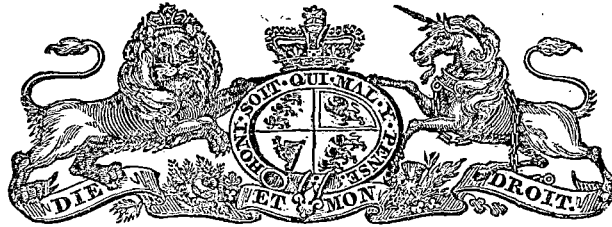


(No. 2.)



1857.

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T A S M A N I A.

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STATE OF THE PUBLIC SERVICE.

REPORT OF THE COMMISSION.

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Presented by Mr. Attorney-General, and ordered by the House to be printed,  
14 October, 1857.



*Hobart Town, 22nd September, 1857.*

SIR,

I HAVE the honor to forward to you, to be laid before His Excellency the Governor in Council, the Report of the Commission appointed by His Excellency with the advice of the Executive to enquire into, and report upon, the nature and amount of the business transacted in the various Departments of the Public Service,

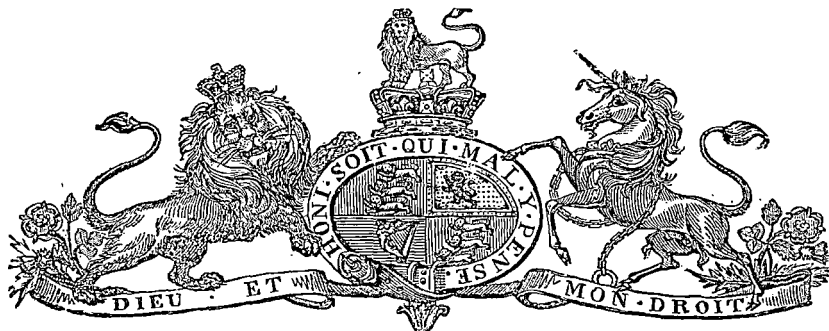
I have the honor to be,

Sir,

Your very obedient Servant,

HENRY BUTLER, *Chairman.*

*The Hon. the Colonial Secretary.*



# R E P O R T

OF THE

## COMMISSION FOR ENQUIRING INTO PUBLIC DEPARTMENTS.

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1. In conformity with the instructions conveyed by the Instrument under which they were appointed, the Members constituting the Commission have the honor to report to the Governor in Council the result of the enquiries which they have prosecuted into the nature and amount of the business transacted in the several Departments of the Public Service; and to recommend such alterations, either by the consolidation of offices or by reducing the number of persons employed in each Department, as may, in their opinion, effect a saving to the Service without impairing its efficiency.

2. The Commission were of opinion that they could most conveniently discharge the duties they had undertaken by enquiring into the work performed in the different Departments *seriatim*, and furnishing a report on each; and they accordingly transmit to the Government Reports on the following Departments:—

1. Colonial Secretary's Office.
2. Treasury.
3. Audit Department.
4. Customs.
5. Marine.
6. Accountant of Stores.
7. Post Office.
8. Public Works.
9. Government Printing Office.
10. Police.
11. Caveat Board.
12. Survey Department.
13. Judicial.
14. Legal.
15. Registry of Supreme Court; Deeds; and Births, Deaths, and Marriages.
16. Sheriff's.
17. Immigration.

The management of the Asylum at New Norfolk, and of the Public Schools of the Colony, being vested in Boards appointed by the Government, who at stated periods furnish Reports for the information of the Executive, which embrace all those considerations to which the attention of the Commission has been directed, the Commission were induced, in the enquiries they instituted into these Establishments, to limit their investigation to the relations which existed between these and other Departments of the Government, in order that any alterations which they might propose in the services connected with them might not be incompatible with their relative positions.

3. In the alterations which the Commission have recommended in these Reports, they have endeavoured to render the business transacted in each Department as complete in itself as possible, in order that each should have the direct responsibility for the mode in which its business is conducted; and to obviate the necessity for the frequent references and intercommunications which, in their opinion, have considerably increased the labour in the various Departments of the Public Service without corresponding advantage.

4. The attention of the Commission has been drawn to the amount of labour which, in different degrees, is imposed on every Department of the service by the necessity of retaining a record of all letters and documents issued by the Department, and the registry of all papers received and transmitted. They are of opinion that, to a considerable extent, this labour might be saved by the general adoption of copying machines in the several Public Offices; those documents only being copied by hand which require to be preserved as Public Records, or to which frequent reference will be made.

5. The Commission are of opinion that great advantage would result to the Public Service, and a considerable saving be effected in the expenditure, if apartments were provided of dimensions sufficient to enable the detail business of each Department to be carried on under the supervision of its Chief Clerk.

6. The hours of attendance at the different Public Offices having been brought under the notice of the Commission, they deem it desirable to recommend that the Government should issue a Regulation directing that Public Officers should attend at their respective duties from 9 o'clock A.M. to 4 P.M., and should, on all occasions, remain until the special business of the day is concluded. These hours of service will not, in the opinion of the Commission, entail on Public Officers an amount of labour more than commensurate with the salaries assigned to their respective positions, or larger than is performed by individuals holding analogous situations in private employment.

7. The large number of men employed as Messengers (22), and the consequent large expenditure incurred (£1791), having been frequently brought under notice during the progress of their enquiries, the Commission have been induced to endeavour to ascertain the nature of the duty which these men perform, and the extent to which it is necessary. The principal ground assigned for their continued employment is the large number of separate Offices in which the public business is transacted. Their duty is to light and attend to the fires,—to clean the rooms occupied by the Department to which they are attached,—and to convey letters, &c. In the Survey Department, the number of small rooms, and the amount of menial labour needed in consequence, are stated to render the services of two Messengers necessary. The Commission would suggest that, if voice-conductors were put up, leading from the room of the Head of the Department to the Clerks' room, messages could be transmitted and replied to with greater facility and convenience than under the present system; and

that, if the services of the Messengers were made general to all the Departments under the direction and control of the Office-keeper, the number might be considerably diminished. This would probably necessitate other arrangements being made for the cleaning of the Offices under the direction of the Office-keeper.

8. The Reports which the Government receive from the Boards under which the Lunatic Asylum, the Public Schools, and the system of Immigration are conducted, must be of great service to the Government in bringing under their notice, at regular stated periods, the position of the respective Establishments, the amount of business transacted, and the means at the disposal of the Head of each Department for the efficient performance of the duties pertaining to it. It was stated by the Chief Police Magistrate that it had been usual for him to furnish similar Reports, as far as regarded his branch of the service, when he first assumed the office, and that the practice was discontinued solely at the instance of the Government: but the Commission are of opinion that, if such Reports were required annually from each Department of the service, much advantage would result to the Government; while the periodical information they would convey would enable a comparison to be made between successive years, and would probably be the means of a salutary influence being exercised over the Officers of the Departments. This system of affording information to the country as to the amount and character of public business transacted is adopted by all the States of America without exception. It has been largely followed in Great Britain by the different Boards appointed to administer the Poor Law and other public measures; and it is the usual practice of Public Companies throughout the world.

9. In the recommendations proposing to transfer the control and management of the Marine Department, the construction and maintenance of the Main Line of Road, and the Police of the Colony, to Local Representative Bodies, the Commission were actuated partly by a desire to relieve the Public Revenues of the Country. To a certain extent they believed that a more efficient check and supervision would be maintained over the duties discharged by those Departments; but they were also of opinion that it was extremely desirable that some system of Local Self-government should be instituted that would induce a habit of general action for a collective good among a people who, hitherto, have looked to their Government to take action even in matters more immediately affecting local interests. The success which has attended the constitution of the Corporations of Hobart Town and Launceston, and the establishment of Road Districts throughout the Colony, sufficiently evidences, in the opinion of the Commission, the aptitude of the people of this country for the charge that would devolve on them; and is an earnest of their readiness to undertake the management of matters affecting their own Local interests, and of the ability which they can bring to bear in the discharge of their trusts.

10. In concluding their Report, the Commission desire to place on record their sense of the courtesy which they have uniformly received from the Officers of the Government while in the discharge of their duties, and of the readiness with which they have been supplied with any returns or information which they may have been desirous to obtain. It has been their task occasionally to propose alterations in the mode of conducting the business of some of the Departments, which, they are aware, must involve a reduction in the staff of the Establishments; and they trust that they are not overstepping the limits of the duties confided to them in recommending the claims of any Officers affected by such reductions to the special consideration of the Government. They are strongly of opinion that the Pension or Compensation assigned to an Officer who is reduced in order to effect arrangements that will diminish the Public Expenditure

should be calculated on a higher scale than that under which his claim would come if his reduction took place at his own request, or from inability to discharge the duties of his office.

HENRY BUTLER, *Chairman*.

H. D'ARCH.

DUNCAN M'PHERSON.

ASKIN MORRISON.

In affixing my signature to this Report, I beg to state my opinion that the reduced (subordinate) Staff proposed in several of the Public Departments would be the very lowest amount of strength at which the work of the respective Departments could be done by efficient Clerks employed from 9 till 4 o'clock,—no allowance being made for sickness or occasional leave of absence, as contemplated in the existing Regulations of the Service.

E. J. MANLEY.

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### COLONIAL SECRETARY'S OFFICE.

1. THE office of Colonial Secretary being essentially of a political character, the Commission do not think that any benefit would accrue to the Public Service by an investigation into the amount of business which devolves on that Officer personally. That transacted in his Department appears to consist chiefly in the conduct of an extensive Correspondence, and the references which that Correspondence may necessitate to the Records filed in the Office. The Blue Books for the Secretary of State, and the Statistical Returns, are also compiled in this Office.

2. The division of duty between the Ministers forming the Executive Government not having taken place when the Commission instituted their enquiries into the Department, it is impossible for them to determine the amount of staff that will be necessary for the efficient performance of the Office-duties. The present staff is, in their opinion, amply sufficient to discharge the duties of the Department; and if any relief is occasioned in the detail working of this Office by altered arrangements, the saving caused by any reduction that might be effected in it would be counterbalanced by the expense of the additional strength which would be required in the other Ministerial Departments on which the increased duties are imposed.

3. The Commission are of opinion that the Colonial Secretary being *ex officio* the Chairman of the Immigration Board, and the duties of Secretary to that Board being performed by a Clerk attached to his Department, the general business of the Immigration Department might be transacted in the Office of the Colonial Secretary; a resident Officer being appointed to the Depôt to maintain order and regularity in the building, and to answer all references from the Public relating to the Immigration Department.

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### TREASURY.

1. THE connection existing between the Treasury and all other Departments of the Government renders it desirable that such alterations as, in the opinion of the Commission, are required in that Department should be first determined on; and that the service should be subsequently considered, in its altered form, in relation to the other Departments of the Government.

2. The Constitution of the present form of Government, which recognises the head of this Department as its Financial Adviser, responsible for the adequacy of the Revenue, and the regulation and direction of its collection and disbursement, renders it desirable that the entire Financial duties of the Government should be performed, and the Books of the Colony kept, in their fullest detail, in the Treasury; and, with this object in view, the Commission submit the following recommendations for the consideration of the Government:—

I. That the two branches of the Department (the Internal Revenue and Pay Offices) be amalgamated, in order that the receipts and payments of Public Accounts, and the keeping of the Books of the Colony, may be conducted under the immediate supervision of one head (the Assistant Treasurer), who should be responsible for the efficient working of the Department.

II. That the present system of auditing Accounts previous to payment be not continued, but that the certificate of the head of a Department to Accounts against his Department should constitute examination sufficient to justify their payment at the Treasury, provided that authority has been given to incur the expenditure. The pre-audit of Public Accounts has unavoidably been the cause of considerable delay in their liquidation, rendering frequent references necessary to the heads of the various Departments for vouchers, certificates, authorities, explanations, or information on *details*, which they alone could furnish. The adoption of the system recommended will expedite the payment of Public Accounts, and will render unnecessary many of the references alluded to, thus diminishing materially the correspondence in each branch; while the system of assigning to each head of Department the *actual* responsibility, which properly belongs to his position, of satisfying himself of the accuracy of all Accounts connected with his Department, and rendering him liable to surcharge for any errors in them which may entail a loss on the Public Revenue, will ensure a careful and minute examination of those Accounts, either by himself, or by such Officer in his Department as may be best acquainted with the details.

III. That all payments from the Treasury be made by cheque on such Bank or Banks as the Treasurer may direct; and that the particulars of each such payment be entered on the counterpart of the cheque-books, which should be accessible to the Auditor for comparison with the Cash sheet. It would also be desirable that all payments to the Government should be made at the Treasury to the Cashier between the hours of 10 A.M. and 2 P.M., except on

Saturdays, when no payments should be made or money received after noon; and that a receipt should be given for every sum so paid in, on an authorised form, the particulars of such receipt being entered on the counterpart of the Receipt-book.

IV. That Accounts, if accurately prepared and duly certified, shall be paid on their presentation at the Treasury, either to the claimant or his agent duly authorised in writing. This arrangement will be productive of great convenience to the Public, and will obviate that unwillingness to become the public creditor which has frequently arisen from the uncertainty and tedious delay hitherto occurring in the liquidation of claims against the Government.

V. That all claims against the Government be made out on authorised forms to be supplied by the Department under which the expenditure is incurred.

VI. That all contingent expenditure, not coming under any particular Department, shall be considered to belong to the Department of the Colonial Secretary, whose certificate must be affixed to the Accounts for such expenditure before payment is made.

VII. That a copy of the Estimates of each year be forwarded to the Treasurer before the commencement of the year, with the signature of the Governor and Colonial Secretary, which copy of Estimates shall be a sufficient authority to the Treasurer for payment of the amounts specified in it; and that, in all cases in which expenditure not authorised by the Estimate is incurred, a special authority bearing the signature of the Governor and the Colonial Secretary must be received by the Treasurer before any payment is made, except in cases of claims under contracts, when *Gazette* notices of accepted contracts should be sufficient authority to the Treasurer,—it being incumbent on the head of each Department to assure himself of the accuracy of the notice in the *Gazette*, in so far as refers to his Department, before forwarding Accounts under those contracts to the Treasury for payment.

VIII. That the system of advances to Heads of Departments for the payment of wages and contingent expenses be continued under its present provisions,—the Commission being of opinion that it is imperatively required by those Departments which employ the labour of mechanics or other persons usually hired on daily or weekly wages.

IX. That the Accounts of each Department shall be kept in a complete form, and that the Head of each Department be held responsible for their accuracy.

X. That the Head of each Department furnish the Treasurer, on or before the 5th of each month, with the Salary and Allowance Abstracts of his Department on approved forms, and certify to the accuracy of such Abstracts; and that payment be made in one sum to the Head of the Department for distribution amongst the persons named in the Abstracts, provided authority has been given for their employment. The receipt of the Head of the Department should be a sufficient discharge to the Treasurer.

3. The Commission are of opinion that the following staff will be enabled to discharge the duties of the Treasury and Revenue Services under the proposed system :—

The Assistant Treasurer, whose duty it should be to conduct the Correspondence, to sign all cheques for the payment of Accounts, and to exercise a general supervision and superintendence over the whole Department.

The Cashier, who should receive and pay all Public Moneys, transmit daily to the Auditor the receipts for all moneys deposited in the Bank, and examine all claims for payment, both as to whether they bear the certificate of the Head of the Department to which they appertain, and as to whether authority has been given, by Estimates or specially, for incurring the expenditure.

The Accountant, who should keep the Books of the Colony in their fullest detail, and furnish the Auditor daily with a Cash sheet, which should be an exact copy of the Cash Book, and the supporting vouchers. This Officer should also prepare any Returns which may be required from the Treasury for the Legislature or Government; and a Clerk for general purposes.

4. In estimating this staff, the Commission do not contemplate the conduct of any extensive Ministerial Correspondence by this Department.

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## AUDIT DEPARTMENT.

1. THE Commission, having previously enquired into the working of the Treasury Department in its relation to that of the Auditor, and having most carefully considered the Report of the alterations which have been effected in the Colony of Victoria in the relative position of the two Departments, have arrived at the conclusion which they have stated in their Report on the Treasury,—namely, that the Auditor should be relieved from all those duties which pertain to the previous consideration of Financial questions, and the pre-audit of Accounts.

2. They therefore recommend to the Government that the duty of the Auditor be confined to the examination and verification of the Public Accounts after their payment, for the accuracy of which he should be responsible, and to the inspection of the Books and Accounts of all Public Departments; and that, to enable him to exercise this function, the Auditor have access to the Books and Accounts of all the Departments of the Government, at such irregular periods as he may think necessary.

3. The due performance of these most important duties will, in the opinion of the Commission, require the earnest and undivided attention of the Auditor; and, as it is his duty to check all *unauthorised expenditure*, and to exercise supervision over the Accounts of every Department of the Government, it is imperatively required that his office should be secured from control or interference by the Executive Government of the day; and the Commission are of opinion that he should be responsible to Parliament, and removable only at their instance.

4. The alterations which the Commission propose in the Departments of the Accountant of Stores, Survey, and Customs will increase the detail duties in this Department, in the examination and verification of their Accounts; while the alterations proposed in the Treasury will relieve the Audit Department from all examination of accounts previous to payment, and from the duty of keeping the Public Books: but the Commission are so deeply sensible of the necessity that exists for keeping up the strength of the Department sufficiently to enable its duties to be thoroughly and efficiently performed, that they are unwilling to urge upon the Government any reduction in its staff that would render this important branch of the service in any degree inoperative. They would recommend that its strength, at present, should consist of—

The Auditor,  
One Chief Clerk,  
Two Second Class Clerks, and  
One Junior Clerk.

5. As the duties will be principally of a routine character, and as, when the system proposed is once established, a definite conclusion can easily be arrived at as to the number of Clerks required to keep the Department in efficient working order, the Commission recommend that the Auditor report to the Government on this point on the expiration of six months from the commencement of the operation of the system now proposed.

6. With this staff it will be the duty of the Auditor to examine into the details of all Public Accounts, both of Revenue and Expenditure; to prepare the necessary Warrants for the Governor's signature to discharge the Treasurer; to check the Expenditure in all cases for which sufficient authority has not been provided; to surcharge all Officers who have incurred expenditure without authority, or through whose instrumentality loss has accrued to the Public Revenue; to inspect or direct the inspection of all Books of Accounts kept in all the Departments of the Government, at such uncertain and irregular periods as he may deem requisite; and to report to the Government all Officers who shall have neglected to transmit, on or before the 20th of each month, to the Auditor proper Receipts and Vouchers for the Salaries, Allowances, and Office Contingencies of the previous month.

7. An attested Return of Moneys collected, in the fullest detail, should be transmitted to the Auditor by the 10th of each month by every person, other than the Treasurer, empowered to collect Public Moneys; and, in the event of any neglect of this rule, the Officer in fault should be reported to the Government.

8. Before the commencement of each year, a copy of the Estimate, with the name of every individual Officer entered opposite to his Salary, and bearing the signatures of the Governor and the Colonial Secretary, should be transmitted to the Auditor; and this Estimate should constitute the authority for the Expenditure under the Fixed Establishment specified in it. In regard to all other Expenditure, ordinarily designated "Exclusive of Establishment," a special authority, signed by the Governor and the Colonial Secretary, should be issued in every case prior to any disbursement being made under the authority of the Annual Estimate; and a duplicate of all such authorities should also be transmitted to the Auditor by the Minister through whose Department it is obtained, simultaneously with the transmission of the original to the Officer to whom it is addressed.

## CUSTOMS' DEPARTMENT.

1. THE duties of this Department may be generally considered as confined to the collection of all Revenues derived from Customs' Duties, and the Wharfage and Light-house dues. The large staff employed is occasioned by the careful examination of all shipping business, which is rendered necessary to secure the Public Revenue, and for carrying out the Warehousing System authorised by Law, which affords increased facilities to the Mercantile Community for the transaction of their business.

2. The duties of the Officers may be divided into those incidental to the collection of the Revenue; and those of keeping and recording an account of the same, and of compiling and making out the numerous Statistical Returns required by Government.

3. The Head of the Department exercises a general supervision over it, conducts the correspondence, and performs the duties that devolve on the Registrar of Shipping.

4. The relations that formerly existed between this Department and the Customs' Authorities of Great Britain appear to have necessitated the appointment of Two superior Officers in the Department—the Collector and the Landing Surveyor—in order that an adequate check might be maintained in the Department over the Accounts of the Collector; and, to ensure this, it has hitherto been one of the duties of the Landing Surveyor to keep an account of the Revenue derived from entries, entirely independent of the Account kept by the Collector, and to check all the money transactions of the Department. The Landing Surveyor also exercises a general supervision over the out-door Department of the Customs,—Wharves, Landing Waiters, and Warehouses,—checks the gauging and weighing of goods, and settles the tares.

5. The number of Landing Waiters employed appears to be more referable to the extent of the Wharves, and the uncertain and fluctuating amount of work in this branch of the Department, than to the actual services performed; and the duty of gauging being of a technical character, requiring great nicety of manipulation, sufficient strength has to be provided for occasions when great pressure of business occurs.

6. The employment of a Locker, in addition to that of a Warehouse Keeper, is rendered necessary from the circumstance of there being Five Bonding Warehouses; and the duties of both these Officers are of a responsible character.

7. The Boatmen and Weighers are employed in the weighing and general examination of goods, under the supervision of the Landing Waiters; and also as Cart Followers, in taking charge of Goods under Bond passing in transit between the Wharves and the Bonding Warehouse.

8. Three Clerks conduct the details of the Office business. The examination of the Books containing the amount of the Goods landed from every ship, which are transmitted to the Landing Waiters to be checked before the vessels are cleared outwards, is performed in the Office,—a duty which in many Ports is the province of a special Officer styled a Jerquer.

9. The Commission are of opinion that the necessity for Two superior Officers in the Department, performing the duties assigned to the Collector and Landing Surveyor, no longer exists. The duties hitherto devolving on the Collector, though of a most responsible character, are not sufficiently onerous to preclude his supervision being extended over the out-door service, and the Warehouses and Wharves. They recommend that the Landing Waiters shall transmit, daily, to the Auditor the Copy of the Entry hitherto given to the Landing Surveyor, which will enable the Auditor to undertake a sufficient examination of the Collector's Accounts to ensure their accuracy. The Warehouse Keeper has hitherto verified the weight, and quantities, and strength of goods withdrawn from Bond: the Commission recommend that, for the future, the amount of Duty due shall also be calculated by him,—that his calculation shall be endorsed on the entry, and his initials affixed as a certificate of its accuracy—and that he shall transmit such entry to the Auditor at the close of each day.

10. The Commission recommend that the duties hitherto performed by the Landing Surveyor, of checking the gauging, shall be done by one of the Water-side Landing Waiters, who shall be selected for the service by the Collector, and shall report to him the result of his gauging, in order that a comparison may be instituted whenever the Collector may deem it expedient; and they propose that the duty of settling the tare should be assigned to the Senior Landing Waiter, reference being made to the Collector whenever the necessity occurs.

11. The relief which the alterations recommended in the Port Office afford to this Department will allow the Third Landing Waiter, who at present acts as Tide Surveyor, to devote the whole of his attention to the ordinary duties of Landing Waiter; and the services of the Fourth Landing Waiter and Three Boatmen could be dispensed with.

12. The adoption of the alterations in the mode of rendering Accounts to the Audit Department will materially diminish the clerical work in the Collector's Office; and the

reduction of One Clerk has already been effected in anticipation of the change meeting approval.

13. The Commission have had brought under their notice the restrictions which are imposed on Shipping by the present regulations for limiting the landing of goods for Bond, both with reference to the quantity allowed to be landed, and the period of the day at which such landing must cease. They recommend that the Government should make arrangements to set aside a sufficient portion of the Bonding Warehouse to receive the surplus which cannot be received in Bond during the day. This would render unnecessary a restriction which causes considerable delay in the discharge of a ship's cargo, and entails a heavy expense on the Mercantile Community.

14. They also recommend that the permission to discharge cargo beyond the usual hours of business, which is now obtained on Special Requisition, take place under certain and definite Regulations, and on payment of such Fees as may be fixed by the Government. During the day an interval of an hour occurs during which no goods are landed from the shipping; and the Commission are of opinion that great convenience to the Mercantile Interests would result if the Officers of the Department were allowed this interval in the middle of the day for the purpose of obtaining refreshments, and the time up to which they be required to remain on duty were extended until 5 P.M. during the Summer Months.

HENRY BUTLER, *Chairman.*

In signing this Report, I beg leave, respectfully, to offer the following observations upon the 4th, 9th, 10th, and 12th Paragraphs, having reference to the abolition of the Office of Landing Surveyor, and the mode proposed for the execution of the duties required of that Officer :—

1st. To show the extent of the business transacted at the Port, I give the following statement of the results of the last year :—

	£	s.	d.
Amount of Collections .....	83,907	11	3
Value of Imports .....	974,357	0	0
Value of Exports .....	675,235	0	0
Number of Vessels Inwards 531—103,179 tons.			
Number of Vessels Outwards 532—102,817 tons.			

2nd. I beg to explain, with reference to Paragraph 4, that the appointment of Landing Surveyor was not necessitated *because* of the relations which formerly existed with the Customs' Authorities of Great Britain, but because it was in accordance with the wise and wholesome Regulations that were, and are still, in force in the Customs' Department of the United Kingdom, whereby a Superior Officer is specially appointed at a Port of such magnitude as this, (although the *Quarterly* Accounts are audited by another Officer), to effect a close and *immediate* personal examination and check upon the Collector's *daily* proceedings in the collection of the Revenue and the execution of his duties generally, and likewise upon those of the out-door Officers.

3rd. With regard to the opinion expressed in Paragraph 9, I very much fear it will not be possible for me to perform properly the duties of both Collector and Landing Surveyor, when the extent of the business of this Port is borne in mind,—especially now that the charge of the Marine Department has also been laid upon me; and, likewise, when it is remembered that the duties appertaining to my Office of Registrar of Shipping at this Port are of a highly responsible nature, and require great care and attention from *myself individually*, otherwise the property in Ships might be jeopardised, and the owners put to great inconvenience, if not loss.

The frequent visits to the Wharves required of the Landing Surveyor would, I apprehend, interfere very much with the due execution of the duties of the several Officers above referred to, and Merchants and others having any special business to transact with me in either my capacity of Collector, or of Landing Surveyor, or of Registrar of Shipping, or of Port Officer, would be liable frequently to lose their time in seeking me at the Custom House, the Wharves, the Bonding Warehouse, or the Port Office,—and this would naturally give rise to discontent on the part of the public.

4th. As regards the plan proposed to fulfil that part of the duties of a Landing Surveyor which requires the check of the gauging of casks, the weighing of Goods, and the settlement of Tares, I am of opinion that the withdrawal for such purposes of either of the Landing Waiters stationed on the New and Franklin Wharves respectively would be liable to give rise to much public inconvenience and complaint by delaying the business of the Shipping, both Inwards and Outwards, especially of the latter, by stopping the examination of goods entered out for Drawback of Duty, and for shipment under Bond, both operations requiring the *personal* and careful attention of a Landing Waiter in his capacity of Searcher; and, of course, this would delay the clearing of Vessels. Besides which it appears to me scarcely proper, and certainly inexpedient, that a Junior Landing Waiter should be placed as a check over his Senior.

5th. I am so apprehensive that the change of system proposed in the paragraphs of the Report above referred to, if carried out, may prove prejudicial to the efficient transaction of the business of the Department, and the convenience of the Public, although my best exertions would be devoted to the duty, that I feel it to be incumbent upon me thus to place upon record my views on the subject, in which I am supported by the evidence of Mr. Solly, late of the Customs' Department at Adelaide.

In reference to Paragraph 12, I had hoped that the reduction in the number of Clerks adverted to would have been accomplished without causing arrears in the Office, but I am sorry to say experience has proved the contrary,—the number of Statistical Returns *now* required is so much increased, and have to be rendered in so much more intricate and detailed forms, that their compilation occupies a

much greater portion of a Clerk's time than hitherto, and has led on one or two occasions to arrears in other work,—added to which, the reduction of the Establishment to three Clerks has so pared it down to the very quick, that in the event of the absence, by cause of sickness, of any one of them much inconvenience is felt in carrying on the business of the Office, notwithstanding that the Clerks frequently work both before and after the regulated hours of attendance: under these circumstances I fear I may be forced to apply for additional assistance if any extraordinary pressure of business should arise.

H. D'ARCH.

I concur with the Collector of Customs in the opinion that it would not be desirable to abolish the office of Landing Surveyor; at all events, so long as Mr. D'Arch continues to discharge the additional duty of Port Officer.

E. J. MANLEY.

### MARINE DEPARTMENT.

1. THE business transacted in this Department appears to consist in the general management of the Ports, Beacons, Light-houses, Signal Stations, and Wharves of the Colony, and the regulation of the Pilot Service.

2. The performance of the duties required to effect these objects necessitates the employment of a superior Officer in each of the principal Ports of the Colony, and of a separate staff of Officers.

3. The Commission are of opinion that it is desirable that the management of the Ports, the ordering and erection of Light-houses and Beacons, together with the control of the Wharves and the regulation of the Pilot Service, should be vested in Local Boards, composed of the representatives of the Merchants and Ship-owners of the Port, with the assistance of the Collector of Customs and the Mayor of the Town, whose seats at the Board should be held in virtue of their respective Offices. This body should exercise all the powers now possessed by the Port Officer, and that usually appertain to Trinity and Local Marine Boards; and, in order to provide the funds enabling it to discharge the duties of its appointment, the dues of the Port, including those of Wharfage, should be paid to the Collector of Customs, kept to a separate account, and paid over to the Board periodically.

4. The Commission desire to bring under the notice of the Government that this system has been working for many years in England, in the Trinity Boards of London, Hull, and Newcastle; and that it has been considerably extended by the constitution of Local Marine Boards possessing similar powers in other Ports.

5. Persons representing the interests more immediately concerned in the good government, effective working, and economical administration of this Department will form the governing body; and it is believed that no difficulty will occur in inducing competent persons to devote the necessary portion of their time to the performance of the duties: but as this change will, of necessity, require considerable time to arrange and perfect in its details, and will need Legislative sanction, the Commission are, in the meantime, prepared to recommend for immediate adoption an amalgamation of the Marine and Customs' Departments, which will enable the duties of each Department to be more economically performed without impairing the efficiency of the service. The control of the Marine Department should be vested in the Collector of Customs with the subjoined Establishment:—

Harbour Master and Superintendent of Wharves.

Boarding Officer and Customs' Tide Surveyor, with a Boat's Crew of five men. Clerk of the Second Class; and a Messenger until the offices are contained in the same building.

6. It should be the duty of the Harbour Master to assign berths and moorings to all vessels arriving at the Port, and whenever they desire to move in the Harbour, and to ascertain that they have taken the stations assigned to them,—to superintend the Harbour and Wharves,—and generally to assist the Port Officer in all matters affecting the Marine Department. It will be necessary that the Regulations which compel the berthing and mooring of ships to be effected by the Harbour Master or his Assistant should be altered; and that the Masters and Mates of vessels should be permitted to berth their vessels, and to remove them from one part of the Harbour to another, under the direction of the Harbour Master, and taking the station assigned to them by him. This alteration will not only relieve that Officer from the principal part of his present duty, but will also remove an unnecessary restriction which is stated in evidence to press prejudicially on the Mercantile Community.

7. The Boarding Officer and Customs' Tide Surveyor should perform the duties which have hitherto devolved on the Coxswain, in addition to those of the Customs' Tide Surveyor,

whose duties the Commission consider can, without difficulty, be combined with those of the Coxswain, provided an intelligent and respectable man be selected for the office; and it is, in the opinion of the Commission, essential that a residence should be provided for him, at the waterside.

8. The alteration of the duties of Harbour Master, and the union in one Officer of the duties of Boarding Officer and Tide Surveyor, will enable one Boat's Crew to perform all boat duties of the Port.

9. It would be indispensable that the attention of the Clerk, who has hitherto performed all the routine duties of the Port Office, should at present be confined to that Department; but, when accommodation can be afforded in the Custom House, he will be able to assist in some of the Clerical duties of the Collector's Office.

9. Under the proposed disposition of duty, no provision has been made for the inspection of the Light-houses. It is the opinion of the Commission that the duties of inspection cannot be advantageously performed by an Officer whose other duties must be either neglected or suspended during his absence; and they therefore recommend that, when inspection is required, the Government should obtain the services of a competent person for the occasion, the amount of payment being proportioned to the time occupied and the duty performed.

10. The oil and all other stores and provisions for the Marine Department should be supplied by the Accountant of Stores directly to the several Stations.

11. The Commission are of opinion that the necessity which existed during the earlier years of the Gold discovery for maintaining a vessel to communicate with, and transport stores to, the Light-houses, no longer exists; and that this and other duties at present executed by maintaining the Schooner *Beacon* could be carried out much more economically, and without detriment to the efficiency of the Service, by hiring vessels as occasion may require. They accordingly propose that the Government be relieved from the expense attending the retention of this vessel.

12. The appointment of Emigration Officer being at present held by the Port Officer, whose office it is proposed to amalgamate with that of the Collector of Customs, the Commission recommend that it be conferred on the present Assistant Emigration Officer and Surveyor, who will be remunerated only by the fees provided by the Passengers' Act.

13. The Commission are of opinion that it is desirable that the Port Office and the Office of the Accountant of Stores should be removed to the Custom House. The intimate relation existing between the Marine and Customs' Departments renders this expedient; and its convenience to the Public gives an additional reason for its adoption. If the seizures effected by the Customs' Department were deposited in the compartment of the Bonding Warehouse under the absolute control of the Collector of Customs, a large amount of accommodation would be available in the present Custom House, which could with great convenience be allotted to the Store Department. It is immediately contiguous to the Store-rooms now occupied by that Department, and its proximity to the Marine Department would be extremely convenient to the Service.

14. The Commission are of opinion that all persons who are ascertained to be competent to the discharge of the duties of Pilotage should be licensed to act as Pilots; but, in the event of a Trinity Board being established, they think that the issuing of Regulations under which the Pilot Service should be conducted could with great propriety be remitted to that body.

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#### ACCOUNTANT OF STORES.

1. THE business of this Department consists in the receipt from England of the Stationery and Stores required by the Colonial Government, and their detailed issue to the different branches of the service here. In addition, it makes arrangements for the supply of Rations, Fuel, and Light, and such Stores as are not obtained from England,—keeps the Accounts relating to these subjects,—examines the Requisitions sent in, and prepares the invitations for Tenders for all such articles as are furnished within the Colony.

2. The Commission are of opinion that a large proportion of this business can be transacted by the different Departments immediately concerned; and that the detailed examination which their Returns and Accounts will receive from the Auditor will operate as a sufficient check in preventing a loss accruing to the Public Revenue from any inaccuracies. Under the present system complete Accounts of the quantities of Provisions, Fuel, Light, and Stores received from

the Contractors, and the Accounts of their issue, have to be kept in each Establishment receiving such supplies; and Returns are periodically sent to the Accountant of Stores, in whose Department they are re-computed, and their money value calculated. Accounts in accordance are prepared for the Contractor and submitted with the vouchers to the Auditor, in whose office the Returns are again examined, and the money accounts re-computed to verify their accuracy. The intervention of the Accountant's Department is considered unnecessary; and the increased number of hands through which the Accounts pass is calculated to diminish the responsibility of each Department, and to induce frequent references from one to the other.

3. The Commission propose that the Heads of the several Departments who receive Provisions, Stores, Fuel and Light from the Contractors, and issue them in their Departments, shall keep account of the money value of the issues, as well as the quantities; and that the periodical returns now transmitted from their Departments to the Accountant of Stores shall, in future, be transmitted direct to the Auditor, in whose Office their Accounts will be examined and verified, and by whom they will be surcharged for any loss that accrues to the Government through the inaccuracy of their Accounts.

4. The Commission also propose that the various Contractors shall, in future, prepare their own Accounts, on forms to be obtained from the Head of the Department against which the charge is made, and submit them to him for his examination, and certificate if correct. The Accounts so certified shall be payable at the Treasury on presentation.

5. The Commission have much pleasure in testifying to the excellence of the arrangements by which the Contract Board is worked; and they recommend that its operation should be extended to all cases in which the Government enters the Public Market. They think it desirable that in all cases in which Contracts are entered into the utmost publicity should attend all the proceedings. To carry out this view, they recommend that the presence of all persons tendering shall be permitted at the opening of the Tenders, and that all accepted Tenders shall be inserted, with full particulars, in the *Gazette*.

6. The Commission have ascertained, from the evidence of the Accountant of Stores and the examination of the invoice prices of the Stationery and Stores procured from England compared with the prices at which they could be obtained in the Colony, that a very considerable loss would be entailed on the Colony by foregoing the present mode of procuring these supplies. They would, therefore, recommend that the same arrangement as heretofore should continue for the supply of the Stationery, and that portion of the Stores and Clothing hitherto procured from England.

7. If the alteration which the Commission propose for the consideration of the Government meet with approval, considerable reduction in the clerical staff of this Department could take place; while the diminished responsibility imposed on the Head of the Department will enable the duties to be performed by an Officer holding a different position in the service from that occupied by the present Accountant of Stores. They are of opinion that a Colonial Storekeeper, a Junior Clerk, and a Store Labourer would be enabled to transact all the business which will for the future engage the attention of the Department, provided that an office is obtained in immediate proximity to the Store. The abolition of the office of subordinate Storekeeper will throw much personal supervision and responsibility on the Colonial Storekeeper; and it is therefore essential that this facility should be afforded to enable him to perform the proposed duty.

8. The Colonial Storekeeper should have charge of all the Articles in the Store, keep Receipt and Expenditure Accounts, and be responsible for their accuracy. He should receive all Requisitions, and arrange them in an Abstract for laying before the Contract Board. If approved of by the Government, he should issue invitations for Tenders in accordance with the approved Abstract; receive and take charge of all samples which shall be produced before the Board when the Tenders are opened; receive the Tenders for all services of the Government, affixing a number, the date, and his initials to each before they are opened by the Board; prepare a Schedule of the Tenders selected by the Board for approval; ascertain the validity of the Securities proposed by the Contractors; publish the accepted Contracts, with full particulars, in the *Gazette*; transmit a copy of such *Gazette* notice to the Auditor, Treasurer, and such Officers of all Departments as have to receive the Stores, Provisions, &c. He will have to prepare and transmit to the Auditor, half-yearly, an Account showing the quantities of the Stores and Stationery on hand, received, and issued, supported by detailed statements and the necessary vouchers; and a Board should be occasionally appointed to verify the Stock on hand. He will also have to furnish to the Treasurer, yearly, a detailed Statement of the value of Issues to the several Departments, for the purpose of being introduced into the Financial Accounts of the year.

9. The Clerk will perform such clerical work as he may be directed to do by the Storekeeper.

10. The Store Labourer will perform, under the direction of the Storekeeper, all the duties appertaining to that situation, including the clarifying and straining of the Oil for the Light-houses, if requisite.

## POST OFFICE.

THE Commissioners are fully aware of the importance that attaches to the efficient working of this Department; but they are prepared to recommend to the Government some modifications of its arrangement, which, while they will not, in their opinion, be productive of any inconvenience, will enable the Department to be more economically administered.

2. The most important of the duties performed at present by the Postmaster-General—viz. making arrangements and entering into Contracts for the transmission of Mails—might, in the opinion of the Commission, with safety to the service and with just propriety, be remitted to the Contract Board; while the visits of inspection to the Country Post Offices—a duty which at present engrosses a large proportion of the Postmaster-General's time—could be entirely dispensed with. During the absence of that Officer on these occasions no interruption occurs in the work of the Department; the general routine of it, as well as the conduct of the correspondence, being performed by the Chief Clerk.

3. The issue of Stamps to Country Postmasters, and the Accounts kept with them in consequence, appear to entail considerable labour on the Department; the services of the Postmaster-General, the Chief Clerk, and a Second Class Clerk, in addition to those of the Postmaster himself, being put in requisition to keep and check the Stamp Account. An amount of labour is thus entailed on the Department without sufficient compensatory advantages to justify its continuance. The Commission propose, either that Stamps be issued to Postmasters on payment of their value less the per-centage allowed on their sale, or that an advance of Stamps be issued to each Postmaster to the extent of One Quarter's Salary, against which it should form a charge. This will render unnecessary the keeping of an Account Current with each individual Postmaster throughout the Country.

4. It does not appear to your Commission that the duty performed by the Senior Second Class Clerk is at all proportionate to his position in the Department, or to the expense entailed on the Government. This opinion is corroborated by the evidence of that Officer, who expresses his ability to undertake increased duties. The duty of supplying Stamps to the Public is now divided between the general staff of the Office and the Officer in question, according to the time at which application is made. From 10 o'clock till 4 they are supplied from the Stamp Office; but before 10 A.M. and after 4 P.M. they are supplied on application at the window of the General Office. On reference to the hours of duty, and the nature of the work, it is found that these are the periods when a pressure of employment is most likely to occur; and the Commission are induced to believe that it would be desirable that an Officer in the Department who has this duty assigned to him should be stationed in the General Office, and, in addition, that he should perform those other duties which involve replies to public references.

5. The Commission would recommend that the Book called the "Carrier's Book" should no longer be continued. The more important duties of the Office prevent any entries being made in it whenever a pressure of business occurs; and they are at a loss to discover in what manner its utility can be manifested. The Commission do not think its value would be adequate to the labour and expense attendant on the work, even were the record in question on all occasions accurately kept.

6. The peculiar duties of this Department necessitating the presence of its Officers at an early and late period of the day has induced the Government to supply the Department with a duplicate staff, entailing a large additional expense. It is the opinion of the Commission that a different distribution of duty might be made that would enable the Department to be worked more economically without detriment to the public interests, or unduly pressing upon the services of the Officers of the Department. If the alterations recommended meet the approval of the Government, the diminished responsibility that would be attached to the Head of the Department, and the absence of any special duties left for that Officer to perform, render it unnecessary to retain Two Principal Officers in the Department. By reference to the evidence it will be seen that, during the absence of the Postmaster-General on his tours of inspection, no interruption occurred in the business of the Department; the supervision over which, as well as the conduct of the correspondence, being on those occasions undertaken by the Chief Clerk.

7. The Commission are of opinion that the Principal Officer of the Department should be designated the Chief Postmaster, and that he should be responsible for the efficient working of the Department; that he should have charge over and distribute the Stamps according to the instructions he may receive from the Minister who has charge of his Department; that he should be present and personally superintend the sorting and distribution of all Mails on arrival, as also the making up and despatching of Mails; that he should personally conduct the correspondence of the Department; and that all Letters which by the Regulations are to be opened in the Post Office should be opened by himself. The Commission are of opinion that the importance and responsibility of the Department is chiefly manifest in the due performance of the duties involved in the transmission and distribution of Letters; and they therefore urge upon the Government that these duties should, in future, be conducted under the personal supervision of the Officer who is responsible for the efficiency of the Department. It was provided by the Legislature that Letters insufficiently stamped were to be opened by the Postmaster-General; and the same reasons will apply, in their opinion, to all Letters which require by the Regulations to be opened in the Office.

8. Four Clerks would, in the opinion of the Commission, form a sufficient staff to discharge all the duties of the Department.

9. The nature of the duties in this Department requiring the presence of the Clerks at an earlier and later period of the day than in other Public Departments, the Commission propose the following hours of attendance for the consideration of the Government :—

The Chief Postmaster present daily from—	Hours.
8 A.M. till 12, and from 4 till half-past 7 P.M. ....	7½
Clerks :—	
Two from 8 A.M. till 2 P.M., and from 6 P.M. till half-past 7 P.M. ...	7½
Two from 8 A.M. till 10 A.M., and from 2 P.M. till half-past 7 P.M. ...	7½

The Clerks could take the different hours on alternate weeks ; and, as the principal portion of the business is of an uniform character, no difficulty would occur in the transaction of the routine of the Office during the day. The duty of sorting the Way Bills should be imposed on the Office-keeper, as it is more consonant with his position, and the value of his time.

10. The Commission recommend that an Account should be kept of the receipt and issue of Stationery and Stores ; and that they should be under the charge of some one Officer who should be held responsible for their expenditure.

11. The Commission recommend the abolition of all fees received by the Clerks in the Office. With reference to those for “too late” letters, a more convenient mode of collection could be obtained by requiring that additional Stamps to the value of Sixpence be affixed on letters posted after the usual hours.

12. It would be desirable that the sale of Stamps and delivery of Registered Letters should take place at the Window of the General Office. The Clerk on whom the duty would devolve would then be enabled to deliver letters, discharge all the other duties of the Office which involve references from the Public, and would prevent the attention of the other Officers being distracted from the avocations on which they might be engaged. The Commission recommend that the entire Staff of the Office should be present on the arrival of the Mail until the letters are distributed, as also for the purpose of making up and despatching the Mails. This arrangement would ensure the presence of the Chief Postmaster and Three Clerks for this duty, which, as far as we can learn from the evidence, is generally performed in an hour by Two Clerks. At the same time they would be relieved from the unnecessary labour of entering the Letters in the Letter Carriers’ Book.

13. The remaining duties of the Office do not appear to require much time, and could be easily transacted in the intervals by the Clerks under the direction of the Chief Postmaster.

#### PUBLIC WORKS’ DEPARTMENT.

1. THE varied and distinct character of the work of this Department will be more conveniently considered in the separate branches to which the services of the Officers of the Department are most directly applied. The purely professional duties of the office, consisting of projecting designs for Public Buildings, preparing drawings and estimates for the same, and the supervision over the execution of these works, engage the attention of the Clerk of Works, who has also the charge of the Draughting-room ; and the different detail drawings are executed there by the Draftsmen under his direction.

2. Arrangements are made for the maintenance and repair of Public Buildings, works of trifling extent, furniture, &c., by the Foreman of Works, generally by inviting Tenders for the performance of the work required by contract. The supervision over these works is also conducted by the same Officer.

3. The Head of the Department proposes to effect a great improvement on this system, by the issue, annually, of invitations to contract for the performance of work required according to Schedules which have been prepared for this purpose, and which were submitted to the inspection of the Commission:

4. The Office-duties entail so much correspondence, and involve so many references on important questions, and such large pecuniary responsibilities, as to require the principal attention of the head of the Department, and only permit of occasional visits of inspection over the Main line of Road, and works in progress in the Interior, and prevent his attention being devoted to the purely professional duties of his Department, except the examination of the Designs submitted by the Clerk of Works for his inspection and approval.

5. The employment of mechanics and labourers on the works in progress at the new Government House, and on the Main line of Road, entails considerable clerical labour in keeping the accounts connected with their wages, and checking the time employed on the work.



6. The arrangements made to secure the supervision of the works on the Main line of Road are not adequate to ensure the economical administration of the large amount expended. The Surveyor has to inspect the work effected by from 100 to 120 men, (on daily wages) divided into numerous parties, extended over 100 miles of road, making the inspection over the whole line at least once a month. He has also to certify to the Contractors' accounts (chiefly consisting of cartage and supply of metal) at the various Stations: for the accuracy of these accounts, and to ensure the due application of the labour, he is mainly dependent on an Overseer appointed to each Party. The Head of the Department also inspects the Main line of Road at intervals of from three to four months.

7. The Commission are of opinion that the Staff employed in the Department entails a large expenditure on the Government without securing an efficient performance of the duties assigned to it; the Head of the Department being, as before stated, so much occupied by the Office-business and administration of the Department, that he is not able to give that amount of personal attention to the professional duties of his office to which his responsibility for their successful prosecution entitles them.

8. To this circumstance may be attributed the alterations which have occurred both in the designs and in the execution of works during progress; and this appears to indicate a want of system or insufficient professional strength in the Department, and to be calculated to diminish confidence in the tenders issued for contract, and to impose an increased expenditure on Public Funds.

9. The Clerk of Works does not perform the duties which usually devolve on an appointment of that nature; but the work on which he is employed is similar in character to that of an Architect and Building Surveyor. A special appointment has been made to secure constant supervision over the works in progress at the new Government House; but, considering the number and the magnitude of the other works in progress in charge of this Department, no sufficient arrangements have been made to secure similar supervision over them,—an obvious neglect of one of the most important functions of the Department.\*

10. The Commission recommend that the system now partially adopted, of employing mechanics and labourers for the construction of Public Works, should not be continued; but that Designs, with the specifications and working drawings, should be obtained by competition,—a system which would effect a public good by stimulating the energies and talents of those engaged in the profession, while it would procure for the Government an opportunity of selecting the design most fitted for the purpose required.

11. A premium of two and a half per cent. on the estimated cost of the work would, in the opinion of the professional gentlemen examined by the Commission, sufficiently remunerate the successful competitor for his design, and for the preparation of the working drawings with the specifications and detailed estimates; and would, moreover, induce sufficient competition to ensure the success of the system. An additional payment of two and a half per cent. would be an adequate remuneration to secure a competent supervision during the progress of a work.

12. The Commission recommend that the Government should adopt the course proposed by the Director of Public Works to provide for the maintenance and repair of Public Buildings, by contracting for the performance of the works according to the Schedules prepared. It has been the system pursued by the Royal Engineer Department for some time, and no difficulty has arisen from its use; while it considerably diminishes the labour consequent on the issue of separate tenders for every minor work, and it will enable the Auditor to check the contract accounts as far as their money value is concerned.

13. The Commission recommend that the management of the Main line of Road should be entrusted to the different Road Districts in which it is situated. They are convinced that no adequate supervision over the labourers employed on the road can be maintained by any general authority, established either in Hobart Town, Ross, or Launceston; but that, to ensure a sufficient return for the expenditure, the supervision must be exercised by those who are on the spot, and who are interested in the economical and judicious expenditure of the money.

14. If the alteration proposed by the Commission meet with the approval of the Government, the staff necessary to carry on the duty will consist of an Officer on whose competence and integrity perfect reliance can be placed, whose duty it should be to advise the Government on all questions connected with Public Works and Buildings; prepare descriptions of designs for which competition is invited, and advise the Government as to their selection; to issue all invitations for tenders referring to this Department; and to examine and certify to all Contractors' accounts previous to payment.

\* I dissent from the censure implied in this passage, as I have no doubt that the expense of appointing special superintendence for each work deterred the Government from doing so.

15. The Commission are not prepared to state the subordinate assistance such Officer would require, as the amount of work must entirely depend on the number and magnitude of the Public Works carried on ; and they, therefore, recommend that he be authorised to obtain extra professional and clerical aid at any period when a temporary pressure may render such assistance necessary.

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### GOVERNMENT PRINTING OFFICE.

1. THE Commission have carefully enquired into the amount of work performed in this Department. The arrangements in the Office appear to them calculated to secure the most economical mode of doing work of this character. The amount of printing required by the Government has naturally increased to a considerable extent by the introduction of Responsible Government, and the consequent extension of the Legislature ; and has necessitated the hiring of an increased staff of the mechanics of the business. The Commission were of opinion that advantage would result from the submission of the work done in this Department to public competition ; but they have ascertained that the adoption of this proposition would entail on the Government a very large additional expense to that at present incurred,—the Government Printer being enabled to execute the printing of the Parliamentary Papers at, at least, half the cost at which it could be effected in private establishments.

The number of men engaged varies with the requirements of the Department.

2. The rent which is paid to the Government Printer in lieu of house and office is, in the opinion of the Commission, more than commensurate with the accommodation afforded. It is, however, stated by the Head of the Establishment that it was the result of an arrangement entered into by the then Colonial Secretary on the part of the Government, and that he was induced to incur a very heavy expense to provide the increased accommodation which the Department required.

3. The Commission are not prepared to recommend any alteration in the conduct or management of the Printing Establishment, the duties of which are, in their opinion, most efficiently performed.

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### POLICE DEPARTMENT.

1. IN prosecuting their enquiries into the nature and amount of business transacted in the Police Department on the Southern side of the Island, the Commission did not consider it necessary to visit each Police District in order to carry out the objects they had in view ; the character of the business being the same, and the amount transacted being arrived at without difficulty from Returns furnished by the Chief Office.

2. In the consideration of the duties devolving on the Department, it will be convenient to distinguish between those which relate to the management of the Police, and the purely Magisterial duties of the Department.

3. The management of the Police Force is vested in the Chief Police Magistrate ; and the principal portion of the office business connected with it is conducted under his authority, at the Central Office in Hobart Town. The Chief Police Magistrate assigns the number of men to be stationed in the different Districts, exercises a personal supervision in the selection from applicants for employment, and inspects the various Police Stations twice during the year. He arranges the duty for all Field Parties in pursuit of offenders ; and issues directions to the Police Magistrates throughout the Colony for the management and control of the Force. The office duties relating to the Police Force in Hobart Town are discharged by a staff of Three Clerks.

4. The Chief Clerk conducts the correspondence, superintends the general detail business of the office, examines the accounts of transport of provisions and stores, prepares the Requisitions for the Department, and also the Estimate of Expenditure ; issues the Charge Sheets for Hobart Town, and all the Printed Forms for the Police Department ; issues Hawkers', Carriers', and Oyster Licences, examines the accounts of Fees and Fines for Hobart Town, compiles Statistical Returns of Stock and Crop throughout the Colony, and receives and distributes the Salaries and Wages for the Hobart Town District.

5. The second Clerk examines the Salary Abstracts of the Department and transmits them to the Auditor,—receives the Fees and Fines collected in the District, and all moneys paid for Licences granted by the Police Magistrate,—prepares all reports incidental to the Pauper

Expenditure of the office, and compiles the Statistical Accounts of all arrivals and departures from information derived from the Port Office and Customs. The Junior Clerk is employed in the examination of the Magisterial Returns from the other Districts in order to detect any illegality in these returns,—in copying the correspondence, and in assisting the other Officers in the discharge of the duties of the Department.

6. The several Police Magistrates are responsible for the general control and management of that portion of the Police Force which is stationed within their Districts,—the District Constables acting under their directions.

7. The Chief Constable of Hobart Town selects men for employment as Constables subject to the approval of the Head of the Department, instructs them in the nature of their duty, takes charge of the ammunition and arms, directs the proceedings of the Detective Force, and exercises a general surveillance over the Police Force in the District of Hobart Town.

8. The District Constables of Hobart Town receive charges at the Watch-house, and are responsible to the Chief Constable for the due performance of their duty by the Constables of the Force. The District Constables in the Country Districts act under the direction of the Police Magistrates; and they are responsible for the due performance of their detail duties by the Force under their command.

9. The Police Force consists of—

- 1 Chief Constable,
- 20 Chief District Constables,
- 32 District Constables,
- 35 Sergeants,
- 311 Constables.

10. It appeared to the Commission desirable to ascertain whether service in the Police Force was sought for by the labouring class, and was entered upon as a permanent service. They have gathered from returns furnished from the Chief Police Magistrate that the dismissals averaged 7 per cent. of the entire Force in four months, and the resignations 14 per cent.; and that the large majority of the Police had not been employed in that capacity two years.

11. The Magisterial duties of this Department on the Southern side of the Island are discharged by the Police Magistrate in Hobart Town and two Bench Clerks; at Franklin, by the Police Magistrate with a Bench Clerk; at Richmond and Sorell, by the Police Magistrate with two Bench Clerks; at Kingborough, by the Police Magistrate with one Bench Clerk; at New Norfolk, by the Police Magistrate with one Bench Clerk; at Hamilton and Bothwell by the Police Magistrate with two Bench Clerks; at Oatlands and Brighton, by the Police Magistrate with two Bench Clerks. In addition to the usual Bench duties, the Police Magistrates sit as Deputy Chairmen of Quarter Sessions, and act as Deputy Commissioners of the Courts of Requests established in their several Districts.

12. In three of these Districts a consolidation of duties has taken place, one Magistrate discharging these important functions for two Police Districts; and the Commission believe that the result has been satisfactory to the Community, while the expense entailed on the Colony in defraying the travelling expenses of the Officers has been trifling in proportion to the saving effected by the arrangement.

13. The Bench Clerks discharge the usual duties required of Officers holding that appointment; and, in addition, act as Officers of the Courts of Quarter Sessions and Courts of Requests. No consolidation of offices similar to that which has been effected in regard to the Magistracy has taken place in this branch; and as each of the Police Magistrates whose charge has been extended to two Districts acts simply as Visiting Magistrate to the second District, and an increased demand is thus made on the services of the resident unpaid Magistracy, the Commission are not of opinion that the services of the Police Clerks could be dispensed with.

14. The numerous body of men which constitute the Police Force of the District of Hobart Town having the advantage of the large proportion of superintendence afforded by eight District Constables and twenty-four Sergeants, enables a system of discipline to be maintained which is sufficient to ensure that precision and regularity of action which is necessary to the performance of the duties devolving on a Police Force. This cannot be effected with the small and scattered body of men allotted to the several Country Districts, where the routine and escort duties so far occupy their time as to preclude more than a fraction of the Force being engaged on patrol duty.

15. The very heavy expenditure which the maintenance of this Department entails on the Revenue of the Country, in comparison with the population and the amount of crime committed, has induced the Commission to direct their attention to the systems under which this Department is conducted in other Communities. The Irish Constabulary Force—the best organised and most efficient body of men working for the preservation of order—immediately enforces itself on the attention of an enquirer into the question. The system which it represents—namely, the management of the Police of the Country by a central authority—is to a considerable extent the

same as is now in use in this country ; but in Ireland it was originally created to take the place, and perform duties, which had previously devolved on a Military Force. The system which obtains in England is widely different. The Police requirements of the several divisions of the country are considered and provided for by Local Bodies, who determine the amount of Force which the Police necessities of the District demand, and provide the revenue which is necessary to defray the expenditure. The Commission understand that, in the Counties, these duties devolve on the Magistracy at Quarter Sessions, and in Corporate Towns are vested in their Municipalities. The parties whose interests are most directly concerned, and for the protection of whose lives and properties the creation of this Department becomes a necessity, are best enabled to judge of the Force required to fulfil this end ; while the provision of the revenue to defray the expenditure is a sufficient check to prevent any unnecessary or wanton expenditure being incurred. Each District would have sufficient Force for its requirements, and none would maintain an useless or superfluous one ; while every contributor to the Police rate would become an Inspector, and, to a certain extent, would have an individual interest in the preservation of order. Under the system now in force, the inhabitants of every District contend for the residence among them of their quota of Police ; and the correspondence of the office will produce many instances of demands being made for an additional Force, the demand being justified by the relative number of inhabitants compared with other Districts, not by any reference to the actual necessities of the case ; while the Police have been removed from one station to another more in proportion to the urgency with which the demand was made, than as resulting from enquiries into the Police requirements of the Districts.

16. The performance of the Magisterial duties by Stipendiaries of the Government, in the opinion of the Commission, entails a large burden on the Public Revenues which could safely be dispensed with. The Commission have no reason to believe that the duties devolving on the Magistracy of this Country have hitherto required much legal knowledge ; the appointments which have from time to time taken place under successive Governments having been made from the same class which constitutes the Magistracy of the Country. Unless a knowledge of the Laws, and the ability to administer them rightly, come by intuition, there is no reason to conclude that the duties would not have been as efficiently performed by the Magistracy in general. The Commission consider that the success which has attended the experiment of abolishing the resident Stipendiary Magistracy of three Districts further corroborates the opinion they have formed.

17. The number of offences which have been disposed of by the Magistracy of the Colony amounted in the last half year of 1856 to 9366 ; but far more than the half of these cases were for trivial breaches of Police Regulations, drunkenness, absconding, or misconduct of persons holding indulgences. The apprehensions for felony in four past months did not amount to 400.

18. The Commission, having stated the reasons that have induced them to arrive at the conclusion that an altered system of discharging the Police business might be adopted with benefit to the Country, with great relief to the Revenue, and without impairing the efficiency of the service, would propose for the consideration of the Government the following means of accomplishing their object.

19. They recommend that the Government should divide the Country into such Districts or Counties as may, by their area, their population, and geographical position, be calculated conveniently to carry out the objects for which they are proposed ; that a Local Body of Representatives be constituted in each District, having the powers usually conferred on Members of Municipalities, to whom shall be confided the appointment, control, and management of the Police of the District, with such other functions as the Government may see fit to entrust to them, and to whom shall be given powers to assess rates to enable them to defray the necessary expenses incurred in the discharge of the duties remitted to them.

20. The Commission are of opinion that it will be necessary that some Officer be appointed who shall be enabled to confer with the Magistracy of each District with reference to such Police arrangements as affect the general interests of the Country. It will also be necessary that an efficient Police Clerk be appointed to each Police District to conduct the routine business incidental to the office, to collect fees and fines, and issue such Licences as may be issued from the office. It is requisite that the Police Clerks should have had sufficient experience in the duties of Bench Clerks ; and, when the necessity for fresh appointments may occur, the Commission think that it would be desirable to select such persons as are qualified by a Legal education to assist the Magistracy in all cases where questions of Law arise before them.

21. The Commission would recommend the appointment, in each Police District, of a Chief Constable, who should be selected for his energy and activity, and whose attention should be especially directed to the detection and repression of Crime in his District ; who should have charge of such number of Field Constables as may be provided for such District ; and who, under the direction of the Magistracy, should be in constant communication with such Officer as the Government may appoint to carry out those Police arrangements which affect the general interests of the Colony. It will be necessary, in order that he should have frequent access to all parts of the District under his charge, that he should be furnished with an adequate allowance to provide forage for his horse.

22. As these two Officers, the Clerk of the Bench and the Chief Constable, will have some duties in relation to the general Government, and will carry on such communication as may be directed with the Officer of the Government, the Commission propose that the General Government should provide one-half of the salary and allowances of these Officers in each Police District.

23. If the propositions which the Commission have submitted meet with approval, the Commission would recommend that the control and management of the Police Force in the Municipalities of Hobart Town and Launceston be vested in the respective Municipal Bodies at an early period; all sources of Revenue usually pertaining to Corporate Bodies, and now in receipt by the General Government, being made payable to the Municipal Councils. The funds at the disposal of these two Bodies are derived from a comparatively concentrated population, on whom the necessary taxation would fall individually much lighter; while it would, in the opinion of the Commission, originate a liberal and enlightened public feeling, that would conduce to the happiness and welfare of the Community. The Commission do not anticipate that any opinions expressed by them will be necessary to induce the Government at once to make arrangements for effecting this alteration, provided the Government are satisfied that it will conduce to the efficiency of the service,—a necessity more urgent than any reduction of the expenditure. They feel it, however, desirable to draw attention to the opinions expressed by the Mayor of the Corporation of Hobart Town, who declared the willingness of that Body to undertake the performance of the Magisterial duties, and the control and management of the Police,—provided that authority were given to them commensurate with their more responsible position, and that the more strictly Corporate Revenues were handed over to them.

24. The Commission are aware that such changes will require Legislative sanction, and that they involve many intricate considerations. They would recommend that the course which the Government has already adopted be extended as far as practicable, making the Police Magistrate a Visiting instead of a Resident Officer. Until alterations are made diminishing the amount of business to be transacted in the Office at Hobart Town, they do not think that any reduction in its staff could take place; but they would bring under the notice of the Government some alterations which they are of opinion could be immediately adopted. The evidence they received acquainted them that the Police Magistrate signed the Licence Books in blank, and that no means were taken to verify the number of Licences issued. The Commission propose that all Licences shall be issued on approved Forms, having a counterpart attached; that a certain definite number be delivered to the Officer issuing the Licences; and that he be required to account for such number as he may receive, and to report upon any difference which occurs between the number given into his charge and that issued, in the same manner as that in which Reports are made of the Postage Stamps in charge of the Officer at the Main Office. They also recommend that receipts be given, on approved forms with counterpart attached, for all payments at the Police Office, either Fees or Fines; and that the Keeper of the House of Correction shall certify daily to the number of prisoners he receives under committal in default of payment of Fines, the certificates so received being transmitted to the Auditor by the Police Magistrate with his accounts. They recommend that a Return be made to the Auditor of all transfers that occur in the Police Force, which will enable the Salary Abstracts to be correctly examined and verified in his Department, and will render unnecessary the continued performance of that duty by the second Clerk in the Police Office.

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#### CAVEAT BOARD.

1. THE Commission have examined the mode of transacting the business of the Caveat Board. The arrangements in use appear most satisfactorily to fulfil the purposes desired, and the Commission are not prepared to recommend any alteration. The mode of administering the Department is most economical; and they are of opinion that no reduction could be effected which would not impair its efficiency.

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#### SURVEY DEPARTMENT.

1. As this Department is especially constituted to provide for the survey and management of Crown Lands, the Commission deem it advisable to direct their attention to the mode of carrying out these objects, and the relations existent between the Surveyors and the Department.

2. The evidence before them shows that the Contract system at present in operation is better calculated than the appointment of Government Surveyors to secure economy in the survey of Crown Lands, and is, no doubt, equally accurate and efficient. They are disposed to recommend the adoption of that system, with such modifications as appear to them necessary to

secure efficient inspection to test its accuracy, and provide for the fair and impartial remuneration of those professional gentleman who undertake the Field operations of the Department.

3. The attention of the Commissioners has been drawn to the division of the Country into Districts, and the appointment of Surveyors to them, to whom should be entrusted the various surveys that would be required.

4. When such a division of the Country may have taken place, this arrangement is one which the Commission would recommend to the consideration of the Government, as it presents a very favourable opportunity of affording information respecting the Crown Lands to the residents in the immediate localities; and all preliminary arrangements for the leasing of such lands should be effected through this Officer.

5. But, in order to provide for the immediate necessities of the Government in the survey of the Crown Lands, it is desirable that the system of Contract should be introduced, tenders for the survey of portions of country being invited, and competed for by the several Surveyors who have satisfied the head of the Department of their efficiency; and the Surveyor whose tender is accepted should be the District Surveyor, whose duty it would be to provide an office in a central or convenient place, and to give information, and furnish tracings, to the residents in the District. The District Surveyor should not, in the opinion of the Commission, receive any fixed salary or personal allowance; but he should be entitled to the fees, according to a scale to be established by the Government, for all tracings supplied by him.

6. The Commission most strongly recommend that the rate of payment should no longer be calculated by the area included within the Survey, but by the chain or linear mile; the mode most strongly recommended by the professional men who have given evidence to the Commission, and one which has given satisfaction in America and South Australia as the most equitable method of remunerating Surveyors.

7. To carry out this proposed plan of Contract Surveying, a regular system of inspection by a superior Officer must be brought into force, in order that the accurate performance of the duty by the respective Surveyors may be secured, and their surveys checked if necessary; and the Commission are, therefore, of opinion that it is essential that the Officer at the head of the Department should be a professional man, whose duty it would be to superintend all Field operations, to exercise a strict surveillance over every Contract Surveyor, to advise the Government on all matters connected with his Department, and to make periodical reports to the Government.

8. In order to enable the Head of the Department to perform the Field duties allotted to him, the conduct of the correspondence, the examination and signing of Certificates of Location and Grant Deeds, the receipt of all Office Fees, and the general management of Office details, should be confided to a competent person with the designation of Secretary and Chief Clerk. The notices to Lessees of Crown Lands sent from the Survey Office must be signed by the Secretary, who will be held responsible for their accuracy; and they will be presented at the Treasury at the time of payment, and transmitted thence to the Auditor as vouchers. He will receive from the Treasurer, monthly, a return of payments made under this head, which will enable him to ascertain the names of those Lessees who have failed to pay their rent. This arrangement will simplify the relations between the Survey Office and the Treasury, and render unnecessary the frequent references, which have hitherto occupied much time.

9. The duties of this Department would be considerably diminished if the rents of Crown Lands were computed so as to fall due at some one period of the year; and the Commission would bring under the consideration of the Government the propriety of fixing the 1st of August, as the largest amount of payments—viz. those under the Regulations of 1851—now fall due on that day. This arrangement would conduce to the general convenience of the public.

10. The Commission also desire to bring under the notice of the Government the inconvenient arrangement of the building at present occupied as the Survey Office. They believe that a great saving of time in Office-work could be effected by the provision of two large rooms,—one to be appropriated to the use of the Secretary and Clerks, and the other to the Senior Draftsman and his Assistants. Seven fires and the services of one Messenger could be dispensed with; and the juniors would be under the immediate supervision of their superior Officers.

11. If these arrangements meet the approval of the Government, the Commission are of opinion that two Clerks, in addition to the Secretary, could perform the duties of the Office.

12. If arrangements are made which will admit of information and tracings being obtained in the Country Districts, a large proportion of the staff in the Drafting-room could be dispensed with; but the Commission, not having any professional information, are unable to give an opinion as to the necessity of the staff as at present engaged, but they would, with a view to reduction, recommend the subject to the Head of the Department for his special attention immediately on his appointment.

13. From the evidence on this subject, it is evident that much of the work performed in the Drafting Room is not for the service of the Government, but to comply with the applications of private individuals; and the Commission recommend that a proportionate charge be made for all tracings on a scale to be fixed by the Government. This, if moderate in amount, would not preclude necessary applications, but would tend to check trivial and repeated requests for tracings.

#### JUDICIAL DEPARTMENT.

1. In the enquiry which the Commission have instituted into the nature and amount of the work transacted in the Judicial Department of the Public Service, they have availed themselves of the evidence of the principal Legal Practitioners on the Southern side, from whom they have derived information on professional details with which the Commission were unacquainted, and on which they would have been unable to form an opinion.

2. The Commission propose to consider the Department, first, in its relation to the Criminal and Civil administration of Justice and Law; then to the duties attached to the Law Officers of the Colony; and, subsequently, to the Administrative Officers of the Court, Registrar of the Court, Caveat Board, &c.

3. The opinion of the Members of the Bar, and of the Practitioners who gave evidence before the Commission, was unanimous in one essential point,—that the amount of business transacted in the Law Courts was not sufficient fully to occupy the attention of the present staff; the amount being so small that one Judge could easily perform all the duties. But the opinion was also universal, that any alteration which would diminish the number of the Judges in the Supreme Court would, in other respects, occasion evils which were described as insurmountable.

4. The Commission have also availed themselves of information as to the amount of business transacted in the Department for each of the preceding ten years, obtained from Statistical Returns furnished by the different branches of the Department: and they are enabled to report that the Criminal business transacted in the Supreme Court has been gradually decreasing during the last ten years, and that the number tried in the Supreme Court during 1856 amounted to little more than one-half of the average number tried during the nine years preceding,—a diminution, to a considerable extent, at the same time occurring in the number of cases tried at the Quarter Sessions on the Southern side of the Island; while the continuous decrease in the number of Executions which take place within the year warrants the opinion which the Commission have arrived at,—that crime is decreasing annually, both in relation to the magnitude of the offences and the number of cases.

5. The majority (amounting to three-fourths) of the Prisoners tried at the Quarter Sessions on the Southern side of the Island are tried in Hobart Town,—comparatively very few cases occurring at the Quarter Sessions held at New Norfolk, Richmond, or Oatlands; and these have decreased considerably since the operation of the Petty Larceny Act, which relieves that Court of a large number of cases of a comparatively trivial character.

6. The amount of business requiring the presence of two Judges is stated to be inconsiderable, and some of it so unimportant in its character that it could satisfactorily be remitted to one Judge sitting in Chambers. The Decrees in Equity pronounced by the Judges have amounted to only six within ten years; and only thirty-six applications have been made for a new trial during the same period, fifteen of which were granted; while the business to be transacted by the Judges in Chambers does not appear to occupy a large portion of their time. The number of causes tried by the Supreme Court has rather increased of late years; but the maximum number (50) does not, in the opinion of the Commission, sufficiently occupy the time of the Judges to preclude the performance of any increased duties that may devolve on them.

7. The evidence which the Commission have received is unanimous in advocating a division of the duties of the Master of the Supreme Court,—the judicial portion devolving on the Judges, and the ministerial on some Officer of the Court appointed by their Honors. It appears in the evidence before the Commission that this course was formerly adopted in the Colony, the Registrar of the Supreme Court performing the duty of taxing costs; and the Commission have evidence that duties of an analogous nature to the judicial functions exercised by the Master devolve on the Vice-Chancellors in England.

8. The Court of Requests appears to hold the place of a Court for the recovery of Small Debts. The fees and other expenses incident to the trial of cases of this character form a very heavy charge on the suitors of the Court. A large number of the actions commenced do not proceed to trial, and very many cases are not defended. Three-fifths of the cases brought before this Court are tried in Hobart Town, more than 75 per cent. of which are below £10. The Commission think it very desirable that a more economical and summary mode of proceeding

should be instituted for these cases, which they believe might be satisfactorily attained by remitting the adjudication of cases below £10 to Justices at Petty Sessions.

9. The Commission are of opinion that the unanimity with which all members of the Legal profession examined by them deprecated any alteration in the Department which would decrease the number of the Judges of the Supreme Court sufficiently indicates the impolicy of any such change. At the same time, after a careful revision of the evidence before them, and the returns of the amount of business usually transacted in this Department, they have arrived at the conclusion that the duties discharged are not sufficient to warrant the employment of the number of officials in the service, or the expense entailed on the country. They desire to bring under the notice of the Government the long interval that occurs at one period of the year between successive meetings of the Court for the delivery of the Gaols,—the long vacation,—a period of nearly six months intervening, and the consequent lengthened period during which a prisoner may be detained previous to trial; an arrangement which might be productive of considerable injustice to the prisoner, and which entails an unnecessary expense on the Government.

10. The Commission recommend the following alterations in this Department, which, if they meet with the approval of the Government, will enable a considerable reduction to be made without impairing the efficiency of the service.

11. They recommend that the Criminal jurisdiction of the Courts of Quarter Sessions should be abolished, and that all prisoners committed for trial shall be tried by the Judges of the Supreme Court. They propose that Gaol deliveries shall be held at such places as the Government may direct,—that the Judges shall go on Circuit four times within the year,—and that no interval beyond three months should occur between the holding of two consecutive Circuits; that a Court should be instituted for the recovery of Small Debts from £10 to £100 under the same procedure as the County Courts established in England; that these Courts shall be held quarterly at the same localities as the Circuit Court, and that they shall be presided over by the same Judge as County Court Judge. They recommend that all cases under £10 should be decided by two Justices at Petty Sessions,—power being afforded to Plaintiff or Defendant to remove any such case to the higher Court, under the stipulations which have been in force with relation to cases under £30 being removed to the Supreme Court.

12. These alterations which the Commission propose are in unison with the opinions of some members of the Legal profession whose evidence has enabled them to report on this subject, and would carry out the same principle which the Commission were informed that the Government proposed to adopt on the Southern side of the Island. The objections urged to its extension to the Northern side of the Island were,—

1st. That the people of Launceston would not be satisfied without a Local Court for the recovery of small debts; and, there being a resident Judge of that Court necessary, no increase of expense is entailed by giving him increased jurisdiction.

2nd. That a very great saving would result from the more frequent holding of Criminal Sittings, by diminishing the charge of keeping the prisoners in Gaol for an unnecessarily lengthened period, and also saving the Judges' travelling expenses.

3rd. That it would not be possible to hold Courts in Launceston so frequently as it is necessary that the Court for the recovery of small debts should be held.

13. The high legal authority from whom these objections emanated, with the practical knowledge which his experience must have afforded him, require that the Commission should state the reasons which have induced them to arrive at an opposite conclusion :—

1st. By reference to the Returns it will be seen that at least three-fourths of the cases under which action is taken by the Court of Requests are under £10, and therefore, in a large majority of the cases, a Local Court for the recovery of small debts will be created; viz. the Justices at Petty Sessions; and the remaining cases are not sufficiently numerous to justify the establishment of a special Court for their consideration.

2nd. The more frequent holding of Criminal Sittings would not, in the opinion of the Commission, result in so large a saving as appears to be contemplated. By evidence obtained in the Sheriff's Department it appears that thirty-six jurors are in all cases summoned, taken from residents within an area of thirty miles. Although this duty is one that is now rendered gratuitously to the public, and no provision except that for the Jurors' travelling expenses has to be made against it as an item of Judicial expenditure, yet the loss of time in the majority of cases is a loss to the labour of the country, and is therefore entitled to be considered an element in the consideration of the question; and the retention of the Officers of the Court as at present established would, it is supposed, necessitate the continuance of the same salaries, involving an expenditure of £680 per annum.

14. The advantages which, in the opinion of the Commission, would result from the adoption of their recommendations, and which have led them to propose the alterations for the consideration of the Government, are,—



1st. That the administration of the Law, both Civil and Criminal, would be performed by the Judges; would be uniform throughout the Colony; and could be extended, without altering the principle, whenever the necessities of the Colony require it, by the appointment of a third Judge.

2nd. That Circuit Courts could be established without difficulty,—the present means of communication rendering all parts of the country easily accessible in which such Courts are required.

3rd. That a saving would be effected in the expenditure at present incurred to defray the travelling expenses of witnesses and jurors.

4th. That no lengthened interval would occur between the holding of successive Courts; and that they would be held at stated periods.

5th. That the demand on the time of the juror would not be so frequently repeated, and that the Court would in all probability be held in greater proximity to his place of residence; while the average detention to which a prisoner would be subjected previous to trial would not exceed six weeks, which, under the present Law with reference to Bail, does not constitute a hardship to the prisoner, is not an unnecessarily lengthened imprisonment, and would not entail a heavy expenditure on the Colony.

15. The advantages that would accrue from the establishment of Courts analogous to County Courts in England are forcibly detailed in the evidence given before the Commission, as is also the necessity for imposing the performance of their functions on the officials of the Supreme Court, which, without this addition to its duties, would be a very costly institution, as it would not transact the major portion of the Legal business of the country.

16. The Commission were induced to propose the remission of all cases under £10 to the decision of Justices at Petty Sessions by the necessity which they saw for instituting a Court affording an economical method of recovering such small debts, while it would provide for a prompt decision on the cases brought before it. The same Bench are empowered to adjudicate on cases under the Masters and Servants' and others Acts involving larger amounts; and, under the Petty Larceny Act, can inflict a sentence of severe and lengthened imprisonment.

17. Before deciding on submitting the proposed alterations to the Government, the Commission endeavoured to ascertain the amount of work which would probably be transacted by Courts thus constituted, and the staff that would be required to perform the duties. It is believed that the number of Criminal cases which now occur within the year averages 250; and, taking into consideration the decrease which has already occurred, the Commission are not of opinion that any addition will be made to this number. By reference to the Statistics of the Colony it will be seen that, in the year 1848, 231 cases were tried in the Supreme Court, the crimes being chiefly of an aggravated character. The number of Civil cases that will proceed to trial in the Supreme Court, taking previous years as a guide, will probably average 50, while there will be from 200 to 300 under the facilities afforded by the institution of County Courts; and probably from 600 to 800 cases will come under the jurisdiction of Magistrates at Petty Sessions.

18. The Commission propose that all the judicial functions of these Courts shall be performed by the Judges, with such subordinate officials as are necessary adjuncts of the Court.

19. The Clerk attached to the Court will certify at the close of each Session to the amounts which he shall have paid as witnesses' and jurors' expenses, and will transmit to the Auditor, as soon afterwards as possible, the particulars of the several certificates.

20. The Commission recommend that the office of Master of the Supreme Court be abolished; that the Judges, for the future, perform all the judicial duties; and that the ministerial duties be discharged by the Registrar of the Supreme Court, without any addition being made to his salary.

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#### LEGAL DEPARTMENT.

1. THE duties which are assigned to the Attorney and Solicitor General comprise the prosecution of all crimes committed in the Country, the drafting of all Public Bills, and advising the Government on all legal questions that may arise.

2. The civil duties attached to the office of Crown Solicitor and Clerk of the Peace are the conduct of all actions and suits on the part of the Government,—defending Magistrates and other Public Officers,—advising Magistrates on points of law,—submitting cases for the opinion of the Attorney and Solicitor General,—preparing all legal documents which the Government may

require (including Electoral Writs),—and performing all the duties of Solicitor to the Commissariat, Military, and Convict Department, and the Ordnance.

3. The criminal duties are, preparing and issuing subpoenas,—preparing affidavits and Bench warrants,—appearing at the Police Office on important cases,—prosecuting Prisoners at Quarter Sessions (lately to a considerable extent),—paying Jurors and Witnesses' expenses at Quarter Sessions; as also many duties assigned to the office of Clerk of the Peace under Acts of Council. There are three Clerks attached to the Officers performing these duties.

4. The opinions of the different witnesses examined by the Commission to ascertain the staff required to perform these duties were very conflicting; but one general opinion prevailed that it was inexpedient that the duties of Grand Jury and Public Prosecutor should be performed by an Officer holding a political appointment.

5. It is impossible to ascertain the precise amount of business transacted in this branch of the service: while, on the one part, the duties relating to the prosecution of criminals must have considerably decreased, the civil duties attached to the offices of Attorney and Solicitor General have increased, both with reference to the number of Government Bills to be drafted for Parliament, and the number of cases submitted for their opinion.

6. It appears to the Commission that a large proportion of the duties assigned to the Crown Solicitor could with propriety be assigned to other Officers; and the duties of Solicitor to the Commissariat, Military, and Convict Departments, and the Ordnance, ought, in the opinion of the Commission, to be provided for from the funds at the disposal of those Departments. The alterations proposed for the trial of criminals on the Southern side of the Island will diminish the duties devolving on the Clerk of the Peace.

7. The Commission propose that the business transacted in this Department should, in future, be discharged by two Law Officers, one of whom should be the responsible Law Adviser of the Government, holding his office on political tenure, discharging all the duties pertaining to the preparation and drafting of Government Bills, and such Bills of a public nature as the House may direct the preparation of, advising the Government on all points requiring a legal opinion, and performing all the duties that naturally appertain to the Law Minister of the Government. The duties of Grand Jury, and the subsequent prosecution of all Prisoners committed for trial, should be performed by an Officer who may be styled the Public Prosecutor; and the Commission are of opinion that the conduct of actions by or against the Government, the defending Magistrates and other Government Officers, advising Magistrates in the exercise of their public duties, the collection of evidence for the purpose of prosecuting, and all other duties which are necessarily incidental to the duty of prosecution, should also be discharged by that Officer, or by subordinates under his immediate supervision. The preparation of such legal documents as have heretofore been required of the Crown Solicitor, and the discharge of the various detail duties which have been nominally performed by the Clerk of the Peace, should be assigned to an Officer who should hold the combined offices of Clerk of the Peace and Chief Clerk to the Public Prosecutor.

8. The Commission are of opinion that this division of the duties required by the Government in this branch of the Department will enable them to be satisfactorily performed by two Law Officers, without imposing on either of them a greater amount of work than is performed by Officers of the Government in other Departments of the service. They have been induced to form this opinion principally by a consideration of the amount of business which has hitherto been transacted in this branch. It is believed that the present Chief Justice of this Colony, when holding the office of Attorney-General, was the Grand Jury of the Colony, prosecuted at the Supreme Court when the cases were much more numerous than at present, and at the same time directed his attention to the preparation of Bills for the consideration of the Legislature. The present Attorney-General has also performed the same duties; and, although it is stated in the evidence that his appointment was not, at that time, a political one, there can be no doubt that many Bills of an important nature were prepared for the Legislature, and that duties of a political character were discharged by that Officer. The combined offices of Solicitor-General and Crown Solicitor and Clerk of the Peace were held by one Officer for the space of twelve months; and it has been stated in evidence that no interruption or delay occurred in the discharge of the duties of those offices. The business of the Department was, on another occasion, differently apportioned; but the duties were still discharged by two Officers, the junior Officer (the Crown Solicitor) prosecuting at the Quarter Sessions.

9. In recommending that the duty of Grand Jury should be combined with that of the Public Prosecutor, the Commission are influenced by the unanimous opinion expressed by the Members of the Profession, that it was desirable that the office should still be vested in an Officer possessing professional information, and that there was nothing incompatible in the combination of the two offices. It was then obvious that, as the duty as Grand Jury would provide considerable information to the Public Prosecutor, the consolidation of the two functions in the one office would effect an absolute saving of labour.

10. The Commission are of opinion that a Clerk of the Second Class should be appointed to

perform all the detail duties in the office of the Attorney-General under his direction and supervision; and that as greater responsibility will devolve on the Clerk to the Public Prosecutor, in consequence of his being required to discharge the duties of Clerk of the Peace, he should be of the First Class, and should have the assistance of a Junior or Copying Clerk.

## DEPARTMENT OF THE REGISTRAR OF THE SUPREME COURT, REGISTRAR OF DEEDS, AND REGISTRAR OF BIRTHS, DEATHS, AND MARRIAGES.

1. The duties pertaining to this Department in relation to the Supreme Court are generally of a routine character; it is, in fact, a Record Office of the business of the Court. The Head of the Department personally verifies the accuracy of the documents enrolled in his Office; examines the Account of Fees received in the different branches of the Department, and transmits them to the Treasury, furnishing to the Auditor an account in detail (to the correctness of which he makes a declaration); and exercises a general supervision over the Department. The routine duties, and the copying required in the Office, are discharged by One Principal and Two Junior Clerks.

2. The Chief Clerk is engaged in keeping Books which are referred to by the Profession, recording successive stages of suits in the Court. He receives and keeps the account of all Fees (except those collected by the Clerk of the Court under 18th Vict., No. 11, Sec. 37) which have to be paid during the progress of Civil Suits. He also pays the Witnesses' and Jurors' expenses,—a duty which is stated to occupy a considerable portion of his time. He keeps the Account of this expenditure, and prepares for transmission to the Auditor the receipts and vouchers. A considerable part of the Chief Clerk's time is also stated to be occupied by public references.

3. The Two Junior Clerks are principally engaged in copying documents which have to be retained in duplicate for public reference, and in making Office Copies of such as may be required by the Profession, for which a fee of 1s. 6d. per folio is paid; and if there is any pressure of business in the Department, an increased fee, styled an "expedition-fee," is required, which is not inserted in the Table of Fees published by the Court. The Junior Clerks state that a considerable portion of their time is also occupied by public references.

4. The business transacted in the Department of the Registrar of Deeds is discharged in the Fire-proof Room in which the Deeds are deposited. The duties required of the Officers in this Department consist merely in the reception and endorsing of the Deeds deposited in the Room, with the preparation of an Index, in order that references can be made with facility and without occupying unnecessarily the time of the person searching. The Principal Clerk states that he considers himself responsible for the custody of the documents deposited in the Office, and that it is his duty to prevent their removal or mutilation.

5. The additional duties consequent on the transfer to this Department of the Registry of Births, Deaths, and Marriages are also discharged in this room: both the detail duties for the Registration of Hobart Town and its environs, and the duties of correspondence with the Deputy Registrars throughout the Colony, and the arrangement and compilation of the general returns. These duties are not onerous, and do not take up much of the time of the Junior Clerk who undertakes this branch.

6. The duties of these branches are of three characters, viz.,—those of record; the duty of supplying office copies on application; and that of replying to public references, and maintaining the charge over the documents in the Office. The duties are discharged in separate rooms, and in each service all these divisions of duty take place.

7. The Commission are of opinion that as all the functions of this Department pertain to Registration, and are exercised under the supervision of one head, the distinct separation which occurs in the duties of the several Clerks should no longer continue, but that the staff of the office should be appointed to discharge the duties of the Department generally.

8. The Commission have examined the various books kept in the Department, and have obtained returns of the amount of business transacted in given periods; and it is evident to them that the amount of work done is not at all proportioned to the staff engaged. They are confirmed in this opinion by the evidence of the Profession (as taken before the Commission), whose avocations constantly bring under their notice the business of the Department.

9. The Commission are not prepared to recommend that all the fees received by the authority of the Supreme Court should be abolished, inasmuch as they are paid into the Government and form an item in the Revenue of the country, and the Commission do not consider

that question to have been remitted to them; but they, however, deem it essential for the proper conduct of the Department, that Regulations should be framed enabling documents in the custody of the Department to be copied by persons making application for that purpose, or by approved persons on their behalf under the inspection of an Officer of the Department. Under the present system, office copies are prepared in the Department, and, as before stated, when a pressure of business occurs an expedition-fee is required; and, as the charge made for these office copies is already excessive, an additional burden is thrown on those who require documents of this character.

10. The Commission are of opinion that the payment of Witnesses and Jurors does not properly devolve on the Clerk who at present discharges the duty. They recommend that these payments should be made by the Clerk of the Court at each locality immediately after the termination of the sittings.

11. The Committee think that it is necessary, to ensure the safe custody of the important documents deposited in the Fire-proof Room, that a Regulation should be issued requiring the constant attendance of two of the Clerks in the room.

12. The Commission are of opinion that, by an altered arrangement of duties, the Clerk of the Court and three Clerks would be enabled to transact all the business of the Department hitherto attached to the Supreme Court, the Registry of Deeds, and the Registry of Births, Deaths, and Marriages. The Clerk who has hitherto had charge of the books relating to suits in Court should, in addition, perform the duties of making the record copy of all Wills and Letters of Administration, as also of the particulars of Judgments registered in the Court; he should file all Equity Orders and the Returns of the various Public Companies; and he should compare and examine all Office Copies with the originals, affixing his certificate thereto. The number of Wills amounted only to 39, of Letters of Administration to only 14, and of Judgments (of which particulars only are recorded) to 472, within the year 1856.

13. The Second Clerk should be responsible for the custody of the documents deposited; should assist all applicants who require to search, or to make copies of, documents in his charge; should receive all the Fees of the Department, endorse and index all Deeds and Memorials deposited, and issue all Licences.

14. The Junior Clerk should perform all the subordinate duties attached to the Registration of Births, Deaths, and Marriages, should compare and examine all copies of Documents in the Office with the originals, and enrol the Grant Deeds.

15. The Commission recommend that all these Officers should perform the duties assigned to them in the Fire-proof Room, or in its immediate vicinity; and that arrangements should be made for the presence of Two Clerks in that room during the occasional absence of any one of them.

16. The Commission strongly recommend that Receipts should be given for all Fees paid to this Department on an approved form, and that the particulars of each payment should be inserted on the counterpart. The Receipts should be numbered and initialled by the Head of the Department, and the Receipt Book be at all times accessible to the Auditor.

17. The Commission, in the course of their enquiries into other Departments, having ascertained that no accommodation has been assigned in the Fire-proof Building for the reception of documents of considerable importance, such as the Records of the Colonial Secretary's Office and the Caveat Board, the Auditors' Warrants, and the Papers of the Parliament, think it desirable that the attention of the Government should be directed to the subject, as they believe that arrangements could, without difficulty, be made for their reception.

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#### SHERIFF'S DEPARTMENT.

1. THE Commission are of opinion that, in the consideration of the amount of business transacted in this Department, it will be convenient to consider separately the duties performed in connection with the Courts, and those incidental to the charge of the Gaols of the Colony.

2. The Under-Sheriff undertakes the discharge of all business connected with the Supreme Court and Quarter Sessions as the Deputy of the Sheriff,—revises the Jurors' List,—and issues the Summonses. He also issues all Warrants of Execution and Writs, and has the general management of all business of this character. Two Clerks assist in the performance of the detail duties of the Office; and the service of summonses on Jurors is assigned to them.

3. There are three Gaols on the Southern side of the Island under the charge of the Sheriff. The Gaol at Hobart Town is amalgamated with the Penitentiary,—an arrangement which, in the

opinion of the Commission, is rendered at the same time efficient and economical, by the provision of a building especially suitable for the detention of prisoners, and by the exercise of adequate supervision by a smaller staff. The staff which is employed at the Gaol at Oatlands consists of a Gaoler, Matron, Turnkey, and seven Javelin-men. The number of Prisoners who are under detention in this Gaol does not appear to the Commission to necessitate the employment of the staff assigned to the Establishment; the number confined for trial in it during the long vacation not having exceeded 17.

4. The Commission were informed by the Sheriff that he had effected an amalgamation at Richmond,—the Gaol being used as a Watch-house, and the duties of Watch-house Keeper being performed by the Officers of the Gaol; and that he contemplated carrying out similar reductions at New Norfolk, and in some of the Northern Districts.

5. The Commission ascertained that the Sheriff would be enabled to establish a sufficient examination over the Ration and Store Accounts of the Gaols to justify their presentation at the Treasury for payment. This will obviate any difficulty which might have arisen in the recognition by the Government of the recommendation of the Commission with reference to the Treasury and Accountant of Stores' Department.

6. The Commission are not in a position to recommend, from actual personal inspection, any alteration in this branch of the service, though they cannot but reiterate the opinion already expressed, that the staff of Oatlands Gaol is quite disproportioned to the small number of Prisoners usually confined in that Establishment. The Head of the Department has effected a reduction in the Office staff; and the arrangement by which an amalgamation of the Watch-house and Gaol service is accomplished will materially relieve the Police expenditure, without impairing the efficiency of the service.

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#### IMMIGRATION DEPARTMENT.

1. THE Office duties of this Department on the Southern side of the Island are discharged by an Immigration Agent and Two Clerks. The Immigration Agent conducts the correspondence, and prepares all Reports and documents affording information to the Government respecting Immigration. The duties discharged by the Agent at Launceston are under his direction and examination; and he exercises supervision over all the detail business transacted in the Department.

2. A large addition to the labour of the Department has been entailed on it by the various schemes of Immigration which have been attempted, and the consequent winding up of those abandoned, and by the preparation of the Regulations necessary to carry out the different systems.

3. The amount of business transacted in this Department is dependent on the applications for Bounty Tickets, and the duties attending the reception of Immigrants. The appointment of Agents in the United Kingdom to select Emigrants considerably increases the correspondence of the Department; while the provision which must be made for the reception and maintenance of the persons so selected necessitates the keeping up a Depôt, and the appointment of Officers to preserve order and regularity during its occasional occupation.

4. The cessation which has occurred in the issue of Bounty Tickets must have considerably diminished this amount of business; and the constitution of a Board of Immigration will, in the opinion of the Commission, enable the Department to be conducted at the present time with a smaller staff. The necessity no longer exists for the retention of an Officer as Head of the Department. The Colonial Secretary, as Chairman of the Board, could perform all the duties devolving on the Immigration Agent in his capacity as Head of a Department; and the correspondence and detail duties hitherto discharged by the latter Officer could be assigned to a Clerk in the Colonial Secretary's Office.

5. It is obvious, however, that the Commission are not enabled to form a precise opinion as to the Staff required for the future conduct of the Department, as it will entirely depend on the course which the Government will pursue with reference to Immigration, and the Regulations under which it may be renewed.