go into places where white men would be perfectly helpless.
65. Are you of opinion that the Native Police should be subject to the local authorities not connected with the central Government, or not? Not unless the two Governments are separated; if they are, the Government at Brisbane would become a separate Government in itself. I think there ought to be an authority in some central place of Government to which the Native Police should be subject.
66. Do you think any officer in the nature of a municipal officer should have any authority over them? No, I do not.
67. You are of opinion that, in case of a separation of the Governments, Brisbane would be the proper place for the supreme authority over this Force? I think so.
68. You think Brisbane a better place than either Gladstone or Maryborough? I do.
69. What is your reason for thinking that an authority further removed from the scene of action, Brisbane being more distant than Maryborough for instance, would exercise a more efficient control? The means of communication with Brisbane are at least equal from all the outposts, and they are greater both from the Maranoa and the Clarence.
70. But you would not say they are greater from the Leichhardt District? There is very little communication between the Leichhardt and Wide Bay.
71. Do you mean that there could not be a better communication than with Brisbane? You would have to establish the means.
72. *By Mr. Lang:* Do you not think that the Native Police Force, the greater part of which lies chiefly in the Wide Bay and Burnett Districts, and in the Leichhardt District, would be more immediately under the command of a central authority at Wide Bay than at Brisbane, which is far to the south both of Wide Bay and Port Curtis? I do not think so, with reference to the means of communication which exist.
73. When the country becomes settled, as it is doing every day, and when there is a population at the back of Wide Bay equal, as I have no doubt it will be, to the population of Moreton Bay, means of communication will be established equal to those with Brisbane itself? You are pre-supposing that there should be a Commandant of this Force alone; but I think the direction of this Force ought to be combined with the central authority; wherever the head-quarters of the central Government are, I think the central authority for the Native Police ought to be.
74. *By Mr. Forster:* I think you said there was very little necessity for a Native Police Force in the Clarence District? I said I had hoped and expected that a District so long occupied would have been in a situation to dispense with such a Force, but that the representations made by the inhabitants went to prove the contrary.
75. Do you not think there is a much greater necessity for their presence in the Burnett and Wide Bay District than in the Clarence? I should think so. But I may mention that constant representations have been made of the danger to life and property, from the attacks of the aborigines, in the immediate neighbourhood of Brisbane, at a place called Sandgate, for instance.
76. Do you not think the central authority would be better placed as near as possible to the more obvious scene of operations? If you had a central authority for that force alone it might be.
77. What would you say to a proposal to place a certain number of Native Troopers under the

W. C. Mayne, Esq. the orders of each Bench of Magistrates, or of the Commissioners of Crown Lands? I think they would become entirely inefficient.

19 Nov., 1856. 78. What is your reason for supposing they would become inefficient? Being constantly about the head-quarters of the Benches of Magistrates or Commissioners, they would be subject to a variety of temptations, which would all tend to deteriorate them and render them inefficient.

79. I am supposing that they would be placed entirely under the control of the Magistrates, that is, that their officers should be under the orders of the Local Magistracy, who would locate wherever they might be most required? I think you would find it very difficult to carry out such a scheme, because it is very natural that each Magistrate should, when outrages by the Aborigines were prevalent in the locality, think his own part of the district the one most exposed and most calling for their operations, and thus there would be no unanimity in their direction.

80. Why have not the same causes operated unfavourably on the ordinary Police as would operate on them? I look upon the ordinary Police as very inefficient from that very cause, the want of system.

81. You think the system of obedience to a central authority might be applied to both with good effect? Yes, without question; it is what I have all along contended for.

82. Do you think the inefficiency of the Native Police has not been in any way caused by the virtual irresponsibility of the Commandant in former days? I am not aware that he was virtually irresponsible; I have always considered that he was strictly responsible to the Executive.

83. Are you not aware that the circumstances which have occurred are such as to lead to the conclusion that he was to all intents and purposes irresponsible? I have nothing before me to shew it. Representations were made to the Government that Mr. Walker, the late Commandant, had fallen into habits of great intemperance, that incapacitated him from performing his duties properly. The Government determined upon holding an inquiry into these and other charges, which were preferred against him by Officers of the Corps; and when the Board of Inquiry met at Brisbane, Mr. Walker presented himself before them in a state that rendered it impossible for them to proceed with the inquiry. They therefore, reported what had occurred to the Government, and discontinued further proceedings, whereupon Mr. Walker was immediately dismissed.

84. Do you mean to imply that because a person accused, presents himself before the Court in a state of intoxication, that is to prevent them from going on with the inquiry? I think you are drawing an inference you are not justified in drawing from what I said; but I think Mr. Walker's appearance in such a state did, under the circumstances, fully justify them in stopping the inquiry and reporting it to the Government, and also that it fully justified the Government in dismissing him.

85. Are you not of opinion that some good might have been done by going on with the inquiry? I think it might have been possible for the Board to have taken the evidence, but it was to be borne in mind that taking the evidence in the absence of the man charged is wholly opposed to British principle.

86. If I understand you rightly, the decision was given upon his incompetency to attend the investigation? He was dismissed for his impropriety of conduct in appearing before the Board in the state he did.

87. *By the Chairman*: Are you aware whether the Government instituted an inquiry into Mr. Walker's conduct as soon as they became aware of the charges made against him? My impression is that they did; in the case I refer to, I recollect seeing the representations made by Mr. Marshall and other officers, and I believe the inquiry was instituted immediately.

TUESDAY, 25 NOVEMBER, 1856.

Present:—

MR. BUCKLEY;
MR. HELY;

MR. LANG,
MR. F. T. RUSDEN,

MR. SANDEMAN.

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

Charles Archer, Esquire, J. P., called in and examined:—

C. Archer,
Esq.
25 Nov., 1856.

1. *By the Chairman*: You are a resident of the Leichhardt District? Of the Port Curtis District.

2. You are a Magistrate of the Territory? Yes.

3. You were formerly resident in the Moreton and Burnett Districts? I had resided in the Burnett District before I went out to Port Curtis.

4. And in the Moreton District also? Yes.

5. How many years have you resided in the Northern Districts altogether? Thirteen or fourteen years.

6. Have you had much experience among the native blacks? I have been at the forming of six new stations, outside stations in the outlying districts, and, of course, I have had some experience with the blacks.

7. Have you had much trouble in protecting the lives of your men from their attacks; and your property from their depredations? Yes, I have had a great deal of trouble in that way, but I have been very fortunate in not losing men, although I have lost a good deal of property—stock, and so on.

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8. Do you consider that the establishment of the Native Police Force tended to put a stop to the depredations that originally existed in the Northern Districts? I think that in the Burnett District, where I was at the time the Native Police Force was formed, the progress of the squatters would have been arrested altogether if it had not been for the establishment of the force,—or I would rather say, not arrested altogether, but greatly retarded, if the force had not been established.

9. Is the Native Police as effective now as it was on the first establishment of the Force, and for some time afterwards? I think it is not so effective.

10. To what do you attribute the altered or lessened efficiency of the Force? I attribute it, in the first instance, to the hold that the late Commandant, Mr. Walker, got over the men, at the expense of the authority of the other officers. He pampered the men under his immediate command, and the men under the other officers, who had not the means of treating them in the same way, disliked the officers immediately over them; they all looked up to the Commandant, and when he was removed the other officers had not the same control over them that he had had. And since then the head of the Force being placed in Sydney has been greatly against its efficiency.

11. Are you aware of the causes that occasioned the dismissal of the first Commandant of the Force? I know what they were by report.

12. What were they? Intemperate habits, I believe, and irregularity in his accounts, are what I understood to be the causes of it.

13. Do you think that if timely investigation had been made into that officer's conduct, the evils attendant upon that conduct, in the mismanagement of the Force, might have been prevented? I do not think the evil would have gone so far; it might have been checked sooner perhaps; but the Force was not completely formed for a long time after he was in charge, and we were always in hopes that when all his arrangements were properly carried out it would be more efficient under his command than it had been. His intemperate habits did not shew themselves all at once, and of course no private individual was aware of any irregularity in his accounts.

14. You think that if it had not been for his intemperate habits the Force would have been more efficient under his command than it was, or than it has been since? Yes; if he had been a man of temperate habits, a correct accountant, and good man of business, he was admirably fitted for his post in other respects, and he could have managed it very well; but he never could have managed it unless he had been on the spot.

15. Who succeeded Mr. Walker as Commandant? Mr. Marshall acted for some short time.

16. The appointment was then abolished? Yes. I do not think Mr. Marshall was ever properly appointed Commandant; he merely acted.

17. Are you aware of the reasons which actuated the Government in doing away with the office of Commandant? I believe it was considered that the Force would be better managed by placing the supreme authority in Sydney, and making each officer responsible for the manner in which the duties of the Force were performed in his own district.

18. After the abolition of the Commandantship the Force was placed under the supervision of the Inspector General of Police, in Sydney? Yes, I understood so.

19. What has been the effect of that change in the management of the Force—do you think it has been injurious or otherwise? We must remember that the Force was badly managed before, but its efficiency has certainly not been improved by the late arrangement. I think the appointment of a head in the district itself would have had the effect of improving the Force very much, whereas by appointing the head here it has not been improved at all.

20. What is the average distance of the positions in the Northern Districts, where the Police are employed from Sydney? I am not very well acquainted with them all.

21. Take the most central station where the Police are employed? I think the most central part would be about seven hundred miles from Sydney; I could not speak positively.

22. There are other parts that are further away? Yes. I think my station, where there are four Policemen, is about nine hundred miles from Sydney.

23. What is the distance from Sydney of the farthest outlying district where the Police are now? I think about nine hundred miles; I do not mean in a direct line, but travelling on the ordinary lines of communication.

24. Do you believe it possible that a Force like the Native Police can be managed by an officer residing in Sydney? No, I believe not, when a man of Captain Mayne's ability has failed, and, I think, the attempt to manage it from Sydney must be pronounced a failure. I do not see how it is possible that a person who is not intimately acquainted with the localities and the features of the country, or a person not acquainted with the blacks, and where the places are that require protection, can arrange the distribution of the Force satisfactorily; he must be on the spot, seeing everything every day.

25. Do you think it could be managed by an officer residing at Brisbane? I think it could be; but I think it could be more easily managed by an officer residing in a more central situation: it could be better managed from Brisbane than from Sydney.

26. Do you think it desirable that the head of the Force should be stationary, or, that he should travel from one locality to another? I think the head of the Force ought to have his head quarters in a central position, and ought occasionally to visit the different Police stations.

27. You consider that the Force cannot be efficiently managed without an officer as local head? I do.

28. Do you consider that a clerk should be attached to the department of the local head? Yes, I think so. At head-quarters there should be a clerk who should always reside there, and who should be able to carry on the correspondence in the absence of the local head, or could at all events know where the correspondence could reach him, in case of any emergency, when absent from head-quarters. Besides, the accounts ought to be managed by a proper accountant

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29. We have understood that there has been a great deal of difficulty and irregularity in getting supplies of clothing and other articles? That has arisen from the bad arrangements of the late Commandant; he always had the clothing sent to head-quarters and brought in the various divisions to receive their clothing, sometimes making the horses travel two hundred miles there, and two hundred miles back again, merely for the purpose of receiving the clothing; and they have sustained more injury in that way than from several weeks' service, as Police.

30. *By Mr. Lang:* More than the whole value of the clothes? Much more.

31. *By the Chairman:* Would it be desirable to have a barrack or store in each district from which clothing and other articles might be supplied? Any store near some shipping port would do. I think each division ought to have its depôt at the shipping port nearest where the division is stationed, but I do not think any buildings should be erected by the Government, because the Force might be moved to some other place at any moment; for, I suppose, that as squatting progresses, the Police will be moved further out.

32. At the time the office of Commandant was abolished, or some short time after, a portion of the Force was disbanded? I heard of it, but it did not come under my immediate knowledge. I know an offer was made to some of the Police to be sent back to their own country if they wished to go; and, I believe, some of them did accept of the offer, and others consented to remain with the Force; but I know also that after the late Commandant was dismissed, a considerable body of Police was raised by order of the Inspector General, I think, which order was countermanded again, and they were turned adrift on the country.

33. Where were they recruited from? From Wide Bay principally, I think. They were brought up to Traylan, the head-quarters in the Burnett District, and drilled for a short time, and when Mr. Marshall found that there was no provision made for the pay and feeding of these men, he, of course, was obliged to disband them.

34. Have any bad effects resulted from this? I have not been living in that part of the country recently, and therefore I cannot speak of my own knowledge, but I have heard that there were great complaints that the men were disbanded without their Police clothes having been taken from them, and that they represented themselves as Policemen and got rations supplied to them in that belief at different stations.

35. Do you not think the men should be recruited in districts at some distance from that in which it is intended to employ them? Yes, I think so. I think the men recruited on the Clarence for instance might be employed in the Port Curtis District, and *vice versa*. They should be recruited in districts far removed from where they are intended to serve.

36. I think you said part of the Force has been disbanded? Yes, but they had only been enlisted for a short time—those that had been enlisted at Wide Bay. Some others have been disbanded lately; but I understood your question to allude to those disbanded immediately after the late Commandant was dismissed.

37. Or afterwards? Some have been disbanded lately.

38. Are you aware what have been the consequences of that step? I am aware that the amount of protection afforded to the outlying districts has been less.

39. *By Mr. Rusden:* Do you think that in recruiting men for the Native Police, attention should be paid to their being able to converse or communicate in their own language with the tribes in the neighbourhood where they are to be employed? No doubt natives from a distance are not able to communicate very readily; but it is a singular circumstance that families twenty miles apart often speak a totally different language. Even different families in the same camp will tell you different names for the same thing, but they find no difficulty in understanding each other.

40. They soon acquire it? Yes.

41. *By the Chairman:* You consider that the Force should be augmented? Decidedly.

42. What is the extent of the Leichhardt District, or the country in that district over which licenses have been applied for to depasture stock? From the head of the Dawson to the head of the Isaacs is from three to four hundred miles. The Leichhardt District is considerably larger than England, and very nearly as large as England and Scotland.

43. What number of officers and troopers do you think would be requisite to protect a district of that size? Do you mean as the district is now, or to make allowances for the progress of squatting?

44. For the requirements at present existing? I think thirty men might do it.

45. That would be about three sections; a section generally consists of twelve men, I believe? Thirty-six would be better than thirty.

46. How many officers are there to each section of twelve men—are you aware? To each division of twenty-four men, there are supposed to be a First and Second Lieutenant, and one or two Sub-lieutenants, I am not sure which. These Sub-lieutenants are, I believe, in the place of Sergeants, and only receive about the same pay. It was found that the men had not the slightest respect for white men in the capacity of Sergeants, who went into the huts on the stations they visited and associated with the men they found there on an equal footing. I believe that was the reason why the white Sergeants were done away with, and it was thought advisable to get respectable young men to whom the Police would look up as gentlemen, under the name of Sub-lieutenants.

47. Do you think that was an improvement? Yes, if the Sub-lieutenants received pay which would induce men capable of performing the duties to enter the Force; but the pay is so small that they cannot get efficient men to fill the situations. I think it was a good idea, if they could get proper men.

48. The system of having white men as Sergeants has not been found to work well in the Force? Not as far as I have seen.

49. Do you consider that the Lieutenants in charge of sections should be Magistrates? No, I think not.

50. The First Lieutenants, I mean? It might be as well to make the First Lieutenants of divisions

divisions Magistrates, but I think that officers of a lower grade ought not to be Magistrates. I think there are many men who would be very efficient Second Lieutenants who are not fitted to be Magistrates. And I do not think it is necessary.

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51. *By Mr. Buckley:* Of what class are the present Sub-lieutenants; are any of them men that have been raised from the grade of Sergeant? No, not at all; I have never seen a sergeant of Native Police yet who was fit to be raised to be a Lieutenant. The Sub-lieutenants are men who have been applying to Government for situations, I suppose, and they have got these.

52. The pay is much the same as the pay of the Sergeants, is it not? Yes, the appointment is merely a change of name as regards the pay. The only one I know is one who is stationed in my own neighbourhood; he was a sailor, or he had been brought up to the sea at all events.

53. I think you say it was considered desirable to dispense with the Sergeants and substitute Sub-lieutenants for them, on account of the Sergeants not being able to command the respect of the men? Yes.

54. Leaving the respect in which they may have been held out of the question, are the Sergeants a class of men whose services would be considered more efficient for pursuing the blacks than those of the Sub-lieutenants? I have heard of one Sergeant who was very efficient, and of many who were not. As for pursuing the blacks, when it is once determined that it is necessary to go out after them, the men know a great deal better than the officers what it is best to do.

55. You consider thirty-six troopers necessary for the Port Curtis and Leichhardt Districts? Yes. There is a portion of the Port Curtis country which lies very near the Burnett District, and which would be more easily protected from the Burnett than from the Leichhardt. The Port Curtis District is comparatively a small strip of country, and that portion of it could be protected from the Burnett.

56. How many do they allow for duty out of every section—what number would it be requisite to leave in charge of the station? Much depends on the place where the station is; if it is in the immediate neighbourhood of a squatting station, one or two men would be enough, but if it were some distance away from any other station, there should be three or four men besides an officer.

57. *By Mr. Hely:* How many Native Police are there at present in the Leichhardt District? I cannot speak positively—I can only give a guess at the number—but I think that in the Leichhardt and Port Curtis Districts there cannot be more than twenty men.

58. *By the Chairman:* Does that include the Upper Dawson? Yes. There may be one or two more or less, but I do not think there are more than twenty effective men there.

59. Do you consider that if a force of white men, such as the Old Mounted Police, were substituted for the Native Police, they would be adapted to protect the outlying districts? They would not be of any use whatever. I have had a good deal of experience of white men in dealing with the blacks, and they are not of the slightest use; they cannot track a black when a depredation has been committed, and if by good fortune they have found him he always manages to escape.

60. Do you consider that if the best white troopers, picked men, were chosen for the service, they would not be fitted for the duty? No, they would not; and the more of a soldier a man might be, the less fitted he would be for the purpose.

61. It has been said by some, that the Native Police should be under the orders of the Benches of Magistrates in their respective districts—do you think that would be attended with benefit? I think it would not be attended with benefit.

62. Will you state any reasons why? I think a Bench being composed of several individuals, there is likely to be great difference of opinion as to how the force should be distributed, or what they ought to do. That is one reason, and I think it is almost enough. Besides, I do not think a Bench of Magistrates can know as well as the local head of the Force what ought to be done; the Bench only knows the requirements of its own district, and knows nothing more. I think it ought to be in the power of the local head to remove drafts of the Police from one district into another district, when the increase of outrage in any particular neighbourhood might render it desirable. It appears to me that according to the present system the Police must remain in the district for which the money was voted; for instance, any part of the force voted for the Burnett District could not be removed to the Leichhardt, or those from the Leichhardt to any other district—at least so I understood it. I think it would be better, perhaps, to make the vote a general one, without stating what district they should be in, and to let the distribution rest with the Officer in command of the Force.

63. Are you aware whether the Native Police are required in the Clarence River District at present? I am not aware; but if they are required it is to the disgrace of the squatters that they are;—that they should not have been able to conciliate the blacks in the time that country has been settled. I think they ought to be able to protect themselves by this time.

64. You think the Native Police should be employed in the outlying frontier districts entirely? Decidedly.

65. *By Mr. Buckley:* You would not allow the Benches of Magistrates to have the slightest control over them? I would not. I would make the local head responsible, and on that account I would also say, that any recommendations he might make as to the dismissal or appointment of Officers should have the favourable consideration of the Government.

66. You would give him the entire control of the whole force? Yes; I think one Commandant would be sufficient from the Clarence to Port Curtis.

67. *By the Chairman:* Do you think the number of officers at present sufficient? I consider that if there are one First Lieutenant, one Second Lieutenant, and two Sub-lieutenants to each division of twenty-four men, they are quite sufficient as to number.

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68. Is not the present system of rationing the Force expensive? I do not know whether it is considered expensive or not, but I know it does not pay a squatter, in the district where I am residing, to provide the Police with rations at the prices allowed by the Government. I have been providing the Native Police at my station with rations for a long time, but I consider that I have lost by it, although I am willing enough to do it in consideration of the protection they afford me. The storekeepers out there refused to give them rations at the government rates, and they then came to my station for them.

69. Do you consider two horses to each trooper sufficient? Quite sufficient, if any care was taken to keep their backs well and to have them shod.

70. There is great wear and tear of horse flesh in consequence of carelessness in those matters? Yes.

71. What would you recommend to remedy that defect? I should think to have a man who could stuff a saddle and shoe a horse attached to each division would be the best remedy for it. There would be plenty of employment for him, and he might be useful as an additional man to leave behind at the station for its protection, during the absence of the troopers.

72. Do you think that by a well regulated system of supplies, the expense of rationing the men could be much reduced, from head quarters I mean, from Sydney or Brisbane? I think it could be reduced in some places, where the Force is stationed, but I do not know that it could be reduced in the far out districts, to which there would be high carriage to pay. I think the vote for supplies would be sufficient if it were distributed throughout the whole Force, so that if rations could be got cheaper in one place the saving should be added where rations might be dearer. But it appears now that the one and eight-pence is given to every one who supplies the police with rations, in whatever district.

73. You have said that in your opinion thirty-six men would be sufficient for the Leichhardt District—how many men do you think, from your knowledge of the country, would be required for the protection of the Wide Bay and Burnett District, the Wide Bay District extending, of course, up to the boundary of the Port Curtis District? Taking in that portion of the Port Curtis District that I have alluded to before, and extending to the Brisbane Range, including the Bunya country, the Burnett District would take twenty-four men. A great portion of that district is pretty quiet now.

74. Are you aware how many men would be sufficient for the Lower Condamine and Maranoa? No; I do not know the nature of the country.

75. Are you aware whether any Native Police are required on the Macintyre River? I am not aware; I do not know that part of the country.

76. *By Mr. Rusden*: Do you find the men belonging to the Native Police to interfere with the women of the surrounding tribes? They do take them.

77. I have heard it mentioned as a great evil, that the blacks are tyrannized over by the Police on that account? I do not think that is the case. I think when they take women the arrangement is made with the consent of the men of the tribes; I have certainly known instances of disturbance on account of the women, but the white men are just as bad; you cannot control white men in this respect, and it is the cause of half the murders that are committed by the blacks upon them.

78. *By the Chairman*: By proper supervision on the part of the officers, I suppose this could be put a stop to? They do restrain the men in some degree; but most of the men have gins of their own.

79. Do you think it desirable that they should be allowed to have gins of their own? Yes, I think so.

80. *By Mr. Buckley*: How are the gins supported? They go and hunt for themselves; and when the Police are not on duty they are always hunting.

81. Are you aware whether any gins, in disguise, ever travel with the Native Police and act as troopers in the Northern Country? I am not aware of their acting as troopers. They sometimes travel dressed in trousers and a blue shirt, but it is not done for the purpose of disguise so far as I am aware.

82. *By the Chairman*: Are you of opinion that the less communication the Native Police are allowed to have with the native tribes the better or otherwise? I think there ought to be a restraint kept upon their communication. Let them communicate as freely as they like with proper caution, but they ought not to allow the native tribes to be too near the Police with their camp.

83. *By Mr. Rusden*: That would not be consistent with the discipline of the Force? No.

84. As long as it did not interfere with the discipline of the Force you would allow them to communicate? Yes.

Charles Leith Hay, Esq., J. P., called in and examined:—

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Esq.
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1. *By the Chairman*: You are a resident of the Leichhardt District? Yes.
2. And a Magistrate of the Territory? I am.
3. How long have you resided in the Leichhardt District? For about three years.
4. Have you had much experience amongst the blacks? Yes; I have been present in the district during all the disturbances.
5. Have they committed many depredations in the parts of the country you are acquainted with? Yes; they committed depredations on the station on which I live, to a very large extent.
6. Do you know how many murders have been committed by the blacks in those parts of the country you are acquainted with, since you first took up your residence there? I know of twelve people having been murdered in that part of the country.
7. Have many sheep or cattle been destroyed? There have never been any murders without subsequent losses of sheep.

8. Was the Native Police Force established in that district before you took up your residence there? No; they were not in the Leichhardt District then.
9. But they were in the Northern Districts? Yes; they had head quarters at Traylan, in the Burnett District, when I first passed out to the Leichhardt.
10. Are you aware whether the depredations of the blacks were much diminished after the establishment of the Native Police? They committed no depredations for eighteen months after the establishment of the Native Police in the Leichhardt District.
11. Subsequently to that period were the murders or depredations increased? Yes, a great deal.
12. To what cause do you attribute that increase of depredation? I attribute it to the want of a sufficient force, and to the misplaced confidence of the squatters in the blacks; but mainly to the reduction of the Native Police Force.
13. *By Mr. Rusden:* To what extent was the Force reduced? From one hundred and twenty to seventy-two men, as near as I can say.
14. In the whole of the Northern Districts? Yes.
15. To what extent were they reduced in the particular district in which you reside? From twelve to six men.
16. I see they have returned twenty-four men in the Leichhardt District? That must be in the Leichhardt and Port Curtis Districts. There have never been twenty-four men in the Leichhardt District.
17. *By the Chairman:* What do you consider to have been the effect of the abolition of the office of Commandant? It has been very prejudicial to the working of the Force.
18. The Force was also partially disbanded? It was. A portion of the troopers that were disbanded had been recruited from the surrounding districts, and they returned to their tribes after they had been disbanded.
19. What was the effect on their own tribes in that part of the country? The effect was, that as they were perfectly well acquainted with the strength and their distribution, they were better enabled to assist the tribes in their depredations than if they had not been in the Force, by giving them information.
20. Do you consider it very prejudicial to recruit the troopers near to the country where they are to be employed? Decidedly.
21. *By Mr. Rusden:* These men that were disbanded rather contributed to increase the amount of depredation than otherwise? Undoubtedly.
22. *By Mr. Hely:* I suppose there is never any difficulty in getting recruits? There has been no difficulty in obtaining recruits, in any district that I have been in.
23. *By Mr. Buckley:* Do you think any attacks have been made on stations in consequence of these men having been disbanded? I cannot positively say; but I believe the attacks have been materially assisted by civilized blacks who have been in the Force.
24. Have any of the disbanded Native Police been seen amongst attacking parties? I am not aware.
25. *By the Chairman:* You consider generally, that the efficiency of the Native Police Force is much less than it was? I do.
26. And you attribute that to the abolition of the office of Commandant and the reduction of the Force? I do.
27. *By Mr. Rusden:* But still there were great complaints when the Commandant was over them? There were.
28. *By the Chairman:* What was the cause of the dismissal of the first Commandant—Mr. Walker? I have understood that it was on account of his being addicted to drinking, and being very careless in carrying out the finance of the Force.
29. Do you think that if investigation had been made in time, the evil effect of his conduct upon the efficiency of the Force would have been prevented? I do, undoubtedly.
30. *By Mr. Rusden:* You would suggest a return to the appointment of Commandant? Undoubtedly.
31. Would you leave full power in his hands, or in what way would you suggest that he should be responsible? I would suggest that he should have full power over the distribution of the Force.
32. In what way should he be responsible for the performance of his duty—that is to say, would you have him responsible to the supreme authority in Sydney, or to any local body? I should suggest that he should have nothing to do with the finance of the Force at all.
33. I am not speaking of that, but of the management of the Force in the Districts—would you have him take his orders from Sydney, or from some person appointed for that purpose; for instance, the Government Resident at Moreton Bay; or would you have him receive his orders in some way from the Benches of Magistrates? I would suggest that he should hold himself in communication with the Government Resident at Moreton Bay; but that on no account should his movements be controlled, either by the Government Resident or the Benches of Magistrates; that is to say, that he should have free action as to the distribution of his troopers.
34. *By the Chairman:* You do not consider it desirable to place the Force under the direction of the Benches of Magistrates? I do not.
35. *By Mr. Rusden:* Would it not be advisable that on a complaint made to a Magistrate of an outrage having been committed, the Magistrate should communicate with the officer in command in that district, and that he should be bound to take notice of the complaint? He would naturally do his best to keep the district in a peaceable state, and, in that view, I should suppose that he would attend to the complaint of any person, whether a Magistrate or not.
36. Do you not imagine that the complaints made of the late Commandant greatly arose from his irresponsibility? I think the evils that resulted from the conduct of the late Commandant arose chiefly from his having unlimited command of the finance, and from the fatal habit

- C. L. Hay,
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- habit which made him perfectly unfit for his office. I consider that his distribution and working of the Force were such as no person could complain of—the effective working for the protection of the district.
37. *By the Chairman*: Do you consider that a Force of white men could be properly substituted for the Native Police? No; I consider no Force of white men could contend with the blacks with advantage.
38. *By Mr. Buckley*: How many men do you consider sufficient for the protection of the Port Curtis and Leichhardt District—troopers and officers? Do you mean to include the Upper Dawson?
39. What is commonly termed the Leichhardt District, including Port Curtis? I should say four sections of twelve men each—forty-eight men.
40. Would that number afford sufficient protection for the whole of that district, no matter how many squatters located themselves there? Yes, for the whole.
41. With officers, in the same manner as they are now apportioned, to each division? Yes, the same number.
42. You are aware that the Sergeants have been dispensed with, and Sub-lieutenants appointed in their places? Yes.
43. Has the alteration had a good effect? Most beneficial.
44. For what reason do you fancy that the Sergeants were not efficient? The troopers never looked towards them with the same respect as to those whom they consider gentlemen. The Sub-lieutenants are a superior class of men to the Sergeants.
45. From what you know of the Sub-lieutenants and the Sergeants, would you imagine that the sub-lieutenants are a class of men who would undergo the same amount of fatigue and hardship in pursuit of duty as the Sergeants? I do.
46. *By the Chairman*: Would the number you have mentioned—four sections—be sufficient to protect the country as far as the Peak Downs? To protect the country as far as the heads of the Mackenzie.
47. Are there any troopers required in the neighbourhood of Gladstone now? Yes, there are.
48. How many men do you think would be sufficient to protect the neighbourhood of Gladstone and the country surrounding it? Twelve.
49. Are you aware whether there are any police required in the Clarence District now? There are.
50. Do you not think that in an old established district like that the settlers should be in a position now to protect themselves? The blacks have committed depredations some little time ago in the Clarence District. They were in a very disturbed state, especially in the interior, amongst the cattle, and the presence of the Native Police there has been of immense benefit. But I think they might do with a smaller Force on the Clarence than that at present stationed there.
51. What number of horses do you consider necessary for each trooper? Not less than two.
52. Is there not great wear and tear of horseflesh in the Native Police from bad backs, and want of shoeing in rough country? From bad backs and want of shoes.
53. Do you consider a person in the capacity of farrier and saddler combined is necessary for the Force? I look upon it as indispensable for the efficient carrying out of the duty.
54. You say that the number of men necessary for the protection of the Leichhardt and Port Curtis is forty-eight—would that include supernumeraries, to make up for those who might be ill, or non-effective from casualty? When I said forty-eight, I meant that there should be forty-eight in the field, allowing, of course, the additional number of three to each section for supernumeraries.
55. Do you consider it necessary that a person in the capacity of clerk should be attached to the Force? I do, decidedly.
56. What would you propose should be his duties? He should be attached to the Commandant, and collect with him all the different accounts from the different divisions, and he should do, in fact, all the clerical duties connected with the Department.
57. Including the Commissariat Department? Including the Commissariat.
58. Do you think that by a well regulated system of supplies the expense of rationing the men could be much reduced? I do.
59. What is your opinion regarding the situation of barracks or central camps? I think the barracks or head quarters of each division should be as near water carriage as possible, always avoiding the stationing of native troopers in townships. From that central position the sections and detachments that patrol can all receive their supplies and clothing.
60. Do you consider the Police should be permanently stationed at barracks? I consider there should be a permanent head-quarters from which they can patrol.
61. You consider that a section of them should be continually patrolling each district? I consider that it would be essential to the prevention of outrage to place the Native Police under a system of patrol, especially in the frontier districts, and that they should not be allowed to ride along the road from station to station as they have done and do now.
62. And it would be the duty of the Inspector, or head of the Force, to carry out that system of patrol? Yes. You are aware that the nature of the blacks leads them to assemble together before a depredation is committed, and the presence of the Native Police would at once disperse them.
63. How many officers would be sufficient to each division of twenty-four men? I think the present number sufficient, but I consider that one or two supernumerary Sub-lieutenants should be attached to the department of the local head.
64. For the whole Force? Yes, to be disposable at the discretion of the Commandant. They could fill vacancies occasioned by sickness or by the absence of officers on leave, and they would give time to enable young officers to be initiated into the discipline and ways of the Force, which, under the present system, they are not until they are actually called upon to act.

65. Are you aware what is the pay of the Sub-lieutenants just now? I understand it is £100 a year, but I cannot speak from any correct or authentic information. C. L. Hay, Esq.
66. The Sergeants had only £50 a year, and they are now replaced by the Sub-lieutenants—do the Sub-lieutenants get more than the Sergeants did? No, they get the Sergeant's pay, but I understood the temporary increase had raised their pay. 25 Nov., 1856
67. Then they get £50 and the temporary increase? I believe so.
68. Do you consider £100 a year a sufficient amount of pay for a Sub-lieutenant? I do not.
69. Do you consider the salaries of the officers generally sufficient for the very arduous and harassing duties they have to perform? I do not; I consider for the duties they have to perform, the salaries are insufficient.
70. Do you think that by holding out inducements in the shape of higher salaries, a better class of officers might be induced to enter the service? I do.

Colin John Mackenzie, Esq., J. P., called in and examined:—

1. *By the Chairman*: You are a resident of Darling Downs? I am. C. J. Mackenzie, Esq.
2. And a Magistrate of the territory? I am.
3. How many years have you resided in the Northern Districts? Between fifteen and sixteen years. 25 Nov., 1856.
4. Have you had much experience of the blacks? Being one of the earliest settlers there, I have had very extensive experience of the natives of those districts.
5. During your experience in that district, have they committed many depredations? They have committed a great number of depredations during the period I have been acquainted with the districts.
6. Both by murder and destruction of property? Both by murder and destruction of property.
7. Were those depredations diminished in frequency by the establishment of the Native Police Force? They were, to my knowledge, very much decreased in frequency, both as regards murder and as regards the destruction of property, by the action of the Native Police.
8. You consider that the Native Police was very efficient in the repression of outrage? I consider that the establishment of it was productive of the utmost benefit to the northern districts, as regards the safety of life and property. It was the most efficient Force of its kind that could have been organized for that purpose.
9. That force was under the orders of a Commandant for some time? The Force was under the orders of Mr. Walker, who was then Commandant, when it first came up to the Darling Downs District.
10. The office of Commandant was subsequently abolished? As I understood. I was then out of the country—it was abolished, and the duty transferred to the Metropolitan head of the Police.
11. Are you aware whether the efficiency of the Force was impaired by the change? I believe the efficiency of the Force was very much impaired by the abolition of the office of Commandant and of his local charge.
12. Do you consider it possible that a Force like the Native Police could be managed by an officer residing in Sydney? I do not consider that a Force of that particular nature can be efficiently managed by an officer residing in Sydney. I consider that local supervision is absolutely necessary by the party in supreme command of that force.
13. Then you think it could not be managed by an officer residing even in Brisbane? I think it could not be managed efficiently by an officer residing in Brisbane, unless he had a deputy to exercise immediate local supervision, to visit the various stations of the Force and from his own judgment to ascertain the efficiency of its management, *et cetera*.
14. You consider the duties of the Commandant or Inspector should be to continually visit the various outlying stations of the Force? I do. I consider that would be his principal duty.
15. Do you consider that the Force should be stationary at head-quarters in the different districts, or that it should be kept continually patrolling? I think that in each district there should be head-quarters.
16. Do you think that the Force should be kept continually patrolling the outlying districts? I consider that a portion of each division should be continually patrolling; but there always should be a party at the head-quarters of each locality, so that if a person were to send for assistance, or to apprehend depredators, there should be a body of men ready to go.
17. The Force was partially disbanded some time ago? I understood it was partially disbanded.
18. Are you aware what the effects of that step were? Very much to affect the efficiency of the Force. It rendered it much too small to perform the necessary duties, and in some cases, from the impossibility of leaving men in charge of the stations, and at the same time sending out a party, it made the Force entirely useless.
19. *By Mr. Buckley*: How many men do you suppose should be left in charge of a station? I should think at least four troopers and an officer of some sort.
20. If far removed from any other establishment, do you think they would be able to spare any of that number to a neighbour in difficulty? No.
21. I understood you to propose that a party should be always left at the station for the purpose of affording protection in cases of emergency? My idea would be this—say they have twenty men at the station, there would be eight out on patrol, and eight on the station ready for duty if required, and still there would be four to leave in charge if the second eight were called away.
22. How many would you propose to have in every division? Sixteen at the least; I think twenty would be more efficient, but there should not be less than sixteen.
23. How many do you say is sufficient for one party on duty? Seven and an officer.
24. *By Mr. Rusden*: Do you not think it would be a very good plan that the Force should be

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be ordered to move from one part of the district to another, if not employed on other duty? Yes, I think that would be desirable, particularly if a sufficient force were left at the station; I do not mean merely for the protection of the station, but to go out in case of emergency; and another portion of the Force should be patrolling: the sight of them patrolling stops depredations.

25. *By the Chairman*: In fact, in outlying districts, I suppose you think they should be principally patrolling? Yes, that should be the main feature of their duty, to bring home to the natives, by the sight of them, the fact that there is a force ready to prevent and to punish.

26. *By Mr. Rusden*: Have you any suggestions to make with respect to the responsibility of the Commandant. We all see the eligibility of this Force, and the necessity of having a Commandant; but the evils that arose under the rule of the late Commandant were the result of his having too much of his own way. Now, not to impair his efficiency will be the great object of this Committee; to leave him his free action, but at the same time to maintain some hold over him—How would you suggest that he should be kept under control? I think it would be very difficult, except by his responsibility to the general Government.

27. The question is whether he shall communicate with a chief in Sydney, or with some resident authority; for instance, it is suggested that the Government Resident at Moreton Bay should have control over the Force—do you think that would be a good plan? I think that would be open to very grave objection, because the position the Commandant of this Force occupies is a peculiar one; it seems to me that he requires large powers, and it would be difficult to see what would be the nature of the check which the Resident, for instance, at Moreton Bay could hold over him. Should he report his proceedings to him, or what?

28. *By the Chairman*: If a system of periodical reports from the Commandant to the Government Resident at Brisbane were kept up, would not that have a beneficial effect? I am inclined to think it would have a good effect. The necessity of making these reports would entail a greater degree of nicety in action.

29. *By Mr. Rusden*: Do you think the Commandant of the Force should have anything to do with the contracts for rations and supplies? It appears to me that there might very well be a Commissariat officer or clerk, who would have to do with the rationing of the whole Force.

30. *By the Chairman*: You think a clerk should be attached to the head of the Force? I do.

31. *By Mr. Rusden*: So that matters of finance might be taken out of the Commandant's hands, but that he should inspect and certify the accounts? Yes; he should be like the commander of an army, in fact. I think it would be unfair to a Commandant who would have to overlook an extensive district, and to see to the working of the whole Force, to expect him to keep up a system of accounts.

32. *By Mr. Buckley*: Suppose a party of the Native Police were travelling at a very considerable distance from head-quarters, and the officer in command found it necessary to procure rations at any station they might pass, in what way would that transaction be communicated to head-quarters? It must be by requisition to that station to furnish the supplies. They must have printed forms, I suppose, to be signed by the officer in charge and forwarded to this clerk.

33. Then you propose that this clerk should be employed in receiving these documents? Yes, and also in seeing to the supply of rations, saddlery, and everything connected with the Force, so as to leave the Commandant free to look after the men and the general conduct of the Force.

34. *By the Chairman*: I suppose you consider keeping the horses and saddlery in order a very important matter? Yes, because the efficiency of the Force depends on the state of the horses and saddlery. I think the Force has generally been under-horsed.

35. *By Mr. Buckley*: How many horses would you allow for each man? At least two.

36. *By the Chairman*: Do you think a Force of white men would be adapted to act with good effect in the out-districts? I do not think so.

37. From your own knowledge you think they would not? From my own knowledge I am convinced they would not.

38. Not even the very best white troopers? Not even the best.

39. Are you aware whether the class of non-commissioned officers (sergeants) has answered well in the Force? I cannot speak very well of my own knowledge as to that, because it is only of late years that Sergeants have been appointed; but I believe they have not answered well.

40. Is the substitution of Sub-lieutenants an improvement? I believe it to be an improvement. I believe the natives of this country, like the natives of India, look up to a gentleman more than they do to a person who seems to be nearer their own level, and therefore they do not pay the same respect to a Sergeant that they do to a Sub-lieutenant.

41. And therefore the appointment of a better class of officers tends more to the discipline of the Force? It does.

42. Are you of opinion that, if the Force were placed in particular parts of the country, under the orders of the Benches of Magistrates, it would be attended with benefit or otherwise—do you think the Benches are capable of ordering, with beneficial effect, the movements of the Force? No; I should think it undesirable that they should be placed under the orders of the Benches; for one reason, there would be such a want of system, in all probability, each Bench taking its own view of the plan on which the Force should be managed.

43. Are you aware whether the Native Police are required at the Clarence now? I think a small number—say half a section—ought to be sufficient there. I believe that cases of danger to life from the natives are very rare at the Clarence; but there are cases of danger to property. The last case I heard of the Native Police being employed in at the Clarence was in arresting a native on a charge of rape, close to Grafton, I believe.

TUESDAY, 2 DECEMBER, 1856.

Present:—

Mr. BUCKLEY,	|	Mr. HELY,
Mr. FORSTER,		Mr. HOLT,
Mr. LANG,		Mr. SANDEMAN,
Mr. RUSDEN.		

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

Richard Purvis Marshall, Esq., called in and examined:—

R. P.
Marshall,
Esq.
2 Dec., 1856

1. *By the Chairman:* You have been resident for many years in the frontier districts? The greater portion of the last nineteen years.
2. In what districts did you reside? First in the Gwydir District, and then in the Darling Downs, as a squatter.
3. Have you had much experience of the native blacks? I have been constantly employing them, and have been brought into contact with them in various ways.
4. Subsequently you joined the Native Police? I did, in January of the year 1850.
5. You were for several years an officer of that Corps? Upwards of six years.
6. You were senior officer, next to Commandant Walker? I joined as next in command to him.
7. What were the causes that led to the suspension and subsequent dismissal of Mr. Walker? Complaints were made by the officers of his irregularities, drunkenness, and abuse to them, as well as his general irregularity in the management of the Force.
8. On that officer's dismissal you were appointed Acting Commandant? I was acting for three months; and after that the appointment was confirmed.
9. How long did you hold the appointment? From January, 1855, until July of the same year, as Commandant. I was acting three or four months previous to that.
10. You eventually resigned? I did.
11. How long ago? I resigned in August, 1855.
12. Have you any objection to state your reasons for retiring from the Force? The Government proposed a reduction of the Force to me, and I saw clearly that I could not carry out the duties with the number of men they proposed. I stated my objections to the Government, and the next thing I heard was, that the Force had been placed under the orders of the Inspector General of Police.
13. Do you consider that the abolition of the office of Commandant rendered the Force comparatively useless? I think there ought to be a local head for the Force. I do not think it can be managed from Sydney properly.
14. When the Native Police were first employed, the blacks were very troublesome, were they not? Yes, very troublesome on the Macintyre, where I was then resident, so much so that it was almost impossible to reside there; they were killing people and driving stock away in all directions.
15. After the establishment of the Native Police in the more unsettled districts, was there any diminution of the outrages committed by the blacks? I should say so. I am speaking of the time when I was a squatter, and I know there was a great difference after a few months, the blacks seeing that there was a Force employed to hold them in check. Certainly the outrages were less. That district is now as quiet as any part of the Colony.
16. Did the Native Police continue to be as efficient latterly as at first? I should say not.
17. To what do you attribute their altered or lessened efficiency? What time do you refer to—do you mean from the first establishment of the Force?
18. I mean latterly? Since when—what date?
19. Since about the time of the abolition of the office of Commandant? I can scarcely speak of that, because I was, up to April, 1856, in the Burnett District. For ten months previous to the reduction of the Force not a single murder had been committed; but, in four months after the reduction, no less than eleven lives were sacrificed.
20. Has the attempt to manage the Native Police Force by an officer residing in Sydney proved a failure? I do not think it can be carried on by a person in Sydney as well as by a person residing in the district, and knowing and seeing everything that is going on. I know that I was informed by the Inspector General that I had ceased to be an officer of the Force from the 31st December, 1855; and, at that time, I was the only person who had been connected with the Native Police within the Wide Bay and Burnett Districts. There were twelve men at one of the police stations, who, in consequence of their officer having been ordered to remove to another district, were left entirely to themselves. The officer had made some arrangement for rationing them, but, of course, they did as they pleased in his absence. The Burnett and Wide Bay Districts were left literally without an officer of the Force. That was the first step of the Inspector General of Police. In fact, though I was kept employed up to the 16th April of the present year, I have received no pay for service, though I did all the duties.
21. A portion of the Force has been disbanded? Yes; it was reduced from 136 to 72 men.
22. Are you aware what led to that reduction? I cannot say.
23. Were you not consulted? The reduction was proposed to me, and I opposed it in every possible way. I pointed out the impropriety of it, and what the result would be. I explained that seventy-two men were not adequate to protect the country; but my statement was not paid any attention to, and, as I did not favour the reduction, the Force was placed under the Inspector General of Police.
24. Finding that you could not carry out the duties you resigned? I was offered the post of senior officer of the Force at a reduction of salary, which I, of course, declined.
25. I think you said you could not efficiently carry out the duties of the Force in its reduced

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reduced state? Decidedly not. With seventy-two men you would have to make war on the blacks, whereas a larger force would act as a preventive, and save the lives not only of the white population but of the blacks also.

26. How many men do you think would be sufficient to protect the Leichhardt District as it is now constituted? I should say not less than forty efficient men. It is a very large district—nearly as large as Great Britain.

27. How many men would be requisite on the Lower Condamine and Maranoa? I do not think less than eighteen men.

28. Would that number protect the Maranoa in addition to the Lower Condamine? I think it would.

29. *By Mr. Lang:* The settlers are likely to be moving out a-head—do you think that force would protect the country behind them as well as on the actual frontier? The number I have mentioned for the Leichhardt District would allow for settlers going to the northward. I am speaking of north from where the Lower Condamine Police are now stationed.

30. *By the Chairman:* You speak of the district as at present existing—not providing for the future progress of the settlers? No, I am speaking of the present frontier.

31. In what way does the management of the Force being vested in an Officer in Sydney interfere with its efficiency? I look upon it that he is totally useless; because Mr. Mayne's instructions are, that the officers are to be thrown on their own resources, and are not to appeal to him for instructions; therefore what use can he be except to manage the finance of the force.

32. The Inspector General desired officers in charge of detachments continually to correspond with each other—is such a course possible? I am told that the Inspector General instructed the officer commanding the Clarence District to keep up a communication with the officer at the Maranoa, (Wandai Gumbal,) a distance of three hundred miles, with the intervening country as quiet as Sydney, so far as blacks are concerned, and without direct postal communication.

33. What is the distance from Wandai Gumbal to Traylan, in the Burnett, the nearest head-quarters to the northward? Traylan has been broken up; there are no head-quarters there now that I am aware of. The officer commanding in the Burnett District had instructions to remove from Traylan, as it would no longer be the head-quarters of a division.

34. Then the nearest head-quarters to Wandai Gumbal would be at Rannes, in the Leichhardt District? The next place to Wandai Gumbal is on the Upper Dawson, where there are six troopers stationed under the sanction of the Inspector General.

35. There are no barracks there? No, merely a bark place. I believe it is part of the system of the Inspector General that the men are to have no head-quarters.

36. Do you consider that a good regulation, to keep them on patrol? Most decidedly. The men cannot be too much employed, and the more they have to do the better they are disciplined.

37. You consider they should be kept continually patrolling? Yes; the more they can be kept moving the better. The blacks do not know then where they may meet the Police, and that is a great check on outrage.

38. How many men do you think would be sufficient for the Wide Bay and Burnett? I think eighteen men might perhaps do—twenty-four would perhaps be better.

39. Are you aware whether the Native Police are now required in the Clarence District? I can offer no positive opinion, but my own impression is that they ought not to be required. The greatest mischief there is in killing cattle, which they will do as long as any half-dozen blacks can collect in the Colony.

40. Do you think they are required in the Moreton District? I should say that, round about the town, there is a great deal of pilfering, robbing of gardens and huts, and without a Police Force it is very likely they would go on until murder would follow.

41. Are they required on the Macintyre? I think an occasional visit from Wandai Gumbal station would be sufficient. I do not think it requires that any should be stationed there, though there was a Chinaman killed there some months ago, close to where I hold a station; but I believe myself that it was in consequence of his endeavouring to take one of the black women by force from the blacks. The people residing in the neighbourhood think nothing of it, though the man was killed, because they believe he brought it on himself.

42. *By Mr. Forster:* With reference to the blacks having been rendered quiet in certain districts, as you say, by the agency of the Native Police, are you not aware that that has occurred in all districts of the Colony, even where there have been no Native Police? Yes, in course of time, but they have become quiet much quicker where the Native Police have been. The Clarence District, for instance, had been occupied about fourteen years, and it was even thought necessary to send Native Police there after the lapse of that time; they have only been there two or three years; whereas the Burnett has been occupied only eight years, and I believe the blacks are as quiet there as in any district of New South Wales, though some few petty robberies may take place.

43. Are you not aware that there are parts of the Wide Bay District which have never been visited by the Native Police, or that were not visited until the blacks were quiet? I am not aware of the part you allude to; I was there myself from the first.

44. Were not the Native Police there before you joined? No; I brought the first detachment to the Burnett District.

45. Was not Mr. Walker there before you? No; I was there a few weeks before Mr. Walker.

46. With regard to what you have said about the uselessness of any central authority, would you propose that the Commandant should be totally independent of the central authority? Of course he must be responsible to some member of the Government; but, as far as the Benches of Magistrates are concerned, I would have him independent of them in every way.

47. You think local supervision by any authority, not connected with the Force, would not

be

be beneficial? I think it would never answer to place the Commandant or Officers of the Native Police under the control of any person not immediately connected with the Force.

48. You think it would be injurious to do so? Most decidedly.

49. Do you not think some supervision could be exercised to the extent of reporting any irregularity? I presume any private individual could bring before the Government any irregularity.

50. Are you not aware that in Mr. Walker's case, irregularities were complained of for years before any notice was taken of them? Yes, I believe that was the fact.

51. Might not that occur again? It might, but it ought not.

52. Do you not think that the exercise of a power of inspection by some local authority to the extent of reporting any irregularities might be beneficial, inasmuch as complaints made by persons in authority might have greater effect with the Government than the complaints of private individuals? Of course they would; but I do not see any Officer that could be put over the Commandant that would be beneficial; I do not know what authority you could place over him.

53. Were not the irregularities to which you have alluded, in the case of Mr. Walker, extending over a period of three years? I am told so, but though I served for six years with Mr. Walker, I do not think I spent as many as six weeks with him. I may, perhaps, have seen him exceed at a private dinner table, but I did not consider it part of my duty to take any notice of the circumstance.

54. With respect to certain claims against the Government for rations for the Native Police, are you aware whether there are any claims made by private parties still outstanding? A few months ago, I believe, there were claims to a large amount, but whether they have been liquidated since I left the Force I do not know. I believe not, for a claim was made to me the other day in the street by a party to whom the Government are indebted to the extent of more than £100.

55. Are you aware whether these are just claims? I have reported to the Government every claim which I consider a just claim.

56. Do you think any new mode could be instituted of providing rations for the Force to do away with the necessity for the Officers buying them at the different stations? I do not see any better mode; but I think the system of making the payments might be simplified with advantage. I think the price of rations is increased greatly, because there is so much trouble connected with the vouchers. They have to sign their names three or four times, and go through a great deal of routine.

57. You think the difficulty of getting payment increases the price of the rations? Yes, no doubt.

58. Would you not suppose that that is a mere matter of detail which might be remedied by a better system? I think so. I think that by giving facilities for paying people, there might be a saving, with 100 Troopers employed, of four or five hundred a-year to the Government.

59. *By the Chairman:* Do you think that if timely investigation had been made into the conduct of Mr. Walker, the evil effects of that conduct might have been obviated, in the mismanagement of the Force? I think if earlier inquiries had been made he would not have got into such pecuniary difficulties. The only evil influence that was felt in the Force, was when he was immediately in contact with another Officer; then his irregularities were felt, because it was almost a matter of impossibility for the Officer to have any control over his men.

60. Do you think that if a Force of white men were substituted for the Native Police, they would be as efficient? I think white men, as a body, would be perfectly useless; they cannot track the blacks. I have never known that a white party was successful for any length of time in tracing the blacks.

61. *By Mr. Forster:* Are not the difficulties in pursuing the blacks increased as you go northward? Yes, on account of the scrubs.

62. *By the Chairman:* Do you think that the employment of white Sergeants was beneficial? I only speak from memory, but I think that out of thirteen Sergeants that were employed during my time there were only three efficient men. It was at my recommendation that Sub-lieutenants were substituted for the white Sergeants.

63. What was your reason for that recommendation? I thought that the Native Troopers would look with more respect on those who associated with gentlemen, than on those who associated with the labouring men at the stations they visited, and who were continually getting drunk and setting a bad example. The natives are very imitative, and even follow the manners of a man they have been with for any length of time. The only men who were found useful as white Sergeants, were men who had formerly served in the old Mounted Police. They were highly efficient.

64. The Sub-lieutenants get the same pay the Sergeants did, do they not? Yes.

65. Do you think it possible to get efficient men for that rate of pay? You can get very young men, but I hold that young men ought not to be employed in such a Force. It requires men of steady and confirmed habits. I do not think it is proper that boys of 18 or 19 should be sent away in command of twelve men, who, to say the best, are but semi-savages, and with whom on the slightest sign there would be a dozen triggers instantly pulled. I think they ought to be well paid men, and, and at any rate, not less than five or six and twenty years of age.

66. What pay would you recommend? I do not think any Officer ought to have less than £200 a-year, even of a junior grade.

67. Do you consider the employment of military men, either as Officers, or Sergeants, has worked well? I should have no objection to take men who had served in the old Mounted Police, but generally speaking, I would be opposed to the employment of military men in such a Force. They are not fit for it; their previous habits unfit them for bush life, and they cannot adapt themselves to circumstances.

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68. Are you speaking of them both as Officers and men? I am speaking of the Sergeants.
69. Do you think the appointment of old military men as Officers in the Native Police would be a good measure? I think it is highly objectionable.
70. *By Mr. Rusden*: Was there any system pursued in regard to disbanding the Force? The reduction was left to me, and I discharged all the men that had been recruited in the Wide Bay and Burnett Districts principally.
71. Were they discharged with their government clothing? By the orders of the Inspector General, I was instructed to allow them to retain any clothing they had had in wear.
72. Did you not hear of an outrage that was committed on the Macintyre, by some of these men—I allude to some woman who was attacked? I cannot speak as to that; I believe they were not disbanded men, but deserters after I left the Force, from the Wide Bay District, men who had been left without an Officer for some two or three months.
73. Do you think it a good plan to recruit men from the districts where they are to be employed? No; I always employed the men as far away from their own districts as possible.
74. In case of being disbanded, they were returned to their districts? Yes; I was even instructed, if necessary, to horse them to their own districts; all that were disbanded belonged to Wide Bay and Burnett.
75. *By the Chairman*: Then on no account would you employ the Force near the districts they are recruited from? Not in any numbers; there would be no objection to one or two men being employed in their own districts; but if a body of twelve men had been raised at the Clarence I would bring them north, or if at the Burnett, I would take them south.
76. *By Mr. Rusden*: How far is Easton's Station from Callandoo? About 35 miles; but there have been no Police at Callandoo for some considerable time.
77. There have been several outrages committed there, since they were removed from that place? Not that I was aware of; I have a station 18 miles from Callandoo, and I never heard of it.
78. You consider the district quiet? Most assuredly I do.
79. *By Mr. Foster*: Do you consider the Wide Bay District quiet? I do not know; but there may be a great deal of petty thieving from drays and so on; but I look upon it that if the bullock drivers would look after their drays instead of getting drunk at the public-houses, nothing of the sort would happen.
80. The natives there are not in a state of hostility to the whites? No.
81. I suppose that generally, there is a feeling of hostility at first? Yes; that has been the case all through the Colony, I think.
82. You consider that that state of things has passed away in the Wide Bay District? Yes.
83. Would you recommend keeping the Native Police in any district where that feeling has passed away? Yes, I would as a check for a time.
84. Do you think it proper to recruit at all from any district where the Native Police are employed? Yes; I think it has a most beneficial effect, because the tribes knowing that their own friends are employed would be more inclined to be peaceable.
85. They would not fear their own people? They have never been in any numbers employed against their own people; we may have had one trooper belonging to Wide Bay as a guide, and the same in the Burnett.
86. What is your opinion of the effect of this police system on the natives themselves, has it had a good effect? I think so.
87. Would not the blacks, after being disbanded, be likely to be dangerous? No more than a black boy that a person may have had in his service.
88. Do you not think the habits of organization they acquire would render them dangerous? No; because all that is done away with as soon as they get amongst their tribes; they are cut up into families again. There can be no organization amongst them without a white leader; they never have a leader amongst themselves.
89. *By Mr. Lang*: You say seventy-two men are too few to make the Native Police Force efficient; will you have the goodness to say how many you think there ought to be in each district? I would say forty-eight for the Leichhardt, to allow for casualties and sickness; eighteen for Wide Bay and Burnett; eighteen for the Lower Condamine and Maranoa; six for Moreton Bay; twelve for the Macleay; twelve for Port Curtis; and twelve for the Clarence.
90. *By the Chairman*: The object of the Force is to protect the Aborigines as well as the settlers? Most decidedly, I should say so.
91. By the employment of the Police in small bodies, would not the effect be much more severe on the blacks owing to the necessity of making war upon them; whereas would not the employment of the Force in larger bodies tend to overawe the blacks and thus prevent collision and save life? I am quite confident that if you do not employ a sufficient number to keep them in check, you will have to make war on them; whereas if you employ a larger number, you not only better protect the whites, but the blacks also. I believe that, previous to my leaving the Burnett District, there had not been a shot fired against them for two years.
92. What officers were in the Burnett District from the 1st of January, 1856, to the beginning of April in the same year? The Inspector General wrote to inform me that I was not an officer of the Force, although I was at the time the only person in the District who had been connected with the Native Police Force.
93. Therefore you could not legally have acted? I suppose not. I merely kept the men together. There was no occasion to take any active steps against the blacks. If there had been I should have acted as a Magistrate, but not as an officer of the Force.
94. Were there any evil results from that state of things? There were twelve men left to themselves in the Wide Bay District, and though Mr. Bligh, who had been removed to the Clarence, had left them at a station of Mr. McTaggart's, who had promised to ration them, the men were doing just as they liked, amusing themselves in fact.

95. Could such a state of things have occurred under a local head? No; it would have been hardly possible for a man living in the district to have made such a mistake as to remove every officer out of the district.

96. *By Mr. Buckley:* You say the Commandant of this Force ought to have full discretion as to its distribution and management, and should not be subject to any control from any other authority? Most decidedly; except that he should report his proceedings to the Colonial Secretary, or some Member of the Government.

97. Do you think the Government Resident at Brisbane would be of any service in managing the Force? No.

98. What sort of reports would you have the Commandant make to the Colonial Secretary? Perhaps quarterly reports, or a report whenever there was occasion, with a yearly full report.

99. In case of an attack on the blacks, is it usual to report the circumstances? Always. There is always a magisterial inquiry where life has been taken; affidavits are taken and sent to the hands of the Attorney General.

100. Do you take the evidence of the native troopers? No; we take their statement; we cannot swear them.

101. Can you depend generally on the evidence they give? I could depend upon any man I knew speaking the truth as much as I could upon a white man; but I could not do so in the case of a man I had never seen before.

102. Have there been any bad results from the removal of the Police from Wide Bay and Burnett? You mean from their being disbanded. I think it had a very bad effect. The blacks of course all saw them going away through the district.

103. Did they belong to the tribes in the vicinity? Most of the men I dismissed on the first occasion belonged to Wide Bay.

104. Do you think it had a bad tendency with the tribes to which they belonged? I think not.

105. Were the blacks generally well disposed towards the whites? Some are well and some ill-disposed. The numbers in favour of the whites are the largest.

106. Can you mention any depredations that were committed after that Force was disbanded? Not in the Burnett and Wide Bay.

107. Were they disbanded at the time those parties were killed in the neighbourhood of Wide Bay—I allude to Mr. Furber and his men? They would have had time to have gone there.

108. Do you know anything of the circumstances under which that murder took place? Only by report. I am told that Mr. Furber had been making use of firearms in the camp. I believe it is well known that such was the fact; but one hears these things, and cannot get any evidence of them.

109. Is it probable he had given them any cause for making the attack? I am told he had fired into the camp.

110. Do you think it is likely that the collision that took place with him was with the Wide Bay blacks? Either the Wide Bay or Frazer's Island blacks.

111. Are they generally more savage than those in the Burnett? The coast blacks are generally more savage than those in the interior.

112. Do you think twelve men would keep them in order? Yes, with six for the Burnett.

113. Do you think six would be sufficient for the Burnett? Yes.

114. Is not the Burnett a much larger district than the Wide Bay district? Yes, it is larger; but the Wide Bay has a coast frontage, and the coast blacks have such facilities of escape, owing to the country along the coast not being taken up by settlers or squatters; of course, where there are many squatters there is not so much trouble.

115. *By Mr. Hely:* Did you ever hear of native troopers being sent out by themselves without a white Sergeant or officer? For what duty?

116. Sent out, for instance, to inquire into outrages. I believe they were sent out, in the case I refer to, with a white Sergeant, but he left them to their own devices, and they attacked and killed a lot of station blacks? I do not know anything of that; I was not in the district. I know an inquiry took place, and a Sergeant was suspended for a considerable time, but I know nothing of the circumstances myself. The whole matter was before the Government, and the correspondence could be got in the Colonial Secretary's Office. I have never seen it myself, and I know nothing about it, because I was three hundred miles away at the time.

117. Did you ever hear of the black troopers being sent out without even a white Sergeant? No, except as a patrol party perhaps to the adjoining station, when there was no officer to send with them. I sent a party myself since the first of January of the present year, when complaints were made to me that the blacks were congregated in large numbers at a particular spot. The Inspector General had told me that I was not an officer of the Force, but I told some of the men to ride up there and tell the blacks to go quietly away.

118. *By Mr. Rusden:* Did the Inspector General keep appealing to you to perform the duties after he had told you you were not an officer of the Force? I was in correspondence with him.

119. *By Mr. Forster:* You consider you have a claim on the Government for pay during that period? I do. I shall try to convince the Government that I have a claim for pay until I was relieved by Lieutenant Morisset.

120. *By the Chairman:* How many months was that after you ceased to belong to the Force? I was told that I ceased to be an officer of the Force from the first of January, but I was actually employed till the sixteenth of April.

121. *By Mr. Forster:* Were not the Wide Bay and Burnett generally under the same supervision, as far as the Native Police were concerned? There were two separate sections—twelve in Wide Bay, and twelve in the Burnett.

122. *By the Chairman:* Do you consider that the Native Police might be usefully employed, when

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when necessity required, as a general Police? I think that, under whites, they might be usefully employed as a general Police.

123. Under their officers? Yes. I think they might act as a Police body in any case that came under their notice, but protecting people from the Aborigines should be the first duty they should perform.

124. In that case should the officers of Native Police be Magistrates? That would depend entirely on the age and fitness of the persons. I know that two young gentlemen were appointed to the Native Police, and they were written to, to come down and be sworn in as Magistrates, and it was found that neither of them was more than eighteen years of age.

125. Do you consider that the senior Lieutenants should be Magistrates? Most decidedly.

126. But not the second or Sub-lieutenants? That would depend entirely on their age and capabilities. I think there are many men who would make efficient officers in the field who are not fitted to be Magistrates.

127. *By Mr. Holt*: Would not a great deal more country be taken up by settlers to the northward, if it could be done with safety? I know several persons are waiting to go out, but they are afraid until there is a stronger Police Force.

128. Would they not pay a considerable amount to the revenue, both by License Fees and Customs' duties? Yes; they would contribute in every way, of course.

129. Do you not think they would pay the expense of the Police? Not at first; it is hardly to be supposed a new district would pay the expense of the Police at first; however, I have not formed a decided opinion on that point.

130. *By Mr. Forster*: Are you aware whether the Government ever instituted any inquiry into the irregularities of Mr. Walker upon the complaint of the settlers? I am not aware.

131. You are aware that complaints were made to the Government by settlers? Yes; I have seen a letter, I think, from yourself on the subject.

132. Are you aware whether any notice was ever taken of those complaints by the Government? He was called upon for an explanation, I believe.

133. Is it the custom, or was it the former custom with the Government, upon receiving such an explanation, to at once close the case and take that as conclusive? I do not know. I suppose the statement made by Mr. Walker was deemed satisfactory.

134. I think you state that you are aware of a complaint having been made against Mr. Walker by me; are you aware what that complaint was—did I not charge him with drunkenness? You did.

135. Can you state, of your own knowledge, whether that complaint was true? I believe it was true, but I believe also that he was drunk at a private house, and that the complaint ought not to have been made. I would not say so after his having been in the district six months or so; but he had just come amongst you, and it was the first offence.

136. Were not his habits the habits of a drunkard at that time? I could not say, because I did not know sufficient of him. When I first saw him in the Burnett District, I had not been with him a week.

137. *By the Chairman*: It is proposed to place the administration of the Native Police under the Government Resident at Moreton Bay—have you heard so? I have.

138. Do you think that step would tend to the efficiency of the Force? You might make him a referee for the Commanding Officer to make his reports to.

139. Do you think it possible the Government Resident could exercise any useful or efficient control in directing his movements? I think it very possible the result would be, that the troopers might be removed from their districts to protect the gardens and properties of the people about Brisbane.

140. Still you think it necessary that a small Force should be stationed in the Moreton Bay District? Yes, I think so, or matters will go on till murder will be committed.

141. Six men would be sufficient? Yes.

142. *By Mr. Rusden*: Your opinion is that the Commandant should have no person over him, but should refer direct to head-quarters? That he should make his reports to a member of the Government, but be under no local control.

143. Do you mean periodical reports? The same reports that other Government officers make.

144. *By the Chairman*: Do you think Mr. Walker possessed any special influence in Sydney? I have my own opinion, and I have not the slightest objection to state it. Mr. Walker had been in the service of Mr. Wentworth, and, I believe, was his personal friend; Mr. Morris, also a Member of Council, was the personal friend of Mr. Walker; and I believe Mr. Wentworth and Mr. Morris carried their friends with them. That is my opinion. There is no doubt that Mr. Walker was very strongly supported by Members of Council. I know this, that I would have complained to the Government before I did, but that I felt reluctant to do so individually. I did not feel confident in making any complaint against him, seeing the way in which he was supported. I know complaints have been made, and that his conduct was most glaring, although no notice was taken of it.

William Thomas Elliott, Esq., of Fitzroy River, Port Curtis District, called in, and examined:—

W. T. Elliott,
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1. *By the Chairman*: You reside in the Port Curtis District? Yes.
2. You formerly resided in the Wide Bay and Burnett District? Yes.
3. How many years, altogether? Since June, 1851.
4. You have been engaged in pastoral pursuits all that time? Yes.
5. Have you had much experience amongst the blacks? Not till latterly.
6. Not in the Burnett District? No; I was amongst the quiet blacks there.
7. You have had a great deal of experience amongst them recently in the outlying district you are now in? Since I have been out—fourteen months—I have had almost constant experience.

8. In what part of the Port Curtis District? In the counties of Palmerston and Liebig, on the Fitzroy River. W. T. Elliott, Esq.
9. Have you been much exposed to the depredations of the blacks out there? Yes, a good deal. 2 Dec., 1866.
10. Have you suffered any loss of men? I have had one man killed, and two attacks made upon me.
11. Have you suffered any loss of stock? An attempt was once made by the blacks to take some stock away, but they were unsuccessful.
12. You narrowly escaped yourself on one occasion, report says? Yes; we were attacked in the night.
13. By a large body of the blacks? About one hundred.
14. Where were the Native Police at that time? At Rannes, fifty miles distant.
15. Do you consider the number of Police in the Leichhardt District sufficient to protect it? Certainly not.
16. How many men have they in the Leichhardt District now? I believe about twenty, but I am not sure.
17. That includes the Upper Dawson? Yes.
18. How many men do you consider sufficient for the protection of the Leichhardt District alone? I should say not less than three sections, of twelve men each.
19. That is thirty-six men. Do you include supernumeraries, or would you have a few more, to make allowance for casualties and sickness? There should be thirty-six on constant duty there.
20. The office of Commandant of Native Police was abolished some time ago? Yes.
21. What has been the effect of that step—has it tended to the efficiency, or otherwise, of the Force? I should say it had not tended to its efficiency, for an active Commandant, I think, is absolutely necessary for the perfect efficiency of the Force.
22. The management of the Force was then placed in the hands of the Inspector General of Police—Do you think that has tended to benefit the operations of the Police? The Inspector General's means of information, being derived from the very persons whom it was his duty to control, could hardly be conclusive or correct.
23. The Force was also reduced in strength sometime ago? Yes.
24. What has been the effect of that reduction? There are too few men to patrol the whole of the district it is necessary for them to protect.
25. In your own case, when you were attacked in the night, I suppose the attack was owing to the absence of the Native Police? Not a doubt of it.
26. Have you heard of any other case of depredation in the Leichhardt District? One of the most serious attacks was made on Mr. Young's station, when every one on the station was killed.
27. How many murders took place on that occasion? Five; four men and one woman.
28. Where were the Native Police then? There was a small party at Gladstone.
29. What distance? Twenty miles, I think.
30. What was the number of the party at Gladstone? I suppose about six men—I am not sure; certainly it did not exceed six men.
31. Could not their services have been made effective? They were; but if there had been more, the officer would have been able to patrol more regularly, and very likely that would have prevented the attack.
32. Do you consider that if the office of Commandant were restored it would add much to the efficiency of the Police? Decidedly, I think so.
33. You consider that the Force generally should be augmented? Yes.
34. The Force now consists of seventy-two troopers—to what extent throughout the districts generally do you consider the Force should be augmented? I am not sufficiently acquainted with any other district except my own to be able to say.
35. Take the Leichhardt District, for instance—you say there are now twenty men, and that includes the whole Force? Yes.
36. Supernumeraries as well as effective men? I believe so.
37. You say thirty-six effective men is the number requisite under a proper augmentation; how many supernumeraries would you think necessary? I could hardly say how many more would be required to provide for the number of people forming new stations; but in the present state of the district I think thirty-six would be the least number that could effectually protect it.
38. Each section would require three supernumeraries to meet cases of sickness and casualty? Yes, I should think so.
39. Would that be sufficient? I should say so.
40. That would be forty-five men in all? Yes.
41. *By Mr. Forster*: Do you consider that the difficulties of taking up stations are increased as you go north? Yes.
42. Owing to the nature of the country? Yes; the scrubs are so extensive.
43. You would say, then, that a larger Police Force is necessary in proportion to the difficulties to be encountered? I should say so.
44. In addition to the sort of organization you propose, that is, that the Commandant should be responsible only to a Department in Sydney, do you not think some mode of local supervision might be arranged, so as to render such an officer subject to be inspected or reported on by people in the district? I think that ought to be left to public opinion in a great measure. I would interfere as little as possible with the local chief.
45. Are you not aware that complaints have been made against officers of the Native Police, which have not been attended to by the Government? I believe there have been.
46. How do you suppose public opinion is to act, if the Government will not take notice of complaints? The Government is supposed to notice complaints in general.

- W. T. Elliott, Esq.
2 Dec., 1856.
47. I think you have stated that you have known instances in which the complaints of settlers have not been noticed? In former times, but I do not think that at that time so much of the attention of the Government was directed to it as now. We have never had till now a Committee to inquire into Police matters at all.
48. When an officer is left in that way, to his own devices as it were, is there not a danger of his becoming virtually irresponsible, owing to the distance from head quarters, and the difficulty of getting complaints either made or substantiated or attended to? There might be.
49. Was not that the case with Mr. Walker? I have heard so.
50. That he became virtually irresponsible because complaints were not attended to? I seldom at that time paid much attention to the subject, not having occasion for the Police where I was then living. All the information I can give is as to what has come under my own actual observation.
51. It is only since you have felt the necessity of the Police in your own case that you have attended to them at all? Yes; and I think that is pretty generally the case with every one.
52. *By Mr. Holt*: Have you a station near Port Curtis? About ninety miles from Port Curtis.
53. Near Rannes? Seventy miles from Rannes.
54. Have you been at all troubled with the blacks? I have.
55. Have you lost any men? I lost one man.
56. *By Mr. Forster*: You were spared yourself, were you not? I was.
57. *By Mr. Holt*: Do you think much new country would be taken up if the squatters were more protected—there is a great deal of good country to the north and east, I believe? A good deal of country has been applied for.
58. *By Mr. Forster*: Do you think any thing would stop the squatters? I do not think it would.
59. If there were no Native Police the country would still be taken up, but not so quickly, and with greater loss of life? Yes, I believe so. Whenever there is a pressure from want of room the squatters will move out; but there would be less loss, most undoubtedly, with an efficient Native Police.
60. *By the Chairman*: Are you aware whether any persons have been prevented from taking up fresh country lately, in consequence of the want of protection? I think the occupation of new country has been delayed in many instances. Very likely I should have more neighbours if the protection were better.
61. You think it very essential to the progress of the outlying districts that the Native Police should be maintained in full force? Yes, I think so.
62. Do you think it would be advisable that a clerk should be attached to the department of the Commandant? I think so. It would enable him to attend more to his active duties.
63. When relieved from the details of the accounts and correspondence? Yes.
64. *By Mr. Forster*: Have you any claims against the Government for rations furnished to the Native Police, which have not been attended to? I have only supplied them very lately.
65. Have any of your neighbours claims of that sort? I believe Mr. Archer has.
66. Is there not something of an indisposition to furnish rations, owing to the manner in which these claims have been treated? Most of the squatters on the Upper Dawson have refused to supply them, unless they were paid their previous claims. I think Mr. Murray, of the Native Police, mentioned that to me, and that he was going up there on that account.

Robert Strathdee, Esq., called in and examined:—

- R. Strathdee, Esq.
2 Dec., 1856.
1. *By the Chairman*: You are a settler in the Burnett District? Yes.
2. How many years have you resided there? Since 1848.
3. Have you had much experience of the blacks during that time? I have employed a great many of them at different times.
4. Have the blacks committed many depredations during your experience in the district? A great many in the district.
5. Attended with a good deal of loss of life and property? Yes.
6. Do you think that those depredations were diminished after the establishment of the Native Police in the district? I think they were on the outskirts of the district, but towards the centre I think they were all pretty quiet, even when the Police did come.
7. They have been of great service in the outlying districts? Very great, I think.
8. And have prevented loss of life that would have taken place had they not been there? I think so.
9. You are aware that the office of Commandant was done away with? Yes, I am aware of it.
10. Do you consider that that step tended to the efficiency of the Force or otherwise? The Force was in a state of great disorganization when Mr. Walker left.
11. To what do you attribute that? To his habits of intemperance.
12. Do you think that if timely investigation had been made into Mr. Walker's conduct, the evil effects of that conduct would have been obviated, in the mismanagement of the Force? Yes, I think so, if it had been perhaps a couple of years before the investigation did take place.
13. His conduct was allowed to go unnoticed by the Government for so long a period as two years? Yes, I think so.
14. Are you aware whether the Government were cognizant of his misconduct? I have been informed that his conduct was frequently represented to the Government. I do not know anything of it personally.
15. Under proper regulations, do you consider that a Commandant or local head of the Force is essential to its proper working? A local head is essential to its efficiency.
16. Do you think it necessary that there should be a clerk attached to the department of the head of the Force to attend to the accounts and relieve that officer from the details of matters of that kind? Yes, I think so. One of the Second Lieutenants did act as such to Mr. Walker and Mr. Marshall also.
- 17.

18. Are you aware whether that reduction has been attended with any evil consequences? A great many outrages have been attributed to the dismissed policemen. They are supposed to have been the ringleaders in certain cases. R. Strathdee, Esq.
19. Those men were recruited in certain districts near where they were employed? Yes. 2 Dec., 1856.
20. Do you not think it very undesirable that troopers should be employed in districts near where their own tribes reside? Yes, I think so.
21. Are you acquainted with the requirements of the Port Curtis District? I think it is impossible to prosecute squatting pursuits out there without an efficient Native Police—to extend them or even maintain the ground at present occupied.
22. You consider then that squatting operations would be very considerably retarded by the absence of an efficient Police? Yes. I do not think the present stations could be retained in many cases, and I think it would be quite impossible to go out much further, without the Police.
23. Are you aware how many men would be requisite for the protection of the Leichhardt District alone? I am not aware; but if they were employed in patrolling a less number would be necessary than if they were to remain stationary.
24. It has been said that four sections would be required for that district, do you think that would be sufficient? I think it would be sufficient if every trooper had two horses, and if a certain number of pack horses were attached to each section besides.
25. Do you think it desirable that a person capable of shoeing a horse and attending to the saddlery should be attached to each division—do you think that would tend to the efficiency of the Force, looking to the wear and tear of horse flesh? Certainly. A horse will do nearly double the work when shod that he will do when without shoes. I have found it so.
26. One great cause of the inefficiency of the force in former times arose from the sore backs of the horses and want of shoeing? Very often I have understood. I have seen the whole of the horses belonging to a section or detachment quite knocked up from that cause.

WEDNESDAY, 10 DECEMBER, 1856.

Present:—

Mr. SANDEMAN,
Mr. F. RUSDEN,

Mr. FORSTER,
Mr. BUCKLEY.

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

Richard Purves Marshall, Esq., J. P., late Acting Commandant Native Police, called in and further examined:—

1. *By the Chairman:* Where would you recommend the head quarters and local head of the Native Police Force to be stationed? In the neighbourhood of Maryborough.
2. Do you think that would be better than Port Curtis? Yes; it would be more central for the local head of the Force. If it were fixed at Port Curtis, to keep up the communication with Brisbane there would be a long distance to travel; it would be more central to have the head quarters fixed near Maryborough.
3. Do you think the appointment of an officer in the capacity of clerk would be of advantage to the Force? Yes, I think it would be a very great advantage; the accounts of the Force would be more regularly kept if a clerk were appointed, than they could be by the head of the Force.
4. Would there be a saving effected by this appointment? Yes, I think it would be cheaper. If the returns were made out by a clerk, it would not take such a time in passing the vouchers.
5. Is there a great length of time intervening before passing the vouchers? Yes.
6. In your opinion, what arrangement should be made with regard to main camps? I should say that every division should have a main camp, as in the district where I was stationed, and that they should be as centrally situated as possible.
7. Have the horses of the Force suffered a great deal from bad backs, and from want of shoeing, owing to the broken nature of the country? They have suffered more from bad backs than from want of shoeing.
8. Have they not suffered from want of shoeing in the Upper Dawson? They have suffered there; but with two horses per man I think they might manage to do without shoeing in the Upper Dawson.
9. I suppose there are some parts of the country where the horses are shod? Yes, there are two localities where persons who carry on the trade of blacksmiths live in the neighbourhood. From some districts they would have to send a distance of 150 miles to have their horses shod.
10. What do you think of the appointment of a Barrack Master? I think he would be useful to see that the saddles were kept in proper repair, and if he could shoe as well it would be so much the better.
11. Are any of the troopers capable of shoeing their horses? No; it would be impossible for them to do it.
12. Captain Mayne's opinion was that it could be done by them? If Captain Mayne could get the men to shoe their own horses, he can do more than any other man in the Colony. It is all very well to fancy that these things can be done; but if you try to put them in practice they will be found very difficult.
13. You consider it of great importance to the efficiency of the Force that the horses should be well attended to? Yes; everything depends on attending to the horses as well as to the men. If the horses were not attended to the men cannot perform their duty.

R. P.
Marshall,
Esq.

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14. Are you of opinion that the head of the Force should be Inspector or Commandant? I should say Inspector. I should have the Officers to see that the men were in a good state of discipline, and whether they performed their duties properly. It is impossible for a man stationed at the head quarters to have any control as to discipline over men at a distance; for instance, from the Clarence to Gayndah is a distance of 500 miles.
15. Should the responsibility rest with the Officer commanding the Detachment? With the Officer commanding the Division.
16. Should he be subject to the Inspector? Yes; this Officer, by visiting the different districts, would know for himself (as well as by hearing by the report of persons), and see whether the Native Police Force was efficient. He would not be called on to interfere with the discipline of the men, but would look to the Officer in command for that. If the men were not disciplined, it would be his duty to report to whoever he was called on to make his report to.
17. Have you been able to make any calculation of the number of men required for the different districts? I consider that not less than 102 men would be required.
18. That is not taking into consideration the real or fancied wants of the Clarence and Macleay Districts—would you state again the number you would attach to each district? I should say not less than 48 men for the Leichhardt District, that is, so far as the country is at present taken up. For Port Curtis, 12 men; Wide Bay and Burnett, 18 men; Moreton Bay, 6 men. With regard to the Clarence and Macleay, my impression is that they would not require any. Some of the 48 troopers for the Leichhardt District could be occasionally sent to the Clarence District, if not required in the former.
19. With each Division of 12 men, how many Officers would you have? I think there should not be less than 1 Officer to each 6 men. I would have a First Lieutenant, one Second Lieutenant, and two Sub-lieutenants, to each Division of 24 men.
20. Do you consider the rate of salary sufficient to induce efficient men as Officers to enter the Force? I think gentlemen would not remain in the Force at £100 per annum.
21. The rate is only £68 per annum—that is the present allowance? They get the same allowance and pay as a Sergeant—in all, £105 per annum.
22. What should be the salary, do you consider, to induce an efficient class of men to enter the service? I said not less than £200 before, and I am still of the same opinion. I think men are required to make the Police Force efficient; it is not boys that are required. No doubt they consider themselves paid, and are satisfied with £100 a year, so that they have the uniform; but the first shower of rain they get into, they find they are very barely paid. It is not boys that ought to be placed in command of such men, and for such duty.
23. The Force consists, I believe, at present of 72 men? Yes, but with 72 men employed, the chances are that not more than 62 would be effective at one time.
24. The increase you propose is, I think, 30 troopers? I do not believe that is enough. I said before that 30 was the least number that could be employed with a due regard to safety of the people.
25. If there were 30 troopers, that would involve the necessity of some 60 horses? When I left the detachment, two horses were allowed to every man, two pack horses to every six men.
26. That would involve the necessity of 70 horses? Yes.
27. *By Mr. F. Rusden*: All the horses would not have to be purchased—Is there not an establishment there already? There are two horses for every man. There were 156 horses allowed for the Force when I left it.
28. *By Mr. Forster*: I should like to know whether Maryborough is more central than Gayndah—You said it was more central, I should like to know why? I did not say it was more central—I considered that it was better suited as a station for the local head of the Police. I gave it as my opinion that the largest force could be stationed near Maryborough.
29. You stated that Maryborough was the best place for the local head of the Force to be stationed at? Yes.
30. With reference to the most central position, do you not think that Gayndah is more central than Maryborough for the local head of the Force? Well, perhaps it would be more central, but I think Maryborough has more advantages. The reason why I recommend Maryborough is because it is near a sea-port.
31. Although Gayndah is more central, you believe that Maryborough combines more advantages? Yes; I recommend it because Tiaro is only 14 miles distance from Maryborough, and that is the first ford up the Mary River; the Police therefore could command each side of the river, as occasion required. I would offer an opinion to the Committee which I think is very necessary. During my predecessor's time, the clothing was sent to the Burnett District to be distributed to the other districts. I should like to see this system improved, and the clothing for each division sent to the sea-port near where that division was stationed.
32. I think it would not be departing from our subject if I asked if the mixing of the Native Police with the blacks was of benefit towards civilizing the blacks? Yes, I think it is.
33. Do you think that any good has been done to the blacks by the issuing blankets and slops—do you think that system does any good? I do not think that the blacks understand what the blankets are given for. I think the system would be good if it was properly carried out. The blacks in the vicinity of towns generally get the blankets given them, and they are probably sold the next day for grog or tobacco.
34. Would you conclude that under the present mode of distribution it was a waste of money? No, I will not say that.
35. Do you think it does some benefit? Yes.
36. Would you recommend its abolition? No.
37. All your objection goes to is, that you think the system might be improved, although you believe the principle is good? Yes?

38. For instance, you have heard of blankets being sent to the country stations for distribution—is that better than sending them up to town for distribution? Most decidedly it is.
39. *By Mr. F. Rusden*: Do you think there would be a saving if the Inspector was allowed a clerk, and advances were made to him to pay the district, and to receive the vouchers from the Officer, and to place money to the credit of the Officer? I think a very great saving would be made. With 100 men employed, I should say that £400 per annum would be cleared by effecting prompt payments to the settlers, which could only be done by the employment of a clerk. I always received money three months before. I would suggest to the Committee, if any witnesses are to be examined, to ask them whether payments were not made with punctuality during my time. I do not know whether it is necessary to state it, but I know this, that I saved £400 or £500 out of the money allowed to me to supply the men. I think it desirable that the Commandant should have nothing to do with the payments, and not be troubled with them, but that this work should be left to the clerk, who would give the vouchers to the Commandant merely to sign. The Inspector of the Force should so arrange it as to be at home at the end of the quarter, (which I always did), when the vouchers could be signed.
40. Do you think the delay of payments added to the inefficiency of the Force? No doubt of it.
41. Would the clerk be able to act as storekeeper also, and with the Commissariat? We had no Commissariat.

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Henry Hort Brown, Esq., M. R. C. S., called in and examined:—

1. *By the Chairman*: You have been a resident of the Wide Bay and Burnett Districts? Yes.
2. How many years have you resided there? Eight years.
3. You are a Magistrate of the Territory I believe? I was.
4. You were the Medical Officer to the Native Police Force? I was; but that appointment has been done away with lately.
5. Have you had much experience among the blacks in the Northern Districts? Yes, in my professional capacity, I have seen much of them.
6. Have the blacks been very troublesome in the districts you are acquainted with? Yes, very much so.
7. Were you in the Northern Districts previous to the arrival of the Native Police Force? I was.
8. Do you consider the depredations committed by the blacks were diminished after the introduction of the Native Police Force? Yes, I think they were.
9. Do you think it tends to the safety of the people on the frontier districts to continue the Native Police Force in those localities? Yes.
10. What do you think of the measure of doing away with the Commandantship of the Force? I think it is most desirable that it should have a local Commandant.
11. Had the abolition of the local head an injurious effect on the efficiency of the Native Police Force? No doubt of it.
12. Were you aware of the circumstance that led to the doing away with the old Commandant, Mr. Walker? Intemperance, I believe.
13. How long was that species of misconduct going on in that district, on the part of Mr. Walker? In my professional capacity I have known Mr. Walker as an intemperate man for some two years previous to his dismissal.
14. Were reports made to the proper authorities of his misconduct? I am not aware I have been told that representations were made of his conduct by one or two settlers, and a requisition was made that his conduct should be enquired into, but I did not take part in it.
15. You believe that representations were made, and that complaints were made on the part of the settlers? I am satisfied of it.
16. Were those complaints attended to? I believe not. They were (I was informed) referred to Mr. Walker himself for approval.
17. What! to Mr. Walker himself? I was given to understand that a copy of the complaints was referred to Mr. Walker himself to be reported on.
18. The complaints were not made against the efficiency of the Force, but of the misconduct of the Officers? Yes.
19. Do you think it was owing to the irregularities you have alluded to that the inefficiency of the Force was complained of? Yes, I think so.
20. And if it had not been for inefficient management, arising from the cause you have referred to, and without being checked in time, the Force would have been kept in a far more effective state? Yes, I think so. It must have recovered its position if the evils had been promptly remedied.
21. Who succeeded Mr. Walker in charge of the Force? Mr. Marshall.
22. Did the Force improve under his authority? Yes, the discipline was much improved under his direction.
23. Was he not very much tied down by previous arrangements? I think he was not able to act as he wished.
24. Shortly after he took command of the Force, was it partly disbanded? Yes, and previous arrangements were still in force, which, I think, if he had possessed the full power to alter, would have been amended. Many of the arrangements, although he was the Chief Officer of the Force, he had no absolute control over.
25. Was the Force then placed under the control of the Inspector General of Police? Yes.
26. Do you consider such an Officer competent to carry out such a charge, he being at the same time in Sydney? I am sure it was impossible for a person, living in Sydney to manage the Force at so great a distance. I know it of my own personal observation.

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Esq.
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27. You attribute the comparative inefficiency of the Force to that arrangement? Yes, to the want of local supervision.
28. Are you aware whether there used to be much trouble in obtaining the payment of accounts for supplies made to the Force? Yes, I am aware of there being great trouble in getting accounts paid. I myself had my pay as Surgeon to the Native Police detained for nine months, in consequence of a complaint made against me by Mr. Walker, *subsequent* to his dismissal from the Force; the charge was "inattention to my duties;" and the complaint made by Mr. Walker was entertained, although he had then ceased to hold the Commandantship. The grounds of complaint were palpably visionary, dependant, I presume, upon his state of health at the time.
29. Are you aware whether, under Mr. Marshall, the payments to the Force were made with punctuality? They were expedited much.
30. What has been the case under the Inspector General's management? It is worse; it requires so much time to refer to and from Sydney. It took months, however promptly they might be inclined to meet accounts, before they could pay them. It takes a month or five weeks to get an answer to a letter in our district from Sydney.
31. Have you heard that the Force is to be placed under the control of the Government Resident of Moreton Bay? No, I have not heard it.
32. Do you think that is a measure that will tend to the efficiency of the Force? Certainly not. I think a local Commandant or General Superintendent should be appointed, the same as it was before.
33. There would be no objection to Captain Wickham being made local referee in case of need? Over the Commandant.
34. No, in affairs of the Force? He should not have the power of interfering with the Commandant's directions of the Force; but in matters that required the reference of the Government, it would be better that reference should be to a committee of Captain Wickham and two others.
35. Would it be better to refer these matters to this Officer than to an Officer residing in Sydney? Yes, it would be better. I think the Officer in command ought only to be responsible to the Colonial Secretary, or a Committee at Brisbane.
36. *By Mr. Forster:* You say you noticed the mismanagement of the Police under Mr. Walker—Are you aware of any loss of life occasioned by the mismanagement of the Force? No actual loss of life.
37. Do you think that any of the murders that occurred at that period were occasioned by the mismanagement of the Force, and by the misconduct of the Commandant? I think less murders would have been committed if Mr. Walker had been more judicious in his arrangements for protection.
38. Do you recollect that after the Police came to the district they were suddenly withdrawn again? Yes; I remember that they were withdrawn.
39. Do you think that was an improper step? Yes, very much so.
40. Do you think that led to any loss of life? I think it had a very injurious tendency so far as the influence over the blacks was concerned by the presence of the Force. I think it tended to make them more dangerous.
41. Did not the Force get into a state of almost disorganization under Mr. Walker? Latterly it did.
42. You think that was owing to his intemperate habits and bad management? Yes; latterly he appeared to have lost all moral influence over, and respect from, the men.
43. You have no reason to suppose that any of the other officers were to blame? I think one or two officers were incompetent.
44. Would you have any objection to name them? I should prefer not naming them, unless absolutely necessary for the improvement of the Force.
45. Are you aware that any of the Magistrates of the district had gone over to Brisbane to make inquiries into the conduct of the Force? I am not.
46. I think you stated that the representations that were made to the Government were not further attended to than by reference to Mr. Walker? In the district, I resided, we knew nothing further than that they were referred to Mr. Walker to report on.
47. What was the immediate cause that led to the inquiry at Brisbane into the conduct of Mr. Walker—was it from the complaints of the Officers, or of the inhabitants? I think it was held in consequence of the general feeling in the district on the subject.
48. Do you think that Brisbane was a proper place for such an inquiry to be held at—could it not have been more conveniently carried on in Gayndah itself? Yes, I think it could.
49. Do you think that removing the inquiry to Brisbane was done with a view to make it inefficient? It would have a tendency to do so.
50. Are you aware of any gentlemen in your district having offered evidence to the Commissioner appointed to inquire into the matter? Yes; I myself offered to give evidence.
51. What was the result of that offer? I was told that my information was not required.
52. You are a Magistrate, I believe? I was.
53. The other gentlemen you mentioned, were they also Magistrates? Yes.
54. From your own knowledge of Mr. Walker's intemperate habits, could you say for how long he was incompetent to hold office before he was dismissed? I should say for about two years.
55. With regard to what you said, that the Native Police ought to be placed under a local head—how would you propose to render such an Officer responsible? I would have him responsible to the authorities in Sydney, or a Committee of Inquiry appointed by them, leaving him otherwise unencumbered.
56. Was not that very much the position in which Mr. Walker was placed? Yes, at first.
57. Are you not of the opinion that having the same head would lead to the same result? I think not, if the details of the arrangement were altered.

58. Suppose at some future time the local authorities of a municipal kind were established —I do not mean to say in the shape of a municipal corporation—but some municipal officer was appointed to supervise the affairs of the Native Police Force, and such Officers having some degree of supervision were to give notice, and report on any error of management that might come under his notice, to the authorities in Sydney, would not that have a beneficial effect? I think it would have a good effect if two or three people were appointed.
59. You would not give this supervision to a single individual? No.
60. You stated that you were the Medical Attendant to this Force? Yes.
61. Are you of opinion that such office is necessary, or would be of use to the Force? I think it is necessary.
62. Do you think that a Medical Officer of any kind could be done without? That would depend entirely on the amount granted for the Medical Attendant.
63. Do you think that the efficiency of the Force would be very much increased by having some Medical Gentleman to superintend and look after them? Yes, but I think it is of little consequence if the sections are not kept constantly in the same district.
64. Will you state the highest number of invalids you had under your care at any one time in the year, or the average number while you were Medical Superintendent? I do not know quite what you mean.
65. I want to know the average number that was placed under you as Medical Superintendent, and the highest number you had at any particular time? The highest number I had was during the time of epidemics and influenza, I had then fifteen or sixteen at once.
66. What was the average number of sick per month throughout the year, in round numbers? During my time, about seventy or eighty.
67. You misunderstand me—taking the average number of Native Police, would there be 70 sick in the year? No, that was the total number.
68. What would be the average number of sick every month—would it be one or two? The average per month would be about five or six.
69. Was there a prevalence of the venereal disease among them? There was a certain amount of the venereal disease, but the principal diseases were epidemics and influenza.
70. You think they were more subject to these diseases than the venereal disease? The diseases they were most subject to were epidemics, such as influenza, mumps, &c., which with them is always of a most serious nature.
71. Do you think their mode of life as Police was more favourable to longevity than their mode of life in their wild state? I think not, on account of their style of clothing and artificial habits acquired.
72. You think they are more inclined to disease as Police than in their wild state? Yes; because they wear very warm clothing, which they throw off when they are in a state of perspiration, and otherwise live, to a certain extent, artificially.
73. Could you suggest anything in their management which would lead to other results? Yes; I would recommend a lighter suit of clothing, and as near an approximation to their natural habits of life as practicable.
74. You think their tendency to mortality is increased by the mode in which they are clothed? Yes.
75. *By Mr. F. Rusden*: Do the Police die off very rapidly? Yes, for the reasons before stated.
76. Do you think the mortality is increased by their intercourse when they come into contact with the native women? No, I think not.
77. You think this intercourse does them no particular harm? No, I think not; there are cases of venereal disease but they are not very serious.
78. Will you be kind enough to state whether you think the formation of the Native Police Force has had a beneficial effect on the Aborigines, and whether the wild tribes have been civilized by coming in contact with the Police? I think a well organized Force would be of great benefit, and would have a good effect on the Aborigines.
79. Would it have a moral effect on them, the Aborigines, seeing them and deriving some ideas from them? I do not think it would have a moral influence on the Aborigines. It would be more from fear that the influence would be derived.
80. Do you think fear is the best agent for keeping blacks quiet, or is there any other mode; do you think they are best kept in order by being made afraid? Yes; I think fear is the only thing to be attained with a black Force.
81. The only way to keep them in order is to make them afraid? Yes.
82. *By Mr. Forster*: With regard to the locality of head quarters, Maryborough has been recommended—have you anything to state that would make any other place preferable? No.
83. Do you think Maryborough would be the best place? I think it advisable to have branches on the boundary line of the two districts.
84. Do you think Gayndah is more central than Maryborough? Yes. The Commandant could always go there, call in the sections, and inspect them.
85. Instead of having different localities, you would have two branches? Yes. I would have one barrack for two districts, as central as possible, for facility of supervision.
86. Do you think the advantages possessed by Gayndah are not compensated for in Maryborough by being able to get cheaper provisions there? That should weigh a great deal in selecting a place.
87. Do you know any thing of Brisbane? No, not much.
88. Could you state whether a Native Police would be required in the Brisbane District? I could not say.
89. *By Mr. F. Rusden*: Would it not be necessary to keep the power of the Commandant in some check by making him send in monthly reports? Yes, certainly.
90. You would recommend these reports to be sent to the Colonial Secretary? Yes.
91. The great objection to the old arrangement during Mr. Walker's management was his irresponsibility; can you suggest a remedy for this, that is, should he not be responsible to some

H. H. Brown, Esq., some power in the district in which he worked? Yes; I think he ought to have been responsible to two or three people, but not to any one local authority.

92. There ought to be some intervening power between him and the Colonial Secretary, who should be cognizant of his acts? Yes.

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93. If there was not such a power, would not his authority be unlimited; would he not be liable to become overbearing and run into extremes? Yes; but not if there were two or three people in Brisbane to refer to.

94. Could he not send his report to a Bench of Magistrates? I think not.

95. Would you not give them any control over him? No; I think not, considering the peculiar nature of the Force.

96. *By Mr. Forster*: Do you know whether any of the officers were intemperate besides Mr. Walker? Yes, there were others who were not strictly temperate.

97. In the organization of the Force, the new Commandant that was appointed would require a decision of character to turn out his old friends? Yes.

98. *By the Chairman*: Looking at the present disorganization of the Force, would it not require a man of great decision and energy, and a thoroughly practical bushman, to take the command of the Force? It would require a man of very peculiar qualifications to manage this Force properly.

99. Do you think the Commandant ought to appoint officers? Yes, decidedly. I date the degeneracy of the Force from the withdrawal of this power.

100. Who appointed the officers? They were appointed in Sydney.

101. *By Mr. Forster*: Do you think it was the practice of the Commandant, or his officers, to favour certain stations and certain individuals—friends of his—at the expense of others; that is to say, to extend a greater amount of protection to certain places and persons than was their share or was due to them? I know certain districts had not the same share of protection as others; but I cannot speak as to the motives.

102. *By Mr. Buckley*: Do you think it is desirable to give full authority to the Commandant to select his own officers? Yes; I would give him full authority. I think that it is particularly desirable that he should do so.

103. The chief office in Sydney or Brisbane should have nothing to do with these appointments? They could be recommended by them to the Commandant for approval. By far the best officers in the Force were appointed by the Commandant himself.

104. Did you know any officer of the name of Fullford? Yes.

105. Was he not an efficient officer? Yes.

106. Was he one of those who were appointed by the Commandant? Yes; he was appointed by Mr. Walker, as also Mr. Marshall and Mr. Murray.

107. I believe they were some of the most efficient officers? Yes. Those officers of whom I spoke as inefficient were Sydney appointments; they were men entirely unfit for their occupation.

108. Are there any officers now in the Force appointed from Sydney inefficient? I do not know; it is some time since I had anything to do with the Force.

109. You know that was the tendency of the appointments? Yes; because I had noticed it particularly.

Arthur Brown, Esquire, of Wide Bay, called in and examined:—

A. Brown,
Esq.

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1. *By the Chairman*: You are a resident in the Wide Bay District, I believe? Yes.

2. How long have you resided there? Seven years.

3. Have you had much experience of the blacks during that time? Yes; I have been amongst them during all the troublesome times when they committed depredations, and was there when the Native Police first came.

4. Were they very troublesome previous to the arrival of the Native Police? Yes, very much so.

5. Do you consider the establishment of the Native Police Force diminished these depredations? Most undoubtedly.

6. Do you think the efficiency of the Force was latterly as good as when it was first established? By no means.

7. To what do you attribute the alleged inefficiency of the Force? I think to a want of proper organization.

8. Whose duty was it to see that those appointed attended properly to their duty? The Commandant's.

9. Did the Commandant neglect his duty in that respect? He did.

10. That was during the time of Mr. Commandant Walker? Yes.

11. He was suspended and afterwards dismissed the Force? Yes.

12. Are you aware of the cause that led to that step? I believe his habits of drunkenness. It was generally supposed that was the reason why he was dismissed.

13. Had that conduct continued long? I believe it had continued for some time.

14. From your own knowledge are you aware of it? Yes, if I may draw a conclusion from what I have seen of him. I have seen him in a state of inebriety.

15. Were you aware that complaints were made to the Government of this irregularity in Mr. Walker's conduct? Yes, continually.

16. When were they made, and how long previous to his dismissal? I should say three or four years before his dismissal.

17. Were these complaints not attended to? No, they were not. They were not even noticed in many cases.

18. The complaints were not made against the capabilities of the Force, but in consequence of the inefficiency arising from the irregularities of the Commandant? Yes; the Force was always

- always considered very good and very necessary; but the inefficiency, from bad regulations, at one time rendered it very nearly useless. A. Brown, Esq.
19. The Force was also partially disbanded? Yes, it was.
20. What was the effect produced by that step? I think the blacks were more troublesome afterwards, in fact I know they were. 10 Dec., 1856.
21. Do you think it would be desirable to restore the office of Commandant, or create a head of the Force afresh, in the office of Inspector? I think I would place it on much the same footing as it was established originally.
22. To whom would you render the Inspector or head of the Force liable for the proper discharge of his duty? I cannot say that I should render him liable to any person.
23. Do you think that by his rendering monthly reports, and strict supervision being kept on his conduct by the Authorities in Brisbane, would have a good effect? No.
24. Would vesting the administration of the Force in the Government Resident at Brisbane have a desirable effect? I think not.
25. Do you think the Commandant ought to be responsible to the Colonial Secretary's Department in Sydney? I think he ought to be responsible to nobody.
26. Supposing such a case were to occur as was the case with Mr. Walker, what steps would you take to check such conduct? I see no steps could be taken but dismissal from the Force.
27. Do you not think that the representations of three, four, or six respectable inhabitants should be sufficient to induce the authorities to consider it necessary to inquire into the subject? Yes; I think so, decidedly.
28. Ought there not to be some restraint over the Commandant? I would not render him responsible to, nor would I place him under the supervision of any department.
29. You think his action in the field should be quite uncontrolled? I think so.
30. Do you think it desirable to augment the force as at present constituted? Yes; I think so, and it seems to be the prevailing opinion that it should be augmented.
31. The Force, at present, consists of 72 troopers—to what number would it be desirable to augment it? I think at least to twice that number.
32. Are you aware how many would be required for the protection of the Leichhardt District? I cannot say.
33. It has been stated that four sections of twelve men each would be sufficient? I think that number would be quite sufficient at present.
34. How many would the Wide Bay and Burnett Districts require—according to the present establishment twenty-four men are the number—do you think that number sufficient, or would a less number do? I think it would require four sections for the Wide Bay and Burnett Districts.
35. Are not the Wide Bay and Burnett Districts comparatively quiet now? They may not remain so.
36. Have you heard of any depredations having occurred in the absence of the police in the Wide Bay District? Yes; sheep and cattle stealing.
37. Do you think the appointment of Sub-lieutenants from the grade of Serjeants would be an improvement? Yes; I think so.
38. What is your reason? I think with policemen they would obtain greater respect, and Sub-lieutenants perform their duties better.
39. You think the men would pay greater respect to Sub-lieutenants? Yes, and Sub-lieutenants do their duty better than men of the grade of Sergeants.
40. You think the grade of superior officer commands more respect from the police? Yes, decidedly.
41. *By Mr. Forster*: Do you consider the mismanagement of the Force, and the state of inefficiency under Mr. Walker to be principally owing to his intemperate habits? Yes, I think so, decidedly.
42. Are you aware that an inquiry was held, after some time, into his conduct? Yes.
43. How long was it before that inquiry that he was unfit for his office? I don't remember when the inquiry was held.
44. How long were you aware of the inefficiency of the force, and of Mr. Walker as an officer, being affected as you describe through inebriety? I should think at least three years.
45. Are you of opinion that Brisbane was a proper place to hold an inquiry of this kind? No; decidedly not.
46. Was not the district in which he lived, or near the district in which he was known, the best place to hold an inquiry? Yes.
47. With regard to obtaining evidence, should you say it was almost virtually amounting to not collecting evidence at all the holding this inquiry at Brisbane? I should say so, decidedly.
48. Would this not have the effect of making the inquiry a mere nominal one? Yes; it was merely a nominal one.
49. Was the general opinion of the inhabitants of Wide Bay and Burnett Districts to that effect? Yes; that was their unanimous opinion.
50. With regard to local supervision you stated your opinion that the local head should be responsible to no authority? What I meant was that he should not be under any department, such as the Inspector General of Police.
51. Should he be responsible to the Government at Sydney in some way? Yes, of course.
52. Suppose some kind of local authority, exercised by the authorities themselves, should in future be organized—that is, something in the character of a municipal authority, I don't mean a Municipal Corporation, but something bearing a municipal character—are you of opinion that it would lead to the efficiency of the Force if such a body was authorized to have some inspection and to report thereon? I think not.
53. Do you think it would have a bad effect? I think it would.

- A. Brown,
Esq.
10 Dec., 1856.
54. Do you think the Magistrates ought to have any supervision of the Force? Decidedly not.
55. Have you any idea, or has anything come to your knowledge that would lead you to suppose that the Commandant, Mr. Walker, had favoured certain individuals at certain localities with more than their fair share of protection? I am not aware of it.
56. Are you acquainted with the country further north of the Wide Bay and Burnett Districts? Yes, I am.
57. Do you think the difficulty of taking up stations will be increased by the difficulties of the countries as you go north? I think not.
58. Do you think the same amount of police protection, in proportion, that should be granted to the inhabitants of Wide Bay and Burnett Districts would be sufficient for those further north? Yes.
59. Are you acquainted with the Moreton Bay District? No.
60. You cannot say whether the police are required there or not? No.
61. Are you acquainted with the Clarence District sufficiently to give your opinion whether they are required there or not? No; I do not feel competent to give an opinion on the subject.
62. *By Mr. Buckley:* You stated you thought Brisbane was not a proper place for the investigation into the conduct of Mr. Walker? Yes.
63. Do you know the parties who brought the charge against him, and reported him to the Governor? Mr. Walsh was one, and I think Mr. Forster was another.
64. Are you aware of any other party? No.
65. Are you aware if any of the officers in the corps made any report? I cannot say with any certainty; I heard they did.
66. Are you aware of who was summoned to give evidence in the case? No; I am not.
67. You say you would not make the Commandant subject to any authority—I suppose you consider his making returns to the Government necessary? Yes.
68. Do you propose monthly or quarterly returns? I consider monthly returns unnecessary.
69. For how long a time periodically do you propose the returns to be made? I think quarterly returns are sufficient.
70. You think the same number of Police, in proportion as for Wide Bay and Burnett District, would be sufficient for the whole of the districts further north? I think the same amount, in proportion as stationed in the Wide Bay and Burnett District, would be sufficient.
71. Would the same proportion be sufficient, that is, four sections? Yes.
72. Would that number be sufficient for the Leichhardt and Port Curtis Districts? Yes, I think so, at present.
73. Would their services be more required at Leichhardt and Port Curtis than at Burnett and Wide Bay? Yes.
74. If the Police were stationed further north than Maryborough and Gayndah, would occasional visits to the Wide Bay and Burnett Districts be sufficient? No; I think they ought to be stationed where they are at present. The blacks are not so dangerous as they were, but they require the Police to keep them in check; they are given to stealing.
75. Would it not be consistent to place them at Gayndah, as their services are required more north? I think not—the expense of transit would be great and unnecessary. I do not see the advantage of placing the head party at Gayndah, when a section could be placed there.
76. *By the Chairman:* It has been recommended by some that there should be no permanent head-quarters for the Force—do you think it would be better to employ the Police as a patrolling Force? I don't think a patrolling Force would keep the blacks in check, nor do I think they would be so efficient.
77. Do you think they would be so much needed in some of the inner districts as on the extreme frontiers? I think quite as much for the purpose of keeping the blacks quiet. I have found, in the absence of the Police, the blacks stealing sheep.
78. Do you think the presence of the Police in some of the inner districts, or rather those immediately contiguous to the extreme outlying districts, prevents the commission of murder? Yes.
79. Do you think the great object is the saving of life? Yes.
80. What would be the result of increasing the Force northwards? I do not think the Police should be removed from where they are stationed.
81. Do you think it necessary to increase the Police on the extreme frontiers, and gradually withdraw them from the comparatively older districts? Yes, in proportion to the requirements of the outlying districts I would increase them; I consider, at the present time, the same number would be sufficient for the extreme frontier districts, in proportion to their extent, as formerly required for those districts that are now quiet.
82. *By Mr. Rusden:* Is not the country being rapidly settled upon, and new stations taken up every day? Yes.
83. If the head-quarters were established at any given place, would it be necessary to have white men to move them? No; I think not.
84. As the country is settled and new stations taken up, would it not be necessary to remove these quarters to some other place? It would be necessary in time to remove to Port Curtis; in fact, the main body of Police should remove as the frontiers are extended.
85. *By the Chairman:* Are you aware that when the Burnett District was first taken up the blacks were very troublesome? Yes.
86. They are not nearly so much so now? No; comparatively quiet.
87. You attribute that to the presence of the Police Force? Yes; I consider the Police quite necessary to the Wide Bay and Burnett Districts.
88. Do you not think that more country has been taken up by the squatters since the Police Force has been stationed on the frontiers? Yes, no doubt.

89. Are you aware of any persons having been deterred from going to the northward to take up stations and to settle upon them, in consequence of the absence or temporarily disorganized state of the Police? I cannot make the assertion from my own knowledge, but I have no doubt that it is the case. I have, however, no personal knowledge of the case.

A. Brown,
Esq.

10 Dec., 1856.

90. *By Mr. Forster*: Do you think the country would not be taken up if there were no Native Police Force? Not so quickly.

91. Do you think anything would stop the squatters? I think not.

92. *By the Chairman*: Would there not be much greater loss of life and property were it not for the Native Police Force? Yes.

93. *By Mr. Forster*: When the blacks commit depredations upon stock upon any important scale, is it not generally the act of the tribe, and not of individuals—is it not done generally by a number of them collectively? It is not always confined to the resident tribe.

94. It is done by a large body? Yes.

95. In case of depredations of that character, are they not disposed to commit murder if resisted? Yes.

96. Are they appeased in any way by the commission of murder in such cases? Yes.

97. In that case, to prevent depredations is to prevent loss of life? Yes.

98. *By Mr. Buckley*: You think there is something humane in the effect of the Native Police Force, and that it saves the lives of the blacks as well as of the white man? Yes.

99. *By the Chairman*: Do you think it would be desirable to have a clerk attached to the department of the head of the Force, for the purpose of attending to accounts and other matters of detail? Yes, I think it would, because all the work of the department would otherwise devolve on the Commandant.

100. Ought not he to exercise a supervision over every voucher? Yes.

101. Do you not think great attention should be paid to the horses, to prevent them having sore backs, and to keep them shod? Yes.

102. Are you aware that the inefficiency of the Force was attributed to the state of the horses? Yes, and the bad equipage and little attention that was paid to them, rendered them almost useless.

103. If there had been proper supervision on the part of the Commandant, these defects would have been remedied? Yes.

104. *By Mr. Rusden*: Do you think a clerk necessary? I think it is quite necessary. When the Commandant has so many accounts to supervise, and so much correspondence, his duty of supervision cannot be effectively carried out. If relieved of such press of business, no excuse for neglecting active duty, if he was furnished with a clerk, could exist.

A. Orpen Moriarty, Esq., of the Chief Commissioner of Crown Lands Office, called in and examined:—

A. O. Moriarty
Esq.

10 Dec., 1856.

1. *By the Chairman*: The detachment of the Native Police in the Southern Districts has been under the department to which you belong? Yes.

2. Under the Chief Commissioner of Crown Lands? Yes.

3. *By Mr. Rusden*: How was it there was a distinction made that this branch of the Native Police in the Southern District should be placed under the Commissioner of Crown Lands, and the other in the Northern Districts under the Inspector General of Police? The Southern Police was intended to consist only of four small parties, each under an European Sergeant, and the Commissioners of the Districts bordering on Victoria were entrusted with their formation and control, probably on account of the remoteness of the scene of their intended employment, (along the frontier,) and the smallness of the Force not requiring a special officer.

4. *By the Chairman*: Has this body worked well? The intention of their employment has not been carried out.

5. Will you state your reason why you think it has not worked well? I believe that the principal obstacle to their perfect efficiency has been that the men were necessarily raised in the districts in which they were to be employed, and blacks never work well unless removed from the neighbourhood of their own tribes.

6. Were not some of the same men employed with the white Force in the Murrumbidgee? Yes, the Murrumbidgee party, consisting generally of three or four, has been principally employed on the Gold Fields.

7. What does the whole Force consist of? The full number authorized for this district was twelve, and two Sergeants, but they have not been all employed.

8. Do they work well, and under whose authority? The men employed do, I believe, under the authority of the Commissioner of Crown Lands.

9. The Commissioner who has charge of the Gold Fields has two or three placed under him? Yes; he works all his parties of men, white and black Police together.

10. Do they work well together? Yes; but it was originally intended to station these two parties on the confines of Victoria.

11. In the Murrumbidgee Districts, are the blacks quite quiet? Yes.

12. Are the Native Police in the Murrumbidgee District employed in the general Police services? Yes.

13. In the Albert and Lower Darling, are the blacks quite quiet? Yes, they are quiet now.

14. Have any complaints been made from the Upper Darling? Yes; and in consequence of these complaints one of the parties has been dispatched to the Upper Darling, and is now stationed there.

15. From the correspondence that has taken place, and from your own knowledge, do you consider it necessary to keep up the Native Police Force for the protection of the people from the aborigines in those localities? Yes, in the Upper Darling.

- A.O. Moriarty Esq.
10 Dec., 1856.
16. What is the number employed? Six men are stationed there, but the parties of the Lower Darling and Albert Districts have to take the duty alternately, in order to avoid exposing the men to the extreme heat which prevails in this part of the country, during the entire summer.
17. *By Mr. F. Rusden*: The party that is stationed in the Upper Darling is under the authority of the Commissioner of Crown Lands? Yes.
18. There is no Commanding Officer? No.
19. Do you consider six men sufficient for the Lower Darling and Albert Districts? I believe six at one time would be sufficient for the particular service of the Upper Darling.
20. Would twelve men be sufficient? Yes, quite sufficient under the present plan of taking the duties alternately.
21. Are the Native Police required in the Albert and Murrumbidgee Districts? I believe not in the latter. The intention of forming a party of Native Police there, was not to protect the people against the blacks, but to establish a cordon of communication along the Victorian Frontier.
22. They are not employed as Native Police, that is, for the purpose for which the Native Police were raised? A part of them are not, but those that are stationed in the Upper Darling are employed for that purpose.
23. Is the whole Force employed? The whole Force is not employed.
24. Will you state in what manner they are employed? In general Police duties. Some of them, those in the District of Murrumbidgee, work with the Gold Police, for instance, one party recently took an offender to Bathurst from the Tumut.
25. What is the nature of their duties? They are employed as a general Police Force, sometimes taking the place of the ordinary constabulary in escorting prisoners, and on the Gold Fields.
26. Does the Commissioner report favourably as to their working as general Police? Yes; by working them with his other men.
27. *By Mr. Buckley*: Are the Sergeants European? Yes.
28. *By the Chairman*: There is an item in the Estimates of last year under the head of contingencies for forage, £1,280, that seems to be a large sum for forage? That sum has not all been drawn. In these districts, in the summer months, there is no grass; it is necessary, therefore, to provide forage, but not more than half of the entire estimate has been spent, and a very small proportion of this item.
29. In the Northern Districts, with a larger Force, the amount put down for forage is £274? Is that the estimate for 1857 or 1856.
30. *By Mr. Rusden*: Most of the men are employed near the coast where there is an abundance of grass? Yes, in the Northern Districts, there is plenty of grass.
31. *By Mr. Forster*: In what shape is the forage provided? Hay and corn.
32. Is it grown in the district? In the remote districts there is no agriculture; all produce is imported.
33. I suppose in cases where the money is not drawn for the forage, it is not considered a requisite of the officer? Certainly not; the money is paid by the head of the department to the persons supplying the establishments.
34. Do you recommend the practice of employing black natives as ordinary constables—do you think it a good plan? Yes; if the men are well selected.
35. What is the effect of white men being placed in the charge of blacks—do you think they would submit to be handcuffed and taken in charge? I think they would.
36. You think there is no objection to employing these men as Police for general purposes. How can they be properly employed as constables, they cannot take an oath. How is that difficulty to be got over? They are under the orders of the white men, their Sergeants.
37. I always understood this difficulty was got over by the body of Native Police employed in the duties of constables being always considered as assistants—are Sergeants also considered as assistants if sworn. The reason why I allude to this is, because you said somebody was taken over the country by a black Sergeant? I used the expression "black Sergeant," but meant Sergeant of black Police.
38. In this case you do not allude to cases in which blacks are employed without white Superintendents—you would not recommend sending a white man under the charge of a black man? No, I would not.
39. *By the Chairman*: Would you have the goodness to point, in the printed Estimates before you, to the proportion of the expenses belonging to the Murrumbidgee District, and the proportion belonging to the Albert and Lower Darling—it appears from this estimate the expense is principally attached to the Murrumbidgee? I should say that half the forage was the proportion.
40. You see that the forage is put down in a lump sum, without drawing the distinction as to where it is expended? The forage put down is for the entire division; these estimates were made out at a time when these expenses were particularly high in the Southern Districts.
41. You say that not more than half is the proportion for the Murrumbidgee—can you say what the whole cost of this establishment would be? I should say about £1,500 for the whole Southern Force.
42. It would not be increased for 1857 at the same rate—do you know what the arrangements for 1857 are? I cannot say.
43. Are the estimates sent in for this year increased? I am not aware of it.
44. *By Mr. Rusden*: You said £1,500 would be the cost—how many men are employed? The average number employed in each district has been about four men and a Sergeant.
45. That was about the average? Yes.
46. That would be ten men altogether? About twelve men and three Sergeants.
47. I want to see what the cost of the establishment in the Northern and Southern Districts was? This estimate includes the pay of a portion of the men of the Northern District, who were

were sent into the Southern Districts. A draught of seven men and one Sergeant were sent into the Southern District. A.O. Moriarty
Esq.

48. *By the Chairman*: Are you aware of any remonstrances having been made by the Northern Districts, in consequence of the detachment having been sent down? I am not aware of it. 10 Dec., 1856.

49. *By Mr. Buckley*: The blacks are not committing depredations in the Murrumbidgee to justify keeping a Native Police Force there? I have heard of one or two solitary instances.

50. But not sufficient to render a black Force necessary? No.

FRIDAY, 12 DECEMBER, 1856.

Present:—

MR. BUCKLEY,	|	MR. LANG,
MR. FORSTER,	|	MR. SANDEMAN.

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

William Forster, Esquire, M.P., a member of the Committee, examined in his place:—

- W. Forster,
Esq.
12 Dec., 1856.
1. *By the Chairman*: You were a resident in the Northern Districts? I was for a long time.
 2. You have been engaged in pastoral pursuits in those districts? Yes.
 3. For how many years? I was in the Clarence River District about eight years, and in the Wide Bay District about five or six years.
 4. Have you had much experience of the blacks? A great deal; I have been present at the formation of three new stations, besides travelling occasionally.
 5. Have you suffered much from the depredations of the blacks? A great deal.
 6. What is your opinion of the capability of the Native Police Force for checking those depredations? I think the original intention of the Force was very good, and I think it is quite capable of being carried out still by proper organization; but in my opinion—as far as my experience went—it does not extend to within the last two years—the real intention of the Native Police was not carried out; it was never properly organized, or properly managed.
 7. Then the Native Police were not an efficient body in the Wide Bay District during your residence there? They were quite the reverse of an efficient body in the Wide Bay District, that is, in general, for I will not say they were not efficient in certain cases where a section was under a good officer.
 8. To what do you attribute that general inefficiency? In general to the mismanagement of the Government of the day, and in particular to the appointment of Mr. Frederick Walker to the post of Commandant, and his retention in office while he was incompetent and incapable of fulfilling his duties.
 9. What was the nature of his misconduct? He was notoriously a man of intemperate habits, and judging from his public conduct—which was also notorious—I cannot but come to the conclusion that he was scarcely in his senses for at least two or three years before he was dismissed.
 10. How was it such conduct was overlooked? His conduct being overlooked was, in my opinion, a gross act of misconduct on the part of the Government. Representations were made, by myself in particular, three years before his dismissal, and by a number of settlers and Magistrates combined, within two years, asking for inquiry in the one instance, and in the other making particular complaints against him; none of these complaints were more than barely noticed by the Government.
 11. Were these complaints made directly to the Government? Directly to the Colonial Secretary; and I have reason to believe other complaints were made beside those I have mentioned.
 12. What was the general opinion of the residents of Wide Bay of the Native Police Force? The general opinion was that the Force was badly managed, but that it was capable of being made useful, and that it would be a great loss if it were taken away.
 13. Mr. Walker was eventually placed on his trial before a Court of Inquiry? I have understood that, in consequence of representations made by the officers of the Force, he was placed on his trial at Brisbane.
 14. What was the result of that inquiry? In speaking of the result I may be permitted to mention that Brisbane, in the first place, was the worst locality that could have been named in the Northern Districts; the instances of Mr. Walker's misconduct had occurred in the Wide Bay and Burnett Districts—the witnesses were nearly all in those districts—and the consequence of holding the inquiry at Brisbane was that scarcely any evidence could have been got if the Government had wished it; but it was evidently the intention of the Government not to receive any evidence from the settlers, for I have it from the authority of the two gentlemen in question—on whose word I can rely—that two Magistrates, Mr. Walsh and Dr. H. H. Brown, both offered their evidence and were told that it was not required.
 15. How long after the first complaints were made was the inquiry held? Talking in round numbers, I should say about three years, and about two years after complaints were made by Magistrates and other inhabitants combined.
 16. You said the officers of the Native Police made complaints against Mr. Walker eventually? That is what I was given to understand; any of the facts I am stating now are not exactly hearsay, because they are notorious facts.
 17. *By Mr. Lang*: I believe the strongest witness against Mr. Walker was himself—that on two occasions, when he appeared before the Court of Inquiry, he appeared drunk? Yes, that is

W. Forster, Esq.
12 Dec., 1856.

is in evidence. There is a Report from the Court of Inquiry to that effect. But, to my mind, the inquiry was very improperly conducted, even on what appears on the face of it, because the person accused was, as it were, found guilty of drunkenness, and the case was not gone into simply because he was drunk. If such a course of proceeding were adopted in Courts of Justice generally, it would enable any man to defeat an inquiry into his conduct by simply getting drunk. It appears to me that the Commissioners took advantage of Mr. Walker's drunkenness to ignore the whole inquiry.

18. *By the Chairman*: The inquiry was not pursued after his dismissal? According to the Report which has been laid before the House the inquiry was carried no further after his appearing drunk. All the complaints that had been previously made against him were taken no notice of whatever. He was dismissed simply for his drunkenness.

19. Are you aware how it was that the Officers of the Native Police Force did not complain of his conduct before they did? I believe it was owing, in a great degree, to their forbearance, and, I think, also to another feeling, viz., that he was strongly supported in Sydney by some mysterious influence, and that their complaints, unless of a glaring character, and supported by glaring facts, would not be taken any notice of, and that they might place themselves in a most disagreeable position by complaining.

20. Have you reason to believe that Mr. Walker possessed any special influence in Sydney? I can only give the rumour, but the facts are almost notorious. It was understood that he had friends in the former Council, amongst whom I might name Mr. Wentworth. I believe Mr. Wentworth was supposed to be his strongest friend. That was the general impression at Wide Bay—and that Mr. Morris was also his friend. I think I have heard Mr. Martin named, but I am not certain.

21. Do you think the Native Police Force, if properly managed, well calculated to assist the settlers in opening up new country? They would be of great use if properly managed. I do not mean to say the country would not be taken up without their assistance, because I do not think anything would stop the squatters; but the taking up of new country would be accomplished less expeditiously, and would be attended with greater loss of life, if there were no Native Police.

22. Do you not consider that if the Native Police were under proper supervision, their operations would tend, not only to protect the lives of the squatters, but also to bring into comparative civilization the aborigines themselves? I, for one, have very little hope of ever civilizing the aborigines, but I think the Native Police, under proper management, would produce a beneficial effect upon them to a small extent, and particularly on those natives employed in the Force.

23. *By Mr. Lang*: They would prevent collision and bloodshed on both sides at any rate? Yes. The great point is that the Native Police Force would prevent collision between the whites and the blacks, such as invariably occur in taking up new country. The Native Police being on the spot, and being ready to follow, and more able to pursue the natives than the settlers—in fact, making it their duty to do so, are able, not only to trace the real offenders with more certainty, but to inflict punishment more suddenly, and with greater effect, so as, in the end, to lead to less loss of life and fewer collisions.

24. *By the Chairman*: Do you consider that a white Force would not be adapted to keep the natives in check? I am not prepared to say that a combination of white men with natives might not be an improvement, but I believe it would be very expensive, and I am satisfied the settlers generally are entirely in favour of a Native Police Force—that is to say, the majority of them.

25. The office of Commandant was abolished soon after Mr. Walker's dismissal? I understand it was.

26. Are you aware of the effect of that step on the management of the Force? Having left the district about the time, I can only repeat what I have heard, that the efficiency of the Force was not thereby improved.

27. The Force was also reduced? Yes.

28. Are you aware whether any evil effects resulted from that reduction? My experience scarcely extends to the last two years. All that I judge of is from conversation with settlers, and from letters from the districts themselves. I strikes me that the reduction was not a judicious step.

29. Do you consider that the appointment of an Officer as the head of the Force, in the capacity of Inspector, is essential to its efficiency? If you mean by Inspector one of those Officers who have been appointed to look after the Police generally, the feeling against them is so very strong, that I think such a system would not answer.

30. Do you consider a local head of the Force essential to its efficiency? I think there ought to be a Commandant of some kind, most decidedly; but in my opinion, to make any system of Police, or any Government Department efficient at a distance from the central authority, a system of local supervision must be organized—I mean a supervision which should extend only to a power of reporting any misconduct, without allowing any interference in the duties of the Force. I think such a system as that is possible, but I only speak theoretically. It has often struck me, that in all the Country Districts, and particularly in the most remote ones, some local officers, to the number of, perhaps, one or two, or even three, might be elected by the inhabitants to look after both municipal and local concerns, and to inspect the Police, and report on them, whenever any such gross cases might occur as in the case of Mr. Walker. If a local head is left to himself, and you have not some supervision in the way I recommend, I doubt whether the same thing will not occur again. We have no reason to suppose it may not, when the circumstances are exactly similar.

31. Do you consider that, under representative Government, the same abuses are likely to occur? I think so; for the very reason that the abuses which reached such a height in Mr. Walker's case appear to have been supported by representatives of the people—by elective Members; and although I confess the Government system appears to have been very bad.

bad in former days, and may be greatly altered for the better, still it is quite possible that a large amount of influence among the Members of the present Assembly might lead to an Officer being supported in that way, if he were stationed in a very remote place. Probably the danger might not occur so often; but I see no reason why it should not occasionally, without some means of exercising a local check; I do not mean a check that would amount to interference with executive functions in any way.

W. Forster,
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12 Dec., 1856.

32. Do you consider that the requirements of the outlying districts render an augmentation of the Native Police Force necessary? In reply to that question, I can give merely what I gather from those who are interested and on the spot—within a period my experience does not extend to—that an augmentation is necessary, and that the present Force is not sufficient for the duties required of it.

33. The Force is at present supposed to consist of 72 troopers? I cannot speak to the numbers.

34. Are you aware how many men are requisite for the protection of the Leichhardt District? I was in the Leichhardt District long before almost any one that is now in it; but I have had no experience of it since it has been settled.

35. From your knowledge of the Northern Districts generally, and from your having lived in the neighbourhood of the Leichhardt District for a long time, could you not give something towards an approximation to the number that would be required? I dare say twenty men might be enough.

36. For the whole of the Leichhardt District? I fancy so. I am rather inclined to differ on one point from those who have stated their opinions on this subject. I think a large body of Native Police is not necessary at any given spot; the great point, in my opinion, is to scatter them about. With a body of six men you may disperse any tribe of blacks in the country; but it would not do to depend on detachments of six only, because there are generally one or two men sick, or their horses disabled, or something of that sort; therefore, the best way would be to allow rather more than six for a detachment—say ten; and therefore I beg leave to correct what I have been saying, in one respect; I would say thirty men for the Leichhardt District.

37. How many men would you say are necessary for the Port Curtis District? The Port Curtis District is very small. Do you mean the four or five counties around Gladstone?

38. From the boundary of the Leichhardt District to the coast? I am really so little acquainted with those localities that my answers can be of very little use to the Committee. In talking of thirty men, I fancied the Leichhardt District extended over all that, up to the Dawson and Fitzroy. I thought the Leichhardt District was, in fact, all the country beyond the Dawson.

39. *By Mr. Buckley:* How many men do you suppose would be sufficient for the Wide Bay and Burnett Districts? I can speak pretty well from a knowledge of those districts. I am inclined to think eighteen or twenty men would be quite enough.

40. Have any more than that ever been kept there? There have been more at times, but never more in a state of efficiency. One of the great faults in Mr. Walker's management was that he was continually moving the men about; not that travelling about was in itself disadvantageous, but they were continually being moved from head-quarters to other quarters, and back again, along lines of road. That was one of the points in which the inefficiency of the Force was glaringly manifest. They were perpetually moving them along lines of road; and, to my knowledge, there never was a time, when I was there, that there were not a great number of the horses quite unfit to travel, from sore backs, and one thing or other.

41. *By the Chairman:* What do you think of the system of patrolling the Force? There should be a patrolling of the Force within certain limits; but if they patrol too much they are rendered inefficient. There should be a certain circle, within which each detachment should act. By having a Force at one point to-day, and moving them on within a short period—perhaps a week, or two or three days—the blacks would be much more effectually kept quiet; but they should not be kept continually moving, because in that case they would knock up any body of horses in the world.

42. In speaking of patrolling I do not allude to patrolling the roads, but the bush? No; they should be kept moving from place to place at short intervals, but not kept travelling about the main lines of road.

43. I suppose you would fix them on the outskirts of the districts? Yes. I am inclined to think, now, that eighteen or twenty is the very outside number that would be necessary for Wide Bay and Burnett; but as to what I said about the Leichhardt and Port Curtis Districts, I would not have the Committee place the least reliance on my estimates of the numbers.

44. Do you know any thing of the wants of the Maranoa and Lower Condamine? No.

45. Are you aware whether there are any Native Police required in the Clarence River District? My impression is that a very small body must be sufficient there. I can hardly understand why they are required at all; because after the country has been occupied a certain time, the blacks appear to reach a different stage altogether. I think there are three stages. At first they are thoroughly wild, and at war with the whites, though in appearance disposed to be rather civil than otherwise; they do not commence their depredations until they understand our habits; then they reach another stage, which is a kind of open war; after which they reach the third stage, when they understand our superior power, and at the same time their predatory habits are still in existence—they will carry on small depredations, and no doubt take life at times, but their object is not to take life—it is not war. I understand that, in the Clarence District, they are something in that way now; they are disposed to be predatory, and will take life occasionally.

46. You think a small Force necessary in the Moreton Bay District? Yes, it may be; and if they are required there, they may be at the Clarence also; there is no great difference between them, though Moreton Bay has been taken up longer than the Clarence. There is

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- a kind of border country at both places, not adapted for stations, where the blacks congregate more, and in the vicinity of which they are apt to commit these depredations.
47. Do you think the appointment of a clerk attached to the department of the head of the Native Police Force desirable? I dare say the appointment of a man who would combine the duties of clerk and storekeeper might render the Force more efficient, because it is very difficult for the officer at the head of the Force, with the kind of duties he has to perform, to attend to these details.
48. *By Mr. Buckley:* Do you know what effect Mr. Walker's habits had on the officers of the corps—did they make them less efficient and less active? I can hardly say that they had a bad effect on the officers, but they made the Force, generally, inefficient, and, of course, the officers shared in that inefficiency. I do not know that, individually, it had a bad effect. Some of them were considered very efficient officers, where they were separated from Mr. Walker.
49. Do you think it had a bad effect on the men? I have no doubt it had, from what I know of the character of the blacks. Mr. Walker had great influence over them. He was also a man of great talent. He understood the blacks, probably, better than any man in those districts, and therefore his treatment of the natives was likely to disorganize them altogether, and to bring them into a state of lax discipline; and when it came to the turn of another Commandant to check them, his endeavours to reform would be attended with discontent. I believe that is what actually occurred.
50. Were there any other officers of the Native Police who were in the habit of indulging in the same way? I am inclined to believe that there were several of the officers who had intemperate habits, but I would rather not name them unless the question is pressed. But I fully believe there were one or two whose habits were not quite correct in that respect, and yet they were efficient officers. I may make the remark that I do not think habits of that sort in the inferior officers are attended with such effects as in the superior officer. It is a difficult thing for the Government to get efficient officers.
51. Generally speaking, were the officers under Mr. Walker's command better satisfied to be away from him? Yes; I know he was not at all popular among his officers. They were all sensible of his misconduct and of his unfitness for office, although they always expressed themselves cautiously.
52. You say the Native Police ought to be under a local head? I think there ought to be a local head.
53. What power do you think that Commandant should have; would you propose that any power should be vested in any other party to suspend his operations? I think it would be dangerous to appoint a local Commandant, unless you have some local check over him; I do not say a local authority placed over him, but a check which should operate whenever he either exceeded his duties, or neglected them; I think there should be some means of reporting on his conduct. In Mr. Walker's case it was quite evident that a most glaring amount of misconduct existed, and there was reason to believe that the Government were fully informed of his irregularities and improprieties; but the difficulty that was felt was the want of a proper authority to insist on a hearing of complaints. There was no power of making the Government do more than they did. If two Magistrates had been armed with the power of reporting they could have compelled the Government to hold an inquiry on the spot, and no doubt a great deal of mischief and loss of life would have been saved.
54. Suppose any Commandant became subject to the same habits as Mr. Walker, and it became known to this local authority, do you propose that they should have no further power than to report, that they should not have power to suspend? I think it would not be an improper power, but it should not be done without some form of trial. I have long formed an opinion, with reference to all the country districts, that whenever the time comes for municipal authority to be put into action, it must, in the first instance, assume some shape such as I have described; I think that would be best suited to the state of the country, better than what are called municipal institutions, which I do not think can be made to operate in the form they are usually supposed to take.
55. Where would you decide on fixing such a local authority? It would be necessary to embrace districts within a certain circle, in the same way as Electoral Districts.
56. If Mr. Walker had been sent to Gayndah, for examination in the district where he had made himself most offensive, would it have been likely—supposing he could have set up any defence, that he would have been in a position to have made such a defence available as well as in Brisbane? I see no reason whatever why he should not. It appears to me that the same reason that would render the inquiry available would render his defence available; the witnesses would have been on the spot, and would not have been prevented by distance from attending.
57. Are you aware whether the officers of the Force who were present intended to speak against or in favour of Mr. Walker? I cannot speak as to the inquiry at Brisbane, more than what I have gathered from this report, which is before the Committee. I have always understood that the officers made complaints, and went down to support them.
58. Do you think if the investigation had taken place at Gayndah a better conclusion would have been arrived at? I doubt whether a better conclusion would have been arrived at, because, it appears to me, that advantage was taken of Mr. Walker's drunkenness to ignore the inquiry, and they could have done that at Gayndah as well as at Brisbane.
59. You say a great many complaints were sent to the Government? I spoke of two instances of complaints having been made within my own knowledge, because I signed both of them; I signed one with other parties, and I wrote one myself. I have every reason to believe there were other complaints from the same neighbourhood.
60. Were those complaints of such a character as to justify the Government in arriving at the conclusion that Mr. Walker would not receive a fair and impartial trial there? I cannot see how that could be their conclusion, because the Commission appointed by the Government could

could not be influenced by the feeling of parties resident in the district. The impression is that every Government Commissioner delegated by the Government to inquire into the iniquities or alleged iniquities of a Government Officer, is rather disposed to favour the person accused. I think that is a conclusion that may be drawn from what we know of human nature. If a jury were to be summoned on the spot where strong public feeling existed, it is possible they might be influenced by it; but it would not be so with a Commission of Government Officers.

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61. Supposing Mr. Walker's trial had taken place at Gayndah, the evidence being all on one side, the Board would have had to decide against him right or wrong, without giving Mr. Walker an opportunity of defending himself? I cannot understand what you mean by the evidence being all on one side; we are to presume that every witness tells the truth.

62. Were there not parties in that district who were disposed to think Mr. Walker's conduct was not so very reprehensible? No doubt there was a difference of opinion, as there always will be on any given subject you like to name. Some were more vehement against him than others; I can speak for myself, to a certain extent; I have been accused of having had a strong feeling against Mr. Walker myself, but to my knowledge, I never saw the man in my life.

63. You have not had any opportunity of personally judging of his habits? No, not personally; not with my own eyes.

64. You are aware that there were parties very favourably disposed towards him? I cannot say very favourably disposed, because, I know the general public feeling was that Mr. Walker was not fit for his office; and that was the feeling even among men supposed to be friends of his.

65. Did he favour any particular localities? I certainly think he did, because, speaking of my own branch of the district, my station was never visited by the Native Police until I considered the blacks to be in a tolerably quiet state; and I know that it was the same with other localities which ought to have been visited some time or other. I know there were stations where the Native Police under Mr. Walker were continually stopping, without any apparent reason; and it was a remarkable thing that they were more disposed to stay at stations on lines of road, the natural inference being, with a knowledge of Mr. Walker's habits, that he liked to visit those stations where grog was to be got.

66. Were parties in the habit of sending to Mr. Walker for assistance when the blacks attacked them—was it the usual practice to send to Mr. Walker? As far as my own station was concerned we did not usually send; I believe the Police were scarcely in the district in the beginning; but we sent on one occasion. I may say it was the general practice to do so, but I have heard settlers say it was of no use.

67. Do you think many unfortunate occurrences might have been prevented if the patrolling plan you mentioned just now had been adopted? I have every reason to believe so. They were too much in the habit of stopping at one place.

68. Was that caused by the inclination of the Commandant? It was in part owing to the partiality of the Commandant for particular spots. In some cases he would leave the Force altogether.

69. *By the Chairman:* The effect of the system of patrol would be, to keep the blacks more in awe? One excellent effect it would have upon the blacks would be this, that it would prevent their calculating on the Police being in any particular spot at the time they were about to commit a depredation. Nothing, in my mind, would be so great a check as the uncertainty when the Police would come against them, because they never commit a depredation without a considerable degree of consultation and preparation among themselves; they have meetings and long talks over it.

70. Do you think a system of monthly reports adopted by the Commandant, either to the Government Resident at Brisbane or the Resident at Port Curtis, would be a sufficient check against abuse of his authority? I do not think any check would be sufficient without some sort of local supervision.

71. But before that local supervision which you propose for the Colony in general could be organized, a system of monthly reports to the nearest Government Official would be desirable? It would be a very good check, no doubt, and particularly if it were combined with a rule that these reports should be always published, because one of the faults of the old Native Police system was, that all sorts of things were reported and not published, except where it suited the Commandant to make them public.

72. Mr. Marshall succeeded Mr. Walker until the abolition of the office of Commandant? Yes.

73. Was Mr. Marshall an efficient Officer? He was looked upon as a good Officer. He was a vast improvement on Mr. Walker in point of attention to his duties; but I think it was impossible to expect much from him, owing to the state that Mr. Walker left the Force in. I do not think the most efficient Officer in the world could have done much in the short time that Mr. Marshall held office.

74. Do you think that if the Force had been in a proper state, Mr. Marshall would have made a good Commandant? Yes, I believe he would have been a most efficient Officer. He was popular among the settlers, and well acquainted with the bush.

75. And he has had considerable experience? He has.

76. Are you aware what were the effects on the management of the Force of the abolition of the office of Commandant, and the transference of the control to the Inspector General of Police in Sydney? I cannot say much of that, but my own opinion is that it did not operate well.

77. The Inspector General of Police was generally considered a most efficient Officer in his own department? I believe so.

78. Under his management it was generally supposed not to have answered? I have not quite the strong opinion that many people have, that there was any great harm done by his system. It appeared to me that the chief defect in his system was, that there were too many Inspectors.

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79. Do you think it possible that an Officer in Sydney could properly direct such a Force as the Native Police? Certainly not, without some local Commandant. No doubt the nearer the spot the better the supervision exercised; that is a general rule that I do not believe there is any exception to. I think I may mention one thing as another probable reason of the inefficiency of the Force at times, namely, that a kind of supervision was exercised over them by the Attorney General's office, which was objectionable; it hampered the Officers and kept them in dread of prosecutions, which operating on the minds of men who knew nothing of law, had an undesirable influence.

80. Do you think it desirable that the senior Officers of the Force should be Magistrates? I am rather opposed myself to making Magistrates of executive Officers, but I think there would be no harm in their being Magistrates if they were not to act where judicial duties were concerned; they should confine themselves merely to giving warrants, but should not undertake ministerial duties. It is placing them in a position I think they ought not to be placed in.

81. Do you think the Native Police could be employed as a general Police? I am entirely opposed to that idea, and I think the white population would be greatly irritated if it were carried out.

82. Do you think there is any necessity for such an employment of them? I should not like that anything I would say would be supposed to sanction it.

G. S. Lang, Esq.
12 Dec., 1856.

Gideon S. Lang, Esquire, M. P., a Member of the Committee, examined in his place:—

1. *By the Chairman*: You are acquainted with the Murrumbidgee District? Yes.
2. Are you aware whether the Native Police are at present required in any part of that district to protect the settlers against the blacks? No more than in Sydney.
3. Are you aware for what purpose they are employed there? I cannot imagine any purpose. All that are required are a couple of Policemen attached to the Police Magistrate.
4. Are they employed as a general Police in the same way as ordinary Constables? They must be; because they can have nothing to do with the blacks.
5. Are the Native Police not at all required? Not at all.
6. Are they required on the Lower Darling? Yes.
7. To any extent? Yes, to a considerable extent. There have been outrages there lately.
8. On the Lower Darling and Albert? Yes. I think there should be an Officer, and, I should say, at least twenty men there.
9. At present there are twelve? Yes; I think there ought to be twenty, particularly if the Upper Darling is taken up. The whole length of the Darling will soon be taken up, and, I think, there should be enough to extend the whole way from the Murray up to Fort Bourke, and even beyond it.

TUESDAY, 30 DECEMBER, 1856.

Present:—

MR. FORSTER,

MR. JONES

MR. SANDEMAN,

GORDON SANDEMAN, ESQUIRE, IN THE CHAIR.

R. Bligh, Esq.
30 Dec., 1856.

Richard Bligh, Esq., J. P., Commissioner of Crown Lands for the Clarence District, called in and examined:—

1. *By the Chairman*: You are Commissioner of Crown Lands at the Clarence River? I am.
2. How long have you resided there? Since the beginning of March last.
3. During your residence there, have the blacks been troublesome? They have been very troublesome.
4. What has been the nature of their depredations? There have been frequent complaints of their spearing cattle in many parts of the District—at Red Bank, Johnson's, Layton's Broad Meadows, Bundock's, and Glennie's, on the Richmond, and one or two other places. At least two rapes have been committed on respectable women; one of them in January last, on a girl of fifteen, the daughter of a shepherd, and the other about the middle of February last, on a respectable woman, the wife of a schoolmaster at Woodford Island, about twenty miles from Grafton. There have also been very numerous complaints of pilfering of corn and pumpkins, and robbing of station huts,—in one case within less than a mile of Grafton.
5. Have any murders been committed? None that I know of; and no doubt if any had been committed I should, from my position, have been one of the first to hear of them.
6. Have these outrages increased since you first took up your residence there? No, I should say not. There appears to be a constant current of occasional outrage.
7. There is a detachment of Native Police in the district? Yes.
8. Do you know of what it consists? I believe the force should consist of twelve men, but half of them are detached to the Macleay.
9. Have there ever been more than half a dozen men in the Clarence District alone? I should think there have been more, but since the beginning of August I know six men have been detached to the Macleay. And I know also, that the force is often reduced in consequence of desertions, which, from some cause or other, are very frequent there.
10. Are you aware whether the outrages committed by the blacks have decreased since the establishment of the Native Police Force in that district? I should say they have decreased; but I cannot speak positively, because I found the Native Police there. I believe it is the general opinion of the settlers that outrages would be much more frequent if there were no Native Police there.

11. We have heard that there is some difference of opinion as to the necessity of maintaining a Native Police Force there at all—what is your opinion? Judging from all I have heard of the proceedings of the blacks, I must say I should be unwilling to be a settler in a remote portion of the district in the absence of the Native Police, because I should fear that the female portion of my family would run great risk of outrage, if at any time left without protection; and that, in such case, there would be no probability of the offenders being legally punished.

R. Bligh,
Esq.

30 Dec., 1856.

12. Will you state how many men you consider would be sufficient for that district? The district is of a very peculiar character, being intersected by a great number of dense scrubs, swamps, and rivers, which the blacks cross with ease, though a horseman cannot pursue them. I think if the whole of the twelve men, now nominally stationed there, were applied to the service of the Clarence District alone, they ought to be sufficient, but I do not think a less number would be sufficient.

13. Are you acquainted with the Macleay District? Not at all.

14. Are you aware of the state of that district, with regard to the conduct of the blacks? I have heard great complaints, and the settlers there were very urgent for the presence of the Native Police. My brother is in charge of the detachment at the Clarence, and I have heard him express great difficulty on the subject of meeting their calls for assistance. I have seen letters from the authorities here, referring to representations of frequent outrages by the blacks, which had been made from the Macleay District, and urging my brother to send his men there.

15. *By Mr. Forster*: Are you aware that the Native Police have only been placed in the Clarence District within a limited period? I am aware of that.

16. Can you give the Committee any idea how the district got on during the wilder times of its first settlement, when the blacks must have been much worse? I have heard stories of gross outrages, and even murders, during those times, and of the slaughter of the blacks from private revenge. In fact I have become aware of them from official records, and from the reports made by Mr. Fry, the late Commissioner of Crown Lands there, which have come into my hands. I observe, however, that Mr. Fry generally represents the conduct of the aborigines in a very favourable light, but his views do not all tally with the representations which I have received from other sources. The settlers, previous to the arrival of the Native Police, seem to have restrained the blacks in the way in which you, no doubt, as a bushman, are aware that blacks are restrained in the bush, where no authorized system of protection exists. There are ways of doing that, which, though not strictly legal, are very effective. People, of course, will defend themselves when left to their own resources.

17. Do you not think that if the presence of the Native Police is still to be continued there, a less force than twelve men would be sufficient to restrain the blacks in their present stage of civilization? My idea is, that the point of civilization at which they have arrived has made them rather more mischievous than before; that is to say, they are more disposed to commit rapes and robberies; I have not heard recently of any tendency to commit murder.

18. Probably the presence of the Native Police Force might restrain them from committing murder, for the blacks are aware that when they murder they are more severely punished than when they merely commit mischief? No doubt of that, but the commission of a rape on a respectable woman is perhaps a worse crime than a murder.

19. Are you sure of the character of the women on whom rapes have been committed? I have made particular inquiries, and I am sure that one, at least, of those I have mentioned was a respectable woman—the wife of a tutor at Woodford Island. Moreover, these offences are commonly committed by the blacks when going to or returning from their fights—when they are in parties, and it is, therefore, improbable that any consent or encouragement on the part of the women has led to the offence.

20. Was the black who committed that rape ever taken up? The blacks were pursued by the Native Police, and, I believe, some sort of collision took place; but what happened I do not know. I have been told by a respectable resident of Grafton, that not unfrequently they have committed outrages on children, which the parents have hushed up, not wishing to injure the character of their daughters by publicity.

21. *By the Chairman*: Do you not think the ordinary Constabulary ought to be able to put a stop to these outrages, at least in the neighbourhood of the town? They ought to do their duty, but it is not possible to compel them. Indeed I think they are incapable of doing anything effectual against the blacks. The town is situated in a scrub, which is only cut through by lanes where the roads go, and, consequently, the blacks have great facilities for escape and concealment.

John McLerie, Esquire, J.P., Inspector General of Police, called in and examined:—

J. McLerie,
Esq.

30 Dec., 1856.

1. *By the Chairman*: The Committee wish to ask you whether the Native Police have been under your control since you undertook the duties of Inspector General of Police? Only for a short time. I suggested, on taking office as Inspector General, that they should be handed over to the Government Resident at Brisbane, which suggestion has been carried out by the Government. They are under my control, as far as the accounts go, up to the end of the present year, but not beyond.

2. Are you aware whether the system of placing them under the control of the Inspector General of Police answered well? From my knowledge of organized bodies generally, both military and police, I should say that, under that system, they were too far from control; and, on that ground, I suggested that they should be placed under the Government Resident at Brisbane.

3. Do you consider that a local head to the Force in the position of Inspector or Commandant would be an improvement on the late system—I mean a local Officer in charge of the whole Force? I look upon the Government Resident at Brisbane as the local Officer in charge.

J. M'Levie,
Esq.

30 Dec., 1856.

4. Do you think it is possible that he, with the other duties of his office pressing upon him, could leave Brisbane for the purpose of inspecting the different detachments of Native Police? I think that, under the Government Resident, there ought to be an Officer continually itinerating throughout the districts occupied by the Native Police, in order to control their movements—in fact, an Officer to whom the Officers in command of detachments would be responsible.

5. As Inspector or Commandant? As Inspector or Commandant.

6. Are you aware whether a necessity exists for augmenting the numbers of the Corps at present? I can only judge from the communications I received during the short time the correspondence was addressed to me. There were continually applications for assistance. This very morning I received, from one of the most distant stations, a communication addressed to the Officer in command, calling upon him to protect some stations which had been attacked and sheep killed.

7. From what district was that? I hardly remember. It was one of the most distant districts, because the Officer in command had not received my letter informing him of the change.

8. Is it on the Condamine? Yes.

9. Wandai Gumbal? Yes, that is the name of the station. Judging from the multiplicity of applications for police assistance, I should say that the present number of Native Police is not sufficient to afford that amount of protection which the Northern Districts require.

10. Have you any suggestions to make with reference to improvements in the management of the Force? I think, with the Officer we have just been speaking of, under the Government Resident, there would be no occasion to retain any other Officers than Sub-lieutenants. That Officer, with the Corps broken up into small parties under Sub-lieutenants, would be quite sufficient. It is perfectly well known that the efficiency of a Police Force depends as much on the uncertainty of their whereabouts as on their strength; and, therefore, I consider that the Native Police Force should be a continually moving body. In fact, they should be so distributed that the part of a district vacated to day by one party might be re-occupied by another party to-morrow, and so on in succession. Their movements should be a matter of perfect uncertainty to the natives.

11. I believe complaints have been made from the out districts as to the mode of payment of the accounts—that it has been attended with a great deal of delay and too much formality? The grounds for that complaint did not exist when I took charge, because my predecessor had made arrangements to obviate it, by placing a certain sum to the public credit of every officer in charge of a detachment, to meet the charges of his division for a certain period. But that system was not then sufficiently long in operation to shew its advantages.

12. Do you think the appointment of a local clerk to attend to the details of the accounts and correspondence would be an advantage? If all the detachments were under the control of one officer, of course a clerk would be necessary. At present there are three Lieutenants having separate commands, and each of these three renders his accounts for his own detachments; but, if these officers were discontinued, of course a clerk would be required, under the Government Resident, to render all the accounts.

13. The present Force consists of seventy-two men—to what number do you think the Force should be augmented to make it efficient? I have not been sufficiently long in the control of the Force to know the numbers that are really required; but, judging from the applications I have before referred to, I should say one hundred men would not be too much.

14. Would you propose any augmentation in the number of officers? I would divide the Force into ten detachments of ten men each, each detachment being under a Sub-lieutenant, and the whole body controlled by the Government Resident at Brisbane, and his deputy, the Inspector or Commandant.

15. Do you consider that the Government Resident at Moreton Bay should have the power to control the movements of the Force? Subject to representations from the magistracy of the Northern Districts.

16. Would it not be necessary to give the Inspector discretionary power? Of course he must have discretionary power. He ought to have a discretionary power of directing the operations of the Force; reporting any extraordinary movement to the Government Resident, for the information of the Government here.

17. You are aware that some of the out-stations are upwards of three hundred miles from Brisbane? I am at a disadvantage in not knowing anything of the districts themselves.

18. Will you state the present distribution of the Force? There are three Lieutenants, four Second Lieutenants, six Sub-lieutenants, and seventy-two Troopers; and the distribution is as follows,—at Port Curtis, a Lieutenant, Second Lieutenant, two Sub-lieutenants, and twenty-four Troopers; at Wide Bay and Burnett, a Lieutenant, Second Lieutenant, two Sub-lieutenants, and twenty-four Troopers; at the Lower Condamine, a Lieutenant, Second Lieutenant, Sub-lieutenant, and twelve Troopers; and at the Clarence and Macleay, a Second Lieutenant, Sub-lieutenant, and twelve Troopers.

19. Are we to understand that you consider the number of officers at present existing should be reduced? The number of superior officers.

20. *By Mr. Forster*: You recommend an increase in the number of troopers, and a reduction in the number of officers? I would increase the strength of the Force; and, instead of having three grades of Lieutenants, I would have only one grade, subject to the local inspector.

21. *By the Chairman*: Supposing it became necessary to divide a section of ten or twelve men, a second officer would be required? I think it would not be expedient to reduce the number of any detachment below ten.

22. Do you not think circumstances might arise to render it expedient? No, I would never reduce the number below ten. Circumstances might arise, perhaps, when it would be necessary to concentrate two or three sections together. For instance, if the blacks became

troublesome

- troublesome in any particular district, the supervising inspector might concentrate them in that district for active duty; and, in that case, he ought to be present there himself.
23. You are aware that there has been a good deal of mortality amongst the troopers at times, or, at all events, many casualties from sickness? From what I have learnt from gentlemen who know more of it than I do, the mortality arises more from their long and frequent residence in the townships; if they were more in the bush the mortality would be less. In all conversations I have had with gentlemen from the Northern Districts, that has been the impression.
24. Do you think any improvement could be made in clothing the men—they are at present clad in very warm clothes? The clothing is too warm; but there is great *esprit de corps* among the black men, and if they are not dressed in the same way as the other police they might be jealous. The dress is too heavy, I think.
25. Will you have the goodness to state what is the rate of pay at present? Lieutenants receive £300 per annum, and £100 gold increase; Second Lieutenants £120, and 100; Sub-lieutenants £50, and £18 5s., or one shilling a day, gold increase; and Troopers five-pence per diem, and a ration at a cost not exceeding one shilling and sixpence per diem; if the ration exceeds that price a corresponding reduction is made from the pay of the Troopers.
26. Of what class of men do you consider the Sub-lieutenants should consist? I should take them from amongst the active intelligent bushmen who have been employed on stations.
27. Do you think for such a rate of pay you would get a proper class of men? It depends a great deal on the habits of a man—whether he is fond of knocking about on horseback. Certainly the pay is not much, but the Sub-lieutenants now look to promotion, whereas, if my suggestion were carried out, there would be no promotion to look to.
28. In that case, do you think it would be advisable to increase the pay? I think so.
29. *By Mr. Jones:* I presume you would put a Sub-lieutenant in command of a detachment in the position of a Second Lieutenant, as regards pay? The fixed pay of the Second Lieutenant is £120 per annum, and I should not offer a man in charge of a detachment less than that.
30. *By the Chairman:* In case of the sickness of the officer in command of a detachment, what would you propose? That is a difficulty; you must leave the party in charge of a black man.
31. *By Mr. Forster:* You cannot use these blacks as constables without some white man being with them? No.
32. *By the Chairman:* Would it not be advisable, under such circumstances, to have two officers instead of one to each detachment? You might get a white Sergeant to each detachment, under the Sub-lieutenant.
33. It has been said that it is very difficult to get the right class of men as Sergeants? I do not know. I sent down to the late Commandant, some years ago, a man as Sergeant Major, and he has been with him till lately.
34. *By Mr. Jones:* Could not the difficulty be met, by having two supernumerary Sub-lieutenants under the Inspector, who could be attached to any Corps left temporarily without an Officer? That would not meet the difficulty; for the detachment at the extreme north might be left without an officer, while the Inspector, with the supernumerary Sub-lieutenants, might be at the extreme south of his District.
35. Suppose one were left at Brisbane, while the other was travelling with him? That might do.
36. Would not that be a better arrangement than putting the country to the expense of two officers to each detachment? I think the suggestion is a very good one; if one were constantly at Brisbane he might act as clerk.
37. *By Mr. Forster:* Why should he reside at Brisbane? To carry on the correspondence; all the orders would be drawn by the officers on the Government Resident at Brisbane for supplies.
38. *By the Chairman:* You spoke of detachments to consist of ten men each;—as it is known that the blacks do suffer a good deal from sickness, what would you propose to remedy the deficiencies that might take place from that cause? You might have a small dépôt at Brisbane, where men could be drilled and sent out to supply vacancies.
39. But Brisbane is a long distance from many of the Native Police stations? Well, suppose the detachments consisted of eight or nine men; the remainder could form a reserve divided between Brisbane and Maryborough, or wherever it might be deemed expedient to fix them, so that they might be sent out to the other stations when required. It might not be necessary to place the reserves under an officer at Wide Bay or Brisbane; they might be placed under the Commissioner of Crown Lands.
40. The divisions have hitherto consisted of twelve men each? Two consist of twenty-four men, and two divisions of twelve men each; the Port Curtis and Burnett Districts have twenty-four men each, and the Lower Condamine and Clarence have twelve men each.
41. Your proposal would be a reduction of two men in each division of twelve men? I would not have them by divisions; my proposition is to do away with the divisions altogether; in fact, to make the whole Corps a patrolling body.
42. Would you not attach a certain number to each District? The distribution would, of course, rest with the Government Resident.
43. Or with the officer appointed as Inspector? If he found it expedient to retain the services of any number of men at a given spot, of course I would give him liberty to do so; but I would have no permanent head quarters in the bush.
44. Would it not be advisable to place large discretionary powers in the hands of the Inspector? Of course you must.
45. Full discretionary power? Full discretionary power. I would place the Inspector in the same position as the Commandant of the old Mounted Police was here; he reporting to the

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the Government Resident at Brisbane, in the same way as the Commandant reported to the local Government at Sydney.

46. *By Mr. Jones:* The Inspector would practically have the control of the Force? Yes, for all practical purposes.

47. *By the Chairman:* Do you think it desirable that the officers in command of each detachment of ten men should be Magistrates? No, I do not think so.

48. Do you think cases might not arise, when the services of these officers as Magistrates might be very essential? It is just possible that their services as Magistrates might sometimes be necessary; but I do not think that, giving them the small salary of £120 per annum, you could take them from the class of men from which Magistrates would be appointed. I would give them instructions to act under the orders of all Magistrates within their district.

49. *By Mr. Forster:* If not Magistrates, they must be sworn in as Constables? Yes, as Special Constables, of course.

50. *By the Chairman:* The Government Resident would have the administrative control of the Force, without interfering with its direct management, which he could not possibly understand, from not being on the spot? Yes, exactly; when representations were made to him of the commission of crime and outrage, he would place them in the hands of the Inspector, who would act as the circumstances required.

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