Select Committees

Sess. 1870

TASMANIAN PARLIAMENTARY ARCHIVES

Arranged and registered by the Tasmanian State Archives, in accordance with an agreement with the Officers of Parliament, and returned to Parliament House, November 1956.

House of Assembly:
Evidence, minutes, reports, proofs and associated papers of Select Committees of the House.

1870

Classification No: H A 15/16

IV.—SELECT COMMITTEES appointed during the Session of **1870.**

Purpose for which appointed.	*Names of Members.*	*Date of Appointment.*	*Report.*
1. To draw up an *Address* to the Governor in reply to His Excellency's Speech.	Mr. Butler, Mr. J. R. Scott, Mr. Cook, Mr. Sharland, and Mr. Keach.	23 August, 1870.	24 August.
2. To regulate the *Library and Refreshment* Rooms.	Mr. J. R. Scott, Mr. Giblin, and Mr. Chapman.	24 August.	No Meeting.
3. A *Library* Committee.	Mr. Speaker, Mr. Swan, Mr. J. R. Scott, Mr. Butler, Mr. Sharland, Mr. Giblin, and Mr. Chapman.	24 August.	No Meeting.
4. A *Printing* Committee.	Mr. Sharland, Mr. Lotto, Mr. Barrett, Mr. Davies, Mr. Pratt, Mr. Balfe.	24 August.	17 Reports brought up.
5. To enquire into the best mode of auditing *Municipal Accounts.*	Mr. Balfe, Mr. Davies, Mr. Pratt, Mr. Whitehead, Mr. Keach, Mr. Swan, and Mr. Lewis.	1 September.	29 September. Paper No. 107.
6. To enquire into the Revenue and Expenditure of the *Submarine Cable.*	Mr. Colonial Treasurer, Mr. Lewis, Mr. John Scott, Mr. John Meredith, Mr. Adye Douglas.	8 September.	11 October. Paper No. 124.
7. To enquire into the matter between the *Upper Derwent Road Trust* and the *Hamilton District.*	Mr. Jas. Scott, Mr. Balfe, Mr. Butler, Mr. J. R. Scott, Mr. Whitehead. *(By Ballot.)*	22 September.	29 September. Paper No. 116.
8. To consider and report upon Mr. *John Abbott's* Retiring Allowance.	Mr. Balfe, Mr. Cook, Mr. John Lord, Mr. J. R. Scott, and Mr. A. Douglas.	29 September.	11 October. Paper No. 123.

V.

***LIST of* MEMBERS *of the* HOUSE OF ASSEMBLY *returned from the* ELECTORAL DISTRICTS *to the* FOURTH PARLIAMENT OF TASMANIA, *which met on the 23rd August*, 1870.**

(Summoned to meet for Despatch of Business for the 1st Session, 6th November, 1866.)

BRIGHTON (1).	
Number of Electors in 1869, 335.	
The Honorable *Henry Butler* (accepted office).....	*elected* 20 *October*, 1866.
The Honorable HENRY BUTLER	*re-elected* 3 November, 1869.
CAMPBELL TOWN (1).	
Number of Electors in 1869, 254.	
William Lambert Dobson (accepted office)	*elected* 8 *October*, 1866.
The Honorable *William Lambert Dobson* (accepted office)	*re-elected* 29 *November*, 1866.
GEORGE WILLIAM KEACH	*elected* 10 March, 1870.
CLARENCE (1).	
Number of Electors in 1869, 223.	
DAVID LEWIS	*elected* 29 September, 1866.
CUMBERLAND (1).	
Number of Electors in 1869, 347.	
WILLIAM SIBLEY	*elected* 3 October, 1866.
DELORAINE (1).	
Number of Electors in 1869, 437.	
The Honorable *William Archer* (resigned)	*elected* 5 *October*, 1866.
Adolphus Frederick Rooke (resigned)	*elected* 18 *June*, 1868.
HENRY DOUGLAS	*elected* 6 February, 1869.
DEVON (1).	
Number of Electors in 1869, 803.	
JOHN DAVIES	*elected* 26 October, 1866.
FINGAL (1).	
Number of Electors in 1869, 168.	
JOHN SWAN	*elected* 3 October, 1866.
FRANKLIN (1).	
Number of Electors in 1869, 198.	
JOHN DONNELLAN BALFE	*elected* 3 October, 1866.
GEORGE TOWN (1).	
Number of Electors in 1869, 172.	
William Barnes (resigned)	*elected* 29 *September*, 1866.
JAMES SCOTT	*elected* 9 July, 1869.
GLAMORGAN (1).	
Number of Electors in 1869, 136.	
JOHN MEREDITH	*elected* 8 October, 1866.
GLENORCHY (1).	
Number of Electors in 1869, 444.	
The Honorable Sir ROBERT OFFICER, Knight.....	*elected* 3 October, 1866.
HOBART TOWN (5).	
Number of Electors in 1869, 2446.	
William Lodwyck Crowther (resigned)	*elected* 27 *October*, 1866.
The Honorable *Thomas Daniel Chapman* (accepted office)	*elected* 27 *October*, 1866.
The Honorable *Robert Byron Miller* (resigned)	*elected* 27 *October*, 1866.
HUGH SUNDERLAND BARRETT	*elected* 27 October, 1866.
George Salier (resigned)	*elected* 27 *October*, 1866.
JOHN LORD	*elected* 3 December, 1866.
JOSIAH COURTNEY PRATT	*elected* 2 January, 1867.
Charles Stuart Cansdell (resigned).....	*elected* 19 *August*, 1867.
William Robert Giblin (accepted office)	*elected* 13 *March*, 1869.
WILLIAM ROBERT GIBLIN.....	*re-elected* 9 February, 1870.
HENRY COOK	*elected* 22 June, 1869.
KINGBOROUGH (1).	
Number of Electors in 1869, 489.	
The Honorable CHARLES MEREDITH	*elected* 26 October, 1866.
LAUNCESTON (3).	
Number of Electors in 1869, 1514.	
HENRY ELMS LETTE	*elected* 3 October, 1866.
John Crookes (resigned)	*elected* 3 *October*, 1866.
JOHN SCOTT	*elected* 3 October, 1866.
The Honorable THOMAS DANIEL CHAPMAN.....	*elected* 31 December, 1866.

Select Committee

No 7

Appointed 23 August 1870

To draw up an Address in reply to His Excellency's opening Speech.

1865.

HOUSE OF ASSEMBLY,

TASMANIA.

REPORT FROM THE SELECT COMMITTEE

~~ON~~

To draw up an address to be presented the Governor in answer to His Excellency's Speech

WITH MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

~~AND~~

~~EVIDENCE.~~

Ordered by the House of Assembly to be printed,

SELECT COMMITTEE appointed on the 23rd August 1870.
to draw up an Address to be presented to the Governor in Answer to His Excellency's Speech. —

MEMBERS OF THE COMMITTEE.

Mr Butler
" J R Scott
" Cook
" Sharland
" Krach

DAYS OF MEETING.

Tuesday 23rd August 1870
Wednesday 24 " "

~~WITNESSES EXAMINED.~~

~~EXPENSES OF WITNESSES.~~

No 1.

Session 1870

Select Committee No 1.

Appointed. 23 August 1870 to draw up an address to be presented to the Governor in answer to His Excellency's Speech

Members.

Mr. Butler 2
Scott J R 2
Cook
Sharland 2
Krach

Days of Meeting -
23rd August & 24 August 1870.

Committee met at
4.30 p.m. ——

Resolved that Mr. Keach
be Chairman. ——

The following Address
~~be agreed~~ to be printed
Committee to meet at
3 p.m. — Wednesday —

To Her Majesty's dutiful and loyal
subjects, the Members of the House of
Assembly, take this opportunity of renewing
our assurances of loyalty to our most
gracious Sovereign - the Queen and Her
Government, and concur in the opinion
expressed by your Excellency, that the
happiest results may be anticipated from
the recent visit of a squadron of Her
Majesty's Fleet to this Colony.

The Co-operation of the several Australian Colonies, in the reduction of Intercolonial Postage, will still further promote the Mutual Good feeling now existent between them.—

We are fully impressed with the advantages that will accrue to this Colony, by the establishment of Intercolonial Commercial Reciprocity, and are prepared to take into our earnest consideration any Measures calculated to promote such a desirable Result.—

The importance of any question, bearing on the representation of the People in Parliament, will secure to the measures for its amendment, the fullest attention at our hands.

X. 4.

We regret that the policy of Her Majesty's Government has led to the withdrawal of the troops, but feel assured that, in the event of necessity arising, this Colony will look to the Imperial Government the protection it is entitled to claim.—

7

We trust that the introduction of Bills improving the Bankruptcy Laws, will lead to the effectual solution of a question that has hitherto presented so many difficulties.-

6

It is satisfactory to us to learn that proposals for the construction of a Main Line Railway have been received, which may prove advantageous to the Colony, and will take into our earnest Consideration any Bill submitted to us.-

9

We are gratified to receive the assurance that the Revenue of the past year was sufficient to meet the requirements of the Public Service. —

8

~~8~~ 9.

Recognising the necessity of consolidating and amending the present Waste Lands Acts, together with the introduction of such amendments as the progressive development of our Gold Fields and Mineral Lands demands, it will be our desire that the Legislation rendered necessary may promote the success of these important aids to the Industrial resources of the Colony. —

10.

We trust, under Divine Providence, our deliberations may be guided to a happy issue. —

SPEECH

OF

HIS EXCELLENCY THE GOVERNOR

UPON

OPENING PARLIAMENT,

TUESDAY, AUGUST 23, 1870.

Honorable Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly.

In recurring to the advice and assistance of Parliament, I am happy to be able to acquaint you that the Revenue available in the past year was found sufficient for the exigencies of the Public Service.

2. The recent visit to this Colony for the first time of a Squadron of Her Majesty's Fleet, under the command of a Rear-Admiral, was an event from which I anticipate the happiest effects; and I have had much pleasure in reporting to Her Majesty's Government the cordial welcome extended to the Squadron by all classes of the community.

3. Since your last Session, a Conference of Representatives of the Governments of New South Wales, South Australia, Victoria, and Tasmania has been held in Melbourne, at the instance of my Government, for the consideration of several matters of common Australasian concern. Its deliberations resulted in the suggestion of concurrent legislation, by the Parliaments of the several Australasian Colonies, for the establishment of Intercolonial Commercial Reciprocity.

4. A Bill to give effect to this proposal will be submitted to you; and I trust that the unanimous action of the several Colonies will lead—under Imperial sanction—to the free interchange of their respective products and manufactures.

5. Several other important matters formed the subject of consideration by the Conference; and a Bill will be laid before you for the reduction of Intercolonial Postage to a uniform rate, in accordance with a suggestion of the same body. The Report of the Proceedings of the Conference will be laid before you.

6. The policy of the Imperial Government has led to the withdrawal of Her Majesty's Regular Troops hitherto stationed in this Colony. The Despatches and Correspondence on this subject will be laid before you.

7. The Census taken under the provisions of the Act of last Session having supplied the basis of measures for the amendment, in some particulars, of the Representation of the people in Parliament, you will be invited to consider Bills for effecting alterations in *The Constitutional Act*, and *The Electoral Act*.

8. Proposals for the construction of a Main Line Railway to connect Hobart Town with Launceston, upon a modification of the terms already sanctioned by Parliament, have been received from persons willing to contract with the Government for the performance of the work. In the belief that these proposals will prove generally advantageous to the Colony, a Bill to amend the Main Line Railway Act will be submitted for your consideration.

9. Advantage has been taken of recent Imperial legislation for the improvement of the Bankruptcy Laws to prepare a Bill for the more effectual administration of Insolvent Estates; and I trust that the legal ability and practical experience embodied in the Imperial enactment may assist you to frame a measure that will fully meet the requirements of the community on this important subject.

10. The law relating to the control and disposal of the Waste Lands of the Crown has been found to be inconveniently distributed through several Acts of Parliament. A Bill to consolidate and amend the present Waste Lands Acts has been prepared for your consideration, and will be found to embody most of the amendments suggested in the Reports of Select Committees in previous Sessions.

11. Private enterprise continues to be directed to the development of the Mineral resources of the Country; and the progress of this branch of industry has necessitated some amendments in the Gold Fields Regulations Act, and the Laws relating to Mineral Lands. You will be invited to consider Bills to give effect to the changes required in the existing law.

12. Several other measures of importance, including a Bill to consolidate and amend "The Stamp Acts," will be brought under your consideration.

13. I am happy to be able to congratulate you on the arrangements made for the establishment of direct Telegraphic communication with Europe and with India. By this means we may look for an improvement and extension of our Commercial relations with British and Foreign markets.

14. The Estimates of the Public Expenditure for the ensuing year have been prepared with a strict regard to the necessity for economy in every branch of the administration, and will be submitted for your early consideration.

15. I trust that your deliberations, under Divine Providence, may be directed to the adoption of measures for the improvement of the institutions, and the advancement of the general welfare, of the Colony.

I now declare this Session of Parliament opened.

Select Committee

No. 2

Appointed 24 August 1870

To Regulate the Library and
Refreshment Rooms.—

No meeting held

Select Committee

No 3

Appointed 24 August 1870

A Library Committee

No meeting held.

Select Committee

No 4

Appointed 24 August 1870

A Printing Committee

17 Reports brought up

see Journals. –

Select Committee

No 5

Appointed 1 Sept 1870

To enquire into the best mode of auditing Municipal Accounts. —

Report & Evidence

See Paper No 107.

Select Committee

No.

On Municipal Account.

Members.

Mr Balfe
" Davies
" Pratt
" Whitehead
" Keach
" Swan
" Lewis. (m)

Days of Meeting. 9th September 1870.
" 13th " "
" 14th " "
" 15th " "
" 20th " "
" 21st " "
" 22th " "
" 23d " "
" 27th " "
" 28th " "

No 107

1865.

HOUSE OF ASSEMBLY,

TASMANIA.

REPORT FROM THE SELECT COMMITTEE

ON

Municipal Accounts

WITH MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND

EVIDENCE.

Ordered by the House of Assembly to be printed,

29 Sept 1870

SELECT COMMITTEE appointed on the 1st September 1857

to enquire into and report to this House the best method of securing, under the direction of the Governor in Council, the Audit of the Accounts of Municipalities, Road Trusts, and Boards of Works throughout Tasmania, in lieu of the present system of Audit.

Also, upon the advisability of vesting the Road Trusts and Boards of Works in the Municipal Councils, in Districts where such Councils exist.

With power to call for persons and papers.

MEMBERS OF THE COMMITTEE.

Mr. Lewis (Chairman)
" Davies
" Ball
" Whitehead
" Reach
" Swan
" Balfe

DAYS OF MEETING.

September 9th 13. 14. 16, 20, 21, 22, 23, 27, 28th 29th

WITNESSES EXAMINED.

Messrs. John Swan, J. Allison, Robert Clark, Henry Dawson, J. A. O. M
W. H. Walker, James Young, Henry Bilton, J. R. Rae, F. Rubi
A. G. Webster, Thomas Parker, Geo Stokell

EXPENSES OF WITNESSES.

R. Clark	0. 10. 0
J. A. O. McAdell.	2. 7. 0
F. Allison	1. 6. 0
W. H. Walker	8. 0. 0
J. R. Rae.	4. 12. 0
H. Bilton	2. 10. 6
F Rubin	—
H Dawson	—
Jn Young	—

Report

Your Committee have now the honor to report that they have examined the Wardens of Clarence Glenorchy, Oatlands, Spring Bay and Campbell Town. They have also examined Mr Walker the Council Clerk of Fingal, Mr McAdell Auditor of Clarence, Mr James Young Treasurer of Clarence Mr Webster, Mr Parker, Mr George Stokell and Mr Robert Clerk late Warden of Fingal.

Your Committee have had exhibited to them several sets of Books including those of the Corporation of Hobart Town. The evidence goes to show that in all the Municipalities examined there have been either irregularities in the Accounts or defalcations; some of the latter made good and others

occasioning

occasioning loss

The system of keeping Books is on the whole very unsatisfactory as also the system of audit.

Your Committee are unanimously of opinion that the accounts of all Rural Municipalities and Road Trusts should be kept upon a common system instituted by the Government and should be subject to an annual audit by an officer, appointed by the Government who should travel through the County inspecting all books, vouchers &c in possession of Municipal Councils and Road Trusts. The Committee also consider that the Officer should be an accountant practically acquainted with Municipal business

In most of the Districts it appears always impossible to secure competent persons who will perform the duties of Auditor. The professional accountants examined coincide with the other witnesses in recommending one General ~~System~~ form of Book-keeping and one

Competent

competent Auditor.

The Committee do not consider that there should be any compulsory union of Road Trusts with the Municipal Councils

D Lewis

Chairman.

Committee Room
House of Assembly
29th September 1870

5

Cox

Minutes of the Meetings

Friday - 9th September 1870

Present.

Mr Lewis

Swan

Keach.

On the motion of Mr Swan, Mr Lewis took the chair.

It was resolved that the following witnesses be summoned. Mr Swan ~~Jr~~ Campbell Town, F. Allison* ~~Jr~~ Sorell, Isaac Wright* ~~Jr~~ Glenorchy for Tuesday the 13th. R. Clerk Cambridge, J.A.O. Mr Ardell. Kangaroo Point for ~~and James Young~~ Wednesday the 14th. - James Young, Clarence Henry Dawson*, Kangaroo Point, Parker for Thursday 15th and W. H. Walker* ~~for~~ ~~to~~ ~~of~~ Fingal for ~~20th~~ Tuesday 20th —

* To produce the books and accounts of the ~~Committee~~ Municipality

Committee then adjourned until Tuesday 13th September

Tuesday. 13th September 1870.

The Committee met at 11.10 am

Present Mr Lewis Mr Swan. Mr Whitehead Mr Davies Mr Keach -

A letter from Mr Isaac Wright excusing himself from attendance was read and received.

Mr John Swan was called in and examined.

Resolved that Mr Aubin. Spring Bay be summoned to attend with the books and accounts

Committee then adjourned.

6

Wednesday 14th September 1870

The committee met at 11 am

Present Mr Lewis Keach. Whitehead

Ralfe, Swan

Mr J. Allison ~~was called in and examined.~~ and

Mr Robt Clark was called in and examined —

The committee adjourned

Thursday 15th September 1870.

The committee met at 11 am.

Present. Mr Wm Lewis Keach, Swan, Whitehead.

Mr Henry Dawson called in and examined.

Mr J. Allison examined

Mr Henry Dawson's examination continued

Mr J. A. O. McArdell called in and examined.

~~Wednesday~~ Friday 20th September 1870.

Tuesday

The committee met at 11 am

Present Mr Lewis. Swan Keach, Whitehead

The Clerk laid on the Table the Accounts of the Rural Municipality of Blanche as audited by Messrs Lewis & Parkyn.

Mr W. H. Walker called in and examined.

Letter from Mr Aubin explaining his absence was read.

~~The Chairman moved that Mr~~

Resolved that Mr Reuben of Spring Bay be summoned for Tuesday 28th inst.

Resolved that the Chairman do report progress and ask for further time to bring up report

Wednesday 21st September 1870.

The Committee met at 11.15 am
Present
Mr Lewis. Pratt Swan Keach
~~Mr Bro~~ Resolved that the Warden of
Oatlands should be summoned to
Attend with the Books of the Stuny
- ~~Resolved that the Warden of~~
Committee adjd.

Thursday. 22nd Sept 1870
The Committee met at 11
Present. Messrs Lewis Whitehead
Swan Keach. Pratt Davies.

Mr James Young called in and
examined.
Resolved that the Mr Bilton the
Warden of Glenorchy be summoned
to attend on Friday 23rd
Committee adjd.

Friday 23rd Sept 1870
...mmd. met at 11 Present. Mr Lewis Pratt, Whitehead
Swan & Davies.
Mr John Rowland Roe called
in and examined.
Committee adjourned

Tuesday 27th Sept 1870
...mmd. met at 11 Present Mr Lewis Swan Whitehead
Keach.
Mr Francis Aubin called
in and Examined
Committee adjourned

Wednesday 28th September 1870

Committee met at 11
Present Mr Lewis Swan Veach
Davis. ~~Whitehead~~

Mr. G. Webster called in and
examined
Mr Thos Parker called in and
examined.

Comm^e adj^d.

Thursday 29th Septr 1870

Comm^e met at 11
Present Mr Lewis Swan & Whitehead
Veach —

Mr Geo Stokell called in and
examined —

Draft Report read amended and
adopted. —

Committee adjourned.

9 Septembre 1870.

Present.
Mr. Lewis.
" Swan.
" Keach.

On the motion of Mr. Swan seconded by Mr Keach,
Mr. Lewis. took the Chair —

It was Resolved that the following witnesses be ~~examined~~ summoned and examined ~~on Tuesday 13th~~

Mr. Swan
" Isaac Wright * New Wharf } Tuesday 13th
" F. Allison — * Snell ... }
" Rt. Clarke — Cambridge. S Wednesday 14
" McArdell — Kangaroo P. Wednesday 14
" Jas. Young. Clarence Thursday 15
" Henry Dawson * " S Wednesday 14
" Parker. Town Hall. Thursday 15.

* to furnish the books & Accounts of the Municipality,
* " " "
" Walker * Fingal. Tuesday 20th }

Committee then adjourned until Tuesday 13th at 10 am —

Tuesday. 13 Septembre 1870
The Committee met at 11.10 am —
Present, Mr Lewis Chairman, Mr Swan, Mr Whitehead, Mr Davies Mr Keach — Mr Bull

A letter from Mr. Isaac Wright excusing himself from attendance was read.

Allen

Evidence.

Mr. Swan Examined.

Mr Lewis)

Have been connected with R. Mty for some years. have filled office of Warden in 2 Districts Fingal & C. Town. and have performed the duties of Auditor. I consider that with common care on the part of the Councillors and Auditors, nosenous irregularities in the Ap's could remain undetected.

The duties of an Auditor are to see what amount is due to the Mnl. funds from all sources. to ascertain the expde to find that every item of expde has been authorized and that the balance of recpts of any, is to the credit of the Mty in the Bank.

The Auditors can scarcely be held responsible for the non collection of rates that being a matter for the attention of the Council.

~~Mr. Lewis~~. Was Auditor to the Mty of Fingal.

I found ~~a deficiency~~ a considerable amount of the rates uncollected.

I reported this privately to the Council and took advice as to whether it was part of the duty of an Auditor to take official notice of this — the Accounts when submitted to me being signed by a Warden and

two Councillors-

On the second year of Office as Auditor I found that rates were still uncollected - and was at this time elected a Councillor

The C. Clerk had no receipt book but took the printed Valuation Roll and ticked off in the margin the rates received

I became Warden of Fingal and instructed the C.C. to summon every rate payer who did not appear from this Valuation Roll to have paid. Summoned

Among the first of those ~~summoned~~ were them one produced receipts -

This ~~last~~ showed that great irregularity existed and that the C. Clerk had not been in the habit of paying monies into the Bank promptly on his receipt -

The C. Clerk on being called on for an Explanation admitted that he had been guilty of carelessness but he paid into the Bank a sum of money which at the time was believed to cover all rates that had been collected and not accounted for.

Subsequently it was discovered that in 6 or 7 cases ~~where~~ the rates had been paid and the payment not recorded in the books, the Council have determined to take proceedings the C. Clerk left the Colony. — This C. Clerk was the Police Clerk before the establishment of Municipal institutions, and ~~as~~ the first warden of Fingal was the old Police Magistrate and acted as Secretary

I consider that the fact of the Office of Warden and Treasurer being combined ~~so~~ very objectionable ~~that~~

Mr Davis.

I do not consider that the Treasurer should be a member of the Council ~~but that he should be appointed by the Council.~~

~~I consider that~~ But I am decidedly of opinion that the appoint^t. sh^d. be given to some competent person not a member of the Council and so much was I impressed with this idea that on taking office as Warden I declined the post of Treasurer —

I do not consider the appointment of the Council Clerk so objectionable — In the Mung of ~~Fingal~~ C. Town the Council Clerk is the Treasurer, but the best principle is ~~th~~ no doubt that the Treasurer should ~~have no~~ be ~~a person apart from the~~ unconnected with the Council —

Mr. Whitehead.

I do not see ~~the~~ any objection to the C. Clerk being a Collector ~~Clerk~~ of Rates — but I ~~am of opinion that it was~~ consider the Treasurer should be a person totally unconnected with the Mung by any office except as Treasurer —

Mr. Institutions can only work satisfactorily where the Councillors are men moderately acquainted with accounts and willing to devote attention

to the duties of their office. I think the Accounts should be audited annually by a skilled accountant who should travel through the Municipalities to inspect the books, this Auditor should be appointed by Government and there should be one system of Accounts.

Mr Davies. I contemplate that this Auditor should be ~~paid an officer~~ paid by the Municipalities - but I have not considered in what way. ~~The indirect~~ The appt of such an Officer would entail a direct tax upon the ~~rate~~ payers - but the indirect advantages derived from greater confidence and sense of security from fraud would more than compensate for this charge.

Mr Lewis. I am chairman of the Bd of Works for Cth Town and I am strongly of opinion that it would be highly objectionable in that ~~the~~ District of to amalgamate the Municipal Council ~~and~~ the Board of Works - and Road Trust -

I have never been a member of a Road Trust. I see no reason why the Road Trust Accounts should be audited in any similar to that I have recommended for Municipal Affairs Municipalities

~~Mr Keach called in and examined~~

~~The duties and functions of a M. Cr are to attend the meetings of the Council inspect the Accounts, should have a voice in the expenditure of all monies~~

do not think that there should be a Union
Road Trusts with Municipal Councils. ~~the~~
~~ies of the two. to~~
In ~~many~~ some municipalities the electoral
power is monopolized by the Towns, in spite
the plurality of votes enjoyed by the large landholders
the inhabitants of the towns are generally disinclined
to rated for the maintenance of roads in remote
ts of the district
Many men who would be very useful as
Road Trustees might not have sufficient influence
be elected councillors, and indeed might be
ucely fit for the latter position

The principle and first duty of a M. Council is to protect the lives and property of the inhabitants of the district and consequently their principle duty is ~~the~~ management and control of the Police.—

I am aware that in H.T. and Launceston there were Mts. before the control of the Police was ~~attached~~ given over to those bodies.— I do not consider that I have any special authority to speak on the matter connected with the Municipalities of H.T. & Lan^n.

~~If the Police were control ~~not attached to the~~ removed from the Mgs. there would be ~~little need for their~~ very little advantage to be derived from their existence~~

In a large district like C. Town ~~the~~ a resident might be living on the outskirts with a bad road from his residence to the Township he might be anxious to become a Member of the Road Mgt and might have sufficient influence to be Elected but, his influence might be altogether insufficient to obtain a seat in the Municipal Council although he might be a most desirable Trustee. —as a rule those who live near the Townships object to the expenditure of money on the roads in remote

parts of the district and under the Municipal Council there would be great danger that the Roads in the more remote parts of the district would be ~~not be attended to~~ neglected.

~~I am of opinion that whenever~~ —

The Committee resolved that the Witness should be requested to reply to the following Question in writing. —

~~Is it not desirable in order to keep down the expenses to limit the number of Road Districts? — in every Municipality~~

~~not desirable ... the Municipal ... Councillors ex officio ... Trustees~~

The Committee adjourned until 10.30 am on Wednesday. — 14th

Question ×

What is your opinion upon the advisability of vesting the Road Trusts and Boards of Works in the Municipal Councils in Districts where such Councils exists.

Wednesday - 14th September 1870.

Present
Mr Lewis (Chair)
" Keach —
" Whitehead.
" Balfe —
" Swan —

~~Resolved that Mr. J. Wright~~
~~Mr Stull, be summoned for~~

~~Mr. J. Allison called in and examined~~

(Mr. Lewis)

I am Warden of Sorell. — I produce the Ass books of the Mny. from the commencement — viz.

Municipal Cash Book from 1862 to July 1870. —

Police & Road Rate Cash Book. (2)
Cash Book Police, (now unused)
Bank ~~Book~~ pass (3)

(Mr Swan)

There is no ~~rate~~ book kept ~~showing~~ the amount of rates due.
The only means of discovering whether rates have been paid is by comparing the butts of the rate ~~book~~ receipt book with the Assessment Roll, which is ticked off as each person pays his rates. —

The Collector ~~of Rates~~ gives a printed Receipt for Rates. —

Mr Whitehead When rates are paid by cheques which seldom occurs, the receipt would not be sent by post but be kept at the Office until called for.

The Rate in the Munif. of Sorell are collected yearly.

The Rates are most certainly not all collected for the year ~~by~~ before the End of the month of May —

(~~[illegible]~~)

There is a Ledger kept, which I ~~can be produced~~ will write for.

We have a book for entering fines and fees, and a minute book — these I will produce at 11 o'clock tomorrow.

It has been said by one individual that the accounts of the Muy are incorrect.

The Accounts are regularly audited according to the Rural Munif.y's Act.

The Mt. Council was formerly the Road Trust of the District but is not so now.

Mr Edgar one of the Auditors is a bookkeeper to Mr Coram who is a storekeeper in Sorell. Mr McPhee the other Auditor is the Govt. Schoolmaster.

In auditing the Accounts all the books are produced, together with the balance sheet passed by the Council.

Receipts book showing rect. & Expenditure for Police purposes the Rate Book shewing amount of Rates Paid. the Dog Licensing

Book shewing amount collected for Dog Licenses — the Day Book shewing the Charges at the Police Office and fines paid. — The butts of the Police Rate and Dog Licensing Books. — and the Minute Book would be produced if required — the Assessment roll is also furnished —

Should the Auditor discover an amount of rate, uncollected I do not consider that he would have ~~it is for him~~ authority — to take any ~~further~~ official notice of the fact.

The ~~Police~~ Officers Council Clerk, Collector of Rates and Supt. of Police are amalgamated.

I object to this, but only consented on the score of economy. —

The Road District and the Munyf are distinct.

The separation was brought about by one person who obtained a petition to the Governor. —

I believe that the duties of the Road Trust were better performed before the separation —

I see no objection to the two bodies Road Trust and Munyf. — being combined. —

There are two road districts in Lorell.

Mr Robert Clerke

I have been Warden and a Councillor of Fingal. — As Warden I have been through the whole of the Ayes in detail during the two years that I held office ~~Warden~~. I am acquainted with Accounts and consider that the system is adopted at Fingal is a good and sufficient one, as long as good and efficient men occupy the position of Councillors and Council Clerk. —

I was a Municipal Councillor at the formation of the Munf — there were at first gross irregularities in the Ayes — by the non performance of their duties by the Councillors and by the Combination of the Offices of Warden & Treasurer — by non performance I mean a too implicit confidence in the Warden.

(~~who was~~ the old Police Magistrate) who ~~[illegible]~~ not being a man of business, failed to exercise a proper supervision over the ~~[illegible]~~ proceeding of the Council Clerk (In principle I think the Treasurer should not be a Councillor, if it were possible to obtain proper persons in the District.

I have been on the Road Trust since the first passing of the Act —

I ~~am decidedly~~ am decidedly opposed to the amalgamation of the Road ~~District~~ Trust with ~~and~~ the Munic.l Council — as I consider the divided responsibility more desirable, and that many persons fitted and desirous of being Elected Road Trustees would not be ~~fitted~~ suited or chosen as Councillors

I am decidedly opinion that the C. Clerk should be neither Treasurer nor superintendent of Police. A division of the responsibility I consider much safer to the working of M.l institutions.

Resolved that Mr. the following witnesses be ~~being~~ summoned.

~~[illegible]~~ F. Aubin Esq. Spring Bay for 21st Sept.r 1870 (Wednesday)

Committee adjourned to 11 am on Thursday 15th Sept.r

21

8

Thursday 15th Sept 1870

~~Present,~~

~~Mr Lewis, Keach, Swan —~~

~~Whitehead —~~

Henry

Mr Dawson ~~called in and~~

examined —

Mr Swan

I am Warden of the Mny of Clarence. — I produce the Books of that Municipality in accordance with a summons from this Commee —

Cash Book, Ledger, — and new Cash Book lately opened by the new Council Clerk. —

I entered the Munic'y in 1866. I was not satisfied with the way the accounts were kept.

The Councillors confided implicitly in the late Mr Abbott and I found myself powerless to oppose him

Mr Abbott exercised supreme Control over all the affairs of the Municipality —

The other Councillors deferred to Mr Abbott ~~most probably~~ from his having been for many years the Police Magistrate of the District

Without professing to be an Accountant I think that under the present system of keeping the books of the Municipality with ordinary care and intelligence on the part of the Councillors and

Treasurer and Warden ~~that no~~ it would be very improbable that a fraud ~~and or mistake could possibly~~ could occur ~~occur~~. —

No Rate Book is kept by the Council Clerk. —

If intelligent and honest men are elected as Councillors I think the present system of audit ~~is calculated to prevent fraud~~ — affords sufficient protection to the Rate payers.

The Treasurer's duty is to receive all the cash from the Collector every fifteen days —

The Auditors in conducting an Audit at the end of the year should make themselves well acquainted with all the A/c's in every particular.

They should be made acquainted with the amount of ~~Police~~ Rates to be collected, the sum actually collected — the list of deficiencies the rates remitted for paupers ~~&c~~ and other causes, —

The Auditors should make a ~~strong memorandum~~ representation to the ~~to~~ any amount of rates uncollected on Auditing the Accounts.

...den of —

I think that the Auditor would be justified in making this representation to the Warden to be brought before the Council. - It would be the Auditors duty to call attention to any glaring amount of uncollected rates. —

Mr. Whitehead - I think ~~the rates~~ ~~should be left~~ rates collected might be reasonably left with the Clerk for fifteen days - for in that time I do not think the amount ~~rough~~ of the collectors bond — could be exceeded. ——

Mr. Swan. I certainly think the Accounts of all the Munis. shd. be kept upon one system.

I think it advisable that they st. be audited annually by a skilled auditor appointed by the Govt.

In a small Municipality like Clarence I do not ~~&~~ object to the same person holding the office of Council Clerk and Supt. of Police. from its compactness & from its being so nearly worked for Police purposes but in a district like Fingal where I resided or any other large district I do not think the offices could be combined with safety.

seven years

Mr. F. Allison.

called in and examined.

I have heard the question as to the advisability of a public audit and entirely concur with it.

Mr Dawson. again examined.

I do not think from my knowledge of the district of Clarence that there ~~are~~ two persons ~~filled to cope with~~ ~~a~~ could be found that could checkmate a first rate account who was disposed to be dishonest.

Question X. In a district like Clarence from its size, when the R. T. was in the hands of the Mny. the Council were divided into sub committees for the general inspection of roads and such arrangement was found to answer exceedingly well — It would not answer so well in a larger District such as Fingal. — The roads are in my opinion not so well managed under the Road Trusts as they were.

... Council

The District of Clarence was divided, one section desiring to borrow money for the construction of the road leading from Kangaroo Point to Richmond and the Clarence portion of the Mny fearing to be burthened with

portion of the ~~[illegible]~~ debt: and they consequently petioned the Governor to separate the district into two Road Trusts and relieved the Municipal Council of the responsibility. —

Mr. Lewis ~~There is a large amount of increased expenditure by dividing the Road Trusts from the Mung. —~~

Mr. Swan The cost of collecting the rates viz 5% - is an increase to the expenditure by the separation of the Road Trust from the M. Council. ~~which~~ the collection would be made by the Council Clerk under the Munif. —

I consider it would be very objectionable in such a district as as fingal to vest the Road Trusts and B. of Works in the M. Council ~~in~~

Mr. Lewis. I do not think the rates of the district of Clarence are sufficient to keep ~~them~~ the roads in ordinary repair —

To properly make the roads in that district it would be necessary to borrow money and ~~raise~~ levy a rate to pay the interest. —

This course has been attempted, but unsuccessfully. —

Mr. Keach. Councillor James Young is the Treasurer of Clarence — I could see no objection to the Council Clerk

being the Treasurer provided that the Bank Book were produced to the warden every fifteen days & initialled by the Cashier of the Bank together with an abstract of moneys received to date of paying in.

Swan Councillor Young is paid.

I do not see any objection to a Councillor being a Treasurer. —

I think that a Councillor not being Warden should be paid out of Municipal funds — of Treasurer I am not aware of any thing in the Mt. Act to prevent it.

Mr Lewis. The books and accounts of the Mty ~~were~~ from 1860 to 1869 were lately audited by Special Auditors

The Accounts of these Auditors were sent to the Govt. to be laid on the table of the House of Assembly —

There were large defalcations in these accounts I believe occasioned by the dishonesty of the late Council Clerk —

Mr. J. A. O. McArdell.

I am an Auditor of Clarence Mg. and have been since the commencement.

I did not approve of the way in wh. the accounts of that Mg. were kept.

I remarked on the unsatisfactory manner in which the books were kept in the late Wardens presence but cannot say that I directly called his attention to the fact.

For many years past I had no suspicion that the late Council Clerk was dishonest tho' I remarked that in absence of a Petty Cash book and Memor.d ~~of small sums~~ received it was quite possible for a dishonest man to appropriate small sums.

I am aware that there were serious defalcations in the accounts of the Mg. up to 1869 I requested the late Council Clerk to provide himself with those books the absence of wh. I mentioned before.

I only detected two trivial errors in auditing the accounts—

Mr Swan I found no rate book kept; but in alien thereof a valuation roll with certain marks purposing to show persons who had paid rates and no entries in the Cash book of the individual payments

There was nothing further to shew the amount of rates uncollected further than by adding up the ticked part of the valuation roll and subtracting the amount from the total assessment, and I never adopted this course—

The bank pass book was generally but not always produced at an audit,—

It took from 2 to 3 hours to audit the A/cs — certainly not in half an hour,

I have never been engaged in Commercial pursuits—

I am not a practical accountant but have 30 years experience in teaching book keeping.

Mr Lewis. I have expressed my opinion of the unsatisfactory way in which the A/c were kept, but no notice was taken of it by the Warden or the Clerk in fact

it was considered that my duty consisted in looking at the Balance Sheet and comparing the Books with the vouchers and taking them as correct, and it was considered that I was travelling out of my province in making any remark as to the manner in which the books were kept. — I hold a contrary opinion. I had not the slightest doubt of the honesty of the late Council Clerk and did not therefore ~~demand~~ insist ~~of~~ on the information I required being furnished — On the last occasion I audited I declared I would never again sign an abstract ~~unless~~ in the absence of those books wh. I considered necessary —

Mr Swan — This was after a suspicion as to his integrity had been thrown on the Council Clerk — by Mr Strachan — ~~as to the before this I had every~~ confidence

Tuesday - 20th September 1870

Present - Mr Lewis, Swan, Reach, Whitehead.

The Accounts of Clarence Municy as audited by Mr Mr Lewis and Parker were laid on the Table —

Mr Lewis

William Holden Walker.

A Council Clerk of Fingal. —

I produce the Ap Books of the Mung

Mr Swan

I keep a Rate Book.

This Book is constructed to for ~~shew~~ the purpose of shewing the amount of rate upon the total annual value of the property when the rate was demanded, when paid, and by whom and the deficiencies if any and what was done with that deficiency —

Mr Lewis.

All the entries in this Book are made immy after the Appeal Court and the rate fixed. —

So that the Council can see

at a glance the amount of Revenue derivable from this particular rate and also at the end of the year the amount of deficiency if any. —

Mr Swan

I produce the "fees and fines" Book "Dog Licence" Book, & Slaughtering Licence Book. —

Mr Lewis. Wonder ~~Worth~~ The ~~Auditors~~ ~~never~~ does not go through the Record Books — neither the Treasurer nor ~~do~~ the Auditors. I am of opinion that ~~they~~ it should ~~do so~~ been done —

the purpose ... certaining ... fees and fines ... d

Mr Swan

There are 4 distinct stations in the Mg — Avoca, Fingal, St Mary's, Falmouth.

I am st.d at Fingal on Tuesdays I visit St Mary's and Falmouth a distance of 2 4 miles from Fingal on Saturdays I visit Avoca 18 miles from Fingal. A record Book and fees & fines Book are kept at each of those stations

Only monies ~~are~~ received are entered in the ~~&~~ Fees and fines Book. — I receive them on these days & initial the book. — These books are kept at each of those Stations by the Officer in charge — Upon paying the money over to me, I refer to the Record Book to see that the amt paid is correct. and if I found to be so I initial the Book and he pays me the money, This is done every week — I make up the books ~~every day~~ of the Mun. J. daily. — So that at the end of the week my books will shew all monies collected in the Mun. that has been received up to that date — and will be passed thro' my books. —

— ~~At the end of each~~ All cash received I place in the cashbox and at the end of every month pay the same over to the Treasurer — The cashbox is placed in an iron safe kept at my own residence. I never have money by any chance

at my office. (and) I have always positively refused to receive money anywhere but at the Office in order that I might enter it into ~~one~~ of the books.

~~When I have a large amount of money in the house I always endeavour to be [illegible] come home from the outstation the same day.~~

It is my habit to return ~~to~~ every night to my own residence after visiting the outstations. If I had collected a large amount of rates at Falmouth I should not go home if it were sometime after dark and I could not get home until very late, unless I had a larger sum of money in the house when I should return whatever time of night it might be:

~~[illegible]~~, I should the unavoidably absent during the night the S.t of Police instructs a Constable to visit the house — I am a married man and there is always some one in the house.

I have had as much as £44 collected in one month, — mostly in small cheques and cash —

The reason I keep so much money in hand is that the Treasurer does not like taking money on [illegible]

pointed out that the Act requires the
I have ~~requested to have it taken once~~
money to be handed over every 14 days - but
~~the~~ I have reason to believe that the second
~~a fortnight but very much has not been~~
attendance ~~of the~~ is troublesome and therefore
it is only done on Council Meeting days thereby
~~not exceeded although the Act~~ killing two
birds with one stone —

~~M. W. Whitehead~~

The Amount of Security I give
myself in
is £100 and one surety for the same
amount

The Treasurer of the Mty is also a
Councillor and receives a salary of
£15 per annum, This I believe to be
contrary to the Mt. Act.

I do not know the amt. of Security given
by the Treasurer. —

I have nothing to do with the Bank
pass Book. -

When the Treasurer has signed my
book and received the money from
me all my responsibility ceases —

I am always present when the
Ags are Audited.
The Rough Cash Book, General Sessions
Book, the Municipal Ledger, the Police
Ledger, the Balts of the Police Rate Rect. Book.
the Minute Book shewing that the
Payments had been authorized
by the Council

a Voucher for each payment duly receipted and ~~marked~~ signed as correct by the Warden in Council and any other information I may have — are presented to the Auditors.

That acts as an efficient check upon me as far as I am concerned —

There is no check upon the Treasurer — beyond the Bank pass Book ~~[illegible]~~ which is always produced at the Audit.

If the Bank book agrees with any books the Treasurer must have paid all money rec^d by me into the Bank

No money is received by the Treasurer on Munic^l A/c. that has not passed through my hands.

The Treasurer only produces the Bank Pass Book once a year at the Audit. If at any time I have the book in my possession at any meeting of the Council I lay it on the table

But it is a book that I have nothing to do with officially

The Audit usually takes about nine hours. I am perfectly sure that they go through the Accounts and compare them with the Vouchers that they do it conscientiously, conducted with great care and very minutes.

~~There are in the Mtg of Fingal~~

The efficiency of the system of audit depends on the class of men appd as Auditors. I only know of three or four competent in the district of by competent

Fingal I mean ~~thoroughly~~ thoroughly conversant with Ages as a matter of business and capable of detecting errors and acting as an efficient check —

In one year the Auditors detected an error of one penny

in the acs ~~amounting~~ involving an expenditure to upwards of £1300. — ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ —

~~As~~ I consider that the present system is sufficient check on the C. Clerk if the Warden Treasurer and Auditors are competent ~~for their duties~~ and perform their duties carefully —

The present system to be efficient being dependent on obtaining the services of an exceptionally good set of men I consider a system of Government Audit would be a vast improvement —

It would conduce much to the correctness of the Audit and quite practicable, to have one system of bookkeeping for all the Mins —

I consider that this general Audit should be conducted by ~~a visiting Auditor~~ an officer appointed by the Govt. travelling to the different district. The sending of the books to Town for the purpose of examination would be more expensive and would most probably be objected to by the Councillors ~~as~~ on account of the inconvenience caused by the absence of the books &c during their examination and would very likely involve the absence of the Council Clerk from his district.

~~Letter from Mr Aubin read -~~

~~Mr Allison's answer read.~~ 39

Clarence Yes said on the table

Mr Swan moved that Mr Aubin be summoned for Tuesday the 28th inst if anything possibly detained him - the Wednesday -

~~Mr Lewis to report progress and to ask for leave to report on Wednesday 29th~~

Wednesday 21st September 1870

The Committee met at 11.15 a.m. —

Present.

Mr. Lewis.
" Platt
" Swarts
" Krack.

Mr Platt moved that the Warden of Oatlands should be summoned to attend with the Books of the Municipality.

J. R. Roe Esq.

Ordered that the Warden be summoned to attend on Friday morning at 11 a.m. —

Resolved.

That the Chairman do report to the Council the non attendance of the witnesses and ask for its interference.

Committee adjourned at 12 —

Thursday. 22nd September 1870

Present Mr Lewis, Mr Whitehead Swan Keach. Mr Batt Mr Davies

Mr. James Young. examined

Mr Lewis

My name is Jas. Young. I am Treasurer and Councillor of the R. Mg of Clarence. I have been Councillor from the commencement and Treasurer for about 8 years.

I was not in the habit of receiving from the Collector all monies paid to him

I never received any of the monies of the Municipality with the exception of a few Govt. cheques all the time I have been Treasurer – Lately (this year) I believe I have received all the monies and placed them in the Bank –

(...epting the Govt. aid)

I have done this since the defalcations by the late C.C. became known –

I may say that the ~~morning before~~ day the Council Clerk obtained leave of absence and left the Colony in the City of Hobart ~~Town~~, I had determined to go to the Police Office and demand the money from ~~the C Clerk~~ him in the exercise of my functions as Treasurer as shewn by the Act. –

~~The Clerk and the W~~ The Clerk and the Warden between them (I do not know how they managed) received all the monies before this.

Idid complain of this, but the Councillors said it was the usual thing - they had implicit confidence in the Council Clerk and Warden -

I received no pay as Treasurer until this year they gave me £5 a year and made me find sureties —

There were several serious defalcations in the Ap's.

Had I exercised my duties as Treasurer these defalcations by the Clerk could not have occured —

The Council of Clarence has accused the late Clerk of appropriating the money.

Allowing for rates unpaid and anything and another these defalcations amount to about £500. —

I gave evidence before a Select Com^e ~~before~~ last year, with reference to the Accts of Clarence for three years -

There were accounts made up by that Select Committee, sent to the Council of Clarence in October last. —

There was a balance in that Ap^s - at the end of 1868. to the debit of the Treasurer of £123. 5. 1. ——

This sum should have been in the hands of the Treasurer, I asked the late Clerk about it - he gave an evasive reply -

W. Swan — His reply did not satisfy me

Lewis. No steps were taken to recover this sum of £123. 5. 1 - the Council did not understand it

was due.

I consider it my duty as Treasurer to know what revenue has to be collected from all sources. —

I have not yet called on the C. Clerk to account for the revenue - the way they keep the books does satisfy me, nor the way I receive the money I receive it in lump sums, the Clerk does not give me the items which I think ought to be furnished - this is a system I disapprove of.

I think that one system of keeping books in all the Mun^s. would save a great deal of trouble.

I think a Gov^t Audit would be better than the present method because the Government Auditor would be independent of everybody and would have the books to himself without any interference - Our Auditors used to have the Warden and Late Council Clerk with them and took their explanations rather than take the trouble to go through the Accounts themselves

Mr. Swan

I always knew what the duties of a Treasurer were but had never been able to exercise them.

It was in the present year that I first decided to perform the duties of Treasurer.

I had been acting as Treas^r for 7 years. During that time ~~I thought it~~ was my duty to receive and account ~~of~~ for the Municipal Funds, but I did not do so for I could not get them

I am not aware
~~I do not know~~ that it is illegal for me to ~~receive~~ hold an office of profit in the gift of the Council although I am a Councillor and not the Warden. —

It strikes me that according to the Act the Council may appoint any of the Councillors to act as Treasurer and give him a salary for so doing —

I do not think this would disqualify a Councillor so appointed. —

After reading the 56 Section of the R. Ms Act I have my doubts as to the legality of my situation as Treasurer.

I have kept books, A day Book Journal and Ledger - ~~I know~~ Consider I do know how books should be kept and understand a system of book keeping -

I do not think there are more than from 12 to 20 people fitted to act as Auditors in the Municipality - I mean if they would take the trouble to examine the Ap's thoroughly

Mr Whitehead. I think it more convenient, that the Treasurer should be a Councillor he has more opportunity of looking after the money seeing that the rates are paid

When I gave evidence last year before the Select Committee I thought Mr Strachan was wrong in ~~his statements~~ challenging the correctness of the Municipal Acts -

I now consider he was right. or very nearly so. -

~~Mr Strachan asked me to go through the~~

Henry Bilton

I am the newly elected Warden of the R. Mg of Glenorchy I have been a Councillor since the commencement - only acting on the Police Committee -

I have had opportunities of seeing how the A/c's are kept.

I became a member of the Finance Com^ce at the beginning of the present year. This was in consequence of my having discovered the irregular way in W^h the books were kept

The system is bad. It is three years since I protested against the system adopted ~~and~~ the arrangement of the Ap's and the receipts of monies.-

It was impossible for any one except the Finance Co^e to know the state of the Ap's. ——

I tabled a motion that all Accounts of Receipts from whatever source sh^d be placed every month upon the table of the Council. -

The reason was that it might be known who were defaulters in the payment of rates so that a check ought be kept upon the Council Clerk.

I was aware that the Police Rates were not rec^d in due course as they ought to have been.

The duties of the C. Clerk at that time were about to be augmented by his being made Sup^t of Poli...

The C. Clerk received the monies but ~~without~~ from the method in which the Ap's were kept it was impossible to know what was and what was not received ——

The whole of the payments were made by cheque thro' the Warden

Nopelty Cash Ag^c was kept that I am aware of —

~~From~~ Since the time of my joining the Finance Committee I have in conjunction with two other members examined the Ge's as to the Rates since the com^t of the Municipality. —

About £200 - deficiency appeared uncollected or unaccounted for - the late Warden Mr Brent promised ~~[illegible]~~ ~~Mr. [illegible]~~ to investigate this fact - but in consequence of his illness and subsequent death the duties have devolved upon me.

I have given notice to the Ratepayers of their indebtedness - In many instances I have been responded to ~~pay~~ - some have paid. some have acknowledged their debt. and some disputed their liability I intend to test the latter by summoning them -

The same person has held office as Council Clerk since the commencement and has collected the rates - but ~~since~~ for the last few days I have undertaken the duty myself

I decidedly disapprove of the way the books are kept. ——

I produce the Books of the Mtry — Ledger. Cash Book — Dog Book & Record Book Court of General Sessions —

I can make nothing out of them perhaps the Committee can if so that is more than I could do — it would be only by going through them and taking out the items that any satisfactory conclusion could be arrived at. —

There can be no doubt of the necessity and desirability of one system of books being kept in all Municipalities.

A Govt. Audit would decidedly be preferable to the present system of elected auditors some in the districts are incompetent and those [illegible] are, are unwilling to take the trouble. My impression is that Auditors should go thoroughly into detail at present I fear the do no do so. —

I think it wrong that the Treasurer
Shd be either a Warden or
Comr. of the Mny.

At present we have no
Treasurer.

There has been no Treasurer
appointed since Dr Butler
was Warden - the late Mr.
Brent acted. but was not
appointed and gave no
Security —

Dr Butler was appd. Treasr. whilst Warden and
gave Security —

We keep no rate book. and
the only means of discovering
whether a man has paid his
rates or not is by comparing
the butts of the receipt book with
the assessment roll. —

Mr Swan

I do not know how the Ayes
are audited.

...ue of the Ratepayers
...t have refused
...y grace as their
...ion that they
...not called on
...ay rates for
...mer years whilst
...lding receipts for
...es due at a
...er date —

Swan
a man holds
...ecpt. for 1868 it
...in presumptive
...dence ~~and~~
...t he had paid
1866 - or there
...d been gross
...ligence on
...parts of the
...unicipality Ct

...not such as
...uld justify
...ntial from the
...t but the fact
...is holding a recpt for
...his rates for 66 had not
...paid would show gross
...gence on the part of the Municipal Council

Resolved that Mr Bilton produce tomorrow
the remainder of books of the Mny. —

Committee ad 2

47

Friday 23rd Sept.

Present, Mr Lewis Bolt,
Whitehead ~~Mr Swan Mr Davies~~

Mr John Rowland Roe

I am the Warden of Rural Municipality of Oatlands and Chairman of the Board of Works. —

I produce the Age books of that Muny - I did not bring the Minute Book.

The Cash Book contains an account of all the revenue collected in the Municipality under separate headings

We have an Account Book showing all the rates received.

There is no Rate Book kept the Council Clerk calculates the amounts on the Assessment Roll.

I as warden have been in the habit, as the Treasurer does not take any great interest in the matter, of going over the amount of ~~rate~~ monies entered in the Cash book and comparing the entries with the butts of the receipt books - book for rates and dog licences.

I have an abstract made out monthly. The C. Clerk pays over monthly to the Treasurer ~~or~~ sometimes more frequently, and receives his receipt. I then compare the amount ~~paid~~ collected by the Council Clerk with amount as shewn by this abstract to be due and if correct, certify to the same on the abstract.

This abstract is not laid before the Council but would be produced if required —

This mode of keeping the Ap's has been used about two years - but it may have been adopted before. It was in consequence of the Treasurer not taking any great interest in the Ap's that induced me adopt this system of check on the Council Clerk who is Collector of Rate —

Mr. Pratt.

There was a confusion in the Ap's owing to my predecessor (as Warden and Treasurer) not having paid the monies into the Bank as regularly as he should have done.

In the end these irregularities were brought under the notice of the Council and investigated by the Auditors at the direction of the Council

The investigation showed that the proper amounts had not been paid into the Bank at the time that they should have been.

I have no idea the exact amount of these arrears - it was I should think over £500. these were.
Monies received by that Officer on account of the Municipal Fund but not paid to the credit of that fund in the Bank

These irregularities must have continued for a very considerable period.

The Mun. was at no loss.

The Treasurer paid the deficiency after his resolution. pressure was put upon to resign and to pay the money

This continued over all this period through the fault of the Auditors - I do not think the Auditors were aware of their powers and duty, it was more their want of knowledge than want of diligence - I believe the whole was caused by the Auditors not seeing the Bank Book - the a/cs were perfectly correct - The Treasurer kept this but never produced it to the Auditors or Council. —

These irregularities were discovered ~~by a cheque paid as~~ ~~rates was~~ being known to be in circulation ~~in the town~~ of Oatlands immediately

[illegible] occurrence [illegible]ained to the [illegible]mittee.)

~~after payment, Then~~ which led to further inquiries on my part. and I then told a Councillor that if the Bank Book were not produced I should move in the Council for its production and this was successful.

~~It was not entirely~~ In consequence of this and other causes. I was led to ~~introduce~~ adopt this system of a monthly abstract, I am not aware if my my predecessor employed such a one

Mr Swan. There were I think two sets of Auditors who had passed these Ages.

These men were I think quite competent

But they were innocent enough to suppose that they could Audit the Ages without reference to the bank book.

I do not myself suppose that Ages could be audited without the book.—

~~I do~~ The majority of such men as are employed as Auditors are not in my opinion competent to Audit Age so as to detect the frauds of a skillful accounts.

I think there is a very great difficulty in getting competent and willing men to act as Auditors.—

The Treasurer is a Councillor.

He is not paid.

I think it desirable that the Trea^r should be a Councillor —

There is no statement of Ayes given by the Treas? to the Council at the Monthly meetings ~~by the Treasurer~~

The Bank Pass Book is occasionally produced but it is seldom asked for

The Bank Book is ~~set~~ in the possession of the ~~Council~~ Treasurer often ~~quite as long as two months or even longer before it is entered up~~ or the C. Clerk consequently it is not written up sometimes between two or three month —

The treasurer may now hold funds of the Municipality for two or three months without paying into the bank or any check being upon —

The Treasurer found sureties. I think for £500. —

~~What~~ No accounts are placed ~~by~~ before the Council at the Monthly meetings —

The Ayes ~~of~~ for payment are brought before the Council by the Council Clerk referred to the Finance Committee for their report which is brought up at the next meeting —

~~I~~ There is no ~~any~~ statement made to the Councillors of the amount of rates uncollected or the state of the balance at the Bank — ~~no information is given~~

Will explain the precise method of keeping the Minute Book

The Council Clerk takes rough notes which are written out prior to the next ~~minute~~ ~~minute~~ meeting - ~~in the C. Clerk entirely all the~~ —

Mr Whitehead.

I think the Council Clerk has had as much as £100. in hand before paying over to the Treasurer. but I cannot speak positively - His security is £200.

Mr Lewis

I decidedly think that the Council Clerk should or Warden not be Treasurer. —

~~[illegible]~~ The more people there are to handle the money the better. —

Mr Swan

a skilled accountant to visit each Municipality and audit the Acc - would be safer but I question the propriety of such a course because I think the Municipalities should be allowed to take care of the Money if they are competent to exist as a Municy at all —

This I say after my long experience with the Oatlands Municy.

The appt. of a skilled Accountant would assist to weaken the feeling of the responsibility by the people of ~~the~~ a Municipality

still I think such an Audit would be much safer to the public. I have just advertised for nominations for an Auditor and no one has been named —

~~If the Auditor was a thoroughly independent~~

Mr Lewis

I have no connection with the Roads of the district except as Chairman of the Board of Works —

I was chairman of the Road Trust for several years.

I think the Municipal Council could manage the business of the Road Trust with advantage and a saving of expense.

I think as a Rule that Road Trustees have not a very good knowledge of Road making —

I object to the system of Road making in this Colony altogether much money is wasted under that system. —

I think the Municipal C. could take the contracts and general supervision of the roads and the only objection I see is the possibility of consequent confusion in the Accounts - ~~it would~~ there would be considerable danger ~~in the Council Clerk making confusion in the Accts getting into a state~~ by a conflistion of Accounts unless we had a very competent accountant as

as Council Clerk to keep all the expenditure of under their proper heads.

Mr Lewis — There sh.d be a uniform system of keeping accounts in the Municip.l. I think it could be done.

Mr Bilton called in examined —

I produce the Receipt Books 2 & 3 of 1867. Dog Licenses 1869. Minute Book 1870. Manuscript Copy of Assessment Roll for 1870 and 1867 Demands for Rates 1. 2. 3 of 1867.

Our M.l Council meets monthly The Treasurer has not been in the habit of giving a detailed abstract of the accounts at these monthly meetings —

I produce part of the abstracts of the results of the labours of the Finance Committee in the investigation of I mentioned yesterday - shewing the amount of rates now appearing to be unpaid

There are no road trusts in our Municipality.

I believe that in pressing for payment of rates ~~not~~ the payment of w.h I can find no record. I shall be met with receipts.

Committee adj.d to Tuesday

Tuesday. 27th September

Present Mr Lewis. Swan Whitehead Krach.

Mr Francis Aubin

Mr Lewis.

My name is Francis Aubin I am the warden of the R. Mtg of Spring Bay.

I produce the books of the Mtg! —

Spring Bay was erected into a Mtg about the year 1863 —

I believe some of the books are missing

They were lost both before and since I have been Warden

The Ages have been in a state of confusion

There were some of the ~~accounts~~ funds of the Mtg unaccounted for but they have since been made up —

I was a Councillor from the first

The defalcations in the first instance were made by the first Clerk, — there were others subsequently.

[illegible] suddenly appeared and [illegible] afterwards [illegible] to have [illegible] hanged himself [illegible] bush —

As far as we could judge the Audited accounts were correct, the first deficiency was about £30. and was discovered on a special audit being held after the death of C. Clerk. — There was no suspicion before his death —

After his death there were subsequent defalcations discovered during my Wardenship.

58

I found that a license had been taken out and the money not paid that is not accounted for by the Collector,

The Council Clerk was appointed by the Council as Collector of all the Revenue

He gives security for £100

I made the discovery of the defalcation in amount to about £13.-

The first was about 1868. and it was restored -

He continued after this, and further defalcations occurred.

On the first offence I suspended him and communicated the matter to the Council. — The Council Clerk resolved to give him another chance, I objected to this and did not vote, I took the decision of the majority

Another irregularity occurred with the same Clerk to amount of between £50 and 60 £. - Rate paid, and not accounted for. at this time Swan Warden not Treas.r him I called the Council Clerk, and referred the matter to the Council. —

The Council Clerk in calling this meeting of Council was perfectly aware it was for the purpose of inquiring into this discrepancy and he had plenty of time to have made up the money deficient.

He did not restore the money before the meeting of Council.

The decision of the Council was that the Sureties were to be called upon to pay up the difference. His salary for three months then due was stopped and the Sureties made up the balance, He was also dismissed from his Office.

I produce to this Committee the forms of a monthly receipt of Revenue. viz the particulars of rates collected - dog licenses abstract of the full amount and the bank receipt. -

This system prevailed when I was Treasurer and has been continued up to the present time.

Mr Cruttenden the present Treas.r is ~~[illegible]~~ a Councillor. -

I send these forms to the Treasurer for his information but I receive the money and send it to the Bank. -

The Treasurer would be most certainly the proper person to receive the money but in this case it would be very inconvenient as he lives 20 miles from me - but I consider that when I have received the bank receipt for the money and forwarded this and the other abstracts to the Treasurer that he will be fully cognisant of the state of the ~~[illegible]~~ receipts for Revenue.

The Treasurer is not paid and finds no surety -

60

There is a nominal list in manuscript in a book of rate payers and the amounts due kept by the Collector, ~~&~~

As the amounts are paid ~~the Co~~ he writes paid against the item

The present system of keeping the books ~~has~~ has been adopted this year when we opened a new set kept in a similar manner to those of the City of Hobart Town.

Mr Geo: Mace is the only Auditor. I have twice advertised for ~~the~~ nominations and his was the only one. The people of the district seem to be very indefferent to the filling of this very important office

It would be much more satisfactory as there is this apathy that a skilled accountant should be appointed by the Govt. to audit the Accs of all the Municipalities.

p. 18. A due form of keeping the books throughout the Colony would be ~~more~~ advantageous to the Mus, &c

I think the method lately introduced in Spring Bay copied from the City of St Lowen a great improvement on the plan formerly in use — the books under that system being more convenient for reference. —

The Roads of the Municipality are under the Council and have always been so. —

I have heard no serious complaints from this amalgamation, as to the money not being spent in the parts were collected — It was resolved that

year to spend all the money raised on the main line of road. The only other road, from Tiabunna and Oatlands (not often used) is the only one on which the Council have spent money - There would be no object gained by dividing the district - the funds would be too small. - The Council is divided into three Committees who take different parts of the district South Middle and North and they believe satisfactorily expend the money placed at their disposal by the Council

~~Mr Swan. People interested in the other roads have asked for repairs~~

~~We have ~~acceded as~~ determined to lay out all the available money this year on our~~

Mr Swan. The Main Road is about 50 miles. The Road Rate is 3d — this sum is barely sufficient to keep the road in repair - it must do for we do not purpose to levy more - We shall no money on any other road - nor do I think any one will ask for any for other places. —

~~In large ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ With respect to the many of spring Bay the amalgamation of the Rd Trust and Mt Council has decidedly worked well I cannot say how it would answer in other districts.

All the Apes are kept together both of ~~Rates~~ police and Road Rates

~~I am not at~~

I see no objection to the Treasurer being a Councillor

I am of opinion that the old books were kept in a rough and unsatisfactory manner

I believe we, have now a competent person to keep our books. ~~but~~

Mr. Aubin Withdrews

Mr Parker ~~Mr Lowell~~ Mr Webster to be summoned for tomorrow. ——

Wednesday 28th Sept 1870

Present Mr Lewis Mr Swan Keach, Dawes,

Mr Lewis

Alex Geo. Webster - ~~Merchant~~

Auditor to the Savings Bank - Steam Navg. Co. and the Corporation of St Lawn - -

I have seen the Ac books of the Munys of Lovell Spring Bay, Fingal Oatlands Glenorchy, Clarence -

The Fingal and Oatlands Books are the best but they are not kept on the system that I sh.d recommend.
The Spring Bay Cash Book as far as the receipts are concerned is kept in a way I sh.d recommend of the credit

side were kept in the same way and also a ledger.

The others do not appear to be kept on any system at all.

It would be very easy to devise a system of accounts & ~~one form for a set of~~ books to be kept by each Army. so that any clerk with an ordinary knowledge of Ages could keep them if he were once put in the way.

I should decidedly recommend such a system as I have indicated

Mr. Swain

I consider that the Fingal Ages ~~were~~ are kept in a manner sufficiently clear and complete for all ~~ordinary~~ practical purposes. but it might be improved upon.

There should be one cash book instead of two.

I think the Fingal rate book is the correct method of keeping one.

I think the Fingal ~~Ag~~ are a well kept set of books

Mr. Lewis

I approve of the system employed in the Corpon. of Ct Town.

I have suggested improvements from time to time and consulted with Mr. Parker

The system adopted in England and known as Jones' is the one I should recommend as far as it is applicable to the keeping of Mun. Ages

I think the appoint. of a competent Auditor by the Government for all the Muns. would be desirable. —

Mr Swan — After ex. 8. the Ayes. of Glenorchy Clarence Spring Bay & Sorell, I consider that Legislative ~~Leg. is~~ interference both as to system and Audit would be advisable

Mr Lewis. — Practically in H Town the ~~nomination~~ Election of Auditors is in the hands of the Town Council as the citizens take little interest in the matter, and a great difficulty is experienced in obtaining any one to act, as there is neither honor nor emolument attached to the Office and the duties are considerable.

Mr Davies — In the event of any new system of ~~Audit~~ accounts being instituted, it would be very desirable to have a thorough investigation of the affairs of the Municipalities up to the commencement of the new system.

~~Mr Webster retired~~

Thomas. Parker I have been accountant to the Corporation of H Town for the last 9 years —

The system has not been much altered since I commenced. it was a good one then and I have kept it on —

The system Jones' English method as nearly as practicable

The principal Books kept in St Louis Corporation office are —
Assessment Rolls Rate book compiled from this - showing total amount of Rates, actual receipts losses &c. —
Treasurers Cash Book
Tabular Office Cash Book
General " "
Journal
Ledger.
Statement Book shewing ¼ly Balances and actual position of the Corporation
Book shewing Cab, Dog and other Licenses and ~~also Special Water Rates~~. receipt stamps to correspond
Bank Books shewing difference between Corporation and Bank Passbooks —

All these Books are necessary to keep the Ags of such a Corporation
The revenue amounts to £19,000 per annum.
This system provides the most perfect system of check & counter check that can possibly be devised —
I have by this means been enabled to detect fraud - it is almost impossible for fraud to remain undetected —
~~I fully concur~~
I examined the books of the Mem^s. with Mr Webster this morning, have heard all his evidence and fully concur in it - as to the system of keeping the books and also of auditing but I think the Gov^t. Auditor should be a person practically acquainted with ~~the~~ Municipal matters and am strongly of opinion

that he should be a visiting auditor

Thursday. 28th September 1870

Present. Mr Lewis. Swan. Whitehead. Keach.

Mr Lewis

Geo. Stokell. of Clarence Plains. I am a landed proprietor in the Municipality of Clarence ~~Plains~~, Richmond, Oatlands Hamilton. I pay rates to five Road Trusts The Road Trustees work very badly indeed in these districts.

Since the Clarence Mung has been divided into separate road trusts I find they have paid no attention to the cross road.

I found it better managed under the Municipality.

I have no complaint to make of Richmond Nothing can be worse than the management of the police and roads in ~~the~~ Oatlands Mung. Having about 7000 ac ~~land~~ purchased land in this district and have paid £~~10~~ ~~or~~ 20 worth of rate for ~~the~~ many ~~last 20~~ years - I have never had any protection from the police nor any money laid out on my only road to Hobart Town, the road is now shed up for want of money to be spent on it. it is closed by neglect. I have repeatedly made complaints to the Trustees about this road. it having been used as a public road rendered it impassable.

57

The Warden Mr Roe denies that it is a road at all. although it was partly made ~~by~~ in Col. Arthur's time and was then good. running from Eastern Marshes to Swanport. They were making roads ~~[illegible]~~ between farms and streets in Oatlands and so there was no money.—

It would be an advantage to me if my portion of the District of Oatlands were separated from the Municipality

Mr Tickell wish Mr

Mr Lewis called attention to the Ass of the Municy of Hamilton as laid upon the Table of the House having been signed by one auditor, - and those of Hobart Town being in the same condition.

Letters from the Council Clerk of Deloraine to the Warden of that Municipality - suggesting method of keeping accounts and giving specimens were read.

Draft report considered ~~[illegible]~~ amended and agreed to

68

The Clerk
Home Department

Immediate

Delorraine 15th Sept 1871

Sir,

I have the honor to lay before you the following suggestions respecting the Audit of Municipal Accounts, which, so far as I have adopted them, have given satisfaction to the Auditors of this Municipality.

So long as Auditors are appointed as at present it were well to bear in mind that there may be fresh Auditors any or every year and it is not to be expected that all will have a correct knowledge, at first, of the laws which secure and fix many of the receipts of the Municipality; the best Method of showing the amounts derived from each

Henry Douglas Esqr M.H.A.

Source of revenue, and Auditing the Accounts generally, A System possessing a simple but careful enumeration of particulars is therefore necessary.—

Referring in the first place to the Municipal Account it were proper, as the Custom is at Deloraine, that every Claim against the Municipality should be signed by the person, or his agent, who makes the same, and Countersigned as Correct or otherwise by some person accepted by the Municipal Council, and every payment should be made by order of the Council and not otherwise, and the names of Claimants and amounts ordered to be paid to each should be entered as part of the Minutes of that particular Meeting of the Council, which Auditors should see, as the proper Authority for Cheques drawn and payments made.

The Accounts, so passed, should be reproduced in the Clerks Ledger, and in a more extended form, with all the particulars as in a tradesmans bill, and the total carried to an adjacent Column, next to which should be two small columns, one for the No. of the Cheque in payment of the Account and the other for the Number of the voucher

I enclose a section of a leaf marked A showing this plan which pleased the Auditors much, Form B is the Corresponding side of the book showing the receipts, for that Month,

Fees and Fines

The Magistrates Summary Procedure Act 19 Vict No 8, supplies the best

form (form T), of a Return of these sums, and if it were made imperative to supply a monthly return in this form to the Council, and cause the same to be properly filed it would be great advantage to the Auditors when examining the Record Book. In the ledger, however, only those cases in which each is received should be noted, and it would not be much trouble to enter the particulars of each case; for witnesses might be summoned and the Clerk receive the fee, and if not examined, there would appear on record of the "why and wherefore" of all the costs. Vide form C.

Court of General Sessions

By the Small debt act all plaints and warrants must be numbered - a new series of Numbers Commenced every Year. It is the simplest Method to enter the Number of the plaints in the Ledger instead of entering the names of plaintiff and defendant. I may mention that by Section 11. of the Small debt act another person than the Council Clerk may be Registrar. The Council clerk should therefore show the account in his own books independent of those of the Registrar, and in order to make all plain to the Auditors. the amount claimed, the cost of the plaint, hearing fee, defence, &c and all particulars should be given. Vide form D herewith.

In this account and the fees and fines, deduction of errors appear to me to be more difficult than in any other of the accounts.

Of course these forms are merely to show the idea.

For the following Sources of Revenue Separate accounts

should be opened in the ledger and for each the Municipal Council should supply a a book of printed forms in duplicate or with Buts. The forms should be properly numbered, and except Dog Licences, one book would last several years, Nothing is so satisfactory to Auditors as the Buts of receipts &c, the Clerk could commence a new series of written numbers each year, and the printed numbers on the forms would check the written ones

Dog Licences
Slaughtering Licences
Publicans Night Licences
Billiards & Bagatelle do
Stage Coach Licences
Coach Driver, Licence,
Lodging House do
Places of Public Enter^nt do

All the receipts outside of those alluded are merely in most places Miscellaneous which can easily be shown in the accounts,

I have the honor to be
Sir
Your obedient Servant
V. Fitzgerald

Dorsey 16th Sept 1873

Dear Sir,

In my letter of yesterday I said nothing about the Method of keeping account of the Rates. This I should think can be done in a variety of ways, simple and satisfactory. The Roll represents a certain amount which at the end of the year has to be accounted for by the Clerk. Some times the Clerk cannot possibly collect all. but the account should show the amount collected, the amount remitted and to whom, the amount uncollected, the names of the parties liable, and the reason of such non-collection.

I only enter the names of the parties paying and the amount in a day book. I enter no names

Henry Douglas Esqr MHd

A

Expenditure

1870	Items							No of Cheque	No of Vouchers
	Brot forward £				37	12	6		
	Council - 5th February 1870,								
Police Pay for January 1870	Supt A.B. Salary 12-10-0								
	" " Forage allowance 2-6-0	14	16	6				13	
	Sub Insp. C.D. Pay @ 8/-	9	"	"				14	
	1st Class Cont E.F. Pay @ 5/6	8	5	"				15	
	2nd " " G.H. Pay @ 5/-	7	10	"				16	
					39	11	6	—	7
A Band C.	10 tons fire wood @ 4/-	2	"	"					
	3 Cases Kerosine @ 12/-	1	16	"	3	16	"	17	8
D Edwd F	3 pr blankets for police @ 12/6	1	17	6					
	1 Bag Lime 4/- Brush 3/6		7	6	2	5	"	18	9

B

Receipts

1870							
	Brought forward				100	6	9
January	Municipal Rate	364	20	3	6		
	Dog Licences	378	10	"	"		
	Fees	250	8	2	6		
	Fines	250	10	6	6		
	Court of General Sessions 6th Jan	300	7	10	6	56	1 "
						£156	7 9

D

Court of General Sessions September

Plaints Warrants & Levies		Amt of Claim &c	Particulars	Court fees			Remarks
Plaint	36	£5.	Plaint	"	2	6	
"	37	30	Plaint 15/- Defence 1/6 Copy of Particulars 2/- Subpoenas 6/- hearing fee 15/-	1	19	6	
"	3	10.	Plaint 5/- Judgt by deft 2/6		7	6	
Fi Fa	29	20.			10	"	

C

Fees and Price received during January 1890

	Date of Trial		Particulars	Fees			Price		
Jones & Smith	Jan	10	Information	4	6	1	"	"	
Jones & Robinson	"	16	" 8/6						
	"		Witness Lands 4/-	4	6	3	"	"	
John Brown		16		"	"	"	"	5	"
John Jones		16		"	"	"	1	"	"
				"	14	"	5	5	"

and passed from them
here — what may be the fate
of the others "Mr Clarke"
"Says" were sent with
"those belonging to the
"other Municipalities"
"last week" it is out of
my power to say, they
have not reached this
office —

You no doubt will
recollect my request

to you to have them
sent to Richmond
directed to me — and from
there to be forwarded
by Mr Thomas Fennell's
Mail Cart to Spring Bay
If the Books are placed
in the Case left in the
Select Committee Room
by me — and forwarded
with this direction

J. Aubin Esqr
Warden
Spring Bay

To be sent
by Mr Thos Fennell's
Mail Cart Richmond

and boohen all the
Richmond Hotel Co. &
Spec. & with the receipts
Sent time - I have no
doubt the case of books
with be brought safely
to Spring Bay - I am
sure I need not say
to you it is impossible
for the Council Clerk
to carry on his duty in
the absence of such books
left by me with the
Committee of which you
are the Chairman -
Yours faithfully
J. Cambri

Hobartz

Spring Bay
9th Sept 1870

Dear Sir

Yours of the 7th
Inst. is reply to my letter
to you of 5th I have just rec'd
and in reply beg to inform
you that the only book
left with you, by your
Secretary is the Date book
Sent to Fatlands and
Unwil Lewis Esq. Mtta.

The copy of the
Municipal accou
herewith forward
the Clerk of the
Assembly with
Memo explaining
reason for not signing

Wm
Wa
Sept 7

H. M. Hull Esq
Clerk of the Hou
of Assembly

The fourth (con
signed the abstract acc
to your instructions but
Walker declined as he
unable to attend on the
the accounts were au
by Mr Gellibrand
Commission Mr Walker
audited them, by him
for the last three ya
1869. 1868 & 1867 [illegible]
[illegible] of course
[illegible] auditors but on
to the accounts publishi
the Gazette for the past fe
only in many instances
[illegible]

A.G.O.
19 Sept. 70

Dear Sir,
The Attorney General
says that you had better
lay these ages on the
table & let some one
draw attention to them
Yours truly
[illegible]

H. M. Hull Esq

[illegible]

Hobartsi

Speci & with the receipt

Sent time - I have no

doubt the case of books

with be brought safely

to Spring Bay - I am

Sure I need not say

to you it is impossible

for the Council Clerk

to carry on his duty in

the absence of such books

left by me with the

committee of which you

are the Chairman -

yours faithfully

J. Cubitt

Hobartsi

Spring Bay

9th Sept 1870

Dear Sir

I am sorry that I have

[illegible] the

[illegible] of the

[illegible] I have just received

[illegible] the

[illegible] book

[illegible] that the only [illegible] of

[illegible] of the case of books

[illegible] you, by your

[illegible] is the Sale book

[illegible] to Tatlands and

Sent to Tatlands

Hon. Lewis Esq. M.H.A.

The copy of the

Municipal accou

herewith forward

the Clerk of the

Assembly with a

Memo explaining

reason for signing

The

Wa

Sept 7

H. M. Hull Esq

Clerk of the Hon

of Assembly

The [illegible]

signed the Abstract acc

[illegible] instructions but

[illegible] declined as he

unable to attend on the

the accounts were [illegible]

by [illegible]

[illegible] Mr. Walk

audited them by him

for the last three [illegible]

[illegible]

[illegible] course [illegible]

[illegible] auditors but on [illegible]

to the accounts publish

the Gazette [illegible]

[illegible]

A.G.O.

19 Sept. 70

Dear Sir,

The Attorney General

says that you had better

lay these ages on the

table & let some one

draw attention to them

Yours truly

[illegible]

H. M. Hull Esq.

The copy of the
Municipal accou
herewith forwarde
the Clerk of the
Assembly with a
Memo. explaining
reason for not signing
the
Wa
Sept 7
H. M. Wall Esq
Clerk of the House
of Assembly

The fourth Councillor
signed the abstract according
to your instructions but Mr
Walker declined as he was
unable to attend on the day
the accounts were audited
by Mr Gellibrand and the
Commissioner Mr Walker
audited them, by himself
for the last three years i.e.
1869 - 1868 & 1867 ~~[illegible]~~
~~[illegible]~~ — of course the act
says Auditors but on reference
to the accounts published in
the Gazette for the past five years
~~only~~ in many instances only
one Auditor [illegible]

[illegible]
the Accounts
[illegible]
[illegible]

Walker Auditor
[illegible] 1870

Spring Bay
8th Sept 1870

Member

[illegible] of the 7th
[illegible] to hear
[illegible] of S.M.D. have just received
[illegible] my reply [illegible] to inform
[illegible] that the only [illegible] book
[illegible] of the cause of books
[illegible] wish you, by your
[illegible] to the Tale book
[illegible] to Parliament and
[illegible] Council Esqr. Mtta.

The copy of the Hamilton Municipal accounts are herewith forwarded to the Clerk of the House of Assembly with Mr Walker's Memo. explaining his reason for not signing them

Wm King.
Warden
Sept 7th 1870

H. M. Hall Esqr
Clerk of the House
of Assembly

Not having been present at the audit of the accounts of the Hamilton Municipality for the year 1869. I cannot sign the abstract

J. F. Walker Auditor
7th Sept 1870

Duplicate

Rural Municipality of Hamilton

An Abstract of the Receipts and Expenditure of the Municipality of Hamilton for the Year ending the 31st of December 1869

1869	Receipts	£	s.	d.	£	s.	d.
	Balance from 1868.	-	-	-	69	9	3¼
	To Fees and Fines - - - -	37	11	6.			
	" Court of Request Fees - -	7	0	3.			
	" Under Licensing Act - -	6.	5	0.			
	" Slaughtering Licenses - - -	10.	0	0.			
	" Bagatelle Dº - - - - -	2.	0	0			
	" Stage Coach and Drivers Dº -	1	5	0.			
	" Kangaroo Dº - - - - -	1	0	0.			
	" Dog Registration Fees - - -	100.	1.	11.			
	" Collections Police Rates - -	798.	18	4½			
	" Loan from Road Trust - -	100.	0.	0.			
					1064	2	0½
		£.			1133	11	3¾

1869	Expenditure	£	s.	d.	£	s.	d.
	Salaries.	924	4	4			
	Rations for Gaol &c - . .	31	19	11½			
	Inquest Fees.	3	18	0.			
	Aid towards Jones Creek Bridge. .	10	0	0.			
	Repairing Police Buildings Hamilton	19	2	0.			
	Dº Dº Ouse . .	3	18	6			
	" " Woolpack. .	4	17	6.			
	Stationery and Advertising. .	6	5	2.			
	Cleaning Office - -	6	0	0.			
	To Superintendent in lieu of Quarters.	4	15	1			
	Sundries - - - - -	3	6	2½			
	Repayment of Loan to Road Trust -	100	0	0			
	Balance in Bank - -	15	18	3½			
		£.			1133	11	3¾

I have examined the above accounts compared them with the Books & Vouchers of Expenditure & found them Correct -

Jany 20 - 1870 -

J Hall Chairman

J F Hartnett

W M King

J. M King Junr

Councillors.

Wm Sibley

John C Bellenie.

Laid upon the table by the
Clerk of the House, and referred
by order of the House to the
Select Committee already
appointed on Municipal
Accounts.

Hughlin Hull
20 Sept 1870

Medical Depts U.S.

U.S. Laws Ch.
Revision & Federal Commerce
Re "Medicine Men"

Since the U.S. Public Health Service
[illegible] Bureau of Narcotics [illegible]
[illegible] the [illegible] of the
[illegible] of the [illegible] Food

Declare to the public that
[illegible] the Federal Food
[illegible] the Pure Food
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[illegible] of Medicine [illegible]
[illegible] Public Health Service
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[illegible] Food
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Re- [illegible]
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To the Chairman of the Select Committee of the House of Assembly of Tasmania on Municipal accts.

Sir

Your summons to attend before the above Committee dated 9th inst. I only received in the afternoon of yesterday.

The Books and accounts of the Municipality of Glenorchy cannot be produced without an order from the Municipal Council to the Council Clerk, in whose custody they are placed.

As the Council meet to day to elect a Warden in place of the late Mr. Jno. Brent, I trust this apology for my absence will be a sufficient excuse. I am

Sir
Your mo obt Servt
Isaac Wright

New Wharf
Septr 13th 1870

The Municipality of Spring Bay.

In reply I have the honor to

J. Lewis Esqr

inform you

Chairman of Committee

Mr Lewis Esquire
Dear Sir

Pardon me for troubling you with reference to the evidence given by me before the Select Committee Yesterday

The Outlands Municipality does not receive any Stockhouse from the Treasury but the fact that some Municipalities have an

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Hobart
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(No. 107.)

Spring Bay
17th Sept. 1870

Sir,

I beg leave to acknowledge this evening at past 6 o'clock the receipt of your Summons dated 14th Inst. ordering my attendance on Wednesday the 21st Sept. 1870 at 11 o'clock in the Committee Room of the House of Assembly and to produce the Books and accounts of the Municipality of Spring Bay.

In reply I have the honor to inform you

J. Lewis Esqr
Chairman of Committee

that ill health — a long journey — with almost an impossible road — And so short a notice prevent my being able to perform such a duty — Indeed under existing circumstances it would be impossible I regret to say to reach Hobart Town by the time required.

I have the honor to be
Sir
Your obedt. Servant
J. Aubin

(No. 107.)

1870.

TASMANIA.

MUNICIPAL ACCOUNTS.

REPORT FROM SELECT COMMITTEE; WITH MINUTES, AND EVIDENCE.

Brought up by Mr. Lewis, and ordered by the House of Assembly to be printed, September 29, 1870.

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REPORT FROM SELECT COMMITTEE; WITH MINUTES, AND EVIDENCE.

Brought up by Mr. Lewis, and ordered by the House of Assembly to be printed, September 29, 1870.

SELECT COMMITTEE appointed on the 1st September to enquire into and report to this House the best method of securing, under the direction of the Governor in Council, the Audit of the Accounts of Municipalities, Road Trusts, and Boards of Works throughout Tasmania, in lieu of the present system of Audit; also, upon the advisability of vesting the Road Trusts and Boards of Works in the Municipal Councils, in Districts where such Councils exist; with power to call for persons and papers.

MEMBERS.

Mr. Lewis (*Chairman*).
Mr. Davies.
Mr. Pratt.
Mr. Whitehead.
Mr. Keach.
Mr. Swan.
Mr. Balfe.

DAYS OF MEETING.

September 9, 13, 14, 15, 20, 21, 22, 23, 27, 28, 29.

WITNESSES EXAMINED.

John Swan.
F. Allison.
Robert Clerk.
Henry Dawson.
J. O. O. M'Ardell.
W. H. Walker.
James Young.
Henry Bilton.
J. R. Roe.
F. Aubin.
A. G. Webster.
Thomas Parker.
Geo. Stokell.

EXPENSES OF WITNESSES.

	£	s.	d.
R. Clerk	0	10	0
J. O. O. M'Ardell	2	7	0
F. Allison	2	5	0
W. H. Walker	8	0	0
J. R. Roe	4	12	0
H. Bilton	2	10	6
F. Aubin			
H. Dawson	0	19	0
Jas. Young	1	10	0

REPORT.

Your Committee have now the honor to report that they have examined the Wardens of Clarence, Glenorchy, Oatlands, Spring Bay, and Campbell Town. They have also examined Mr. Walker, the Council Clerk of Fingal, Mr. M'Ardell, Auditor of Clarence, Mr. James Young, Treasurer of Clarence, Mr. Webster, Mr. Parker, Mr. George Stokell, and Mr. Robert Clerk, late Warden of Fingal.

Your Committee have had exhibited to them several sets of Books, including those of the Corporation of Hobart Town. The evidence goes to show that in all the Municipalities examined there have been either irregularities in the Accounts or defalcations; some of the latter made good, and others occasioning loss.

The system of keeping books is, on the whole, very unsatisfactory, as also the system of audit.

Your Committee are unanimously of opinion that the Accounts of all Rural Municipalities and Road Trusts should be kept upon a common system instituted by the Government, and should be subjected to an annual audit by an Officer appointed by the Governor, who should travel through the country inspecting all books, vouchers, &c. in possession of Municipal Councils and Road Trusts. The Committee also consider that the Officer should be an accountant practically acquainted with Municipal business.

In most of the Districts it appears almost impossible to secure competent persons who are willing to perform the duties of Auditor. The Professional Accountants examined coincide with the other witnesses in recommending one general form of Book-keeping, and one competent Auditor.

The Committee do not consider that there should be any compulsory union of Road Trusts with the Municipal Council.

D. LEWIS, *Chairman.*

Committee Room, House of Assembly,
29th September, 1870.

MINUTES OF THE MEETINGS

FRIDAY, 9 SEPTEMBER, 1870.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Keach.

On the motion of Mr. Swan, Mr. Lewis took the Chair.

It was resolved, That the following witnesses be summoned:—Mr. Jno. Swan, Campbell Town; Mr. F. Allison,* Sorell; Isaac Wright,* Glenorchy—for Tuesday, the 13th. R. Clerk, Cambridge; J. O. O. M'Ardell, Kangaroo Point—for Wednesday, the 14th. James Young, Clarence; Henry Dawson,* Kangaroo Point; and Mr. Parker—for Thursday, the 15th. W. H. Walker,* Fingal—for Tuesday, the 20th.

Committee then adjourned until Tuesday, 13th September.

* To produce the books and accounts of the Municipality.

TUESDAY, 13 SEPTEMBER, 1870.

The Committee met at 11·10 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Whitehead, Mr. Davies, and Mr. Keach.

A letter from Mr. Isaac Wright, excusing himself from attendance, was read and received.

Mr. John Swan was called in and examined.

Resolved, That Mr. Aubin, Spring Bay, be summoned to attend with the books and accounts.

Committee then adjourned.

WEDNESDAY, 14 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Keach, Mr. Whitehead, Mr. Balfe, Mr. Swan.

Mr. F. Allison and Mr. Robert Clerk were called in and examined.

The Committee adjourned.

THURSDAY, 15 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman,) Mr. Keach, Mr. Swan, Mr. Whitehead.

Mr. Henry Dawson called in and examined.

Mr. F. Allison re-examined.

Mr. Henry Dawson's examination continued.

Mr. J. O. O. M'Ardell called in and examined.

TUESDAY, 20 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Keach, Mr. Whitehead.

The Clerk laid on the Table the Accounts of the Rural Municipality of Clarence as audited by Messrs. Lewis and Parker.

Mr. W. H. Walker called in and examined.

Letter from Mr. Aubin, explaining his absence, was read.

Resolved, That Mr. Aubin, Warden of Spring Bay, be summoned for Tuesday, 28th instant.

Resolved, That the Chairman do report progress, and ask for further time to bring up Report.

WEDNESDAY, 21 SEPTEMBER, 1870.

The Committee met at 11.15 A.M.

Present—Mr. Lewis (Chairman), Mr. Pratt, Mr. Swan, and Mr. Keach.

Resolved, That the Warden of Oatlands should be summoned to attend, with the Books of the Municipality.

The Committee adjourned.

THURSDAY, 22 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Whitehead, Mr. Swan, Mr. Keach, Mr. Pratt, and Mr. Davies.

Mr. James Young called in and examined.

Resolved, That Mr. Bilton, Warden of Glenorchy, be summoned to attend on Friday, 23rd instant.

The Committee adjourned.

FRIDAY, 23 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Pratt, Mr. Whitehead, Mr. Swan, and Mr. Davies.

Mr. John Rowland Roe called in and examined.

The Committee adjourned.

TUESDAY, 27 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Whitehead, and Mr. Keach.

Mr. Francis Aubin called in and examined.

The Committee adjourned.

WEDNESDAY, 28 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Keach, and Mr. Davies.

Mr. A. G. Webster called in and examined.

Mr. Thomas Parker called in and examined.

The Committee adjourned.

THURSDAY, 29 SEPTEMBER, 1870.

The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Whitehead, and Mr. Keach.

Mr. George Stokell called in and examined.

Mr. Lewis called attention to the Accounts of the Municipality of Hamilton as laid upon the Table of the House having been signed by one Auditor, and those of Hobart Town being in the same condition.

Letters from the Council Clerk of Deloraine to the Warden of that Municipality, suggesting method of keeping Accounts, and giving specimens, were read.

Draft Report read, amended, and adopted.

The Committee adjourned.

EVIDENCE.

FRIDAY, SEPTEMBER 9, 1870.

MR. SWAN *examined*.

Mr. Lewis.—Have been connected with Rural Municipalities for some years. Have filled office of Warden in two districts,—Fingal and Campbell Town,—and have performed the duties of Auditor. I consider that with common care on the part of the Councillors and Auditor no *serious* irregularities in the accounts could remain undetected.

The duties of an Auditor are to see what amount is due to the Municipal funds from all sources, to ascertain the expenditure, to find that every item of expenditure has been authorised, and that the balance of receipts, if any, is to the credit of the Municipality in the bank. The Auditors can scarcely be held responsible for the non-collection of rates, that being a matter for the attention of the Council.

Was Auditor to the Municipality of Fingal. I found a considerable amount of the rates uncollected. I reported this privately to the Council, and took advice whether it was part of the duty of an Auditor to take official notice of this, the accounts when submitted to me being signed by a Warden and two Councillors. On the second year of office as Auditor I found that rates were still uncollected, and was at this time elected a Councillor. The Council Clerk had no receipt book, but took the printed Valuation Roll and ticked off in the margin the rates received.

I became Warden of Fingal, and instructed the Council Clerk to summon every ratepayer who did not appear from this Valuation Roll to have paid. Amongst the first of those summoned, more than one produced receipts. This showed that great irregularity existed, and that the Council Clerk had not been in the habit of paying moneys into the bank promptly on its receipt. The Council Clerk, on being called on for an explanation, admitted that he had been guilty of carelessness, but he paid into the bank a sum of money which at the time was believed to cover all rates that had been collected and not accounted for; subsequently it was discovered that in

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Present—Mr. Lewis (Chairman,) Mr. Keach, Mr. Swan, Mr. Whitehead.

Mr. Henry Dawson called in and examined.

Mr. F. Allison re-examined.

Mr. Henry Dawson's examination continued.

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The Committee adjourned.

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The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Whitehead, Mr. Swan, Mr. Keach, Mr. Pratt, and Mr. Davies.

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The Committee adjourned.

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Present—Mr. Lewis (Chairman), Mr. Pratt, Mr. Whitehead, Mr. Swan, and Mr. Davies.

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The Committee adjourned.

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The Committee adjourned.

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The Committee met at 11 A.M.

Present—Mr. Lewis (Chairman), Mr. Swan, Mr. Keach, and Mr. Davies.

Mr. A. G. Webster called in and examined.

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The Committee adjourned.

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one or two cases the rates had been paid, and the payment not recorded in the books: the Council having determined to take proceedings, the Council Clerk left the Colony. This Council Clerk was the Police Clerk before the establishment of municipal institutions, and the first Warden of Fingal was the old Police Magistrate and acted as Treasurer. I consider that the fact of the office of Warden and Treasurer being combined very objectionable.

Mr. Davies.—I do not consider that the Treasurer should be a member of the Council; but I am decidedly of opinion that the appointment should be given to some competent person not a member of the Council, and so much was I impressed with this idea that on taking office as Warden I declined the post of Treasurer. I do not consider the appointment of the Council Clerk so objectionable. In the Municipality of Campbell Town the Council Clerk is the Treasurer, but the best principle is no doubt that the Treasurer should be unconnected with the Council.

Mr. Whitehead.—I do not see any objection to the Council Clerk being a collector of rates; but I consider the Treasurer should be a person totally unconnected with the Municipality by any office except as Treasurer. Municipal institutions can only work satisfactorily where the Councillors are men moderately acquainted with accounts, and willing to devote attention to the duties of their office. I think the accounts should be audited annually by a skilled accountant who should travel throughout the Municipalities to inspect the books. This Auditor should be appointed by Government, and there should be one system of accounts.

Mr. Davies.—I contemplate that this Auditor should be paid by the Municipalities, but I have not considered in what way. The appointment of such an officer would entail a direct tax upon the ratepayers, but the indirect advantages derived from greater confidence and sense of security from fraud would more than compensate for this charge.

Mr. Lewis.—I am Chairman of the Board of Works for Campbell Town, and I am strongly of opinion that it would be highly objectionable in that District to amalgamate the Municipal Council, the Board of Works, and Road Trust. I have never been a member of a Road Trust. I see no reason why the Road Trust Accounts should not be audited in a way similar to that I have recommended for Municipalities.

I do not think that there should be a union of Road Trusts with Municipal Councils. In some Municipalities the electoral power is monopolized by the towns, in spite of the plurality of votes enjoyed by the large landholders; the inhabitants of the towns are generally disinclined to be rated for the maintenance of roads in remote parts of the district. Many men who would be very useful as Road Trustees might not have sufficient influence to be elected Councillors, and indeed might be scarcely fit for the latter position. The principal and first duty of a Municipal Council is to protect the lives and property of the inhabitants of the District, and consequently their principal duty is management and control of the Police. I am aware that in Hobart Town and Launceston there were Municipalities before the control of the Police was given over to those bodies. I do not consider that I have any special authority to speak on the matter connected with the Municipalities of Hobart Town and Launceston.

Wednesday, September 14, 1870.

MR. F. ALLISON *called in and examined.*

Mr. Lewis.—I am Warden of Sorell—I produce the account books of the Municipality from the commencement, viz. Municipal Cash Book from 1862 to July, 1870; Police and Road Rate Cash Books (2); Cash Book Police (now unused); Bank Pass Books (3).

Mr. Swan.—There is no book kept showing the whole amount of rates due. The only means of discovering whether rates have been paid is by comparing the butts of the rate receipt book with the Assessment Roll, which is ticked off as each person pays his rates. The Collector gives a printed receipt for rates.

Mr. Whitehead.—When rates are paid by cheque, which seldom occurs, the receipt would not be sent by post but be kept at the office until called for.

Mr. Lewis.—The Rates in the Municipality of Sorell are collected yearly. The rates are most certainly not all collected for the year before the end of the month of May. There is a Ledger kept, which I will write for. We have a book for entering fines and fees, and a Minute Book; these I will produce at 11 o'clock to-morrow. It has been said by one individual that the Accounts of the Municipality are incorrect. The Accounts are regularly audited according to the Rural Municipalities Act. The Municipal Council was formerly the Road Trust of the District, but is not so now. Mr. Edgar, one of the Auditors, is a book-keeper to Mr. Coram who is a storekeeper in Sorell. Mr. McPhee, the other Auditor, is the Government Schoolmaster. In auditing the Accounts all the books are produced, together with the Balance-sheet passed by the Council. Receipt books showing receipt and expenditure for Police purposes; the Rate Book showing amount of rates paid; the Dog Licensing Book showing amount collected for Dog Licences; the Day Book showing the charges at the Police Office and fines paid. The butts of the Police Rate and Dog Licensing Books, and the Minute Book, would be produced if required; the Assessment Roll is also furnished. Should the Auditor discover an amount of rates uncollected I do not consider that he would have authority to take any official notice of the fact. The offices Council Clerk, Collector of Rates, and Superintendent of Police are amalgamated. I object to this, but only consented on the score of economy. The Road District and the Municipality are distinct. The separation was brought about by one person who obtained a petition to the Governor. I believe that the duties of the Road Trust were better performed before the separation. I see no objection to the two bodies, Road Trust and Municipality, being combined. There are two Road Districts in Sorell.

MR. ROBERT CLERK *called in and examined.*

Mr. Lewis.—I have been Warden and a Councillor of Fingal; as Warden I have been through the whole of the Accounts in detail during the two years that I held office. I am acquainted with Accounts, and consider that the system adopted at Fingal is a good and sufficient one, as long as good and efficient men occupy the position of Councillors and Council Clerk. I was a Municipal Councillor at the formation of the Municipality. There were at first gross irregularities in the Accounts by the non-performance of their duties by the Councillors, and by the combination of the offices of Warden and Treasurer; by non-performance I mean a too implicit confidence in the Warden (the old Police Magistrate), who, not being a man of business, failed to exercise a proper supervision over the proceedings of the Council Clerk. On principle I think the Treasurer should not be a Councillor if it were possible to obtain proper persons in the District. I am decidedly of opinion that the Council Clerk should be neither Treasurer nor Superintendent of Police, a division of the responsibility I consider much the safer to the working of Municipal Institutions. I have been on the Road Trust since the first passing of the Act. I am decidedly opposed to the amalgamation of the Road Trust with the Municipal Council, as I consider the divided responsibility more desirable, and that many persons fitted and desirous of being elected Road Trustees would not be suited or chosen as Councillors.

Thursday, September 15, 1870.

MR. HENRY DAWSON *called in and examined.*

Mr. Swan.—I am Warden of the Municipality of Clarence. I produce the Books of the Municipality in accordance with a Summons from this Committee,—Cash-book, Ledger, and new Cash-book lately opened by the new Council Clerk. I entered the Municipality in 1866. I was not satisfied with the way the Accounts were kept. The Councillors confided implicity in the late Mr. Abbott, and I found myself powerless to oppose him. Mr. Abbott exercised supreme control over all the affairs of the Municipality. The other Councillors deferred to Mr. Abbott from his having been for many years the Police Magistrate of the District. Without professing to be an Accountant, I think that, under the present system of keeping the Books of the Municipality, with ordinary care and intelligence on the part of the Councillors and Treasurer and Warden, it would be very improbable that a fraud could occur. No Rate-book is kept by the Council Clerk. If intelligent and honest men are elected as Councillors, I think the present system of audit affords sufficient protection to the Ratepayers. The Treasurer's duty is to receive all the Cash from the Collector every fifteen days. The Auditors, in conducting an audit at the end of the year, should make themselves well acquainted with all the Accounts in every particular. They should be made acquainted with the amount of Rates to be collected, the sum actually collected, the list of deficiencies, the Rates remitted for paupers, and other causes. The Auditors should make a representation to the Warden of any amount of Rates uncollected on auditing the Accounts. I think that the Auditors would be justified in making this representation to the Warden, to be brought before the Council. It would be the Auditor's duty to call attention to any glaring amount of uncollected Rates.

Mr. Whitehead.—I think Rates collected might be reasonably left with the Clerk for fifteen days, for, in that time, I do not think the amount of the Collector's Bond could be exceeded.

Mr. Swan.—I certainly think the Accounts of all the Municipalities should be kept upon one system. I think it advisable that they should be audited annually by a skilled Auditor appointed by the Government. In a small Municipality like Clarence I do not object to the same person holding the office of Council Clerk and Superintendent of Police, from its compactness and from its being so rarely worked for Police purposes; but, in a District like Fingal, where I resided for seven years, or any other large District, I do not think the offices could be combined with safety.

MR. F. ALLISON.

I have heard the questions as to the advisability of a Public Audit, and entirely coincur with it.

MR. DAWSON.

I do not think, from my knowledge of the District of Clarence, that there two persons could be found that could checkmate a first-rate Accountant who was disposed to be dishonest.

In a District like Clarence, from its size, when the Road Trust was in the hands of the Municipality, the Council were divided into Sub-Committees for the general inspection of Roads; and such arrangement was found to answer exceedingly well. It would not answer so well in a larger District, such as Fingal. The roads are, in my opinion, not so well managed under the Road Trusts as they were under the Council.

The District of Clarence was divided,—one section desiring to borrow money for the construction of the road leading from Kangaroo Point to Richmond, and the Clarence portion of the Municipality, fearing to be burdened with a portion of the debt, and they consequently petitioned the Government to separate the District into two Road Trusts, and relieved the Municipal Council of the responsibility.

Mr. Swan.—The cost of collecting the Rate, viz., 5 per cent., is an increase to the expenditure. By the separation of the Road Trust from the Municipal Council the collection would be made by the Council Clerk under the Municipality. I consider it would be very objectionable in such a District as Fingal to vest the Road Trust and Board of Works in the Municipal Council.

Mr. Lewis.—I do not think the Rates of the District of Clarence are sufficient to keep the Roads in ordinary repair. To properly make the Roads in that District it would be necessary to borrow money and levy a rate to pay the interest. This course has been attempted, but unsuccessfully.

Mr. Keach.—Councillor James Young is the Treasurer of Clarence. I could see no objection to the Council Clerk being the Treasurer, provided that the Bank-book were produced to the Warden every fifteen days, initialled by the Cashier of the Bank, together with an abstract of moneys received to date of paying in.

Mr. Swan.—Councillor Young is paid. I do not see any objection to a Councillor being a Treasurer. I think that a Councillor, not being Warden, should, if Treasurer, be paid out of Municipal Funds. I am not aware of anything in the Act to prevent it.

Mr. Lewis.—The Books and Accounts of the Municipality, from 1860 to 1869, were lately audited by Special Auditors. The Accounts of these Auditors were sent to the Government to be laid upon the Table of the House of Assembly. There were large defalcations in these Accounts, I believe occasioned by the dishonesty of the late Council Clerk.

MR. J. O. O. M'ARDELL *called in and examined.*

Mr. Lewis—I am an Auditor of Clarence Municipality, and have been since the commencement. I did not approve of the way in which the accounts of that Municipality were kept. I remarked on the unsatisfactory manner in which the books were kept in the late Warden's presence, but cannot say that I directly called his attention to the fact. For many years past I had no suspicion that the late Council Clerk was dishonest, though I remarked that in absence of a Petty Cash Book and memorandum it was quite possible for a dishonest man to appropriate small sums. I am aware that there were serious defalcations in the accounts of the Municipality up to 1869. I requested the Council Clerk to provide himself with those books the absence of which I mentioned before. I only detected two trivial errors in auditing the accounts.

Mr. Swan.—I found no Rate Book kept, but in lieu thereof a Valuation Roll with certain marks purporting to show persons who had paid their rates, and no entries in the Cash Book of the individual payments. There was nothing further to show the amount of rates uncollected than by adding up the ticked part of the Valuation Roll and subtracting the amount from the total assessment, and I never adopted this course. The bank pass-book was generally but not always produced at an audit. It took from two to three hours to audit the accounts,—certainly not in half an hour. I have never been engaged in commercial pursuits. I am not a practical Accountant, but have 30 years' experience in teaching book-keeping.

Mr. Lewis.—I have expressed my opinion of the unsatisfactory way in which the accounts were kept, but no notice was taken of it by the Warden or the Clerk,—in fact, it was considered that my duty consisted in looking at the Balance Sheet, and comparing the books with the vouchers, and taking them as correct; and it was considered that I was travelling out of my province in making any remark as to the manner in which the books were kept. I hold a contrary opinion. I had not the slightest doubt of the honesty of the late Council Clerk, and did not therefore insist on the information I required being furnished. On the last occasion I audited I declared I would never again sign an abstract in the absence of those books which I considered necessary.

Mr. Swan.—This was after a suspicion as to his integrity had been thrown on the Council Clerk by Mr. Strachan.

TUESDAY, SEPTEMBER 20, 1870.

MR. WILLIAM HOLDEN WALKER *called in and examined.*

Mr. Lewis.—I am Council Clerk of the Rural Municipality of Fingal. I produce the account books of the Municipality.

Mr. Swan.—I keep a Rate Book. This book is constructed for the purpose of showing the amount of rate upon the total annual value of the property, when the rate was demanded, when paid, and by whom, and the deficiencies (if any), and what was done with that deficiency.

Mr. Lewis.—All the entries in this book are made immediately after the Appeal Court, and the rate fixed; so that the Council can see at a glance the amount of revenue derivable from this particular rate, and also at the end of the year the amount of deficiency, if any.

Mr. Swan.—I produce the Fees and Fine Book, Dog Licence Book, and Slaughtering Licence Book.

Mr. Lewis.—The Warden does not go through the record books for the purpose of ascertaining the fees and fines paid, neither the Treasurer nor Auditors. I am of opinion that it should be done.

Mr. Swan.—There are four distinct Stations in the Municipality,—Avoca, Fingal, St. Mary's, and Falmouth. I am stationed at Fingal; on Tuesdays I visit St. Mary's and Falmouth, a distance of 21 miles from Fingal; on Saturdays I visit Avoca, 18 miles from Fingal. A Record Book and Fees and Fines Book are kept at each of those Stations. Only moneys received are entered in the Fees and Fines Book. I receive them on these days, and initial the book. These books are kept at each of those Stations by the Officer in charge. Upon paying the money over to me I refer to the Record Book to see that the amount paid is correct, and if found to be so I initial the book and he pays me the money. This is done every week. I make up the books of the Municipality daily, so that at the end of the week my books will show all moneys collected in the Municipality that have been received up to that date and will be passed through my books. All cash received I place in the cash-box, and at the end of every month pay the same over to the Treasurer. The cash-box is placed in an iron safe kept at my own residence. I never leave money by any chance at my office, and I have always positively refused to receive money anywhere but at the office, in order that I might enter it in the books. It is my habit to return every night to my own residence after visiting the out-stations. If I had collected a large amount of rates at Falmouth I should not go home if it were some time after dark and I could not get home till very late, unless I had a large sum of money in the house, when I should return whatever time of night it might be. Should I be unavoidably absent during the night, the Superintendent of Police instructs a constable to visit the house. I am a married man, and there is always some one in the house. I have had as much as £447 collected in one month, mostly in small cheques and cash. The reason I keep so much money in hand is that the Treasurer does not like taking money over oftener. I have pointed out that the Act requires the money to be handed over every 14 days, but I have reason to believe that the second attendance is troublesome, and therefore it is only done on Council Meeting days, thereby killing two birds with one stone.

The amount of security I give is myself for £100 and one surety for the same amount.

The Treasurer of the Municipality is also a Councillor, and receives a salary of £15 per annum. This I believe to be contrary to the Municipalities Act. I do not know the amount of security given by the Treasurer.

I have nothing to do with the Bank Pass Book. When the Treasurer has signed my book and received the money from me all my responsibility ceases.

I am always present when the accounts are audited. The Rough Cash Book, General Sessions Book, the Municipal Ledger, the Police Ledger, the Butts of the Police Rate Receipt Book, the Minute Book showing that the payments had been authorised by the Council, a voucher for each payment duly receipted and signed as correct by the Warden in Council, and any other information I may have, are presented to the Auditors. That acts as an efficient check upon me as far as I am concerned. There is no check upon the Treasurer beyond the Bank Pass Book, which is always produced at the audit. If the Bank Book agrees with my books the Treasurer must have paid all money received by me into the bank. No money is received by the Treasurer on Municipal account that has not passed through my hands.

The Treasurer only produces the Bank Pass Book once a year, at the audit. If at any time I have the book in my possession at any meeting of the Council I lay it on the table. But it is a book that I have nothing to do with officially.

The audit usually takes about nine hours. I am perfectly sure that they go through the accounts and compare them with the vouchers: that they do it conscientiously, conducted with great care and very minute. The efficiency of the system of audit depends on the class of men appointed as Auditors. I only know of three or four competent in the District of Fingal. By competent I mean thoroughly conversant with accounts as a matter of business, and capable of detecting errors and acting as an efficient check. In one year the Auditors detected an error of one penny in the accounts, involving an expenditure of upwards of £1300.

I consider that the present system is sufficient check on the Council Clerk if the Warden, Treasurer, and Auditors are competent, and perform their duties carefully. The present system to be efficient being dependent on obtaining the services of an unexceptionably good set of men, I consider a Government Audit would be a vast improvement. It would conduce much to the correctness of the audit and quite practicable to have one system of book-keeping for all the Municipalities. I consider that this general audit should be conducted by an officer appointed by the Government, travelling to the different Districts. The sending of the books to town for the purpose of examination would be more expensive, and would most probably be objected to by the Councillors on account of the inconvenience caused by the absence of the books, &c. during their examination, and would very likely involve the absence of the Council Clerk from his District.

THURSDAY, SEPTEMBER 22, 1870.

MR. JAMES YOUNG *examined.*

Mr. Lewis.—My name is James Young. I am Treasurer and Councillor of the Rural Municipality of Clarence. I have been Councillor from the commencement, and Treasurer for about 8 years. I was not in the habit of receiving from the Collector all moneys paid to him. I never received any of the moneys of the Municipality with the exception of a few Government cheques all the time I have been Treasurer. Lately (this year) I believe I have received all the moneys (excepting the Government aid) and placed them in the bank. I have done this since the defalcations by the late Council Clerk became known. I may say that the day the Council Clerk obtained leave of absence and left the Colony in the *City of Hobart* I had determined to go to the Police Office and demand the money from him in the exercise of my functions as Treasurer as shown by the Act. The Clerk and the Warden between them (I do not know how they managed) received all the moneys before this. I did complain of this, but the Councillors said it was the usual thing. They had implicit confidence in the Council Clerk and Warden.

I received no pay as Treasurer until this year they give me £15 a year and make me find sureties. There were several serious defalcations in the Accounts. Had I exercised my duties as Treasurer these defalcations by the Clerk could not have occurred. The Council of Clarence has accused the late Clerk of

appropriating the money. Allowing for rates unpaid and one thing and another, these defalcations amount to about £500. I gave evidence before a Select Committee last year with reference to the Accounts of Clarence for three years. There were Accounts made up by that Select Committee sent to the Council of Clarence in October last. There was a balance in that Account at the end of 1868 to the debit of the Treasurer of £123 5*s.* 1*d.* This sum should have been in the hands of the Treasurer. I asked the late Clerk about it, he gave an evasive reply.

Mr. Swan.—His reply did not satisfy me.

Mr. Lewis.—No steps were taken to recover this sum of £123 5*s.* 1*d.*; the Council did not understand this sum was due. I consider it my duty as Treasurer to know what revenue has to be collected from all sources. I have not yet called on the Council Clerk to account for the revenue; the way they keep the books does not satisfy me, nor the way I receive the money. I receive it in lump sums, the Clerk does not give me the items which I think ought to be furnished; this is a system I disapprove of. I think that one system of keeping books in all the Municipalities would save a great deal of trouble. I think a Government Audit would be better than the present method, because the Government Auditor would be independent of everybody and would have the books to himself without any interference. Our Auditors used to have the Warden and late Council Clerk with them, and took their explanations rather than take the trouble to go through the accounts themselves.

Mr. Swan.—I always knew what the duties of a Treasurer were, but had never been able to exercise them. It was in the present year that I first decided to perform the duties of Treasurer. I had been acting as Treasurer for 7 years; during that time I was aware it was my duty to receive and account for the Municipal funds, but I did not do so for I could not get them. I am not aware that it is illegal for me to hold an office of profit in the government of the Council although I am a Councillor and not the Warden. It strikes me that according to the Act the Council may appoint any of the Councillors to act as Treasurer, and give him a salary for so doing. I do not think this would disqualify a Councillor so appointed. After reading the 56th Section of the Rural Municipalities Act I have my doubts as to the legality of my situation as Treasurer. I have kept books, a Day Book, Journal, and Ledger. I consider I do know how books should be kept, and understand a system of book-keeping. I do not think there are more than from 12 to 20 people fitted to act as Auditors in the Municipality. I mean if they would take the trouble to examine the accounts thoroughly.

Mr. Whitehead.—I think it more convenient that the Treasurer should be a Councillor; he has more opportunity of looking after the money, seeing that the rates are paid, &c. When I gave evidence last year before the Select Committee, I thought Mr. Strachan was wrong in challenging the correctness of the Municipal accounts. I now consider he was right or very nearly so.

MR. HENRY BILTON *examined.*

Mr. Lewis.—I am the newly elected Warden of the Rural Municipality of Glenorchy. I have been a Councillor since the commencement, only acting on the Police Committee. I have had opportunities of seeing how the accounts are kept. I became a member of the Finance Committee at the beginning of the present year. This was in consequence of my having discovered the irregular way in which the books were kept. The system is bad. It is three years since I protested against the system adopted, the management of the Accounts and the receipts of moneys. It was impossible for any one except the Finance Committee to know the state of the accounts. I tabled a motion that all accounts of receipts from whatever source should be placed every month upon the table of the Council. The reason was that it might be known who were defaulters in the payment of Rates, so that a check might be kept upon the Council Clerk. I was aware that the Police Rates were not received in due course as they ought to have been. The duties of the Council Clerk at that time were about to be augmented by his being made Superintendent of Police. The Council Clerk received the moneys, but from the method in which the accounts were kept it was impossible to know what was and what was not received. The whole of the payments were made by cheque through the Warden. No petty cash account was kept that I am aware of. Since the time of my joining the Finance Committee I have, in conjunction with two other members, examined the accounts as to the Rates since the commencement of the Municipality. About £200 deficiency appeared uncollected or unaccounted for. The late Warden, Mr. Brent, promised to investigate this fact, but in consequence of his illness and subsequent death the duties have devolved upon me. I have given notice to the Ratepayers of their indebtedness. In many instances I have been responded to; some have paid, some have acknowledged their debt, and some disputed their liability. I intend to test the latter by summoning them. The same person has held the Office as Council Clerk since the commencement, and has collected the Rates; but for the last few days I have undertaken the duty myself.

I decidedly disapprove of the way the Books are kept. I produce the books of the Municipality—Ledger, Cash-book, Day-book, and Record-book, Court of General Sessions. I can make nothing out of them: perhaps the Committee can: if so, that is more than I could do. It would be only by going through them, and taking out the items, that any satisfactory conclusion could be arrived at. There can be no doubt of the necessity and desirability of one system of Books being kept in all Municipalities. A Government Audit would decidedly be preferable to the present system of elected Auditors. Some in the Districts are incompetent, and those that are are unwilling to take the trouble. My impression is that Auditors should go thoroughly into detail: at present I fear they do not do so. I think it wrong that the Treasurer should be either a Warden or Councillor of the Municipality. At present we have no Treasurer. There has been no Treasurer appointed since Dr. Butler was Warden. The late Mr. Brent acted, but was not appointed, and gave no security. Dr. Butler was appointed Treasurer whilst Warden, and gave security. We keep no Rate-book, and the only means of discovering whether a man has paid his Rates or not is by comparing the butts of the Receipt-book with the Assessment Roll.

Mr. Swan.—I do not know how the Accounts are audited. Some of the ratepayers that have refused to pay gave as their reason that they are not called on to pay rates for former years whilst holding receipts for rates due at a later date. If a man holds a receipt for 1868 it is fair presumptive evidence that he had paid in 1866, but not such as would justify acquittal from the debt; but the fact of his holding a receipt for 1868, if his rates for 1866 had not been paid, would show gross negligence on the part of the Municipal Council.

Friday, September 23, 1870.

MR. JOHN ROWLAND ROE *examined.*

Mr. Lewis.—I am the Warden of the Rural Municipality of Oatlands, and Chairman of the Board of Works. I produce the Account Books of that Municipality. I did not bring the Minute-book. The Cash-book contains an account of all the Revenue collected in the Municipality, under separate headings. We have an Account-book showing all the Rates received. There is no Rate-book kept. The Council Clerk calculates the amounts on the Assessment Roll. I, as Warden, have been in the habit, as the Treasurer does not take any great interest in the matter, of going over the amount of moneys entered in the Cash-book, and comparing the entries and the butts of the Receipt-books, both for Rates and Dog Licences.

I have an abstract made out monthly. The Council Clerk pays over monthly to the Treasurer, sometimes more frequently, and receives his receipt. I then compare the amount collected by the Council Clerk with amount as shown by this abstract to be due, and if correct, certify to the same on the abstract. This abstract is not laid before the Council, but would be produced if required. This mode of keeping the accounts has been used about two years, but it may have been adopted before. It was in consequence of the Treasurer not taking any great interest in the accounts that induced me to adopt this system of check on the Council Clerk, who is Collector of Rates.

Mr. Pratt.—There was a confusion in the accounts owing to my predecessor (as Warden and Treasurer) not having paid the moneys into the bank as regularly as he should have done. In the end these irregularities were brought under the notice of the Council and investigated by the Auditors at the direction of the Council. The investigation showed that the proper amounts had not been paid into the bank at the time that they should have been. I have no idea of the exact amount of these arrears: it was, I should think, over £500. These were moneys received by that officer on account of the Municipal Fund, but not paid to the credit of that fund in the bank. These irregularities must have continued for a very considerable period. The Municipality was at no loss. The Treasurer paid the deficiency after his resignation. Pressure was put upon him to resign and to pay the money. This continued over all this period through the fault of the Auditors. I do not think the Auditors were aware of their power and duty: it was more their want of knowledge than want of diligence. I believe the whole was caused by the Auditors not seeing the bank-book. The accounts were perfectly correct. The Treasurer kept this, but never produced it to the Auditors or Council. The irregularities were discovered by an occurrence (explained to the Committee) which led to further enquiries on my part, and I then told a Councillor that if the bank-book were not produced I should move in the Council for its production, and this was successful. In consequence of this and other causes I was led to adopt this system of a monthly abstract. I am not aware if my predecessor employed such a one.

Mr. Swan.—There were, I think, two sets of Auditors who had passed these accounts. These men were, I think, quite competent; but they were innocent enough to suppose that they could audit the accounts without reference to the bank-book. I do not myself suppose that accounts could be audited without the book. The majority of such men as are employed as Auditors are not, in my opinion, competent to audit accounts so as to detect the frauds of a skilful accountant. I think there is a very great difficulty in getting competent and willing men to act as Auditors. The Treasurer is a Councillor. He is not paid. I think it desirable that the Treasurer should be a Councillor. There is no statement of accounts given by the Treasurer to the Council at the monthly meetings.

The Bank Pass Book is occasionally produced, but it is seldom asked for. The Bank Book is often in the possession of the Treasurer or the Council Clerk; consequently it is not written up sometimes between two or three months. The Treasurer may now hold funds of the Municipality for two or three months without paying into the Bank or any check being upon him. The Treasurer found sureties I think for £500. No accounts are placed before the Council at the monthly meetings. The accounts for payment are brought before the Council by the Council Clerk, referred to the Finance Committee for their report, which is brought up at the next meeting. There is no statement made to the Councillors of the amount of rates uncollected or the state of the balance at the Bank. Will explain the precise method of keeping the Minute Book. The Council Clerk takes rough notes which are written out prior to the next meeting.

Mr. Whitehead.—I think the Council Clerk has had as much as £100 in hand before paying over to the Treasurer, but I cannot speak positively. His security is £200.

Mr. Lewis.—I decidedly think that the Council Clerk or Warden should not be Treasurer. The more people there are to handle the money the better.

Mr. Swan.—A skilled Accountant to visit each Municipality and audit the accounts would be safer, but I question the propriety of such a course, because I think the Municipalities should be allowed to take care of the money if they are competent to exist as a Municipality at all. This I say after my long experience with the Oatlands Municipality. The appointment of a skilled Accountant would assist to weaken the feeling of responsibility by the people of a Municipality; still I think such an audit would be much safer to the public. I have just advertised for nominations for an Auditor and no one has been named.

Mr. Lewis.—I have no connection with the roads of the District except as Chairman of the Board of Works. I was Chairman of the Road Trust for several years. I think the Municipal Council could manage the business of the Road Trust with advantage and a saving of expense. I think, as a rule, that Road Trustees have not a very good knowledge of road making. I object to the system of road making in this Colony altogether, much money is wasted under that system. I think the Municipal Council could take the contracts and general supervision of the roads, and the only objection I see is the possibility of consequent confusion in the accounts; there would be considerable danger by a confliction of accounts unless we had a very competent Accountant as Council Clerk to keep all the expenditure under their proper heads.

Mr. Lewis.—There should be a uniform system of keeping accounts in the Municipalities. I think it could be done.

MR. BILTON.

I produce the Receipt Books 2 and 3 of 1867; Dog Licences, 1869; Minute Book, 1870; Manuscript copy of Assessment Roll for 1870 and 1867; Demands for Rates 1, 2, and 3, of 1867. Our Municipal Council meets monthly. The Treasurer has not been in the habit of giving a detailed abstract of the accounts at these monthly meetings. I produce part of the abstracts of the results of the labours of the Finance Committee in the investigation I mentioned yesterday, showing the amount of rates now appearing to be unpaid. There are no Road Trusts in our Municipality. I believe that in pressing for payment of rates, the payment of which I can find no record, I shall be met with receipts.

Tuesday, September 27, 1870.

MR. FRANCIS AUBIN *examined.*

Mr. Lewis.—My name is Francis Aubin. I am the Warden of the Rural Municipality of Spring Bay. I produce the books of the Municipality. Spring Bay was erected into a Municipality about the year 1863. I believe some of the books are missing. They were lost both before and since I have been Warden. The Accounts have been in a state of confusion. There were some of the funds of the Municipality unaccounted for, but they have since been made up. I was a Councillor from the first. The defalcations in the first instance were made by the first clerk, who suddenly disappeared, and was afterwards found to have destroyed himself in the bush. There were others subsequently.

As far as we could judge the audited Accounts were correct. The first deficiency was about £30, and was discovered on a special audit being held after the death of the Council Clerk. There was no suspicion before his death. After his death there were subsequent defalcations discovered during my Wardenship. I found that a licence had been taken out and the money not paid, that is, not accounted for by the Collector.

The Council Clerk was appointed by the Council as Collector of all the Revenue. He gives security for £100.

I made the discovery of the defalcation; it amounted to about £13. The first was about 1868, and it was restored. He continued after this, and further defalcations occurred. On the first offence I suspended him, and communicated the matter to the Council. The Council resolved to give him another chance: I objected to this, and did not vote. I took the decision of the majority. Another irregularity occurred with the same Clerk to the amount of between £50 and £60, rates paid and not accounted for. At this time I was Warden, not Treasurer. I immediately called the Council Clerk, and referred the matter to the Council. The Council Clerk in calling this meeting of Council was perfectly aware it was for the purpose of inquiring into this discrepancy, and he had plenty of time to have made up the money deficient. He did not restore the money before the meeting of Council. The decision of the Council was that the Sureties were to be called upon to pay up the difference. His salary for three months then due was stopped, and the Sureties made up the balance; he was also dismissed from his office.

I produce to this Committee the form of a monthly receipt of Revenue,—viz., the particulars of rates collected, dog licences, abstract of the full amount, and the bank receipt. This system prevailed when I was Treasurer, and has been continued up to the present time.

Mr. Cruttenden, the present Treasurer, is a Councillor.

I send these forms to the Treasurer for his information, but I receive the money and send it to the bank. The Treasurer would be most certainly the proper person to receive the money, but in this case it would be very inconvenient, as he lives twenty miles from me; but I consider that when I have received the bank receipt for the money and forwarded this and the other abstracts to the Treasurer that he will be fully cognizant of the state of the receipts for Revenue.

The Treasurer is not paid, and finds no surety.

There is a nominal list in manuscript in a book of ratepayers, and the amounts due, kept by the Collector. As the amounts are paid he writes "paid" against the item. The present system of keeping the books has been adopted this year, when we opened a new set, kept in a similar manner to those of the City of Hobart Town.

Mr. Geo. Mace is the only Auditor. I have twice advertised for nominations, and his was the only one. The people of the district seem to be very indifferent to the filling of this very important office. It would be much more satisfactory, as there is this apathy, that a skilled Accountant should be appointed by the Government to audit the accounts of all the Municipalities.

One form of keeping the books throughout the Colony would be advantageous to the Municipalities. I think the method lately introduced in Spring Bay, copied from the City of Hobart Town, a great improvement on the plan formerly in use,—the books under that system being more convenient for reference.

The roads of the Municipality are under the Council, and have always been so. I have heard no serious complaints from this amalgamation as to the money not being spent in the parts where collected. It was resolved last year to spend all the money raised on the main line of road. The other road, from Triabunna and Oatlands (not often used), is the only one on which the Council have spent money. There would be no object gained by dividing the district,—the funds would be too small. The Council is divided into three Committees, who take different parts of the district,—south, middle, and north,—and they, I believe, satisfactorily expend the money placed at their disposal by the Council.

Mr. Swan.—The main road is about 50 miles. The Road Rate is 3*d.* This sum is barely sufficient to keep the road in repair; it must do for we do not purpose to levy more. We shall spend no money on any other road, nor do I think any one will ask for any for other places.

With respect to the Municipality of Spring Bay, the amalgamation of the Road Trust and Municipal Council has decidedly worked well; I cannot say how it would answer in other districts. All the accounts are kept together, both of Police and Road Rates. I see no objection to the Treasurer being a Councillor. I am of opinion that the old books were kept in a rough and unsatisfactory manner. I believe we have now a competent person to keep our books.

Mr. Aubin withdrew.

Wednesday, September 28, 1870.

MR. ALEX. GEO. WEBSTER *examined.*

Mr. Lewis.—I am Auditor to the Savings Bank, Steam Navigation Company, and the Corporation of Hobart Town. I have seen the account books of the Municipalities of Sorell, Spring Bay, Fingal, Oatlands, Glenorchy, and Clarence. The Fingal and Oatlands books are the best, but they are not kept on the system I should recommend. The Spring Bay Cash Book, as far as the receipts are concerned, is kept in a way I should recommend if the credit side were kept in the same way, and also a Ledger. The others do not appear to be kept on any system at all. It would be very easy to devise a system of accounts and books to be kept by each Municipality, so that any clerk with an ordinary knowledge of accounts could keep them if he were once put in the way. I should decidedly recommend such a system as I have indicated.

Mr. Swan.—I consider that the Fingal accounts are kept in a manner sufficiently clear and complete for all practical purposes, but it might be improved upon. There should be one cash book instead of two. I think the Fingal Rate book is the correct method of keeping one. I think the Fingal are a well-kept set of books.

Mr. Lewis.—I approve of the system employed in the Corporation of Hobart Town. I have suggested improvements from time to time, and consulted with Mr. Parker. The system adopted in England and known as Jones' is the one I should recommend, as far as is applicable to the keeping of Municipal Accounts.

I think the appointment of a competent Auditor by the Government for all Municipalities would be desirable.

Mr. Swan.—After examining the accounts of Glenorchy, Clarence, Spring Bay, and Sorell, I consider that Legislative interference, both as to system and audit, would be advisable.

Mr. Lewis.—Practically in Hobart Town the election of Auditors is in the hands of the Town Council, as the citizens take little interest in the matter, and a great difficulty is experienced in obtaining any one to act, as there is neither honor nor emolument attached to the office, and the duties are considerable.

Mr. Davies.—In the event of any new system of accounts being instituted it would be very desirable to have a thorough investigation of the affairs of the Municipalities up to the commencement of the new system.

MR. THOMAS PARKER *examined.*

I have been Accountant to the Corporation of Hobart Town for the last 9 years. The system has not been much altered since I commenced; it was a good one then and I have kept it on. The system is Jones' English method, as nearly as practicable.

The principal books kept in Hobart Town Corporation Office are Assessment Rolls; Rate Book compiled from this, showing total amount of Rates, actual receipts, losses, &c.; Treasurer's Cash Book; Tabular Office Cash Book; General Cash Book; Journal; Ledger; Statement Book showing quarterly balances and actual position of the Corporation; Book showing Cab, Dog, and other Licences, and receipt stumps to correspond; Bank Books showing difference between Corporation and Bank Pass Books. All these books are necessary to keep the accounts of such a Corporation. The revenue amounts to £19,000 per annum. This system provides the most perfect system of check and counter-check that can possibly be devised. I have by this means been enabled to detect fraud; it is almost impossible for fraud to remain undetected.

I examined the Books of the Municipalities with Mr. Webster this morning. Have heard all his evidence, and fully concur in it, as to the system of keeping the books and also of auditing; but I think the Government Auditor should be a person practically acquainted with Municipal matters, and am strongly of opinion that he should be a visiting Auditor.

THURSDAY, SEPTEMBER 29, 1870.

MR. GEORGE STOKELL, *of Clarence Plains, examined.*

Mr. Lewis.—I am a landed proprietor in the Municipalities of Clarence, Richmond, Oatlands, and Hamilton. I pay Rates to five Road Trusts. The Road Trustees work very badly indeed in these Districts. Since the Clarence Municipality has been divided into separate Road Trusts I find they have paid no attention to the Cross Road. I found it better managed under the Municipality. I have no complaint to make of Richmond. Nothing can be worse than the management of the Police and Roads in Oatlands Municipality. Having about 7000 acres purchased land in this District, and having paid £20 of rates for many years, I have never had any protection from the Police, nor any money laid out on my only road to Hobart Town. The road is now shut up for want of money to be spent on it: it is closed by neglect. I have repeatedly made complaints to the Trustees about this road,—it having been used as a public road rendered it impassable. The Warden, Mr. Roe, denies that it is a road at all, although it was partly made in Colonel Arthur's time, and was then good,—running from Eastern Marshes to Swanport. They were making roads between farms and streets in Oatlands, and so there was no money. It would be an advantage to me if my portion of the District of Oatlands were separated from the Municipality.

Mr. Stokell withdrew.

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.

Select Committee

No. 6.

Appointed on the 8 September 1870, to
Enquire into the Revenue and Expenditure
of the Submarine Telegraph from the date
of the first paid Message to 1st July last,
with power to send for persons & papers.

Members nom.d on 13 Sept.

Mr Col: Treasurer
Lewis
John Scott
John Meredith
Adye Douglas (Mover)

Report see Paper No 124

No. 124

1870

HOUSE OF ASSEMBLY,

TASMANIA.

REPORT FROM THE SELECT COMMITTEE

ON

Submarine Telegraph Cable.

WITH MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND

EVIDENCE.

Brought up by Mr. *R. Dye Douglas* —— and ordered by the House of Assembly to be printed,

11 October 1870

SELECT COMMITTEE appointed on the 8th September 1870

to Enquire into the Revenue and Expenditure of the Submarine Telegraph from the date of the first paid Messrs to 1st July last. with power to send for persons and papers

MEMBERS OF THE COMMITTEE.

Mr Col Treasurer
Lewis
John Scott
John Meredith
Adye Douglas Known

DAYS OF MEETING.

Sept 16. 28. Oct 11

WITNESSES EXAMINED.

Mr. J. W. Blackett, Manager
E. J. Mulley. Col. Auditor
W. Louette. Ass. Col. Treas.
F. A. Packer. Chief Clerk &c

EXPENSES OF WITNESSES.

2

Report

Your Committee have taken the Evidence of Mr Blackett, the Manager in Tasmania of the Telegraph Construction Company in London; and also that of the Colonial Auditor, the Assistant Treasurer, and the Chief Clerk in the Electric Telegraph Department.

They have ascertained from the Evidence of these Gentlemen that the Government has never been furnished with the full and detailed Quarterly Accounts of the Annual expenditure of the Cable, as expressly provided for in the 7th Article of the Agreement made on the 24th January 1868 between the Government and the Company; nor have the Government been in a position to inspect the Books of the Company to verify the Accounts. —

Your Committee find from the above sources of information that the total Receipts of the ~~[illegible]~~ period within which your Committee's enquiry is limited were £ 2568. 0. 6; and that the expenses have been £ 2013. 6. 0. —

3

The

The Cost of this line to the Government of Tasmania is, the payment of £4,200 a year, being Interest on £70,000 at 6 per Cent, the sum in question being the estimated Cost of the Line, and the fifth Article of the Agreement provides that if the net profits of any year after payment of all expenses of and incidental to the working and maintenance of the Line together with the Government payment shall exceed in that year £7,000, the Company shall refund to the Government any excess over the £7,000. —

Calculating the expenses of a year to be £2,500, it would thus require the line to earn a gross Revenue of £9,500 a year before any sum could be refunded to the Government. —

Your Committee therefore recommend that negociations be entered into by the Executive Government for the transfer of the management of the Line from the Submarine Cable Company to the Electric Telegraph Department of Tasmania such arrangement however to be subject to the approval of Parliament. —

Adye Douglas
Chairman

11th Oct 1870

Minutes No 1.

The Committee met at 11 am on Friday the 16th September 1870 —

Present.
Mr A. Douglas (in the Chair).
Mr. Scott,
D Lewis.

Resolution of the House appy the Comde. - Read. —

Contract read. —

Mr. I. W. Blackett examined

Resolved the Mr. Manley Col. Auditor and Mr Lovett Asst Col Treasurer be summoned to attend on Tuesday next 20th inst

Commn. adjourned until Tuesday 20th at 11

5

Minutes of Meeting of Committee

No 2.

11 a.m.

Wedy. 28 Sept 1870

Present

Mr A. Douglas
— John Meredith
— Lewis

1. The Colonial Auditor was called in and examined

2. The Assistant Col: Treasurer was called in and examined

3. The Chief Clerk in the Telegraph Depart was called in and examined. —

The Committee adjourned at 12.30

6

Evidence 11

16 Sept 1870

John Wilson Blackett. called in and examined 5

Mr Adoupas) My name is J. W. Blackett. I attend here on Summons from this Comm^ee —

I am Manager of the Tasmanian Cable. I represent the Telegraph Construction ~~Cons~~ Co^y. of London — in ~~this Colo~~ Australia —

There ~~are~~ are ~~is~~ a Sup^t. of the Cable four ~~Inst~~ Instrument Clerks and two cable hands. — 1 boy messenger 1 lamplighter

Their total amount of the salaries and wages for the first 12 months £1473. 11. 5 — from 1st May 1869. to 30 April 1870 — but there are certain other salaries payable in England the amount of wh. I am not acquainted with.

The other necessary annual expenditure on account of the Cable in the colonies amounts to £511. 6. 10 for the same period — Incidental expenses £28. 7. 9 —

By Mr. Lewis. I am the manager on behalf of the T. C. Coy. of the Tas. Cable. Connection Tasmania with Australia. —

12

The Expenses account to £ 14.73.11.5
- 511. 6.10 and 28.7.9 ——————

I cannot give the details of these accounts. The cash Accounts will show

I am not in a position to furnish particulars of this Expenditure at present. the Accounts having been sent to England

We do not keep duplicate Accs -

I could not without leave from England furnish the Govt. of Jas with the books to verify accounts in accordance with Article No 7 of the Contract ——

—

I mean by instructions. the Directions for sending me from England the accounts what would be necessary to place before the Government in accordance with Article No 7.

—

I have never furnished to the Govt. of Jamaica a full and detailed Account of the annual expenditure of the Cable in accordance with Article No 7.

This Account has never been asked for by the Govt.

~~I do so.~~
~~I would not do so if~~

~~I decline to say whether~~ I could furnish ~~these~~ an accounts ~~if they were asked for~~ shewing the details of expenditure but not the items of each account.

— I am exclusively employed in superintending the Tas. Cable

— All the employés under me are absolutely necessary for the conduct of the business of the Cable.

— As far I am concerned the strictest economy has been preserved

— I can recommend ~~ing~~ no decrease there was a reduction by returning in May last to England, a man who was kept here to joint the Cable in the event of an accident.

—

I have never left the Colony on private business since I have been Manager

I decline to say whether I have been absent for any other purpose

Mr Scott. Every three months the accounts have been adjusted between the Govt. and the Co. (15)

The Adjustment was made by a statement to the Govt. of the amount due by them for the three months

~~produce the Accounts~~

~~The Government have the vouchers in their possession~~

~~The accounts were~~

I cannot say what method the Govt. adopts to check the receipts and expenditure in order to the proper adjustment of the Quarterly Accounts

15

The Government have never ~~demanded~~ examined or called upon me to produce the books.

Mr A Douglas. on 1st May 1869 the cable was opened for recd. messages.

~~1st May 1869 the Com^y transmitted messages first~~

I cannot say how many messages have been sent from 1st May 69 to 1st May 1870. —

The total receipts were

£ 2568 . 0 . 6

	May	121 . 18 . 9
	June	221 . 0 . 5
	July	216 . 2 . 11
	August	243 . 13 . 3
	Sept	227 . 12 . 1
	October	210 . 14 . 7
	November	224 . 18 . 9
	December	186 . 18 . 9
1870	January	212 . 9 . 0
	February	198 . 6 . 0
	March	243 . 6 . 4
	April	260 . 19 . 8

16

The money received is not all
paid thro' Govt. of Tas.
It is paid by Each Colony
separately. – Tas. Vic. NSW
SA. and Q. severally.
It would be desirable that all
the money sd be paid through the
Colony of Tasmania.
Each Colony pays direct to the
~~accountable~~ ~~to pay~~ the Amounts
due for the Expenses of their
Messages. and not to the Govt of
Tasmania.
The Govt. of Tas. exercise no control
as far as I know over the Amount
~~Receipts~~ payable by the other
Colonies.

~~The other Colonies pay to me direct and not into the Govt. Treasury.~~

In the 3 months of May June July 1869 the amount of £256.10.5 was charged for ~~Govt.~~ messages to the Govt. of Tasmania

			£ s d
Aug.	Sept.	Oct	300.1.3.—
Nov.	Oct	70 Jany	304.12.3
Feby	M.	Ap.	343.17.8
			£1205.1.7

I cannot say what was the actual cost of constructing and laying the Cable.

18

28 Sept 1870

Edward Johnstone Manley Esq called in

By Mr Douglas.

1. You are Colonial Auditor? D)
Yes

2. Do the Accounts of the Submarine Cable come through your Department?
Yes. but these are confined simply to the Receipts

3. Do the Accounts include the amounts belonging to other Governments as well as to Tasmania?
They do.

4. In what way do the Accounts of the other Colonies reach you?
Through the Telegraph Department. I hand in a Return, as one sheet, which I will explain. — This shows the receipts for the month of April, — and all other months are in exactly the same form. —

5. Are the Monies due by other Colonies paid in by Mr Blackett, the Superintendent, or through the Telegraph Department here?
The amounts collected in other Colonies for Submarine Messages are paid direct to the Cable Company to the extent of the proportion due to that Company.

The

of the amounts are questions of account between the other Colonies and us. —

6. Then you have no means of checking the amounts of other Colonies for Submarine messages. —

Yes, the whole are known to the Telegraph Department here, which prepares the Returns of which I have shewn that for April, up to which date the amounts correspond with those in the Paper printed by order of Parliament during this Session. The twelve months earnings being £2,564, 12. 5

7. Do you know why all the Monies do not pass under your Audit? Do you rely on the returns which the Superintendent Mr Blackett sends in?

I only audit that which comes through the Colonial Treasury. No arrangement has been made for Mr Blackett to receive all the amounts of the other Colonies which I think is the best arrangement that could be made. If the Receipts were over £7000 a year there might be an advantage in our having the Accounts submitted to my Audit. —

8. By Mr Meredith.

Can you suggest, either now, or in writing, any improvement in the mode of audit?

I am not prepared at present to

20 submit

submit any improved mode, without entailing much additional labor on my Office and upon the Telegraph Department. I herewith hand in a detailed Return of all Messages which have passed through the Office, and think the Check we have is adequate. — I know I could not examine the accounts in my Office with my present Clerical strength. —

28 Sept 1870

Wm Lovett Esq. Assistant Treasurer
called in & ex.d.

By Mr Douglas.

1. What monies pass through the Treasury on account of the Telegraph.?

All monies collected in Tasmania on account of the Cable Company, and the Colony :— A separate account is kept of the Submarine Cable Message Receipts, also the Collections due to other Colonies for the Land line.—

2. Do the other Governments pay the money into the Treasury?

They do not.

3. Why?

I do not know whether it is in the Contract.—

4. I quote article 7 which says

× × ×

How unless Government receives all monies, how can they check the accounts.

The Accounts are sent in by the Company and checked by the Telegraph Department here, and the Government think they have a sufficient check.—

5. Has the Government ever inspected the Books of the Company?

I believe not.—I understand

22 By

Mr Blackett has been communicated with, and he throws no obstacle in the way, but waits instructions from England.—

6. Do you know if the Government have ever applied to the Company for power to inspect the Books?

I believe they have applied to have the Accounts furnished of the Gross receipts and Expenditure of the Company.

7. Can you tell the actual amount of Cash which passed through the Treasury in a twelvemonth?

I can, by referring to the Office. Mr Lovett sent the following Return: Total Amount of money passing through the Treasury for Receipts from the Submarine Telegraph for twelve months from Aug 1869 to 30 June 1870.

£ 2,055 " 8 " 8

8. Up to the present time has the Treasury relied on Mr Blacketts returns?

Yes, after having been checked in the Telegraph Department here; certainly not on his own returns.—

9. You cannot say Why the Government have not carried out article 7.?

The Government have received all monies to which it is entitled under

the Contract. As far as I can state, the Government know exactly the amount received by the Company, and that has not amounted to £7,000. Mr Beachett has not been required to send in Returns of Monies he has received from other Governments. —

10 Does not a large portion of the Monies of the Submarine Cable Messages come from the Government Messages?
I do not think the Government Messages exceed from £10 to £20 a year. The receipts are something like £320 a quarter. —

By Mr Meredith.

11. Can you tell whether or not this Colony has paid more than it should have done to the Cable Company without having accounts furnished, and inspection of the Company's Books?
The Government know they have not up to this time paid more, — for our Department checks the Company through the Telegraph Department here, but if the Receipts were larger than £7,000 I believe they would have no means of checking without being furnished with the Accounts and Books. —

12. How can you ascertain that

quarterly 24

Quarterly balances are, without having such Accounts and inspection of Books.-

We pay balances according to receipts only, and not according to Expenditure, because we know the Receipts alone are not £7,000 a year.-

13. Can you say whether any amount has been charged against the management, of the Cable Company, involving the expenses of the managers travelling to other Colonies, since the Cable has been laid.?—

I cannot tell. No such Accounts are paid by this Government.—

14. Why can you not furnish this information?

Because the Accounts of Expenditure have not been furnished to the Government.—

25

28 September 1870

F. A Packer Esq Chief Clerk of the Telegraph Department, called in & sworn.

By Mr Douglas.

1. Are you are aware of the cost of working the Submarine Cable Department?
No. I am not.—

2. If the line were entirely under the Tasmanian Government, do you think any saving might be made?
Certainly

3. Mr Blackett in his evidence has given the staff he employs. Do you think if the Line were worked by the Govt you could dispense with some of that staff?
Yes. At Low Head we should only require the two operators; certainly not the Superintendent. The two would be sufficient to work the Line with a Boy as Messenger.—

4. In your Department can you ascertain the expense of working the Submarine Cable Company?
I have no means of doing so.

5. Have you any means of checking the Charges made by the Submarin Cable Co

26 for

for Telegrams?

Yes. Every means with regard to receipts. Our Returns are copied from their Books. — I do not see how anything could go through without our Office knowing it. We also furnish a Return to the Treasury, and our Officer at Low Head settles Cash with the Company for Messages both ways. Our Department knows all Receipts of the Submarine Cable. We do not know the amount of Expenditure or how it is Expended. —

6. As regards the line in Victoria, are extra hands employed?

Yes. two Operators at Flinders. — it is a question whether we could not work the Cable through to Melbourne from Hobart town & Launceston. —

7. I presume the Submarine line has been a source of profit to the land line, — are they accounts kept separate? —

Yes — as shewn in the Papers printed by Parliament last Session.

8. Have you means of telling us the amount paid to the Cable Company for its Government Messages?

I can. —

9. By Mr Meredith.

As to maintenance and repairs of the Submarine Cable, could that be effected with the same economy and expedition as by the Company? — Yes. —

10. Can you furnish the Committee with a Memorandum of the cost of working the Cable and Land lines through to Melbourne, if in the hands of the Tasmanian Government? — I can. — The greatest difficulty would be if a break occurred. —

The only improvement I could suggest in the mode of rendering the accounts would be to follow the plan pursued in regard to ordinary Land line receipts of furnishing full details of every message handed through the Cable; but this could not be done without some expense, as I believe that additional assistance would be required both in the Audit and Telegraph departments. Mr Sacher has informed me that the Accounts are very voluminous and that it would occupy the greater part of a junior Clerk's time to copy them, and the Clerks in my office have already as much to do as they can accomplish in a satisfactory manner. I submit a specimen of the "Land line" Accounts for the Commissioners inspection: it shews that every paid message is entered in full. I would also with permission read an explanatory minute but

/

7

Mr Packer, dated 18th Feby last, describing the means of internal check in the Telegraph dept upon the receipts connected with Cable Messages — Copy enclosed. —

Upon this explanation, and to avoid incurring extra expense I was led to dispense with any further details than those given in the monthly Tabular Sheet of Cable Collections, of which a specimen, the Return for April 1870, has been laid before the Committee; and considering the nature of the transactions, and the check which exists between the several Telegraph Offices, the present arrangement seems to me to afford a sufficient means of audit for the protection of the Revenue; at the same time I may add that if it did not involve expense I would prefer having the fullest details.

E. S. Manley
28 Sept 1870.

Copy

The Returns have been checked by me, and the details checked by Mr Henry at the repeating Station at George Town. Mr Henry is in the best position to check the details, as every message sent to or from Tasmania must necessarily pass through his office, where it is recorded.

For the reasons stated in the letter Mr Henry sent with the Returns, it is possible some slight discrepancies may exist in the May and June documents, — everything that could be done to render them complete has been done, but as no checks were sent with a great number of the messages in May and June it has been a matter of great difficulty to adjust the accounts for those months.

The Returns from July to the present time may however be relied upon, and I think the Auditor will perceive that under the present system it would be almost impossible for the Returns to be incorrect.

A telegram on leaving here for (say) Adelaide is first of all "checked" at the Hobart Town office, next by the Operator at

9

at Low Head repeating Station, rectd by the Cable Company's Operators at Low Head and Flinders, again by the Melbourne Office, and last at the Adelaide Office; and any of the Officers mentioned, finding the number of Words or charges incorrectly transmitted refuses the Message until the error has been corrected.

The following morning cash is settled, first by Hobart Town with Low Head, 2nd by Low Head with Flinders, 3rd by Flinders with Melbourne, 4th by Melbourne with Adelaide, so that the Message must be again correctly accounted for by six Officers before it is finally entered in the books, nor does the check end there, for at the end of the Quarter, the respective Colonial Governments, and the Cable Company's Managers forward their Cash Sheets to the Tasmanian Treasury and those must agree with the Returns such as those now forwarded to the Audit Office.

Sd J. A. Packer
Telt Department
18 Feb 1870.

The Inspector
of Telegraphs.

10

Forwarded to the Auditor.

Sd Francis Butler
Inspector of Telegraphs.

Extract from Accounts of the Submarine Cable showing the amounts collected in Tasmania and in the other Colonies.—

— Months —	In Tasmania			In the other Colonies			— Totals —		
May 1869	56	7	6	65	0	0	121	7	6
June "	103	19	2	115	1	3	219	0	5
July "	95	15	5	120	2	6	215	17	11
August "	99	13	9	143	19	2	243	12	11
September "	101	3	9	126	8	4	227	12	1
October "	99	3	9	111	10	10	210	14	7
November "	108	10	0	115	11	3	224	1	3
December "	92	1	3	94	7	6	186	8	9
January 1870	104	1	0	108	0	0	212	1	0
February "	96	18	0	101	0	0	197	18	0
March "	117	6	0	125	0	4	242	6	4
April "	129	13	8	130	18	0	260	11	8
May "	148	12	6	132	5	0	280	17	6
June "	115	11	6	111	18	6	227	10	0
July "	119	4	8	112	7	0	231	11	8
— Totals —	1588	1	11	1713	9	8	3301	11	7

1202 . 13 . 3 1356 19 . 2

2559 12 5

29

Memorandum,

Total amount of Money passing through the Treasury for Receipts from the Submarine Telegraph for twelve Months from 1 August 1869 to 31 July 1870

£2,055 . 8 . 8.

Whovatt
Assistant Treasurer
28 Sept 1870

My dear Stull

When shall I come down with my evidence on the question left open for me to answer.

Would ½ past 10 tomorrow morning be convenient for you?

Yrs &c
[illegible]
28 Sept 1870

[illegible]

Memorandum,

Total amount of Money passing through the Treasury for Receipts from the Submarine Telegraph for twelve Months from 1 August 1869 to 31 July 1870

£2,055 . 8 . 8.

Whovatt
Assistant Treasurer
28 Sept 1870

My dear Hull

When shall I come down with my evidence on the question left open for me to answer.

Would ½ past 10 tomorrow morning be convenient for you?

Yrs ever
C. J. Manley
28 Sept 1870

H. M. Hull Esqr

I will send
up my account
& what you said, before
4 today & you can
improve it by the hour
you name.

I should [illegible]
see you on the
enclosed [illegible]
Can spare ten [illegible]
or a quarter of an hour
Couldn't [illegible]
to my office & [illegible]
come down to you.

[illegible]
29. 9

(No. 124.)

1870.

TASMANIA.

SUBMARINE TELEGRAPH CABLE.

REPORT FROM SELECT COMMITTEE; WITH MINUTES, AND EVIDENCE.

Brought up by Mr. Adye Douglas, and ordered by the House of Assembly to be printed, October 11, 1870.

SELECT COMMITTEE appointed on the 8th September, 1870, to enquire into the Revenue and Expenditure of the SUBMARINE TELEGRAPH, *from the date of the first paid Message to 1st July last, with power to send for Persons and Papers.*

MEMBERS OF THE COMMITTEE.

MR. COLONIAL TREASURER.
MR. LEWIS.
MR. JOHN SCOTT.
MR. JOHN MEREDITH.
MR. ADYE DOUGLAS *(Mover.)*

DAYS OF MEETING.

16, 28 September, 11 October.

WITNESSES EXAMINED.

Mr. J. W. Blackett, Manager.
Mr. E. J. Manley, Colonial Auditor.
Mr. W. Lovett, Assistant Colonial Treasurer.
Mr. F. A. Packer, Chief Clerk, &c.

REPORT.

YOUR Committee have taken the evidence of Mr. Blackett, the Manager in Tasmania of the Telegraph Construction Company in London; and also that of the Colonial Auditor, the Assistant Treasurer, and the Chief Clerk in the Electric Telegraph Department.

They have ascertained from the evidence of these gentlemen that the Government have never been furnished with the full and detailed quarterly accounts of the annual expenditure of the Cable as expressly provided for in the 7th Article of the Agreement, made on the 24th January, 1868, between the Government and the Company; nor have the Government been in a position to inspect the books of the Company to verify the accounts.

Your Committee find from the above sources of information that the total receipts of the period within which your Committee's enquiry is limited were £2568 0*s.* 6*d.*, and that the expenses have been £2013 6*s.* 0*d.*

The cost of this line to the Government of Tasmania is the payment of £4200 a year, being interest on £70,000 at 6 per cent.—the sum in question being the estimated cost of the line; and the 5th Article of the Agreement provides that if the net profits of any year after payment of all expenses of and incidental to the working and maintenance of the line, together with the Government payment, shall exceed in that year £7000, the Company shall refund to the Government any excess over the £7000.

Calculating the expenses of a year to be £2500, it would thus require the line to earn a gross revenue of £9500 a year before any sum could be refunded to the Government.

Your Committee therefore recommend that negociations be entered into by the Executive Government for the transfer of the management of the line from the Submarine Cable Company to the Electric Telegraph Department of Tasmania; such arrangement, however, to be subject to the approval of Parliament.

ADYE DOUGLAS, *Chairman.*

11 *October*, 1870.

MINUTES OF MEETING OF COMMITTEE.

No. 1.

The Committee met at 11 A.M. on Friday, the 16th September, 1870.

Present—Mr. A. Douglas (in the Chair), Mr. John Scott, Mr. D. Lewis.

Resolution of the House appointing the Committee read.

Contract read.

Mr. J. W. Blackett examined.

Resolved, That Mr. Manley, Colonial Auditor, and Mr. Lovett, Assistant Colonial Treasurer, be summoned to attend on Tuesday next, 20th instant.

Committee adjourned until Tuesday 20th instant, at 11 A.M.

No. 2.

WEDNESDAY, 11 A.M., 28 SEPTEMBER, 1870.

Present—Mr. A. Douglas, Mr. John Meredith, Mr. Lewis.

1. The Colonial Auditor was called in and examined.
2. The Assistant Colonial Treasurer was called in and examined.
3. The Chief Clerk in the Telegraph Department was called in and examined.

The Committee adjourned at 12·30.

EVIDENCE.

16TH SEPTEMBER, 1870.

JOHN WILSON BLACKETT *called in and examined.*

Mr. A. Douglas.—My name is J. W. Blackett. I attend here on summons from this Committee. I am Manager of the Tasmanian Cable. I represent the Telegraph Construction Company of London in Australia. There are a Superintendent of the Cable, four Instrument Clerks, and two Cable hands, one boy Messenger, one Lamplighter. The total amount of their salaries and wages for the first 12 months, £1473 11*s.* 5*d.*, from 1st May, 1869, to 30th April, 1870; but there are certain other salaries payable in England, the amount of which I am not acquainted with. The other necessary annual expenditure on account of the Cable in the colonies amounts to £511 6*s.* 10*d.* for the same period; incidental expenses £28 7*s.* 9*d.*

By Mr. Lewis.—I am the Manager on behalf of the Telegraph Construction Company of the Tasmanian Cable connecting Tasmania with Australia. The expenses amount to £1473 11*s.* 5*d.*, £511 6*s.* 10*d.*, and £28 7*s.* 9*d.* I am not in a position to furnish particulars of this expenditure at present, the accounts having been sent to England. We do not keep duplicate accounts. I could not without instructions from England furnish the Government of Tasmania with the books to verify accounts in accordance with Article No. 7 of the Contract. I mean by instructions, the Directors sending me from England what would be necessary to place before the Government in accordance with Article No. 7. I have never furnished to the Government of Tasmania a full and detailed account of the annual expenditure of the Cable in accordance with Article No. 7. This account has never been asked for by the Government. I could furnish an account shewing the details of expenditure, but not the items of each account. I am exclusively employed in superintending the Tasmanian Cable. All the employés under me are absolutely necessary for the conduct of the business of the Cable. As far as I am concerned the strictest economy has been preserved. I can recommend no decrease. There was a reduction by returning, in May last, to England a man who was kept here to joint the Cable in the event of an accident. I have never left the Colony on private business since I have been Manager. I decline to say whether I have been absent for any other purpose.

Mr. Scott.—Every three months the accounts have been adjusted between the Government and the Company. The adjustment was made by a statement to the Government of the amount due by them for the three months.

I cannot say what method the Government adopts to check the receipts and expenditure in order to the proper adjustment of the quarterly accounts. The Government have never examined or called upon me to produce the books.

Mr. A. Douglas.—On 1st May, 1869, the Cable was opened for receipt of messages.

I cannot say how many messages have been sent from 1st May, 1869, to 1st May, 1870. The total receipts were £2568 0*s.* 6*d*; viz.—May, £121 18*s.* 9*d.*; June, 221 0*s.* 5*d.*; July, £216 2*s.* 11*d.*; August, £243 13*s.* 3*d.*; September, £227 12*s.* 1*d.*; October, £210 14*s.* 7*d.*; November, £224 18*s.* 9*d.* December, £186 18*s.* 9*d.*; January, 1870, £212 9*s.* 0*d.*; February, £198 6*s.* 0*d.*; March, £243 6*s.* 4*d.*; April, £260 19*s.* 8*d.*

The money received is not all paid through Government of Tasmania. It is paid by each Colony separately,—Tasmania, Victoria, New South Wales, South Australia, and Queensland severally. It would be desirable that all the money should be paid through the Colony of Tasmania. Each Colony pays direct to me the amounts due for the transmission of their messages, and not to the Government of Tasmania. The Government of Tasmania exercise no control, as far as I know, over the amount payable by the other Colonies.

In the three months of May, June, July, 1869, the amount of £256 10*s.* 5*d.* was charged for Messages to the Government of Tasmania; August, September, October, £300 1*s.* 3*d.*; November, October, January, £304 12*s.* 3*d.*; February, March, April, £343 17*s.* 8*d.*: total £1205 1*s.* 7*d.*

I cannot say what was the actual cost of constructing and laying the Cable.

28 SEPTEMBER, 1870.

EDWARD JOHNSTONE MANLEY, *Esq., called in and examined.*

By Mr. Douglas.—1. You are Colonial Auditor? Yes.

2. Do the accounts of the Submarine Cable come through your Department? Yes; but these are confined simply to the receipts.

3. Do the accounts include the amounts belonging to other Governments as well as to Tasmania? They do.

4. In what way do the accounts of the other Colonies reach you? Through the Telegraph Department. I hand in a Return on one sheet, which I will explain: this shows the receipts for the month of April, and all other months are in exactly the same form. Statement explained.

5. Are the moneys due by other Colonies paid in by Mr. Blackett, the Superintendent, or through the Telegraph Department here? The amounts collected in other Colonies for Submarine messages are paid direct to the Cable Company to the extent of the proportion due to that Company. The other amounts are matters of account between the other Colonies and us.

6. Then you have no means of checking the amounts of other Colonies for Submarine messages? Yes; the whole are known to the Telegraph Department here, which prepares the Return of which I have shown that for April, and it includes the sums collected in the other Colonies, up to which date the amounts correspond with those in the paper printed by order of Parliament during this Session; the twelvemonths' earnings being £2561 12*s.* 5*d.*

7. Do you know why all the moneys do not pass under your audit? Do you rely on the returns which the Superintendent, Mr. Blackett, sends in? I only audit that which comes through the Colonial Treasury. The arrangement has been made for Mr. Blackett to receive all the amounts of the other Colonies, which I think is the best arrangement that could be made. If the receipts were over £7000 a year there might be an advantage in having the accounts of expenditure as well as revenue submitted to my audit.

By Mr. Meredith.—8. Can you suggest, either now or in writing, any improvement in the mode of audit? I am not prepared at present to submit any improved mode without entailing much additional labour on my office and upon the Telegraph Department. I herewith hand in a detailed return of all Land Line messages which have passed through the office during one month, and think the check we have is adequate. I know I could not examine the other accounts in my office with my present clerical strength. I will, however, submit a reply in writing. (*See* p. 7.)

W. LOVETT, *Esq., Assistant Treasurer, called in and examined.*

By Mr. Douglas.—1. What moneys pass through the Treasury on account of the Telegraph? All moneys collected in Tasmania on account of the Cable Company and the Colony. A separate account is kept of the Submarine Cable message receipts; also the collections due to other Colonies for the land line.

2. Do the other Governments pay the money into the Treasury? They do not.

3. Why? I do not know whether it is in the contract.

4. I quote Article 7, which says: "All accounts between the Government and the Company, their successors and assigns, shall be adjusted and the balance paid over quarterly. The Government to have the right to inspect the books of the Company to verify the accounts." Now, unless Government receives all moneys, how can they check the accounts? The accounts are sent in by the Company and checked by the Telegraph Department here, and the Government think they have a sufficient check.

5. Has the Government ever inspected the books of the Company? I believe not. I understand Mr. Blackett has been communicated with, and he throws no obstacle in the way, but waits instructions from England.

6. Do you know if the Government have ever applied to the Company for power to inspect the books? I believe they have applied to have the accounts furnished of the gross receipts and expenditure of the Company.

7. Can you tell the actual amount of cash which passed through the Treasury in a twelvemonth? I can, by referring to the office. (Mr. Lovett sent the following return:—Total amount of money passing through the Treasury for receipts from the Submarine Telegraph for twelve months from 1st August, 1869, to 30th July 1870, £2055 8*s.* 8*d.*)

8. Up to the present time has the Treasury relied on Mr. Blackett's return? Yes, after having been checked in the Telegraph Department here; certainly not on his own returns.

9. You cannot say why the Government have not carried out Article 7? The Government have received all moneys to which it is entitled under the contract. As far as I can state, the Government know exactly the amount received by the Company, and that has not amounted to £7000. Mr. Blackett has not been required to send in returns of moneys he has received from other Governments.

10. Does not a large portion of the monies of the Submarine Cable Messages come from the Government Messages? I do not think the Government Messages exceed from £10 to £20 a year. The receipts are something like £320 a quarter.

By Mr. Meredith.—11. Can you tell whether or not this Colony has paid more than it should have done to the Cable Company without having accounts furnished and inspection of the Company's books? The Government know they have not up to this time paid more, for our Department checks the Company through the Telegraph Department here; but if the receipts were larger than £7000 I believe they would have no means of checking without being furnished with the accounts and books.

12. How can you ascertain what quarterly balances are without having such accounts and inspection of books? We pay balances according to receipts only, and not according to expenditure, because we know the receipts alone are not £7000 a year.

13. Can you say whether any amount has been charged against the management of the Cable Company, involving the expenses of the managers travelling to other Colonies, since the Cable has been laid? I cannot tell. No such accounts are paid by this Government.

14. Why can you not furnish this information? Because the accounts of expenditure have not been furnished to the Government.

F. A. PACKER, *Esq., Chief Clerk of the Telegraph Department, called in and examined.*

By Mr. Douglas.—1. Are you aware of the cost of working the Submarine Cable Department? No, I am not.

2. If the line were entirely under the Tasmanian Government, do you think any saving might be made? Certainly.

3. Mr. Blackett in his evidence has given the staff he employs. Do you think if the line were worked by the Government you could dispense with some of that staff? Yes; at Low Heads we should only require the two Operators; certainly not the Superintendent. The two would be sufficient to work the line, with a boy as Messenger.

4. In your Department can you ascertain the expense of working the Submarine Cable Company? I have no means of doing so.

5. Have you any means of checking the charges made by the Submarine Cable Company for Telegrams? Yes, every means with regard to receipts: our returns are copied from their books. I do not see how anything could go through without our office knowing it. We also furnish a Return to the Treasury, and our office at Low Heads settles cash with the Company for messages both ways. Our department knows all receipts of the Submarine Cable. We do not know the amount of expenditure, or how it is expended.

6. As regards the line in Victoria, are extra hands employed? Yes, two Operators at Flinders. It is a question whether we could not work the Cable through to Melbourne from Hobart Town or Launceston.

7. I presume the submarine line has been a source of profit to the land line,—are the accounts kept separate? Yes; as shown in the paper printed by Parliament last session.

8. Have you the means of telling us the amount paid to the Cable Company for its Government messages? I can.

9. *By Mr. Meredith.*—As to maintenance and repairs of the Submarine Cable, could that be effected with the same economy and expedition as by the Company? Yes.

10. Can you furnish the Committee with a memorandum of the cost of working the cable and land lines through to Melbourne, if in the hands of the Tasmanian Government? I can. The greatest difficulty would be if a break occurred.

The only improvement I could suggest in the mode of rendering the Accounts would be to follow the plan pursued in regard to ordinary Land Line Receipts, of furnishing full details of every Message passing through the Cable; but this could not be done without some expense, as I believe that additional assistance would be required both in the Audit and Telegraph Departments. Mr. Packer has informed me that the Accounts are very voluminous, and that it would occupy the greater part of a junior Clerk's time to copy them, and the Clerks in my Office have already as much to do as they can accomplish in a satisfactory manner. I submit a specimen of the "*Land Line*" Accounts for the Committee's inspection: it shows that every paid Message is entered in full. I would also, with permission, read an explanatory Minute by Mr. Packer, dated 18th February last, describing the means of internal check in the Telegraph Department upon the receipts connected with Cable Messages. (Copy enclosed.)

Upon this explanation, and to avoid incurring extra expense, I was led to dispense with any further details than those given in the monthly Tabular Sheet of Cable Collections, of which a specimen,—the Return for April, 1870,—has been laid before the Committee; and considering the nature of the transactions, and the check which exists between the several Telegraph Offices, the present arrangement seems to me to afford a sufficient means of audit for the protection of the Revenue; at the same time I may add, that if it did not involve expense I would prefer having the fullest details.

E. J. MANLEY.
28 *Sept.* 1870.

(Copy.)

The Returns have been checked by me, and the details checked by Mr. Henry at the repeating Station at George Town. Mr. Henry is in the best position to check the details, as every Message sent to or from Tasmania *must* necessarily pass through his Office, where it is recorded.

For the reasons stated in the letter Mr. Henry sent with the Returns, it is possible some slight discrepancies may exist in the May and June documents. Everything that could be done to render them complete *has* been done; but as no checks were sent with a great number of the Messages in May and June, it has been a matter of great difficulty to adjust the Accounts for those months.

The Return from July to the present time may, however, be relied upon; and I think the Auditor will perceive that under the present system it would be almost *impossible* for the Returns to be incorrect.

A Telegram on leaving here for (say) Adelaide is first of all "checked" at the Hobart Town Office, next by the Operator at Low Head repeating Station, next by the Cable Company's Operators at Low Head and Flinders, again by the Melbourne Office, and last at the Adelaide Office; and any of the Officers mentioned finding the number of words or charges incorrectly transmitted refuses the Message until the error has been corrected. The following morning cash is settled, first, by Hobart Town with Low Head; 2nd, by Low Head with Flinders; 3rd, by Flinders with Melbourne; 4th, by Melbourne with Adelaide: so that the Message must be again correctly accounted for by six Officers before it is finally entered in the books. Nor does the check end there; for at the end of the quarter the respective Colonial Governments and the Cable Company's Manager forward *their* Cash Sheets to the Tasmanian Treasury, and those must agree with the Returns such as those now forwarded to the Audit Office.

F. A. PACKER.
Telegraph Department, 18 *Feb.* 1870.

EXTRACT from Accounts of the Submarine Cable showing the Amounts collected in Tasmania and in the other Colonies.

Months.	*In Tasmania.*			*In the other Colonies.*			Totals.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1869.									
May	56	7	6	65	0	0	121	7	6
June	103	19	2	115	1	3	219	0	5
July	95	15	5	120	2	6	215	17	11
August	99	13	9	143	19	2	243	12	11
September	101	3	9	126	8	4	227	12	1
October	99	3	9	111	10	10	210	14	7
November	108	10	0	115	11	3	224	1	3
December	92	1	3	94	7	6	186	8	9
1870.									
January	104	1	0	108	0	0	212	1	0
February	96	18	0	101	0	0	197	18	0
March	117	6	0	125	0	4	242	6	4
April	129	13	8	130	18	0	260	11	8
	£1202	13	3	1356	19	2	2561	12	5

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.

Select Committee

No. 7.

Elected by Ballot. 22 Sept 1870.

To enquire into and report on the matter between the Upper Derwent Road Trust, and the Hamilton Road District.

Members

Mr James Scott.

Mr Balfe

Mr Butler

Mr James Reid Scott

Mr Whitehead

Summ^d for Tuesday 27th @ 11.

Report see Paper No 116

1865.

HOUSE OF ASSEMBLY,

TASMANIA.

REPORT FROM THE SELECT COMMITTEE

ON

the Upper Derwent Road District question,

WITH MINUTES OF THE PROCEEDINGS OF THE COMMITTEE,

AND

EVIDENCE.

~~Ordered by the House of Assembly to be printed,~~ -

6 Oct 1870

by Ballot

SELECT COMMITTEE appointed on the 22 Sept 1870

to Enquire into and report on the matter between the Upper Derwent Road trust and the Hamilton Road District,

MEMBERS OF THE COMMITTEE.

Mr James Scott
Mr Dalfe
Mr Butler, Minister of Lands
Mr Jas Reid Scott
Mr Whitehead

DAYS OF MEETING.

2d. 29 Sept.

WITNESSES EXAMINED.

Captain Fenton
W. Sibley Esq M.H.A.

EXPENSES OF WITNESSES.

Nil

The Committee appointed by Ballot on the 22 September 1870 to enquire into and report on the matter between the Upper Derwent Road Trust and the Hamilton Road District have the honor to report

That they have read the Evidence and Proceedings of a Select Committee appointed in the Session of 1869; but which did not bring up a Report, upon the matter now referred to your Committee.—

That they have now taken the Evidence of the Chairman of the Upper Derwent Road Trust; and a Member of the Hamilton Road Trust (who is also a Member of Your Honorable House).—

Your Committee believe that substantial justice will be done to all the parties concerned, if the matter in question is remitted to the Rate payers interested in the District who, at a Meeting to be duly convened by notice to each ratepayer for the purpose, may be requested to decide by a majority of Votes in the manner prescribed by the "Cross and By Roads Act 1870" 33 Victoria No 8, Sect 14 Whether the area in dispute should be

2

be annexed to, and form a part of, either the Road District of Upper Derwent, or that of Hamilton. —

Your Committee annex the proceedings of the former Committee, and the Evidence and certain correspondence which has guided them to their present decision.

James Scott
Chairman

Committee Room
29th September 1870.

27 Sept 1870

Michael Denton Esqr ex:

I am Chairman of the Upper Derwent Road trust.

I hand in a Memorandum of the points now at issue between us and the Hamilton Road trust, also Copies of Letters from Mr Brown and Mr Salter on the same subject. —

In consequence of the various Reports which have been circulated because the Select Committee of last Session did not report upon the question, I have published in the Tasmanian Times, the Correspondence which passed between myself and the Government.

I hand in a Copy as printed, for the use of the Committee.

I also hand in a list of papers which will be required to substantiate our case before the Committee. —

Viz. Capt Langdons letter 30 May 1866.
Bethune & Co Petition 1866
Hunts Marsh Road expenditure
Petition of 1865. 1866. 1868 & 1870
Reports of Trust Meetings. —
Hamilton petition re Hunts Marsh

9 Rd

23 Sept 1870

Wm Sibley Esq MHA
called in and examined

By Chairman
You are a Member of the Hamilton Road trust?
I am.

By Captain Denton, through Chairman

I see this Copy of Letter from Captain Langdon dated 30 May 1866. — It refers to a former Petition of the Upper Derwent People for connection with Hamilton. — As one of the Road Trustees I concurred in that Letter at the time, and I do so now. —

I have not been down the Glenora by the Road on the Right Bank. I have visited a part of the Road where some improvements were being made by the Board of Works, I think opposite Downies' Sheepwash. —

By Chairman
How many miles is it from New Norfolk to Hamilton by Left Bank or Hamilton side?
About 22 miles.

And from Hamilton to the Bridge at Denroben?
About 6. 10 2

And from Nuntos Marsh to the Bridge at Denroben?
About Six miles. but

there is a ford for 8 or 9 months out of the year at the Doctors corner,- The people find a road to the crossing place. I have known this road to be an open one for 35 years. It has latterly been disputed by the owner of the Lawrenny Estate through which it passes.-

By Dr Butler

Has any money been expended in improving that ford?

Not to my knowledge. We used to give a small portion of the Dog money which was at the command of the Trustees for little works. I can remember £20 for a Bridge in the township of Hamilton.

Since 1856 Moreton Marsh Road has been improved, and money has been spent on the Road down towards Long Reach.-

When the Board of Works had money appropriated to the District, we usually applied to the Colonial Treasurer to know what was due to the Right Banks and it was applied accordingly.-

The Boundary of the Board of Works District is different to the Road Districts.

In the disposal of the Road trust monies we are always governed by the opinions of the Ratepayers.-

Hamilton is the sole place for the Moreton marsh people to come to Market.-

10 11

By Capt Fenton.

Did you spend any portion of the Road rate raised on our side of the River on that side? —

Yes.

By Dr Butler

In any case of suing for money under the Courts of General Sessions — to what place do the Mountain Marsh people go?

To Hamilton, where they also go to the Mill for flour, and for their Post Office letters. — Letters pass by private hand about once a week between Mountain Marsh and Hamilton. —

What is the character of produce grown at Mountain Marsh?

Every kind of Grain. — Wheat, Barley Oats, Potatoes, — which they bring to Hamilton. I believe all comes there. —

By Chairman

If the Road to Glenora were made would the Mountain Marsh people not prefer that Road to New Norfolk? —

Most certainly not. Hamilton is their market town. I have known Bryant send his Wool to Hamilton & thence on to New Norfolk about four or five years ago.

The Mountain Marsh people always objected to go down by Glenora. The Road down the Upper Derwent Banks is only a Bush track, and quite sufficient for the purpose for which it is used.

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EVIDENCE. taken before the Select Committee of 1869.

Friday, October 8, 1869.

The Honorable WM. LANGDON *called in and examined.* Chairman of the Hamilton Road Trust.

I am aware that Captain Fenton has frequently complained of the expenditure of the money, one-fourth of the Land Fund, in the hands of the Board of Works. The Board of Works expended on the right bank of the Derwent such sum as they considered was due to that part. The appropriation was submitted to the Government and approved of in the usual manner. It was upon the petition of the ratepayers of the District that the boundaries of the Upper Derwent Road District were restored. The principal mileage of roads that have to be maintained are in the Hamilton Road District.

To Mr. James R. Scott.—If the Glenora Road was put in repair would it be the outlet to that part of the District? No, it would not. Will you state the reason why? Because there is a better and shorter road through Hamilton.

By Dr. Butler.—Is the part within those red lines the disputed part (tracing) in the Municipality of Hamilton? Yes, it is. We have expended a large sum of money in making a road at Monto's Marsh for a number of small settlers there who have bought small blocks of crown land.

By Mr. Balfe.—Are the roads maintained in this disputed part? Yes, they are, and also Dunrobin Bridge.

The Road Trust has spent a large sum of money on a road from Monto's Marsh to Dunrobin Bridge, and would have constructed a road to Doctor's Corner, with a ferry, if they could have obtained the consent of the proprietor of Lawrenny.

By Mr. Butler.—Have you any personal knowledge of the road from Monto's Marsh to Glenora? There is no road there. Is there any road from Monto's Marsh to Russell's Falls? Not a direct road, only on sufferance.

By Mr. Balfe.—All the funds derived from "The Waste Lands Act" are appropriated to the right bank, according to what the Surveyor-General shows that part is entitled to.

By the Chairman.—Have any of the assessments raised in the disputed part been expended there? Yes; on the Dunrobin Bridge and the approaches on both sides; also, I believe, in clearing timber from the road to the Florentine and Repulse Rivers. I am not certain. We have more than 100 miles of road, besides bridges, to keep in repair. I would be very glad if the District was divided into three or four.

Captain MICHAEL FENTON. Chairman of the Upper Derwent Road Trust, ex d.

To Dr. Butler.—The persons signing the petition do not reside in and are not ratepayers of the disputed part, but are interested in having the roads made by the assessments of the land on the right bank.

Tuesday, October 12, 1870.

WILLIAM SIBLEY, *Esq., M.H.A.*, ~~examined.~~ and Mccauley of the Hamilton Road Trust, ex

To the Chairman.—There has been some of the Road Rates expended in the part in dispute, but I am not prepared to say what amount. I am one of the Road Trustees. I am not able to say what the rate collected in that portion amounts to. The rate was sixpence in the pound on purchased property and threepence on crown land. I know Monto's Marsh. The inhabitants of that place prefer coming to Hamilton as a market, they also come there to the mill. The present boundary was obtained on the petition of the inhabitants of the disputed part, that portion of the Hamilton District on the right bank of the Derwent, in 1866. I hand in the account of money spent by the Board of Works on the road from Dunrobin Bridge to Monto's Marsh. At Doctor's Corners there is a ford which is passable about eight months in the year. The road passes through the Lawrenny Estate, to which the proprietor objects. The road has been used for upwards of thirty years. On the road from Dunrobin to Glenora money was spent by the Board of Works or the Trust, and the management of the work was deputed to the late Mr. Basset Dickson and Mr. Brown. When the disputed part was attached to the Upper Derwent Road District some money was expended on the road from Monto's Marsh to Glenora, but the inhabitants, not approving of the line of road selected, petitioned the Road Trust against the expenditure. Hamilton is the principal town and the centre of such manufactories as exist in the District. It is the post town for the people living at Monto's Marsh. The Courts of justice are held in Hamilton. The money received from the Government by the Board of Works is expended in accordance with the data furnished by the Surveyor-General, as to the divisions of the District and the amount raised in each.

MEMORANDUM referred to by Mr. Sibley.

Year.	*Amount received from Government for Buckingham, Fenton Forest side of Derwent.*	*Amount appropriated by Hamilton Board of Works.*	
	£ s. d.	£ s. d.	
1834	344 17 2	325 0 0	
1865	94 12 0	40 16 0	£89 15*s.* 3*d.* still due, which the Board informed Mr. Brown (Mr. Dickson's representative) would be paid out of next appropriation, being an error, not having *at first* the correct amounts.
1866	106 8 4	63 0 0	
1867	73 6 3	70 0 0	
1868	63 0 0	63 0 0	
Incidental expenses		30 12 6	
	£682 3 9	592 8 6	

Wednesday, October 13, 1869.

GEORGE CAMPBELL SMITH. Esq.

I am Government Surveyor of the District of New Norfolk.

To the Chairman.—I know Monto's Marsh. I surveyed a road from there to Dunrobin Bridge. I had instructions from the Surveyor-General. It was surveyed for the residents at Monto's Marsh. It crosses the road from Glenora to the Gordon Road. Three roads meet at Dunrobin Bridge,—Road from Glenora, Gordon Road, and the Road to Monto's Marsh. The distance from Monto's Marsh to where this road crosses the road to Glenora is about six miles: the distance from Dunrobin Bridge to Hamilton is about five miles and a half, making about eleven miles from Monto's Marsh to Hamilton. The distance from Monto's Marsh to Glenora, by the road through Captain Fenton's pre-emptive right block, is about thirteen miles. I cannot say the exact distance. There is no regular road. To go direct from Monto's Marsh to Glenora would be nearer than the road round by Hamilton.

New Norfolk.

WILLIAM SIBLEY, *Esq., M.H.A.*

To the Chairman.—The road from Monto's Marsh to Dunrobin Bridge is a Bye Road. I believe some of the assessments raised on the right bank of the Derwent have been laid out on the cross road on that bank: I cannot say what amount. I will not speak positively; but I believe such was the case. I was elected a Road Trustee of Hamilton in 1853 or 1854. When the disputed part was handed over from the Upper Derwent to the Hamilton Road Trust in 1866, we did not raise an assessment,—an assessment of 6*d.* in the Pound has been since made for one year. I believe the right bank has, since 1866, received its fair share of Road Trust Funds and Board of Works Money. I cannot state what sums of the Road Trust Funds have been expended, but I believe a fair share. A Bridge was built over the Repulse River at an expenditure of £60, which, I believe, came from the Road Fund. The persons who pay the Road Rate in the disputed part have always been satisfied with the expenditure, and have never complained. In 1866 we received as Road Rate in the Hamilton District £573 5*s.* 11*d.*, and grant in aid £276 2*s.* 9¾*d.* I believe some of this money was expended on the right bank and also some on the other bank for the accommodation of residents on the right bank.

Colonial Treasury, Hobart Town, 6th December, 1869.

SIR,

***EXTRACTS** from Government Gazettes of the Expenditure and Assets of the Hamilton Road Trustees.*

Years.	*Private Assessment.*	*Government Aid.*	*Dog Money.*	*Total.*	*Page.*
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1851	783 8 11	109 7 5	51 13 6	944 9 10	960
1852	259 10 3	259 10 3	11 3 0	530 3 6	1201
1853	—	—	—	No Assessment.	
1854	2576 19 4	2565 4 8	15 0 6	5157 4 6	1524
1855	—	—	—	No Assessment.	1365
1856	2586 18 3	2062 10 10	—	4649 9 1	1630
1857	2495 5 3	2716 8 1	—	5211 13 4	1182
1858					
1859					
1860					
1866					
1867	564 12 11	294 18 2	—	859 11 1	
1868					
1869					
1870					
	9266 14 11	8007 19 5	77 17 0	17,352 5 10	
Amount from Land Fund				3474 19 3	
				20,827 4 3	

CAPTAIN Fenton states that up to 1860 the Hamilton Road Trust spent all the assessments on the Hamilton side of the Derwent. To which I answer that the assessments were disposed of as requested by a majority of the ratepayers.

In 1860 the whole of the right bank of the Derwent was transferred to the Upper Derwent Road District, and remained till 1866, when the ratepayers of that portion now in the Hamilton District petitioned for the separation, stating that for six years the whole of their assessments had been spent in the neighbourhood of Glenora, and not one shilling on the road in which they were interested. The Government complied with the petition in 1866, but I do not think that the Hamilton Road Trust made any assessment on the right bank of the Derwent that year; and not having made any assessment last year, only one assessment could have taken place since the re-union of that portion of Hamilton Road Trust.

~~WM. SIDLEY.~~

Presented to the House by Mr Sidley.

To the Honorable the Speaker and Members of the House of Assembly of Tasmania, in Parliament assembled.

The Petition of the undersigned Ratepayers of the Hamilton Road District residing in the County of Buckingham, on the right bank of the River Derwent.

RESPECTFULLY SHOWETH:

THAT your Petitioners have learnt with surprise that a motion has been brought before your Honorable House for the purpose of separating from the Hamilton Road District that part of the District in which your Petitioners reside, and of annexing the same to the Upper Derwent Road District.

That your Petitioners beg leave to state that the part of the Hamilton Road District above alluded to for a period of six years formed part of the Upper Derwent Road District, and was afterwards, with the approbation of the residents, transferred to the Hamilton Road District, to which your Petitioners still desire to belong.

That the roads in the Hamilton Road District, on the left bank of the River Derwent, are more generally used by your Petitioners than the roads in the Upper Derwent Road District for access to New Norfolk, to Hobart Town, and to other places; and that your Petitioners receive and despatch their letters through the Post by the roads in the former District.

That your Petitioners have reason to believe that their interests are better consulted by remaining in the Hamilton Road District than by being transferred to that of the Upper Derwent.

Your Petitioners therefore respectfully and earnestly pray that the present boundaries of the Hamilton Road District may not be disturbed.

[*Here follow* 15 *Signatures, representing* 28,554½ *acres.*]

Colonial Treasury, Hobart Town, 6th December, 1869.

SIR,

I am directed by the Honorable the Colonial Treasurer to acknowledge the receipt of your letter of

***EXTRACTS** from Government Gazettes of the Expenditure and Assets of the Hamilton Road Trustees.*

Years.	*Private Assessment.*	*Government Aid.*	*Dog Money.*	*Total.*	*Page.*
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1859					
1860					
1866					
1867	564 12 11	294 18 2	—	859 11 1	
1868					
1869					
1870					
	9266 14 11	8007 19 5	77 17 0	17,352 5 10	
Amount from Land Fund				3474 19 3	
				20,827 4 3	

Handed in by Captain Fenton.

belief. I attended the Committee again on Wednesday [illegible] own evidence, but the Chairman informed me that Mr. Sibley had been thrown from a gig near Bridgewater, and was so severely hurt as to be unable to attend, so closed the matter.

There are other facts which I wish to mention. For eight years they neglected to assess themselves for a few pounds each which would otherwise have given them thousands, but they preferred taking from our very small means of £300 a year at *full* assessment for the whole of the land on our bank, and thus cripple our means by a third of our income for their own bank; yet they found thirteen to join them, and if their petition was assented to they would not be in a better position, but in a worse, as they expended nothing on our main artery, and they would do the same again. Such gratuitous injustice can only be attributed to the jealousy and hostility to progress and improvement on our roads; as it would also enable those on the left bank to escape the two toll-bars on their side, at Macquarie Plains and New Norfolk. They could only find fifteen to join them while there are upwards of twenty in the Municipality of Hamilton, out of the seventy-five hostile to the Hamilton Trustees, and who are interested in the line across Dunrobin Bridge, where many have land and stock, and deem that line of importance to them.

As the facts I have stated are now undeniable I think you will be fully justified in granting the prayer of our petition. You have always acknowledged the justice of our claim to Mr. Dickson, as also to Mr. Brown and myself, and that you would have done so at once had not Sir Richard Dry objected; but with Messrs. Wilson, Butler, and Dunn now in the Executive, there can be no such difficulty.

I append herewith a statement of the assets, as taken from the *Gazette*, of the Hamilton Road Trust's accounts for the thirteen years, showing the year, the page, the assessment, and the Government aid separately, all of which was expended on the Hamilton side.

Trusting to the justice of our claims and your promised support.

I have, &c.,

MICHAEL FENTON, *Chairman Upper Derwent Road Trust.*

The Hon. T. D. CHAPMAN, *Colonial Treasurer.*

P.S.—In addition to the above they have received £3474 10*s.* 3*d.* from the Land Fund, making a total of £20,827 4*s.* 3*d.*

Colonial Treasury, Hobart Town, 6th December, 1869.

SIR,

I AM directed by the Honorable the Colonial Treasurer to acknowledge the receipt of your letter of the 20th October, which you delivered to the Honorable the Colonial Treasurer on your visit to the Treasury on the 19th ultimo.

I am directed by the Honorable the Treasurer to state in reply that your letter has received the attention of the Government, but as the question was brought under the consideration of Parliament, at your instance, during the last Session, and a Select Committee appointed to enquire into the subject, the Executive Government are not prepared to interfere in any way with existing arrangements, pending the enquiry by a Select Committee of the House of Assembly.

CORRESPONDENCE.

Fenton Forest, 26th October, 1869.

SIR,

As various and incorrect reports are industriously circulated tending to prejudice the public mind against the just and equitable claim set forth by the landholders and ratepayers of the Upper Derwent Road District residing on the right bank of the River Derwent, I deem it but just to them to state the facts, so as to prevent misconception or any person being misled by them.

The Hamilton Trustees have had the control of a portion of the right bank (*as minutely detailed* in our protests and petitions) for thirteen years—that is from 1851 to 1860, and again from 1866 to 1869—and during this period the whole of the assessments levied on the right bank were spent on the Hamilton or left bank. During the whole of this period they never made even *one rod* of road on the right bank, where the money was raised, and this is consequently in the same state from Dunrobin Bridge to Glenora and New Norfolk as it was forty years ago, when I first arrived in the Colony and purchased Fenton Forest—where I have resided ever since. As a proof of the correctness and justness of our complaint, I need only refer to the accounts furnished by the *Trustees themselves* and published annually in the Government *Gazette*, showing the assets and expenditure; in them there is no item of expenditure on the right bank—so that their own accounts fully bear out our statement, namely—that the whole was expended on the Hamilton or left bank.

On the 8th of October last Mr. Sibley presented a petition from fifteen ratepayers, praying not to be separated from the Hamilton Road Trust, and thus continue their injustice. The two Messrs. Bethune live close to the bridge, and can therefore choose which bank they will travel on; seven of the fifteen who signed the petition live on the main line of road, and eight on bye-roads leading to Dunrobin Bridge—and they also can choose their side. There are four 50-acre settlers out of this Trust several miles above Dunrobin Bridge on the Gordon Road, which was formed by the Government—and by it they also can take which bank suits them on reaching the bridge. These persons, therefore, are in a better position than any of the *seventy-five* ratepayers who have protested against being subjected to the Hamilton Trust, whose acts of injustice to the Upper Derwent or right bank have no parallel in all Tasmania; nor, I venture to say, in any colony in this hemisphere.

As all the facts stated in our petitions and protests are recorded in the Government *Gazette* and in the Votes and Proceedings of the House of Assembly the evidence is available to all, and I think it need require no Select Committee to investigate the case. I was detained three weeks in attendance on the Committee, and could only examine Captain Langdon, as they could not afford time to finish Mr. Sibley's evidence. Both these witnesses, however, were unable to answer decisively the questions I put to them, as they could not recollect whether any funds derived from assessments had been spent on the right bank, but they believed there had been, while the accounts published in the *Gazette* entirely negatived that belief. I attended the Committee again on Wednesday to finish Mr. Sibley's examination and to give my own evidence, but the Chairman informed me that Mr. Sibley had been thrown from a gig near Bridgewater, and was so severely hurt as to be unable to attend, so closed the matter.

There are other facts which I wish to mention. For eight years they neglected to assess themselves for a few pounds each which would otherwise have given them thousands, but they preferred taking from our very small means of £300 a year at *full* assessment for the whole of the land on our bank, and thus cripple our means by a third of our income for their own bank; yet they found thirteen to join them, and if their petition was assented to they would not be in a better position, but in a worse, as they expended nothing on our main artery, and they would do the same again. Such gratuitous injustice can only be attributed to the jealousy and hostility to progress and improvement on our roads; as it would also enable those on the left bank to escape the two toll-bars on their side, at Macquarie Plains and New Norfolk. They could only find fifteen to join them while there are upwards of twenty in the Municipality of Hamilton, out of the seventy-five hostile to the Hamilton Trustees, and who are interested in the line across Dunrobin Bridge, where many have land and stock, and deem that line of importance to them.

As the facts I have stated are now undeniable I think you will be fully justified in granting the prayer of our petition. You have always acknowledged the justice of our claim to Mr. Dickson, as also to Mr. Brown and myself, and that you would have done so at once had not Sir Richard Dry objected; but with Messrs. Wilson, Butler, and Dunn now in the Executive, there can be no such difficulty.

I append herewith a statement of the assets, as taken from the *Gazette*, of the Hamilton Road Trust's accounts for the thirteen years, showing the year, the page, the assessment, and the Government aid separately, all of which was expended on the Hamilton side.

Trusting to the justice of our claims and your promised support.

I have, &c.,

MICHAEL FENTON, *Chairman Upper Derwent Road Trust.*

The Hon. T. D. CHAPMAN, *Colonial Treasurer.*

P.S.—In addition to the above they have received £3474 19*s.* 3*d.* from the Land Fund, making a total of £20,827 4*s.* 3*d.*

Colonial Treasury, Hobart Town, 6th December, 1869.

SIR,

I AM directed by the Honorable the Colonial Treasurer to acknowledge the receipt of your letter of the 20th October, which you delivered to the Honorable the Colonial Treasurer on your visit to the Treasury on the 19th ultimo.

I am directed by the Honorable the Treasurer to state in reply that your letter has received the attention of the Government, but as the question was brought under the consideration of Parliament, at your instance, during the last Session, and a Select Committee appointed to enquire into the subject, the Executive Government are not prepared to interfere in any way with existing arrangements, pending the enquiry by a Select Committee of the House of Assembly.

I have, &c.,

W. LOVETT, *Assistant Colonial Treasurer.*

MICHAEL FENTON, *J.P., Fenton Forest.*

Fenton Forest, 8th December. 1869.

SIR

IN reply to your letter of the 6th instant in which you state that, as the matter to which I referred was under the consideration of Parliament last Session, the Executive were not prepared to interfere, pending such inquiry by a Select Committee of the House of Assembly, I have the honor to inform you that it is no longer before Parliament or a Select Committee, as you must be aware as well as I am that at the close of the Session of Parliament all matters then under their consideration lapse and are at an end; and as I have already informed you in my last letter that there was no necessity for further inquiry by a Select Committee, as the facts contained in our Protests and Petitions were fully established by the Government *Gazettes* and the Records of the House of Assembly. Besides, the Chairman informed me that he heard every Member of the Committee was satisfied that all the funds raised on this bank were expended on the Hamilton bank, and this is all I required to prove by Captain Langdon and Mr. Sibley, both Members of the Hamilton Trust, but as their memory was at fault they could not recollect, yet their accounts in the *Gazette* fully established the fact. Under these circumstances it would be absurd in my occupying the time of the House for a purpose already proved by the records. And I now repeat that an enquiry by a Select Committee will not be again renewed by me, and that therefore it is still under the control of the Executive *only*; and as the settlement of the question is of great importance to the settlers on the right of the Derwent, I trust the matter will be reconsidered by the Executive, for if they do not it will put a stop to our opening up the road on this bank, as we will have to pay interest on the three thousand pounds we borrowed for the purpose out of the small amount of the funds at our disposal. We have been assessing ourselves for years at a shilling in the pound, and the Hamilton Trust in fourteen years only assessed themselves six times, owing to their having thousands for our hundreds. It is a case therefore that calls loudly for redress, and as you always admitted the justice of our claim and promised to support it, I now, on the part of the settlers on this bank, urge you at once to redeem your promise.

I have, &c.,

MICHAEL FENTON, *Chairman Upper Derwent Road Trust.*

To the Hon. the Colonial Treasurer, Hobart Town.

3. Ordered that the Colonial Secretary be applied to, for all the correspondence in this case up to this date.—

4. Capt Fenton was in attendance and handed in certain papers & memoranda which were read & ordered to be printed for the information of the members of the Committee.—

The Committee adjd to Thursday at 10

Minutes of Meeting of the Committee

No 1.

Tuesday 27 Sept 1870

Com: met at 11.25,

Present

Mr James Scott

Dr Butler

Mr J R Scott

1. Moved by Dr Butler & carried that Mr James Scott do take the Chair.—

2. Ordered, that the Evidence taken by the Select Committee appointed last Session in this case be printed for the Committee.

3. Ordered that the Colonial Secretary be applied to, for all the Correspondence in this case up to this date.—

4. Capt Fenton was in attendance and handed in certain papers & memoranda which were read & ordered to be printed for the information of the Members of the Committee.—

The Committee adjd to Thursday at 10

Minutes of meeting

29 Sept 1870

The Committee met at 10 A.M.

Present

Mr Jas Scott

Mr Butler

Mr J.R. Scott

Captain Denton was in attendance

Mr Sibley called in & explained.—

The Committee adjd to ¼ to 3.

¼ past 3.

Present

Mr Jas Scott

Mr Balfe

Mr Whitehead

Draft Report read and approved.

(No. 116.)

1870.

TASMANIA.

UPPER DERWENT ROAD DISTRICT.

REPORT FROM SELECT COMMITTEE; WITH MINUTES, AND EVIDENCE.

Ordered by the House of Assembly to be printed, October 6, 1870.

***SELECT COMMITTEE** appointed (by Ballot) on the 22nd September, 1870, to enquire into and report on the matter between the Upper Derwent Road Trust and the Hamilton Road District.*

MEMBERS OF THE COMMITTEE.

MR. JAMES SCOTT.
MR. BALFE.
MR. BUTLER, *Minister of Lands.*
MR. JAMES REID SCOTT.
MR. WHITEHEAD.

DAYS OF MEETING.

27, 29 September.

WITNESSES EXAMINED.

Captain Fenton.
W. Sibley, Esq., M.H.A.

EXPENSES OF WITNESSES.

Nil.

REPORT.

THE Committee appointed by Ballot on the 22nd September, 1870, to enquire into and report on the matter between the Upper Derwent Road Trust and the Hamilton Road District, have the honor to report :—

That they have read the Evidence and Proceedings of a Select Committee appointed in the Session of 1869, but which did not bring up a Report upon the matter now referred to your Committee.

That they have now taken the evidence of the Chairman of the Upper Derwent Road Trust, and a Member of the Hamilton Road Trust (who is also a Member of your Honorable House.)

Your Committee believe that substantial justice will be done to all the parties concerned if the matter in question is remitted to the Ratepayers interested in the District; who, at a Meeting to be duly convened by notice to each Ratepayer for the purpose, may be requested to decide by a majority of votes, in the manner prescribed by "The Cross and Bye Roads Act, 1870," 33 Victoria, No. 8, Sect. 14, whether the area in dispute should be annexed to and form a part of either the Road District of Upper Derwent or that of Hamilton.

Your Committee annex the Proceedings of the former Committee, and the Evidence and certain Correspondence which has guided them to their present decision.

JAMES SCOTT, *Chairman.*

Committee Room, 29th September, 1870.

EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE OF 1869.

Friday, October 8, 1869.

The Honorable WM. LANGDON, *Chairman of the Hamilton Road Trust, called in and examined.*

I am aware that Captain Fenton has frequently complained of the expenditure of the money, one-fourth of the Land Fund, in the hands of the Board of Works. The Board of Works expended on the right bank of the Derwent such sum as they considered was due to that part. The appropriation was submitted to the Government and approved of in the usual manner. It was upon the petition of the ratepayers of the District that the boundaries of the Upper Derwent Road District were restored. The principal mileage of roads that have to be maintained are in the Hamilton Road District.

To Mr. James R. Scott.—If the Glenora Road was put in repair would it be the outlet to that part of the District? No, it would not. Will you state the reason why? Because there is a better and shorter road through Hamilton.

By Dr. Butler.—Is the part within those red lines the disputed part (tracing) in the Municipality of Hamilton? Yes, it is. We have expended a large sum of money in making a road at Monto's Marsh for a number of small settlers there who have bought small blocks of crown land.

By Mr. Balfe.—Are the roads maintained in this disputed part? Yes, they are, and also Dunrobin Bridge.

The Road Trust has spent a large sum of money on a road from Monto's Marsh to Dunrobin Bridge, and would have constructed a road to Doctor's Corner, with a ferry, if they could have obtained the consent of the proprietor of Lawrenny.

By Mr. Butler.—Have you any personal knowledge of the road from Monto's Marsh to Glenora? There is no road there. Is there any road from Monto's Marsh to Russell's Falls? Not a direct road, only on sufferance.

By Mr. Balfe.—All the funds derived from "The Waste Lands Act" are appropriated to the right bank, according to what the Surveyor-General shows that part is entitled to.

By the Chairman.—Have any of the assessments raised in the disputed part been expended there? Yes; on the Dunrobin Bridge and the approaches on both sides; also, I believe, in clearing timber from the road to the Florentine and Repulse Rivers. I am not certain. We have more than 100 miles of road, besides bridges, to keep in repair. I would be very glad if the District was divided into three or four.

Captain MICHAEL FENTON, *Chairman of the Upper Derwent Road Trust, examined.*

To Dr. Butler.—The persons signing the petition do not reside in and are not ratepayers of the disputed part, but are interested in having the roads made by the assessments of the land on the right bank.

Tuesday, October 12, 1869.

WILLIAM SIBLEY, *Esq., M.H.A., and Member of the Hamilton Road Trust, examined.*

To the Chairman.—There has been some of the Road Rates expended in the part in dispute, but I am not prepared to say what amount. I am one of the Road Trustees. I am not able to say what the rate collected in that portion amounts to. The rate was sixpence in the pound on purchased property and threepence on crown land. I know Monto's Marsh. The inhabitants of that place prefer coming to Hamilton as a market, they also come there to the mill. The present boundary was obtained on the petition of the inhabitants of the disputed part, that portion of the Hamilton District on the right bank of the Derwent, in 1866. I hand in the account of money spent by the Board of Works on the road from Dunrobin Bridge to Monto's Marsh. At Doctor's Corners there is a ford which is passable about eight months in the year. The road passes through the Lawrenny Estate, to which the proprietor objects. The road has been used for upwards of thirty years. On the road from Dunrobin to Glenora money was spent by the Board of Works or the Trust, and the management of the work was deputed to the late Mr. Basset Dickson and Mr. Brown. When the disputed part was attached to the Upper Derwent Road District some money was expended on the road from Monto's Marsh to Glenora, but the inhabitants, not approving of the line of road selected, petitioned the Road Trust against the expenditure. Hamilton is the principal town and the centre of such manufactories as exist in the District. It is the post town for the people living at Monto's Marsh. The Courts of justice are held in Hamilton. The money received from the Government by the Board of Works is expended in accordance with the data furnished by the Surveyor-General, as to the divisions of the District and the amount raised in each.

MEMORANDUM referred to by Mr. Sibley.

Year.	*Amount received from Government for Buckingham, Fenton Forest side of Derwent.*	*Amount appropriated by Hamilton Board of Works.*	
	£ s. d.	£ s. d.	
1864	344 17 2	325 0 0	
1865	94 12 0	40 16 0	£89 15*s.* 3*d.* still due, which the Board informed Mr. Brown (Mr. Dickson's representative) would be paid out of next appropriation, being an error, not having *at first* the correct amounts.
1866	106 8 4	63 0 0	
1867	73 6 3	70 0 0	
1868	63 0 0	63 0 0	
	Incidental expenses	30 12 6	
	£682 3 9	592 8 6	

Wednesday, October 13, 1869.

GEORGE CAMPBELL SMITH, *Esquire, examined.*

I am Government Surveyor of the District of New Norfolk.

To the Chairman.—I know Monto's Marsh. I surveyed a road from there to Dunrobin Bridge. I had instructions from the Surveyor-General. It was surveyed for the residents at Monto's Marsh. It crosses the road from Glenora to the Gordon Road. Three roads meet at Dunrobin Bridge,—Road from Glenora, Gordon Road, and the Road to Monto's Marsh. The distance from Monto's Marsh to where this road crosses the road to Glenora is about six miles: the distance from Dunrobin Bridge to Hamilton is about five miles and a half, making about eleven miles from Monto's Marsh to Hamilton. The distance from Monto's Marsh to Glenora, by the road through Captain Fenton's pre-emptive right block, is about thirteen miles. I cannot say the exact distance. There is no regular road. To go direct from Monto's Marsh to Glenora would be nearer to New Norfolk than the road round by Hamilton.

WILLIAM SIBLEY, *Esq., M.H.A., examined.*

To the Chairman.—The road from Monto's Marsh to Dunrobin Bridge is a Bye Road. I believe some of the assessments raised on the right bank of the Derwent have been laid out on the cross road on that bank: I cannot say what amount. I will not speak positively; but I believe such was the case. I was elected a Road Trustee of Hamilton in 1853 or 1854. When the disputed part was handed over from the Upper Derwent to the Hamilton Road Trust in 1866, we did not raise an assessment,—an assessment of 6*d.* in the Pound has been since made for one year. I believe the right bank has, since 1866, received its fair share of Road Trust Funds and Board of Works Money. I cannot state what sums of the Road Trust Funds have been expended, but I believe a fair share. A Bridge was built over the Repulse River at an expenditure of £60, which, I believe, came from the Road Fund. The persons who pay the Road Rate in the disputed part have always been satisfied with the expenditure, and have never complained. In 1866 we received as Road Rate in the Hamilton District £573 5*s.* 11*d.*, and grant in aid £276 2*s.* 9¾*d.* I believe some of this money was expended on the right bank and also some on the other bank for the accommodation of residents on the right bank.

Captain Fenton states that up to 1860 the Hamilton Road Trust spent all the assessments on the Hamilton side of the Derwent. To which I answer that the assessments were disposed of as requested by a majority of the ratepayers.

In 1860 the whole of the right bank of the Derwent was transferred to the Upper Derwent Road District, and remained till 1866, when the ratepayers of that portion now in the Hamilton District petitioned for the separation, stating that for six years the whole of their assessments had been spent in the neighbourhood of Glenora, and not one shilling on the road in which they were interested. The Government complied with the petition in 1866, but I do not think that the Hamilton Road Trust made any assessment on the right bank of the Derwent that year; and not having made any assessment last year, only one assessment could have taken place since the re-union of that portion of Hamilton Road Trust.

(Presented to the House by Mr. Sibley.)

To the Honorable the Speaker and Members of the House of Assembly of Tasmania, in Parliament assembled.

The Petition of the undersigned Ratepayers of the Hamilton Road District residing in the County of Buckingham, on the right bank of the River Derwent.

RESPECTFULLY SHOWETH:

THAT your Petitioners have learnt with surprise that a motion has been brought before your Honorable House for the purpose of separating from the Hamilton Road District that part of the District in which your Petitioners reside, and of annexing the same to the Upper Derwent Road District.

That your Petitioners beg leave to state that the part of the Hamilton Road District above alluded to for a period of six years formed part of the Upper Derwent Road District, and was afterwards, with the approbation of the residents, transferred to the Hamilton Road District, to which your Petitioners still desire to belong.

That the roads in the Hamilton Road District, on the left bank of the River Derwent, are more generally used by your Petitioners than the roads in the Upper Derwent Road District for access to New Norfolk, to Hobart Town, and to other places; and that your Petitioners receive and despatch their letters through the Post by the roads in the former District.

That your Petitioners have reason to believe that their interests are better consulted by remaining in the Hamilton Road District than by being transferred to that of the Upper Derwent.

Your Petitioners therefore respectfully and earnestly pray that the present boundaries of the Hamilton Road District may not be disturbed.

[*Here follow* 15 *Signatures, representing* 28,554½ *acres.*]

IN COMMITTEE.

(Handed in by Captain Fenton, 27 *September,* 1870, *and read by the Clerk.)*

THE Hamilton Road Trust commenced in 1851, when the road from the Florentine River was put under their control as far as Russell's Falls, in which it remained until 1854, when their boundary was limited to Jones' River. In 1860 the landholders of the right bank petitioned the House of Assembly for redress and separation from the Hamilton District, because they drew the assessment and Government Aid from the right bank and spent it on their own bank, and during the whole period of ten years to 1860 never spent any on the lands where the money was raised.

A Select Committee was appointed, (and herewith I hand in the Petition, No. 32, printed paper, and No. 106, being the Report of the Select Committee which was adopted by the House,) and an Address was unanimously passed requesting that the Governor would be pleased to carry out its recommendation; and I, as Speaker, placed the resolution in His Excellency's hand, and he returned an answer through me that he would do so; and, accordingly, the Upper Derwent was gazetted to the Florentine River. In 1863 the Hamilton Council applied to have it restored, when the Ministry issued a notice for all who were opposed to it to send in to the Colonial Secretary their reasons within a month. A protest was accordingly sent in against any alteration.

At the expiration of the time stated I called upon Mr. Whyte, the Colonial Secretary, as Chairman, to learn the decision of the Government; and I was informed by Mr. Whyte that our reasons were so unanswerable no alteration would be made, and particularly as the House of Assembly had already decided the matter.

In 1866 a petition, signed by nine persons, again applied to be added to the Hamilton Trust; and, notwithstanding a protest of the Trustees of the Upper Derwent backed by seventy landholders of the right bank, the same Ministry transferred not only the original boundary of Jones' River, but an important portion of the Upper Derwent besides, to the Hamilton Trust,—not one of whom or the ratepayers of Hamilton owned an acre of land on the right bank, and by this means increased the number of voters from 9 to 14, principally 50-acre settlers.

For fourteen and a half years that the Upper portion belonged to the Hamilton Trust there was not any expenditure of the assessments on the right bank where the money was raised, but it was expended on the left bank or Hamilton side of the Derwent.

While they only assessed themselves six times in the fourteen and a half years the Upper Derwent assessed every year, thus proving it was not the want of funds that induced them to take all the assessments from the right bank and spend it on their own; for in the year 1855 if they only assessed themselves they would have had £5200 for that year alone, besides seven and a half years they neglected to assess themselves. Yet they deprived us of from £150 to £200 a year which they did not use themselves nor let us use by reason of the Government who, while admitting the injustice we experienced, yet perpetuated it by refusing to redress an admitted wrong.

On what ground then were the Hamilton Trustees so desirous of obtaining the disposal of all the funds belonging to the right bank, but to check our progress and improvement? The only ground they gave was, that they got their potatoes, vegetables, sawn and split timber, grain, &c. from the right; but if this was the real cause, it ought to be a strong reason why they should have assisted instead of cramping our exertions to improve the roads. All those settlers reside on the main artery (except eight, who live on bye-roads made with the land funds of the right bank) to Dunrobin Bridge, which gave them access to Hamilton or New Norfolk, whichever suited them best. It is utterly untrue that no facilities were afforded them on the right bank, where the Upper Dewent Trust made bridges, culverts, and formed roads expressly for their use, while the Hamilton Trustees took their money and spent it on their own side, giving nothing in return. Is this the cause that induced a preference to belong to the Hamilton Trust? On the contrary, it is the inducement held out to them to have the bye-roads from Monto's Marsh made from the land fund derived from the right bank that induced them. It appears from Captain Langdon and his co-Trustee's letter of the 30th May, 1866, on the Table, in which he states as follows: "I have received reliable and authentic information that the major part of the road fund has been expended in and on the roads in the vicinity of Fenton Forest." This statement is *totally untrue*, which can be readily proved by a visit to the spot, where there was very little expenditure at that date; but since then, about three or four years ago, about three quarters of a mile was made between the School-house and the Styx, and about 60 rods from Russell's Falls Bridge, at the instance of Mr. Dickson, which was almost impassable in the winter, and which was absolutely necessary for those residing between it and Dunrobin Bridge; besides, there was considerable outlay on the road towards Jones' River in forming and cutting roads, and erecting and repairing bridges on it.

He also states that it was in consequence of Captain Fenton's solemn protest as Chairman of the Upper Derwent Road Trust in the name of the Trustees which stopped the works on the right bank from being proceeded with: in fact, his protest included a forbiddance of the works which had been recommended by the Board of Works. This statement is also untrue. I only forbad any operation on the cross road without the consent and approval of the Trustees; but if they were such as were approved of by the Trustees they would co-operate in the work; and if my letter is referred to this fact will be proved as it is also recorded in the minutes of our Trust Book.

The fact is the Ministry of the day have been entirely misled by hearsay evidence furnished by Captain Langdon and his co-Trustees, who ought to have personally examined the case before advancing statements that were calculated to mislead the Government. On the report of the Committee of 1860 being submitted for adoption by the House, Mr. Gellibrand rose to speak, when Dr. Butler stated that there could be but one opinion on the subject, on which Mr. Gellibrand sat down, and the vote passed without a dissentient voice. Mr. Gellibrand was the Member for Hamilton, and also one of the Trustees who proved the facts stated in our petition in 1860. Another reason advanced against travelling on the road on the right bank was that it was in too bad a state, but which arose entirely from their having taken the money and spent it on the opposite bank; yet there is a hawker at Glenora that goes every fortnight nearly with two teams, occasionally with sundries, and returns loaded; besides some from New Norfolk and other places, in addition to the local traffic. Mr. Bryan and Mr. Clark bring their wool down, and the settlers at Monto's Marsh, come by my bush road with hop poles, and also to the mill at Fenton Forest.

Can it be just, fair, or equitable, that eight or ten small settlers,—principally fifty acres to a hundred or so,—who at present think they only desire the market at Hamilton for their grain, are to deprive the whole of the right bank of their cross road merely because they say they only require it occasionally, but will certainly use it when it suits them, but won't contribute to its being made if they can avoid it? The Government is and has been spending large sums in opening up various localities; and is the Upper Derwent to be the only locality in which no expenditure is or has been made, although it is notorious that no other district has taxed themselves to an equal extent, besides borrowing money also, while the left bank have had thousands upon thousands, and road parties, for years from Government. I may add that there is a bye-road already open from Monto's Marsh to Dunrobin Bridge, and thence to Hamilton direct, which cannot be affected by its being in the Upper Derwent or Hamilton Trust, for it has existed for years, and I am assured that it is only by a promise of the expenditure of our Land Fund, as it encourages this petitioning, as shown by two letters which are on the table. If the settlers on the left bank make the road, and those on the right do the same, with the funds raised on them, it will be a benefit to both, and the country at large, by opening up both banks for settlement, and thus encourage settlement, instead of as at present checking it. To illustrate the above, I may suppose that the right bank owns the land from Hamilton to the Ouse on the left bank, and we assess that land and carry the money to the right bank, would the Hamilton Trustees deem this just or equitable? If not, why do they act in the present case so unjustly to us?

***EXTRACTS** from Government Gazettes of the Expenditure and Assets of the Hamilton Road Trustees.*

Years.	*Private Assessment.*	*Government Aid.*	*Dog Money.*	*Total.*	*Page.*
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	
1851	783 8 11	109 7 5	51 13 6	944 9 10	960
1852	259 10 3	259 10 3	11 3 0	530 3 6	1201
1853	—	—	—	No Assessment.	
1854	2576 19 4	2565 4 8	15 0 6	5157 4 6	1524
1855	—	—	—	No Assessment.	1365
1856	2586 18 3	2062 10 10	—	4649 9 1	1630
1857	2495 5 3	2716 8 1	—	5211 13 4	1182
1858					
1859					
1860					
1866					
1867	564 12 11	294 18 2	—	859 11 1	
1868					
1869					
1870					
	9266 14 11	8007 19 5	77 17 0	17,352 5 10	
Amount from Land Fund				3474 19 3	
				20,827 4 3	

(Handed in by Captain Fenton.)

CORRESPONDENCE.

Fenton Forest, 26th October, 1869.

Sir,

As various and incorrect reports are industriously circulated tending to prejudice the public mind against the just and equitable claim set forth by the landholders and ratepayers of the Upper Derwent Road District residing on the right bank of the River Derwent, I deem it but just to them to state the facts, so as to prevent misconception or any person being misled by them.

The Hamilton Trustees have had the control of a portion of the right bank (*as minutely detailed* in our protests and petitions) for thirteen years—that is from 1851 to 1860, and again from 1866 to 1869—and during this period the whole of the assessments levied on the right bank were spent on the Hamilton or left bank. During the whole of this period they never made even *one rod* of road on the right bank, where the money was raised, and this is consequently in the same state from Dunrobin Bridge to Glenora and New Norfolk as it was forty years ago, when I first arrived in the Colony and purchased Fenton Forest—where I have resided ever since. As a proof of the correctness and justness of our complaint, I need only refer to the accounts furnished by the *Trustees themselves* and published annually in the Government *Gazette*, showing the assets and expenditure; in them there is no item of expenditure on the right bank—so that their own accounts fully bear out our statement, namely—that the whole was expended on the Hamilton or left bank.

On the 8th of October last Mr. Sibley presented a petition from fifteen ratepayers, praying not to be separated from the Hamilton Road Trust, and thus continue their injustice. The two Messrs. Bethune live close to the bridge, and can therefore choose which bank they will travel on; seven of the fifteen who signed the petition live on the main line of road, and eight on bye-roads leading to Dunrobin Bridge—and they also can choose their side. There are four 50-acre settlers out of this Trust several miles above Dunrobin Bridge on the Gordon Road, which was formed by the Government—and by it they also can take which bank suits them on reaching the bridge. These persons, therefore, are in a better position than any of the *seventy-five* ratepayers who have protested against being subjected to the Hamilton Trust, whose acts of injustice to the Upper Derwent or right bank have no parallel in all Tasmania; nor, I venture to say, in any colony in this hemisphere.

As all the facts stated in our petitions and protests are recorded in the Government *Gazette* and in the Votes and Proceedings of the House of Assembly the evidence is available to all, and I think it need require no Select Committee to investigate the case. I was detained three weeks in attendance on the Committee, and could only examine Captain Langdon, as they could not afford time to finish Mr. Sibley's evidence. Both these witnesses, however, were unable to answer decisively the questions I put to them, as they could not recollect whether any funds derived from assessments had been spent on the right bank, but they believed there had been, while the accounts published in the *Gazette* entirely negatived that belief. I attended the Committee again on Wednesday to finish Mr. Sibley's examination and to give my own evidence, but the Chairman informed me that Mr. Sibley had been thrown from a gig near Bridgewater, and was so severely hurt as to be unable to attend, so closed the matter.

There are other facts which I wish to mention. For eight years they neglected to assess themselves for a few pounds each which would otherwise have given them thousands, but they preferred taking from our very small means of £300 a year at *full* assessment for the whole of the land on our bank, and thus cripple our means by a third of our income for their own bank; yet they found thirteen to join them, and if their petition was assented to they would not be in a better position, but in a worse, as they expended nothing on our main artery, and they would do the same again. Such gratuitous injustice can only be attributed to the jealousy and hostility to progress and improvement on our roads; as it would also enable those on the left bank to escape the two toll-bars on their side, at Macquarie Plains and New Norfolk. They could only find fifteen to join them while there are upwards of twenty in the Municipality of Hamilton, out of the seventy-five hostile to the Hamilton Trustees, and who are interested in the line across Dunrobin Bridge, where many have land and stock, and deem that line of importance to them.

As the facts I have stated are now undeniable I think you will be fully justified in granting the prayer of our petition. You have always acknowledged the justice of our claim to Mr. Dickson, as also to Mr. Brown and myself, and that you would have done so at once had not Sir Richard Dry objected; but with Messrs. Wilson, Butler, and Dunn now in the Executive, there can be no such difficulty.

I append herewith a statement of the assets, as taken from the *Gazette*, of the Hamilton Road Trust's accounts for the thirteen years, showing the year, the page, the assessment, and the Government aid separately, all of which was expended on the Hamilton side.

Trusting to the justice of our claims and your promised support.

I have, &c.,

MICHAEL FENTON, *Chairman Upper Derwent Road Trust.*

The Hon. T. D. Chapman, *Colonial Treasurer.*

P.S.—In addition to the above they have received £3474 19*s.* 3*d.* from the Land Fund, making a total of £20,827 4*s.* 3*d.*

Colonial Treasury, Hobart Town, 6th December, 1869.

Sir,

I am directed by the Honorable the Colonial Treasurer to acknowledge the receipt of your letter of the 20th October, which you delivered to the Honorable the Colonial Treasurer on your visit to the Treasury on the 19th ultimo.

I am directed by the Honorable the Treasurer to state in reply that your letter has received the attention of the Government, but as the question was brought under the consideration of Parliament, at your instance, during the last Session, and a Select Committee appointed to enquire into the subject, the Executive Government are not prepared to interfere in any way with existing arrangements, pending the enquiry by a Select Committee of the House of Assembly.

I have, &c.,

W. LOVETT, *Assistant Colonial Treasurer.*

Michael Fenton, *J.P., Fenton Forest.*

Fenton Forest, 8th December, 1869.

Sir

In reply to your letter of the 6th instant in which you state that, as the matter to which I referred was under the consideration of Parliament last Session, the Executive were not prepared to interfere, pending such inquiry by a Select Committee of the House of Assembly, I have the honor to inform you that it is no longer before Parliament or a Select Committee, as you must be aware as well as I am that at the close of the Session of Parliament all matters then under their consideration lapse and are at an end; and as I have already informed you in my last letter that there was no necessity for further inquiry by a Select Committee, as the facts contained in our Protests and Petitions were fully established by the Government *Gazettes* and the Records of the House of Assembly. Besides, the Chairman informed me that he heard every Member of the Committee was satisfied that all the funds raised on this bank were expended on the Hamilton bank, and this is all I required to prove by Captain Langdon and Mr. Sibley, both Members of the Hamilton Trust, but as their memory was at fault they could not recollect, yet their accounts in the *Gazette* fully established the fact. Under these circumstances it would be absurd in my occupying the time of the House for a purpose already proved by the records. And I now repeat that an enquiry by a Select Committee will not be again renewed by me, and that therefore it is still under the control of the Executive *only*; and as the settlement of the question is of great importance to the settlers on the right of the Derwent, I trust the matter will be reconsidered by the Executive, for if they do not it will put a stop to our opening up the road on this bank, as we will have to pay interest on the three thousand pounds we borrowed for the purpose out of the small amount of the funds at our disposal. We have been assessing ourselves for years at a shilling in the pound, and the Hamilton Trust in fourteen years only

assessed themselves six times, owing to their having thousands for our hundreds. It is a case therefore that calls loudly for redress, and as you always admitted the justice of our claim and promised to support it, I now, on the part of the settlers on this bank, urge you at once to redeem your promise.

I have, &c.,

MICHAEL FENTON, *Chairman Upper Derwent Road Trust.*

To the Hon. the Colonial Treasurer, Hobart Town.

EVIDENCE TAKEN BEFORE THE SELECT COMMITTEE OF 1870.

September 27, 1870.

MICHAEL FENTON, *Esquire, examined.*

I am Chairman of the Upper Derwent Road Trust. I hand in a Memorandum of the points now at issue between us and the Hamilton Road Trust, also copies of letters from Mr. Brown and Mr. Salter on the same subject.

In consequence of the various Reports which have been circulated because the Select Committee of last Session did not report upon the question, I have published in the *Tasmanian Times* the Correspondence which passed between myself and the Government. I hand in a copy, as printed, for the use of the Committee. I also hand in a list of papers which will be required to substantiate our case before the Committee; viz.—Captain Langdon's letter, 30 May, 1866; Bethune & Co., Petition, 1866; Monto Marsh Road Expenditure; Petition of 1863, 1866, 1868, and 1870; Reports of Trust Meeting; Hamilton Petition as to Monto's Marsh.

September 29, 1870.

WILLIAM SIBLEY, *Esquire, M.H.A., called in and examined.*

By Chairman.—You are a Member of the Hamilton Road Trust? I am.

By Captain Fenton through Chairman.—I see this copy of letter from Captain Langdon, dated 30 May, 1866. It refers to a former Petition of the Upper Derwent people for connection with Hamilton. As one of the Road Trustees I concurred in that letter at the time, and I do so now.

I have not been down to Glenora by the road on the Right Bank. I have visited a part of the road where some improvements were being made by the Board of Works; I think opposite Downie's Sheepwash.

By Chairman.—How many miles is it from New Norfolk to Hamilton by left Bank or Hamilton side? About 22 miles.

And from Hamilton to the Bridge at Dunrobin? About 6.

And from Monto's Marsh to the Bridge at Dunrobin? About 6 miles, but there is a ford for 8 or 9 months out of the year at the Doctor's Corner. The people find a road to the crossing place. I have known this road to be an open one for 35 years. It has latterly been disputed by the owner of the Lawrenny Estate through which it passes.

By Dr. Butler.—Has any money been expended in improving that ford? Not to my knowledge. We used to give a small portion of the dog money which was at the command of the Trustees for little works. I can remember £20 for a bridge in the Township of Hamilton. Since 1856 Monto's Marsh Road has been improved, and money has been spent on the road down towards Long Reach. When the Board of Works had money appropriated to the District we usually applied to the Colonial Treasurer to know what was due to the right bank, and it was applied accordingly. The boundary of the Board of Works District is different to the Road Districts. In the the disposal of Road Trust moneys we are always governed by the opinions of the ratepayers. Hamilton is the sole place for the Monto's Marsh people to come to market.

By Captain Fenton.—Did you spend any portion of the road rate raised on our side of the river on that side? Yes.

By Dr. Butler.—In any case of suing for money under the Courts of General Sessions to what place do the Monto's Marsh people go? To Hamilton, where they also go to the mill for flour, and for their Post Office letters. Letters pass by private hand about once a week between Monto's Marsh and Hamilton.

What is the character of produce grown at Monto's Marsh? Every kind of grain,—wheat, barley, oats, potatoes, which they bring to Hamilton. I believe all comes there.

By Chairman.—If the road to Glenora were made, would the Monto's Marsh people not prefer that road to New Norfolk? Most certainly not. Hamilton is their market town. I have known Bryant send his wool to Hamilton, and thence on to New Norfolk, about four or five years ago. The Monto's Marsh people always objected to go down by Glenora. The road down the Upper Derwent bank is only a bush track, and quite sufficient for the purpose for which it is used.

JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.

Select Committee

No 8.

Appointed 29 September 1870

To consider and Report upon

Mr John Abbotts Returning

allowance.

Report, Paper No 123.

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To the Hon. the Colonial Treasurer, Hobart Town.

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JAMES BARNARD,
GOVERNMENT PRINTER, TASMANIA.

Select Committee

No 8.

Appointed 29 September 1870

To consider and Report upon Mr John Abbotts Returning allowance.

Report. Paper No 123.

TASMANIA.

HOUSE OF ASSEMBLY.

VOTES AND PROCEEDINGS.

No. 21.

THURSDAY, 29 SEPTEMBER, 1870.

ANNO 34° VICTORIÆ REGINÆ.

1. The House met at Four o'clock.

2. Mr. Colonial Treasurer laid upon the Table the following Papers:— Mr. Swift. Joseph Abbott.
   (1.) Mr. Swift's Letter on subject of the Main Line Railway.
   (2.) Petition of Joseph Abbott in regard to his Salary.

3. Mr. Attorney-General laid upon the Table of the House the Depositions, &c. in the case of O'Bierne, and the Police character of the principal Witness and Informer. (*Mr. Balfe.*) O'Bierne.

4. Mr. James Scott brought up the Report of the Upper Derwent Road District Select Committee. Upper Derwent Road Trust.

   Which was read and received.

5. The Minister of Lands and Works laid upon the Table the following Papers:— Papers. Board of Works. No. 104. Public Works Department. No. 105. Colonel Crawford's Letters. No. 106.
   (1.) Return of Amounts appropriated to the Boards of Works 1864–8.
   (2.) Return of Salaries, &c. of Public Works Department.
   (3.) Letters from Colonel Crawford as to the Castra Settlement.

   Ordered, That these Papers be printed.

6. A Message to the Legislative Council, by Mr. Colonial Treasurer and Mr. J. Reid Scott:— Bill No. 17.

   MR. PRESIDENT.

   The House of Assembly has passed a Bill, intituled "A Bill to make provision for the Leasing and Occupation of the Waste Lands of the Crown in Tasmania for Mineral Purposes," to which the House desires the concurrence of the Legislative Council.

   R. OFFICER, *Speaker.*

   28 *September*, 1870.

7. A Message to the Legislative Council, by Mr. Colonial Treasurer and Mr. J. Reid Scott:— Bill No. 32.

   MR. PRESIDENT.

   The House of Assembly has passed a Bill, intituled "A Bill to continue an Act to provide temporarily for the Protection of Native Game," to which the House desires the concurrence of the Legislative Council.

   R. OFFICER, *Speaker.*

   28 *September*, 1870.

Bill No. 4.

8. A Message to the Legislative Council, by Mr. Colonial Treasurer and Mr. James Reid Scott:—

Mr. President.

The House of Assembly having this day agreed to, with an Amendment, a Bill, intituled "A Bill to remove some Defects in the Administration of the Criminal Law," begs now to return the same to the Legislative Council, and to request its concurrence therein.

R. OFFICER, *Speaker.*

28 *September*, 1870.

Bill No. 5.

9. A Message to the Legislative Council, by Mr. Colonial Treasurer and Mr. James Reid Scott:—

Mr. President.

The House of Assembly hath agreed to the Amendment proposed to be made by the Legislative Council in the Bill, intituled "A Bill to provide for the Distribution of the Assets of Insolvent Debtors amongst their Creditors."

R. OFFICER, *Speaker.*

28 *September*, 1870.

Bill No. 3.

10. A Message to the Legislative Council, by Mr. Colonial Treasurer and Mr. James Reid Scott:—

Mr. President.

The House of Assembly having taken into consideration the Amendments made by the Legislative Council in the "Bill to consolidate and amend the Laws relating to the Imposition of Stamp Duties in Tasmania," proposes to amend the said Amendment in the new Clause 23 by leaving out the word "any" in line 13, and inserting the word "every;" by omitting the word "such" in line 15; by omitting the word "and" in line 22; and by inserting the word "every" in line 30.

The House also proposes to amend the Amendment in page 16 of the Schedule, with an Amendment to insert the words "of the nominal value of £5 and under" after the word "Company."

The House has agreed to the Amendments in the 12th and 15th pages of the Schedule.

R. OFFICER, *Speaker.*

September 28, 1870.

M. Solomon.

11. *Resolved*, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to cause to be laid on the Table of this House the Petition presented to His Excellency from Mark Solomon, praying for compensation for injuries received by him caused by the upsetting of the Mail Coach during the time Petitioner was acting as Mail Guard. (*Mr. Davies.*)

Mr. John Abbott.

12. *Resolved*, That a Select Committee be appointed to consider and report upon the Papers, Documents, and Correspondence connected with the Retiring Allowance of Mr. John Abbott. Such Committee to consist of—

Mr. Balfe.
Mr. Cook.
Mr. John Lord.
Mr. J. R. Scott.
Mr. Adye Douglas. (*Mover.*)

Immigration Agent.

13. *Ordered*, That there be laid upon the Table a Return showing the Names of all Applicants for the appointment of Immigration Agent to proceed to Europe,—with the Correspondence, if any, prior to Mr. Buck's appointment to fill that office. (*Mr. Sibley.*)

Mr. Buck.

14. *Mr. Sibley* asked the Hon. the Colonial Treasurer, if Mr. Buck is to continue his Selection of German Emigrants for Tasmania?

Mr. Colonial Treasurer replied: "No further Tickets will be sent to Mr. Buck."

Scab Act.

15. *Ordered*, That a Return of the Names of all applicants for the Appointment of Sub-Inspectors under "The Scab Act" be laid upon the Table of this House. (*Mr. Sibley.*)

Meeting of Parliament.

16. *Resolved*, That it is desirable that hereafter Parliament be assembled for the dispatch of business not later than the 20th July in each Year. (*Mr. John Meredith.*)

Professions and Trades.

17. *Ordered*, That there be laid upon the Table of this House a Return of the Professions, Trades, and Callings of all Persons residing in Tasmania; also of all Annuitants, Pensioners, and Persons receiving Salaries, with the Amounts of the Annuities, Pensions, and Salaries of each respectively, as far as known to the Government. (*Mr. Charles Meredith.*)

Mersey Tramway.

18. *Resolved*, That this House will, to-morrow, resolve itself into a Committee to consider the following Resolutions:—

That, inasmuch as the Mersey and Deloraine Tramway Company, Limited, have nearly completed seventeen miles of their Tramway between Gilbert-street, Latrobe, and a point distant about eleven miles from the Township of Deloraine, and the said Company are now desirous of extending their Tramway in a southerly direction to or towards Deloraine, and in a northerly direction from Gilbert-street aforesaid to a convenient shipping place on the River Mersey, it is expedient to facilitate their operations.

That if the said Company shall thus extend their Tramway and shall construct and complete the extended portion thereof in the manner prescribed by the Resolutions of Parliament passed in relation thereto on the 8th of September, 1868, then, whenever two miles or upwards shall from time to time be added to the length of the Tramway and completed and opened to the public, the Company shall receive a grant of land from the Crown to the extent of 1280 acres in respect of each mile of the Tramway so completed and opened to the public, and in the same rate in respect of any less length than one mile.

That the land to be thus granted to the Company shall be selected in blocks of not less than 2000 acres, in the situation and manner referred to in the Resolutions of Parliament passed in relation thereto on the 7th September, 1865. (*Mr. Adye Douglas.*)

Launceston School.

19. *Resolved*, That this House will, to-morrow, resolve itself into a Committee to consider an Address to His Excellency, praying he will cause to be placed upon the Estimates the sum of £1000 to cover the expense of erecting a Central School in the Town of Launceston. (*Mr. Adye Douglas.*)

20. The House met at Seven o'clock.

Placeholders in Parliament.

21. A Motion being made that an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to take the necessary steps to remove from Places of Profit under the Government all Persons holding Seats in either House of Parliament, and who do not occupy the position of Responsible Advisers to His Excellency; (*Mr. Balfe.*)

And the Question being put, that the Motion be agreed to;

The House divided.

Ayes 8.	Noes 9.
Mr. Lette.	Mr. Cook.
Mr. Davies.	Mr. Colonial Treasurer.
Mr. Charles Meredith.	The Attorney-General.
Mr. Gregson.	Mr. A. Douglas.
Mr. Balfe.	Mr. Pratt.
Mr. Sibley.	Mr. Swan.
Mr. James Scott.	The Minister of Lands.
Mr. Whitehead. (*Teller.*)	Mr. John Meredith.
	Mr. Lewis (*Teller.*)

And so it passed in the Negative.

Mr. Humffray.

22. *Resolved*, That an Address be presented to His Excellency the Governor, praying that His Excellency will cause to be laid on the Table of this House Copies of all Correspondence between the late Colonial Secretary and Mr. J. B. Humffray, of Ballarat, Victoria, respecting the alleged discovery of Gold at West Tamar by a man named Roberts or Gardner, while sinking a Well at Cabbage Tree Hill. (*Mr. Balfe.*)

Mr. Barrett. Leave.

23. *Resolved*, That leave of absence for fourteen days be granted to the Member for Hobart Town, Mr. Barrett, on account of ill-health.

Newspapers.

24. *Ordered*, That there be laid upon the Table of this House a Return showing the Amounts of Moneys paid out of the Public Treasury to the Proprietors

of the "Tasmanian Times" and "Mercury" Newspapers in the years 1865, 1866, 1867, 1868, 1869, and 1870, up to the date of this Notice. (*Mr. Charles Meredith.*)

Sandy Bay.

25. Mr. Pratt asked the Hon. the Minister of Lands and Works, whether it is the intention of the Government, during the present Session, to submit to Parliament a Resolution, in accordance with the recommendation of the Solicitor-General, 1st September, 1870, (Parliamentary Paper No. 60), for securing to the Public the free use of the Sandy Bay Beach?

Mr. Butler replied: That during the recess of Parliament Government would take measures, with the consent of the owner of the Land, to secure access for the Public to the Beach at Sandy Bay.

Latrobe Petition.

26. *Resolved*, That an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to cause to be laid upon the Table of this House a Petition from certain Electors praying for the erection of a suitable Court House at Latrobe. (*Mr. Davies.*)

Native Born.

27. *Resolved*, That this House will, to-morrow, resolve itself into a Committee to consider that an Address be presented to His Excellency the Governor, praying that he will be pleased to cause provision to be made in the Waste Lands Bill now under the consideration of the House for offering the same inducements to the native born of Tasmania to remain in the Island of their birth as are now held out to the inhabitants of Asia and Europe to immigrate to Tasmania. (*Mr. Charles Meredith.*)

Cam Tramway.

28. A Motion being made that the House do resolve itself into a Committee of the whole to consider that an Address be presented to His Excellency the Governor, praying that His Excellency will be pleased to grant to Messrs. Elliott and Norwood Crown Land in the vicinity of the River Cam upon the following terms and conditions:—

"That Messrs. Elliott and Norwood having constructed Two miles of Tramway at and near the River Cam, on the Line proposed by the Government, shall, on the Works being certified by the Director of Public Works as properly completed, be entitled to receive from the Government One Acre of Land for every Pound in Money expended on the said Tramway:

"That for every Mile of Tramway hereafter constructed on the said Line, and certified to as aforesaid, a similar grant shall be made:

"That Messrs. Elliott and Norwood shall be bound to make such Charges only for Traffic on the said Line as the Governor in Council shall from time to time approve:

"That Messrs. Elliott and Norwood shall be bound to keep the said Line of Tramway in good working order for a period of Twenty Years, or otherwise the Line shall become the property of the Government:

"That no Grant of Land shall be made of a less area than 320 Acres." (*Mr. Adye Douglas.*)

And the Question being put,

The House divided.

Ayes 3.	Noes 14.
Mr. Chas. Meredith.	Mr. Gregson.
Mr. Balfe.	Mr. Sibley.
Mr. A. Douglas. *(Teller.)*	Mr. Minister of Lands.
	Mr. Davies.
	Mr. Swan.
	Mr. Lewis.
	Mr. J. Meredith.
	Mr. J. A. Scott.
	Mr. Jas. Scott.
	Mr. Keach.
	Mr. Colonial Treasurer.
	Mr. Cook.
	Mr. Attorney-General.
	Mr. Pratt. *(Teller.)*

And so it passed in the Negative.

Mr. Evans and Customs.

29. Mr. Balfe laid upon the Table certain correspondence between Mr. Evans and the Collector of Customs.

Harry & Smith.

30. The Minister of Lands and Works laid upon the Table Papers connected with Messrs. Harry & Smith's claim to land at Fingal. (*Mr. Swan.*)

Municipal Accounts. Paper No. 107.

31. Mr. Lewis brought up the Report of the Select Committee on Municipal Accounts, which was read, and ordered to be printed with the Evidence.

To be considered on Tuesday next.

Circular Head Road.

32. The House, according to Order, resolved itself into the Committee on the Address in regard to the Circular Head Road; and after some time spent therein Mr. Speaker resumed the Chair.

Bill No. 10.

33. The Order of the Day for the Second reading of the Friendly Societies Act Amendment Bill was read and discharged.

Mr. Kirwan.

34. The Debate on the case of Mr. Kirwan was resumed (*15th September*), and was further adjourned to to-morrow. (*Mr. Keach.*)

Bill No. 28.

35. The House, according to Order, resolved itself into the Committee on the Fish Sale Prevention Bill; and after some time spent therein Mr. Speaker resumed the Chair, and Mr. *Swan* reported that the Committee had gone through the Bill, and had made Amendments therein.

Resolved, That the Amendments be agreed to.

Ordered, That the Bill be read the Third time to-morrow.

Bill No. 24.

36. The Order of the Day for the Second reading of the Licensing Act Amendment Bill was read and postponed to Thursday next.

The House adjourned at forty-five minutes after Ten o'clock.

HUGH MUNRO HULL, *Clerk of the House.*

Your Comm^ee have ~~exam~~ d the papers in ~~comm^t with~~ the case subm^d to them Consider and also exam^d Mr Abbott. and they are of opinion that ~~had~~ the amount of pension as claimed by Mr Abbott would have been granted by Mr Champ had that gentleman continued in office.

there is evidence of the pension so calculated - as ever submitted to S. of C. for approval.

but that a review of the circumstances made by Mr Henty shews that the ~~Mr Abbotts service~~ pension has been calculated on services from 1840 to 1836 - and a gratuity for ~~six~~ 3 years service from 1822 to 1825.

Mr. Abbotts evidence before the Committee - Mr. Henty's precis of the correspondence } Mr Maley's letter are attached herewith

(No. 123)

1870.

TASMANIA.

MR. JOHN ABBOTT'S CLAIM.

REPORT FROM SELECT COMMITTEE; WITH MINUTES, AND EVIDENCE.

Brought up by Mr. Adye Douglas, and ordered by the House of Assembly to be printed, October 11, 1870.

SELECT COMMITTEE appointed on the 29th September, 1870, to consider and report upon the Papers, Documents, and Correspondence connected with the Retiring Allowance of MR. JOHN ABBOTT.

MEMBERS OF COMMITTEE.

MR. BALFE.
MR. COOK.
MR. JOHN LORD.
MR. J. R. SCOTT.
MR. ADYE DOUGLAS.

DAYS OF MEETING.

October 6th, 7th, and 11th.

WITNESS EXAMINED.

Mr. John Abbott.

EXPENSE OF WITNESS.

Nil.

REPORT.

YOUR Committee have the honor to report to your honorable House that they have examined the Papers, Documents, and Correspondence in the case submitted for their consideration, and have also examined Mr. Abbott; and they are of opinion that the amount of Pension as claimed by Mr. Abbott would have been granted by Mr. Champ had that gentleman continued in office, but there is no evidence to show that the Pension so calculated was ever submitted to the Governor in Council for approval. A careful and exhaustive review of the case made by Mr. Henty shows that the Pension now paid has been calculated on services from 1840 to 1856; and a gratuity for three years service, from 1822 to 1825, was added thereto, but to which Mr. Henty considered he had no legal claim. The evidence of Mr. Abbott himself as given before the Committee, the précis of this case as drawn up by Mr. Henty, and the Colonial Auditor's Reports thereon, are attached hereto.

ADYE DOUGLAS, *Chairman.*

Committee Room, 11th October, 1870.

MINUTES OF THE MEETINGS.

THURSDAY, 6 OCTOBER, 1870.

Present—Messrs. Douglas, Balfe, Cook, J. R. Scott.
Mr. Balfe moved, that Mr. A. Douglas do take the chair.
Letter from Mr. Abbott to Mr. Champ, with memoranda thereon, dated in 1857, was read.
Memo. on Letter of November 25, 1866, read.

FRIDAY, 7 OCTOBER, 1870.

Present—Messrs. Douglas, Cook, J. R. Scott, and Balfe.
Letter from Mr. Manley, dated December, 1869, read.
Mr. Abbott examined.

TUESDAY, 11 OCTOBER, 1870.

Present—Messrs. A. Douglas, Cook, and J. R. Scott.
Draft Report considered and adopted.

EVIDENCE.

MR. JOHN ABBOTT *called in and examined.*

Mr. Douglas.—You were formerly Registrar-General of Births, Deaths, and Marriages for the Colony, and Deputy-Registrar for the District of Hobart? Yes.

When did you enter on your duties? In June, 1840.

You retired at the end of 1856? Yes.

At what amount was your pension settled? The amount was fixed at £179 19*s.* 2*d.* per annum by Mr. Henty, on 12th October, 1857.

You have received that amount up to the present time? Yes.

What amount do you claim? £283 6*s.* 8*d.*, as calculated by Mr. Champ. That is reckoning my services from 1829.

Do you claim £103 7*s.* 6*d.* now for fourteen years? Yes, that is my claim.

By whom was your pension promised? By Mr. Champ. He wrote me a letter which I produce.

You claim for services in New South Wales? No. No portion of my services there is included in that.

Under the regulations of the Colony would you be entitled to the amount as calculated on an income of £680? I believe so.

Did your services in this Colony commence prior to 1829? Yes.

Do you claim to have your pension calculated on the English Regulation? Yes.

Has this case ever been considered before by a Committee? No.

MR. JOHN ABBOTT'S PENSION.

(PRECIS.)

Colonial Secretary's Office, 7th September, 1857.

Mr. John Abbott claims to have first entered the Public Service of this Colony in the middle of the year 1822; but the only record which can be found of his employment is in the Blue Book, which dates his service only from January, 1824, to the 6th May, 1825, (about a year and a half) when his appointment as Clerk to the Bench of Magistrates was abolished.

On the 10th March, 1827, he was appointed, whilst in England, Assistant Surveyor at Sydney, to which he proceeded, served seven years under hardships, got two years leave of absence and went to England, there got a recommendatory letter to Sir John Franklin from Lord Glenelg. Relying upon the strength of this letter he allowed the leave to run out, upon which account (being treated as a resignation) Sir William Denison and the Sydney Government have refused him compensation for his services there.

He waited upon the Government's pleasure here for preferment; and at length, in June, 1840, got the appointment of Registrar, &c., from which he was reduced last year, with an agreement to have a Pension.

First Question.—Shall his first service, 1822 to 1825, be reckoned for compensation?

Second Question.—Shall that service, being before 1829, entitle him to claim upon the old scale for all his services?

Third Question.—Or shall the service of nine years at Sydney, and his resignation of that appointment, and his remaining totally unemployed from July, 1836, to June, 1840, confirm his right to rank only on the new scale?

Fourth Question.—And shall his early services be reckoned at all?

The following is a copy of a Memorandum (in pencil) by Mr. Champ on this claim:—

"I think he should come on the old scale, and that he should also be allowed his service as Clerk and Registrar of Deeds, as I presume there is no doubt that he held the appointment. Get a printed form made out and send it to him to sign, with a letter referring to his application (returned to him) for a retiring allowance."

As to amount of his emoluments which will control his rate of Pension, Mr. Abbott makes them as follows:—

	£
Salary	200
Allowances	260
Fees	220
Total	£680

The third item of Fees requires much correction:—

First,—Instead of being a transcript of any methodical book of Fees, it was made up from an account extending over only four months of 1854, five months of 1855, and two quarters of 1856,—the latter year not averaged at all, but decidedly in excess of an average by £42 5*s.*, for which statement there was no excuse, as there was a Government order to keep a strict account of Fees.

Allowing that the average may be struck from the above brief periods, inasmuch as no other data can be found, there yet must be a considerable correction made; viz.,—

	£	*s.*	*d.*
For the year 1854 Mr. Abbott has set down as Fees on Marriage Licences	230	4	0
But the Fees payable by Law on this number of Licences was only	147	6	0
Leaving an overcharge of	£82	18	0

Grounded, in fact, on the presents or private fees he received from Applicants for Licences.

The like overcharge for 1855 was	£68	12	0
And for 1856	£33	3	0

This makes his fixed rate of salary and emoluments for the last three years range at £617.

Calculating his Pension on the old scale, and including the whole of his alleged period of service from 1822 to May, 1825, it would amount to £262 4*s.* 6*d.* If shorn of the early period, and then calculated (of course) on the new scale, it would come to £157 18*s.* 5*d.* If the early service be calculated on the old scale, it comes to £32 6*s.* 7*d.* And the service after 1840 on the new scale being £157 18*s.* 5*d.*, they amount together to £190 5*s.*

Mr. Champ gave his approval subsequently to Mr. Abbott's own estimate of his Pension, viz.—£288 10*s.*; but there was at least one clerical error in the calculation.

The following are copies of the official Minutes which appear upon the Papers in addition to the one already given:—

"Mr. Abbott is entitled to a Retiring Allowance on the scale allowed by the Superannuation Act.

(Signed) W. CHAMP.
26 *Feb.*"

"I concur in the expressed opinion of Mr. Champ.

(Signed) T. G. GREGSON.
6 *March*, 1857."

"At Mr. Abbott's request, I hereby certify that I fully enquired into his claim for a Retiring Allowance when I was Colonial Secretary, and that I was of opinion that he was entitled to a Pension calculated on an average salary, &c. of £680; and that it should be calculated on the old scale, inasmuch as he entered the service in the year 1823. The amount, if I recollect right, which I considered him entitled to receive is £283 per annum.

(Signed) W. CHAMP.
30 *May*, 1857."

MEMORANDUM.

REFERRING to the accompanying letter and minutes in the matter of Mr. John Abbott's Pension, I would beg leave to premise that the Deputy-Registrars of Births, Deaths, &c., were remunerated by two classes of Fees, which may be distinguished as "Allowances and Office Fees,"—the former being Fees on Births and Deaths paid from the Colonial Treasury, the latter those received by Deputy-Registrars from private individuals for Marriage Licences, Marriages, Certificates, Declarations, &c.

Mr. Abbott's emoluments were computed in the Colonial Secretary's Office for his Pension as follows:—

	£
Salary	200
Allowances	266
Office Fees	151
TOTAL	£617

But by Mr. Abbott thus:—

	£
Salary	200
Allowances	260
Office Fees	220
	£680

In consequence of the absence of Mr. Abbott's book of Office Fees, which unfortunately cannot now be found, and from the circumstance that no properly detailed account of such fees is recorded amongst the papers connected with his Pension beyond monthly totals for four months of 1854 and five of 1855, with two quarterly totals of 1856, I am unable to ascertain definitely upon what particular Fees the Colonial Secretary reduced the amount from £220, as stated by Mr. Abbott, to £151—the sum allowed in computing his emoluments of office.

Mr. Abbott believed that Mr. Henty had struck off 10*s.* from every Marriage Licence, as he told him personally that he was only entitled by law to charge 20*s.* each instead of 30*s.* which he had been in the habit of receiving on the issue of a licence; but seeing that he only issued on an average 79 licences a year, as appears by a Return hereto annexed, this deduction would amount but to £39 10*s.*, whereas the actual difference is £69, so that supposing Mr. Abbott to be correct in his surmise, still other fees must have been reduced as well. Mr. Henty, however, some years afterwards informed him, in a letter dated 27th May, 1862, that it was *not* on this point that the reduction was made, but "on account of having included as part of his official receipts fees of larger amount individually than could be claimed under the law."

But it would appear from Mr. Henty's *précis* of July, 1857, that the Fees on Marriage Licences were particularly dealt with, though it is not shown in what precise manner: to quote the words:—

	£	*s.*	*d.*
"For the year 1854 Mr. Abbott has set down as Fees on Marriage Licences	230	4	0
But the Fees payable by law on the number of Licences was only	147	6	0
Leaving an overcharge of	82	18	0
Grounded in fact on the presents or private Fees he received from applicants for Licences.			
The like overcharge for 1855 was	68	12	0
And for 1856	33	3	0"

I am quite unable to reconcile the foregoing extract with the Return of Marriage Licences issued during the period in question; and indeed it is obvious that there is some mistake in the statement, as the sum of £230 4*s.* included all other Office Fees as well as the Licences. I may add, too, that Mr. Abbott denies having introduced any presents or gratuities into his stated average amount of Office Fees.

In the case of Mr. Cathcart, Deputy-Registrar at Launceston, who retired in November, 1860, and whose emoluments are clearly detailed in a document amongst his pension papers, the Fee of 30*s.* was allowed as part of his emoluments; and it also appears that when he was succeeded by Mr. G. P. Adams at Launceston, the sum of 30*s.* was still received for Marriage Licences and paid into the Treasury, Mr. Adams being otherwise remunerated.

In 1860 Mr. Cathcart's total emoluments were commuted for a fixed salary, on account of the falling off in the fees; but in 1858 and 1859 he stood on the former footing, and his "Office Fees" for those two years averaged £160 per annum, as allowed in computing his pension. In order, then, to contrast this sum with the £151 allowed to Mr. Abbott, I notice that Mr. Cathcart's average annual issue of Marriage Licences for 1858-9 was only 65, being at 30*s.* each £97 10*s.*, whilst Mr. Abbott's average was 79, equal at 30*s.* to £118 10*s.*, thus showing a difference of £21 in favour of the latter gentleman on

Licences alone. It may then reasonably be assumed that if on this *one* item such an excess existed at Hobart Town, there would surely be a somewhat corresponding difference on the Fees arising from other sources, which in Mr. Cathcart's papers exhibit an average of £62 10*s.* upon those two years; but deducting the amount of Mr. Abbott's Licences as stated above at £118 10*s.* from the total sum allowed to him for "Office Fees," £151, leaves only £32 10*s.* for all his other Office Fees as against £62 10*s.* of Mr. Cathcart's, which is not at all reconcileable with the fact that the allowances upon births and deaths paid from the Treasury to Mr. Cathcart for 1858-9 averaged only £94 per annum, against £266 received by Mr. Abbott on an average of the three years ended 30 June, 1856. I find also that Mr. Abbott issued 36 certificates to clergymen in the same *three* years, whilst Mr. Cathcart only issued 5 in *two* years. Upon these a fee of 7*s.* 6*d.* was payable. Mr. Crisp, the predecessor of Mr. Cathcart at Launceston, retired in 1856, whilst Mr. Champ was Colonial Secretary, but no detailed account of Fees appeared amongst his papers. The amount allowed in his pension for Office Fees was £171 per annum; and it is deserving of notice that whilst his allowances paid from the Treasury on births and deaths amounted to only £108 a year and Mr. Abbott's to £266, yet that Mr. Crisp's Office Fees were admitted to average £171, and Mr. Abbott's only £151, for almost the same period.

In conclusion, I regret that I am not in a position, as already shown, to deal with actual figures and details in this business, and am therefore only able to submit for the information of the Honorable the Colonial Secretary the deduction which may be drawn from the comparisons I have made between the cases of Messrs. Abbott, Cathcart, and Crisp: but I may perhaps be allowed to observe that, on due consideration of the question, I incline to the opinion that when the Government fixed the average amount of "Office Fees" at £151 for the calculation of Mr. Abbott's Pension, that gentleman could not have received the same advantages that were enjoyed by Messrs. Cathcart and Crisp, but on what grounds Mr. Abbott was placed on a less advantageous footing there are no means at present available of discovering,—in fact the whole matter may be said to be simply comparative and conjectural.

E. J. MANLEY.
Audit Office, 24th December, 1869.

The Hon. the Colonial Secretary.

RETURN of the Number of Marriage Notices entered in the Marriage Notice Book in each Year from 1st July, 1853, to 30th June, 1856, distinguishing those Cases in which no Licence was issued.

Date.	*Licence issued to Clergymen.*	*Licence issued to Deputy Registrar.*	*Certificate issued to Clergymen.*	*Certificate issued to Deputy Registrar.*	*Certificate not issued.*	*Cavent entered.*	*Notice entered, but not shown that Licence or Certificate was issued.*	*Total Notices entered.*
1 July, 1853, to 30 June, 1854	76	1	4	0	0	0	5	86
1 July, 1854, to 30 June, 1855	81	0	11	0	0	1	0	93
1 July, 1855, to 30 June, 1856	80	0	21	1	2	0	1	105
	237	1	36	1	2	1	6	284

H. J. BUCKLAND, *Registrar.*

Mr. CATHCART'S *Statement for the Years* 1858 *and* 1859.

"Allowances" paid from Treasury.

		1858.	1859.
		£ s. d.	£ s. d.
Births	449—476	94 2 6	93 15 0
Deaths	304—274		

"Office Fees" from private persons.

Licences	66— 64	99 0 0	96 0 0
Certificates	2— 3	0 15 0	1 2 6
Declarations	23— 21	5 15 0	5 5 0
Certificates of Birth	48— 70	11 10 0	17 10 0
Ditto of Death	42— 53	12 0 0	13 5 0
Ditto—Ministers	355—370	17 15 0	18 10 0
Searches	61— 26	15 5 0	6 10 0
		£162 0 0	158 2 6

Average of Office Fees £160

	£ s. d.
Divided into—Licences	97 10 0
All other Fees	62 10 0
	£160 0 0

JAMES BARNARD,
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