

(No. 92.)



1880.

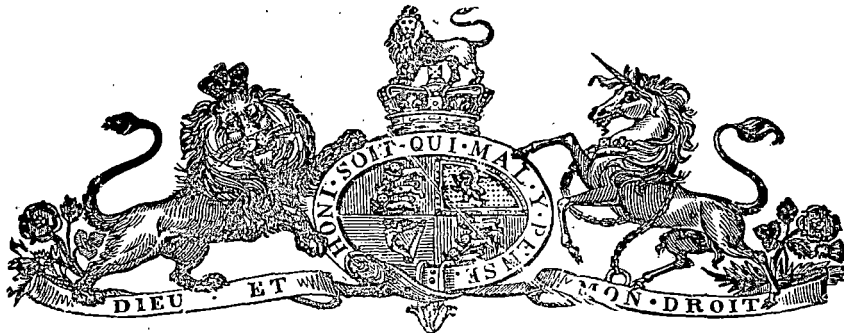
T A S M A N I A.

LEGISLATIVE COUNCIL.

**RECORDS OF COLONIAL SECRETARY'S
OFFICE:**

PROGRESS REPORT OF SELECT COMMITTEE.

Brought up by Mr. Crowther, and ordered by the Council to be printed,
October 29, 1880.



SELECT COMMITTEE on Records of the Colonial Secretary's Office.

PROGRESS REPORT.

The Select Committee appointed to enquire if the Records of the Colonial Secretary's Office are in safe custody have the honor to report that they have held two meetings, and have taken evidence, but have not completed their investigation. The evidence, as far as taken, is appended.

WILLIAM LODGE^{K.} CROWTHER, *Chairman.*

DAYS OF MEETING.

October 28, 29.

WITNESSES EXAMINED.

B. T. Solly, Richard Newman, H. E. Smith, Lieut.-Col. St. Hill.

WITNESS CALLED, BUT NOT EXAMINED.

Hon. Thomas Reibey.

MINUTES OF PROCEEDINGS.

THURSDAY, OCTOBER 28, 1880.

The Committee met at 6 o'clock.

Present.—Mr. Chapman, Mr. Aikenhead, Mr. Crowther, Mr. Cameron.

Mr. Crowther was appointed Chairman.

The Committee adjourn until to-morrow, at 11 o'clock.

FRIDAY, OCTOBER 29, 1880.

The Committee met at 11 o'clock.

Present.—Mr. Crowther, Mr. Cameron, Mr. John Lord, Mr. Aikenhead, Mr. Chapman.

Resolved that the Committee bring up a Progress Report, and report the evidence.

EVIDENCE.

FRIDAY, OCTOBER 29, 1880.

MR. B. T. SOLLY *examined.*

1. *By Mr. Crowther.*—Your name is Benjamin Travers Solly, and you are Assistant Colonial Secretary? Yes.
2. Do all documents, memorials, petitions, or memoranda from the Governor to Ministers reach your hands? No.
3. What is the practice which obtains with regard to the transmission of documents of that kind? They are usually transmitted by the Private Secretary addressed to the Colonial Secretary, and by me opened; after being opened by me they are stamped, and then laid before the Colonial Secretary.
4. Into whose custody are such documents passed after having been so stamped and placed before the Colonial Secretary? If returned to me they are passed on to the Record Clerk, Mr. Newman, by whom they are registered.
5. A document, being a statutory declaration of Messrs. Samuel Henry and Charles Meredith, having been forwarded by them to His Excellency the Governor on 4th February, 1878, the receipt of which was acknowledged on 4th March, 1878, by Colonel St. Hill, to the effect that, in accordance with the usual procedure, it had been referred to his Responsible Ministers. Did that document reach your hands? I have no recollection of ever having seen it.
6. Had it come to your knowledge from any other source that such a document was in existence? I had heard of the existence of such a document.
7. Are not all documents that reach the Colonial Secretary's Office registered? All that pass through my hands.
8. Is it within your knowledge that any documents that have reached the Colonial Secretary from the Private Secretary have not been registered? I could not answer that question definitely. I have no recollection of any particular document.
9. Is it the rule that documents so transmitted are registered? Certainly.
10. Who has access to the documents in the Colonial Secretary's Office beside yourself? The Chief Clerk, the Record Clerk, and the Copying Clerk.
11. Are they the only persons through whose hands official documents pass? Yes; but documents after examination are enclosed in a portfolio and transmitted to their destination by the office messenger.
12. *By Mr. Chapman.*—Have you any recollection of having any conversation with Mr. Moore or Mr. Reibey with reference to this document being in the office? The matter was mentioned by Mr. Moore.
13. Are you aware of any search having been made for such a document during the last 3 months? Yes; every search has been made.
14. By yourself or by the Colonial Secretary, or by the Record Clerk, or by whom? I cannot speak for the Colonial Secretary, nor have I sought myself, personally; but diligent search has been made by both the Chief Clerk and the Record Clerk.
15. Have any of the officers in the Department ever acknowledged having seen such a document in the Department? No.
16. Has the Colonial Secretary, Mr. Moore, ever acknowledged to you that he had such a document in his possession in the office? Yes.
17. Has he informed you when he last saw it? No.
18. Did the late Colonial Secretary, Mr. Reibey, ever have any conversation with you with respect to such a document having been received? I cannot recollect definitely, but it is quite possible that he may have.
19. Have you seen a copy of this document? (Presents printed document, being the printed copy of the manuscript copy made by Mr. C. Meredith of the original document.) I never saw that before.
20. Did you ever hear that such a document was in circulation among Members of the Legislature or others? No.
21. When did you first hear of the original document being received? I cannot say.
22. Did the Private Secretary ever speak to you with reference to this document? Not that I recollect.
23. Are you not aware that many letters reach the Colonial Secretary from the Governor on Public Service without coming through your hands? Occasionally such documents do so reach the Colonial Secretary's hands.
24. In the event of their containing official matter, does he hand them over to you to be recorded? Such is the ordinary practice.

25. Has the Premier, Mr. Giblin, the Attorney-General, Mr. Dodds, or any other Member of the Government had any conversation with you with reference to the receipt of the original document, or asked whether any such document has been recorded? No.

26. *By Mr. Cameron.*—Is it a fact that you were not aware that such a document was received in the office? It is.

27. Have any documents to your knowledge ever disappeared from the office? Two or three, perhaps four, during a period of 23 years.

28. *By Mr. Crowther.*—Is it within your knowledge that Mr. Moore was Colonial Secretary between 1st January and 30th June, 1878? It is.

MR. H. E. SMITH *examined.*

29. *By Mr. Crowther.*—Your name is Henry Edwin Smith, and you are the Chief Clerk in the Colonial Secretary's Office? Yes.

30. What custom obtains with regard to the custody and registration of documents received from the Governor on Public Service? They are opened by the Assistant Colonial Secretary, submitted to the Colonial Secretary, and afterwards sent to the Record Clerk for registration.

31. Do you think it probable that a document such as this, being a statutory declaration made by Messrs. Samuel Henry and C. Meredith, and transmitted by them to the Governor on the 4th February, 1878, receipt of which was acknowledged by Colonel St. Hill on the 4th March, 1878, to the effect that the document had been referred in accordance with the usual procedure to his Responsible Ministers, that that document would have escaped registration? I do not, if received in the ordinary way.

32. Have you had any conversation with the Colonial Secretary, Mr. Moore, or the late Colonial Secretary, Mr. Reibey, with regard to such a document? No.

33. Are you aware that such a document was in existence? I never saw it, but I am aware that search has recently been made for such a document by the Assistant Colonial Secretary.

34. Are you aware of any official document having been lost from Colonial Secretary's Office during the period you have held the appointment of Chief Clerk? Not during the seven years and three months I have filled the office.

35. Are you certain that you neither saw this document nor knew of its existence? I never did.

36. Do you consider the documents in the Colonial Secretary's Office in safe custody? Yes, being always under lock and key, and in charge of the Record Clerk, Mr. Newman.

37. *By Mr. Cameron.*—Are any letters received by the Colonial Secretary without being opened by the Assistant Colonial Secretary? Letters addressed to any Colonial Secretary personally without his official designation are not opened by the Assistant Colonial Secretary.

MR. NEWMAN *examined.*

38. *By Mr. Crowther.*—Your name is Richard Newman, and you are the Record Clerk in the Colonial Secretary's Office, and you have filled that office since 1863? Yes.

39. What custom obtains with regard to the reception of documents and their registration in the Colonial Secretary's Office? They are opened by the Assistant Colonial Secretary and sent to me for registration.

40. What form do you generally use with regard to their registration? Every subject has a separate number, and the registration states what the letter is about: every document bears the official stamp of the Colonial Secretary's Office, showing date of its reception.

41. After those documents pass from your hands what is done with them? They are locked up in a large press, and are under my immediate charge.

42. Do you consider they are in safe custody? Yes. When I am at the office they are under my immediate charge, and I am able to supply any document that may be asked for. During my absence Mr. Solly, Mr. Smith, or Mr. Honey have access to them.

43. During the time you have held the situation of Record Clerk can you give any instance of any public document having been lost? No.

44. This document being a statutory declaration [Question 31 repeated]? I am of opinion that a document received in this manner ought to have been registered.

45. Have you ever seen the original document? No, I have never seen it, but recently enquiry has been made for it.

46. By whom? By Mr. Smith and Mr. Solly.

47. What time did you devote to this search? Two or three hours. I looked in every conceivable place for it.

48. You feel positive that no such document ever reached your hands? I do.

49. What time transpires after the reception of a public document before it passes to you in the ordinary way for registering? In the ordinary way they are sent to me as they come in; but in some cases they have not reached me till two or three months after. A new book is opened with every Governor; and latterly a more prompt registration has taken place.

50. *By Mr. Aikenhead.*—Is there any notice of this particular document among your records? None whatever.

51. *By Mr. Crowther.*—Can you give an instance of any public document, after having been received at the Colonial Secretary's Office, not having been registered? No.

52. Are all documents registered that are received at the Colonial Secretary's Office? All official communications: all correspondence referring to other departments is read and transmitted to the department to which it refers, a memorandum being made in a transfer book.

MR. MOORE *called in and examined.*

53. *By Mr. Crowther.*—Your name is Wm. Moore, and you are Colonial Secretary and were so in 1878? Yes.

54. Do you recollect, as Colonial Secretary, receiving a document purporting to be a statutory declaration made by Messrs. Samuel Henry and Charles Meredith? I do.

55. Do you recollect whether it was accompanied by the usual note of transmission from the Governor's Private Secretary? I think it was.

56. You received the document through the Assistant Colonial Secretary? As far as I can recollect.

57. When did you last see that document? Some time before I left office in December, 1878.

58. Can you say where you saw it? In my own private drawer.

59. Did you leave it there at the time of your leaving office? I cannot say what became of the document; it disappeared in some mysterious way, but I will say I never destroyed it or caused it to be destroyed or made away with in any manner.

60. Is it usual for a document of that character to be unregistered? The document being submitted to Ministers was a question for Ministerial consideration: before reaching Ministers it is usual for it to be stamped and registered.

61. Was that document ever taken into consideration at a Cabinet Meeting? It was never dealt with while I was in office.

62. Was that document handed to the then Premier, Mr. Giblin? It was—Mr. Giblin was cognizant of its existence.

63. Who is responsible for such a document being stamped and registered? If the document came to me through the Assistant Colonial Secretary the responsibility would rest with him; if to me direct, with myself.

64. Did you ever take any action in the matter personally? No.

65. *By Mr. Chapman.*—Was it shown to your colleagues? Yes.

66. *By Mr. Crowther.*—During the time you have held the office of Colonial Secretary can you give any instance of a document of a similar kind having been lost? I cannot.

67. *By Mr. Cameron.*—Was the document taken out of your office to be submitted to the Executive Council? No, it was shown to my colleagues in my office, where the Members of the Cabinet usually meet.

68. Mr. Solly says in his evidence that he never saw this document,—is this correct? I was under the impression it came through Mr. Solly, but I may have received it through another channel.

69. *By Mr. Crowther.*—Have you any doubt as to the safe custody of the Records in the Colonial Secretary's Office? None whatever.

70. *By Mr. Chapman.*—Are you aware of any instances of documents being missing from any of the other Government Offices? I have been informed that certain documents were missing from the Lands and Works Department.

COLONEL ST. HILL *examined.*

71. *By Mr. Crowther.*—Your name is Windle Hill St. Hill, and you were Private Secretary to His Excellency Governor Weld on 4th March, 1878? I was.

72. Are you aware that a document, being a statutory declaration made by Mr. Samuel Henry and Mr. Charles Meredith, was received at Government House? I remember the document. I acknowledged receipt of it to Messrs. Henry and Meredith. It was forwarded, as was customary, to the Colonial Secretary's Department.

73. Had you any conversation with any Members of the then Administration as to the contents of such statutory declaration? I cannot recall any particular conversation; but I know it was the subject of conversation amongst Ministers and officials. By officials I mean the Assistant Colonial Secretary and the Assistant Colonial Treasurer.

74. Did you ever have receipt of it acknowledged by any Officer in the Colonial Secretary's Department, verbally or in writing? I cannot remember.

75. You are clear that the document in question was addressed by you either to the Colonial Secretary or the Assistant Colonial Secretary? I am.

76. Have you known instances of documents having gone astray? Yes; when addressed personally to the Colonial Secretary I have known two or three instances.

TELEGRAM.

Carrick, 29th October, 1880.

YOUR telegram of yesterday just received, 11:30 A.M., marked delayed by interruption to line. Would have gone by mail last night if I had received it yesterday. The declaration was, I believe, in office when I was Colonial Secretary. I never removed it, and have it not.

THOS. REIBEY, *Entally.*

Hon. W. L. CROWTHER, M.L.C.